

INTERIOR, ENVIRONMENT, AND RELATED  
AGENCIES APPROPRIATIONS FOR 2024

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

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SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND  
RELATED AGENCIES

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NOTE: Under committee rules, Ms. Granger, as chairwoman of the full committee, and Ms. DeLauro, as ranking minority member of the full committee, are authorized to sit as members of all subcommittees.

KRISTIN CLARKSON, VICTORIA ALLRED, SARAH PEERY,  
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**PART 1**

	<b>Page</b>
<b>American Indian and Alaska Native Public Witness</b>	
<b>Day 1—Morning Session</b> .....	<b>1</b>
<b>American Indian and Alaska Native Public Witness</b>	
<b>Day 1—Afternoon Session</b> .....	<b>215</b>



**Part 1—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2024**

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<b>American Indian and Alaska Native Public Witness</b>	
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**DEPARTMENT OF THE INTERIOR, ENVIRONMENT,  
AND RELATED AGENCIES APPROPRIATIONS FOR 2024**

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WEDNESDAY, MARCH 8, 2023.

TESTIMONY OF INTERESTED INDIVIDUALS AND  
ORGANIZATIONS

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

WITNESS

**LARRY WRIGHT JR., EXECUTIVE DIRECTOR, NATIONAL CONGRESS OF  
AMERICAN INDIANS (NCAI)**

Mr. SIMPSON. The committee will come to order.

Good morning, and welcome to the first of our public witness hearings dedicated to American Indians and Alaska Native programs.

On a personal note, I am thrilled to return as chairman of the Interior Subcommittee. It is back to the future again for me, but I am proud to be here for the 118th Congress.

The critical issues of this subcommittee are near and dear to me and my home State of Idaho. I look forward to working with the Ranking Member Pingree to advance programs that help conserve and protect our Nation's most critical natural, cultural, and environmental resources and strengthen the committee's longstanding effort to increase Federal commitment to honor our treaties and trust responsibilities to American Indians and Alaska Natives.

I am proud that our first hearing for fiscal year 2024 appropriations focuses on these very important tribal programs. Indian Country has been and will continue to be a bipartisan priority of this subcommittee.

I also want to welcome all of the distinguished tribal elders and leaders here today. Thank all of you—for our witnesses for appearing before the committee and sharing your concerns and personal perspective on these important topics.

In terms of hearing logistics, I will call each panel of witnesses to the table one panel at a time. Each witness will have 5 minutes to present testimony. Your full written testimony will be included in the record. So please don't feel pressured to cover everything in 5 minutes.

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

And please don't feel offended if I do that. We have to keep it to 5 minutes in order to get through all of the different witnesses that we are going to have. I think in the 2 days we have over 65 tribes that are going to testify before us. And so to keep it on schedule, I will tap the gavel at 5 minutes and stop. So I appreciate that.

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 also want to note that committee rules prohibit the use of outside cameras and audio equipment during these hearings. The hearing can be viewed in its entirety on the committee's website, and an official hearing transcript will be available at [gpo.gov](http://gpo.gov).

With that, I thank you all for being here today, and I am happy to yield now to our distinguished ranking member for any remarks she may wish to make.

Ms. PINGREE. Thank you very much, Chairman Simpson.

I am very excited to be here with you today, and congratulations on your return as chair of the committee.

I know we are going to have a lot of areas of interest that we want to work together on, and this, today, is one in particular. So thank you for organizing and holding this hearing.

I echo all of the chair's remarks. I appreciate all of you taking the time to come all the way to Washington. It is wonderful to be back in the committee hearing room again, but I know for many of you, it is a challenge to travel all the way here, and so thank you for doing that.

I look forward to hearing from you, look forward to hearing one of our chiefs from Maine, who is also the president of USET and always delivers a lot of important issues to us about the tribal issues in my State, but so many apply to many of you.

I particularly enjoy these hearings. I hear we have over 65 different tribal witnesses, and each of you bring unique challenges, unique areas of interest, and I always learn so much. So I will be a good listener today. Look forward to hearing from all of you. Thank you for taking the time.

Thank you, Mr. Chair, for having this hearing. And with that, I will look forward to getting us started.

Mr. SIMPSON. Thank you. And I do appreciate your comments, and I would like to say that Ranking Member Pingree has been chairman of this committee for the last 2 years, was it, or 4 years?

Ms. PINGREE. It might have been 4.

Mr. SIMPSON. Four years. She has done a fantastic job, and I have always enjoyed working with her on this committee. It is one of those committees that actually works in kind of a bipartisan fashion, particularly on Indian issues. So we will continue that, trying to make sure that we meet our treaty obligations that we have.

So I will call the first panel up to the table. Larry Wright Jr., executive director of the National Congress of American Indians;

Tesia Zientek, the National Indian Education Association; Laurie Harper, board president of the Tribal Education Departments National Assembly; and Tom Miller, board president, the Association of Community Tribal Schools.

Welcome, and thank you all for coming.

Larry, you have the floor. Please pull that microphone toward you and turn it on by pushing until the green light is on.

Mr. WRIGHT. We are on? Can you hear me?

Mr. SIMPSON. Yep.

Mr. WRIGHT. All right. Good morning. My name is Larry Wright Jr. I am the executive director for—I guess that works better. I am the executive director for the National Congress of American Indians. I also served 11 years as tribal chairman for the Ponca Tribe of Nebraska.

On behalf of the National Congress of American Indians, thank you for this opportunity to provide testimony on fiscal year 2024 funding for the Department of the Interior, the Indian Health Service, and the Environmental Protection Agency.

The funding request that NCAI has written and oral testimony are rooted in the promises made by the U.S. Government in treaties and agreements with tribal nations. The 2018 Broken Promises report from the U.S. Commission on Civil Rights found that Federal funding for Native American programs across the Government remains grossly inadequate to meet the most basic needs the Federal Government is obligated to provide.

Congress and the administration have recently taken some initial meaningful steps toward making good on the Federal Government's promises to tribal nations. However, there is much more to be done by the Federal Government to fully—to truly fulfill the promises made to tribal nations.

The BIA is one of the primary agencies responsible for providing services throughout Indian Country, either directly or through compacts or contracts with tribal nations. The operation of these programs and services is essential for the health, safety, and social and economic well-being of tribal and surrounding communities. Unfortunately, chronic underfunding of tribal programs perpetuates systemic issues in Indian Country that could be reduced or eliminated by funding tribal programs in amounts that meet the Federal Government's treaty and trust obligations to the tribal nations.

NCAI recommends nearly \$20.7 billion for Indian Affairs programs in fiscal year 2024, consistent with the official fiscal year 2024 recommendation of the Tribal Interior Budget Council. Specifically, this request includes funding increases necessary for public safety on tribal lands. The inadequate funding for tribal criminal justice and public safety has resulted in staggering rates of violent crime and victimization on many Indian reservations.

As just one example, a DOJ study recently found that more than four in five American Indian/Alaska Native adults have experienced some form of violence in their lifetime. The underfunding of tribal law enforcement and justice systems is well documented and contributes to these types of statistics. Empowering tribal nations and tribal justice systems to end this cycle of violence is critical,

which is why NCAI appreciates Congress' reenactment of the Violence Against Women Reauthorization Act of 2022.

VAWA has made our community safer and will continue to do so and only if robust funding for VAWA-related programs, tribal police departments, and justice systems occurs. That is why NCAI supports \$2.924 billion for public safety and justice funding, with approximately \$1.766 billion for BIA law enforcement and \$1.155 billion for tribal courts.

As place-based peoples, tribal nations have sacred histories and maintain cultural practices that tie them to their current land bases and ancestral territories. As a result, tribal people directly and often disproportionately suffer from the impacts of environmental degradation. For that reason and others laid out in our written testimony, NCAI recommends \$100 million to be appropriated for the EPA Tribal General Assistance Program and \$30 million for the Tribal Air Quality Management Program.

It is no secret that the Indian Health Service is chronically underfunded. It is estimated that the full IHS funding—need-based funding aggregate cost estimate for fiscal year 2024 is approximately \$51.4 billion. NCAI supports full funding for IHS and strongly urges Congress to ensure IHS funding is provided as mandatory spending, with a mechanism to automatically adjust spending to keep pace with population growth, inflation, and healthcare costs.

Until such time that IHS is provided mandatory direct appropriations, advance appropriations for the IHS is consistent with the trust and treaty obligations reaffirmed by the United States in the Indian Healthcare Improvement Act. And while NCAI applauds the advance appropriation enacted in the fiscal year 2023 omnibus bill, adjustments need to be made moving forward to account, at a minimum, for fixed costs and staffing of newly completed facilities.

Finally, I want to be clear. Relative to the overall U.S. budget, the Indian Affairs and IHS budgets are very small. Spending cuts or other budget control measures that affect tribal programs can have devastating impacts on tribal nations and their citizens but would have little impact on overall Federal spending. To the extent Congress considers funding reductions in fiscal year 2024, programs for the benefit of tribal nations, including those mentioned here today, must be held harmless.

Thank you again for this opportunity, and I look forward to answering any questions you might have.

[The statement of Mr. Wright follows:]



NATIONAL CONGRESS OF AMERICAN INDIANS

Written Testimony of Larry Wright, Jr.  
Executive Director of the National Congress of American Indians  
For the U.S. House Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
March 8, 2023

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On behalf of the National Congress of American Indians (NCAI), thank you for this opportunity to provide testimony on FY 2024 funding for the Department of the Interior (DOI), the Indian Health Service (IHS), and the Environmental Protection Agency (EPA). Founded in 1944, NCAI is the oldest and largest national organization composed of American Indian and Alaska Native tribal nations.

The funding requests in this testimony are rooted in the promises made by the U.S. Government in treaties and agreements with tribal nations. The 2018 *Broken Promises Report* from the U.S. Commission on Civil Rights (USCCR) found that “[f]ederal funding for Native American programs across the government remains grossly inadequate to meet the most basic needs the federal government is obligated to provide.”<sup>1</sup>

Congress and the Administration have recently taken some initial steps toward making good on the federal government’s promises to tribal nations. For example, NCAI commends Congress for providing advance appropriations for certain IHS accounts. This change in how funding is budgeted and appropriated for Indian Health programs will help prevent negative impacts on health care services in our tribal communities that result from uncertainty in the federal budget process (e.g., continuing resolutions and government shutdowns).

Additionally, the President’s FY 2023 Budget Request to Congress called for a historic shift in the paradigm of nation-to-nation relations that seeks to restore the promises made between our ancestors and the United States in several key programs. It included requesting mandatory funding for: IHS, DOI Contract Support Costs, and Section 105(1) Tribal Leases; along with a myriad of investments in Indian healthcare, education, public safety, natural resource management, and infrastructure. The FY 2023 Budget Request represents the most forward-thinking presidential budget and policy proposal for tribal programs to date.

However, there is much more to be done by the federal government to truly fulfill the promises made to tribal nations. Congress and the Administration must build on these initial steps. Accordingly, NCAI urges Congress to fully fund the U.S. Government’s treaty and trust obligations. It also urges Congress and the Administration to continue to improve how funding is delivered to DOI, IHS and other federal programs that serve Tribal Nations by providing advance appropriations until such time that all trust and treaty obligations are accounted for, and provided as, mandatory spending.

<sup>1</sup> U.S. Commission on Civil Rights, *Broken Promises: Continued Federal Funding Shortfall for Native Americans*, at 4, (2018), <https://www.usccr.gov/pubs/2018.12.20-Broken-Promises.pdf>.

### **I. Department of the Interior - Bureau of Indian Affairs (BIA)**

The BIA is one of the primary agencies responsible for providing services throughout Indian Country, either directly or through compacts or contracts with tribal nations. The operation of these programs and services is essential for the health, safety, and social and economic well-being of tribal and surrounding communities. Unfortunately, chronic underfunding of tribal programs perpetuates systemic issues in Indian Country that could be reduced or eliminated by funding tribal programs in amounts that meet the federal government's treaty and trust obligations to Tribal Nations.

NCAI recommends \$20.695 billion for Indian Affairs programs in FY 2024, consistent with the official FY 2024 recommendation of the Tribal/Interior Budget Council (TIBC).<sup>2</sup> Within TIBC's FY 2024 recommendations are robust increases for all base-funded programs, and additional funding to address public safety and justice in tribal communities; the economic and social wellbeing of our citizens and all those who visit or do business in our communities; the backlog of school, community, and government infrastructure construction and maintenance; taking land into trust; and addressing climate resiliency in tribal communities and on Indian and federal lands.

The following subsections highlight a few of TIBC's FY 2024 recommendations.

#### **A. Public Safety and Justice**

Among the fundamental components of the federal government's treaty and trust responsibilities to Tribal Nations is the obligation to protect public safety on tribal lands. Congress has long acknowledged this obligation, which Congress reaffirmed in the Tribal Law and Order Act (TLOA) expressly "acknowledging the federal nexus and distinct federal responsibility to address and prevent crime in Indian Country."<sup>3</sup>

The inadequate funding for tribal criminal justice and public safety has resulted in staggering rates of violent crime and victimization on many Indian reservations. A Department of Justice (DOJ) study found that more than four in five American Indian and Alaska Native (AI/AN) adults have experienced some form of violence in their lifetime.<sup>4</sup> Among AI/AN women, 55.5 percent have experienced physical violence by intimate partners in their lifetime, and 56.1 percent have experienced sexual violence.<sup>5</sup> NCAI appreciates Congress' enactment of the Violence Against Women Act ("VAWA") Reauthorization Act of 2022, which will help address violent crime in Indian Country, as it provides resources for the exercise of, and affirms, tribal nations' authority to address crime in their communities. Going forward, robust funding for these VAWA-related programs and tribal police departments and justice systems is absolutely essential for improving public safety on the ground in tribal communities.

The underfunding of tribal law enforcement and justice systems is well-documented. In 2022, BIA submitted a report to Congress (for FY 2019) estimating that to provide a minimum base level of service to all federally recognized tribal nations: \$1.3 billion is needed for Tribal Law Enforcement

<sup>2</sup> TIBC Tribal Representatives' FY 2024 Budget Submission to the Department of the Interior, May 16, 2022, accessed at: [https://res.cloudinary.com/ncai/image/upload/v1661949853/tibc-documents/march2022/004\\_-\\_TIBC\\_FY\\_2024\\_Budget\\_Submission.pdf](https://res.cloudinary.com/ncai/image/upload/v1661949853/tibc-documents/march2022/004_-_TIBC_FY_2024_Budget_Submission.pdf).

<sup>3</sup> Tribal Law and Order Act, 34 U.S.C. § 10381(j).

<sup>4</sup> U.S. Department of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*, 2, (2016), <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

<sup>5</sup> *Id.*

Programs, \$1.2 billion is needed for Tribal Courts, and \$240.6 million is needed to adequately fund existing Detention Centers.<sup>6</sup> FY 2023 funding levels fall far short of BIA's estimates.

Due to the inadequacy of BIA base funding, tribal nations often seek short-term, competitive grants to try to make up a portion of the shortfall. This is especially true with regard to funding for the non-incarceration aspects of justice systems, such as tribal courts, which, are even more severely underfunded than policing and detention.

In 2018, the USCCR found that there continues to be “systematic underfunding of tribal law enforcement and criminal justice systems, as well as structural barriers in the funding and operation of criminal justice systems in Indian Country” that undermine public safety.<sup>7</sup> Tribal justice systems must have resources so they can protect women, children and families, address substance abuse, rehabilitate first-time offenders, and put serious criminals behind bars. Well-functioning criminal justice systems, basic police protection, and services for victims are fundamental priorities of any government — Tribal Nations are no different.

As stated above, NCAI supports TIBC's FY 2024 recommendations, which include \$2.924 billion for Public Safety and Justice funding, with approximately \$1.766 billion for BIA Law Enforcement and \$1.155 billion for tribal courts.

#### **B. BIA Road Maintenance**

Infrastructure remains a critical need in Indian Country. BIA received \$39.19 million for the BIA Road Maintenance Program in FY 2023. BIA has indicated that it has a deferred maintenance backlog in excess of \$300 million. Additionally, the annual funding levels for this program have been relatively flat, especially when compared to the level of deferred maintenance needs. This program is critical to the safety of all those driving on the approximately 29,100 miles of roads and 1,100 bridges in Indian Country that are overseen by BIA. NCAI supports TIBC's FY 2024 recommendation of \$390 million for the BIA Road Maintenance Program to address deferred maintenance needs in Indian Country.

#### **C. Contract Support Costs and Tribal Leases**

NCAI strongly supports accounting for Contract Support Costs and Payments for Tribal Leases as mandatory spending. Inclusion of accounts that are mandatory in nature under discretionary spending caps has resulted in a net reduction on the amount of funding provided for tribal programs and, by extension, the ability of the United States to fulfill its promises to Tribal Nations.

## **II. Environmental Protection Agency (EPA)**

As place-based peoples, Tribal Nations have sacred histories and maintain cultural practices that tie them to their current land bases and ancestral territories. As a result, tribal peoples directly, and often disproportionately, suffer from the impacts of environmental degradation.

50 years after the passage of the Clean Water Act, only 47 of 82 eligible Tribal Nations have EPA-

<sup>6</sup> U.S. Department of the Interior, *Report to Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2019*, at 5 (Oct. 2021), <https://www.bia.gov/sites/default/files/dup/assets/bia/ojs/ojs/pdf/2019%20TLOA%20Report%20Final.pdf>.

<sup>7</sup> U.S. Commission on Civil Rights, *Broken Promises: Continued Federal Funding Shortfall for Native Americans*, at 32, (2018), <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>.

approved water quality standards,<sup>8</sup> which are a cornerstone of the Clean Water Act. Given the disparate access of tribal communities to safe, clean water, NCAI recommends a five percent tribal set-aside for each of the National Safe Drinking Water State Revolving Fund (DWSRF) and the National Clean Water Act State Revolving Fund (SRF).

Additionally, NCAI recommends \$100 million be appropriated for the EPA Tribal General Assistance Program and \$30 million for the Tribal Air Quality Management Program.

### **III. Indian Health Service**

Since 2003, tribal leaders, technical advisors, and other policy advisors have met during the annual national Tribal Budget Formulation work session to collaboratively develop an estimate for full IHS funding. The IHS need-based funding aggregate cost estimate for FY 2024 is approximately \$51.4 billion, and the cost estimate for FY 2025 is \$53.8 billion.<sup>9</sup> NCAI supports the recommendations of the IHS National Tribal Budget Formulation Work Group.

NCAI also strongly urges Congress to ensure IHS funding is provided as mandatory spending, with a mechanism to automatically adjust spending to keep pace with population growth, inflation, and healthcare costs. This will ensure that the funding Congress provides for Indian healthcare can be used efficiently and strategically.

Until such time that IHS is provided mandatory direct appropriations, advance appropriations for the IHS are consistent with the trust and treaty obligations reaffirmed by the United States in the Indian Health Care Improvement Act. The advance appropriation enacted in the FY 2023 omnibus excluded certain accounts in the IHS budget and flat-funded the IHS accounts that it did include. While historic in its inclusion, a flat-funded IHS needs FY 2024 adjustments, at a minimum, for fixed costs and staffing for newly completed facilities and should also include the amounts requested by the IHS National Tribal Budget Formulation Workgroup. As the process begins to normalize, both IHS and tribal nations have the collaborative tools to produce reliable advance appropriation requests. For this appropriations cycle, tribal nations have already provided official input on the FY 2025 budget to IHS with representatives of the Office of Management and Budget in attendance.

### **IV. Hold Harmless for DOI - Indian Affairs, IHS and Other Programs for the Benefit of Tribal Nations**

The DOI – Indian Affairs and IHS budgets are very small when compared to the overall national budget. Spending cuts or other budget control measures that affect tribal programs can have devastating impacts on tribal nations and their citizens but would have little impact on overall federal spending. To the extent Congress considers funding reductions in FY 2024, DOI – Indian Affairs, IHS and other programs for the benefit of Tribal Nations must be held harmless.

<sup>8</sup> Environmental Protection Agency, *EPA Actions on Tribal Water Quality Standards and Contacts*, <https://www.epa.gov/wqs-tech/epa-actions-tribal-water-quality-standards-and-contacts>.

<sup>9</sup> Workgroup publications available at: [https://www.nihb.org/legislative/budget\\_formulation.php](https://www.nihb.org/legislative/budget_formulation.php).

**Larry Wright, Jr.**  
**Executive Director, National Congress of American Indians**  
**Bio**

Larry Wright, Jr. an enrolled member of the Ponca Tribe of Nebraska and served as tribal chairman for his Tribal Nation for 11 years.

Currently, Mr. Wright is the Executive Director of the National Congress of American Indian (NCAI)—the oldest, largest, and most representative American Indian and Alaska Native organization serving the broad interests of tribal governments and communities. In this position, Mr. Wright is responsible for managing the day-to-day operations of the organization and creating a strategic pathway to long-term success for NCAI and the NCAI Fund.

Before joining NCAI as a member of its staff, Mr. Wright represented the Great Plains Region as the Area Vice President for the NCAI Executive Committee. In addition, he served as a board member for the National Indian Health Board, as Chairman of the Nebraska Commission on Indian Affairs Board of Directors, and as Chairman of the Nebraska Inter-Tribal Coalition.

Mr. Wright is a military veteran who brings with him a diverse background in education, management, and entrepreneurship. He previously served as a secondary social studies teacher in Lincoln, Nebraska Public Schools and owned a general contracting business.

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**Subcommittee:** Interior, Environment, and Related Agencies \_\_\_\_\_

**Hearing Date:** 03/08/2023 \_\_\_\_\_

**Hearing Title** :

American Indian and Alaska Native Public Witness Days

**Witness Name:** Larry Wright, Jr. \_\_\_\_\_

**Position/Title:** Executive Director, National Congress of American Indians \_\_\_\_\_

**Witness Type:**  Governmental  Non-governmental

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

National Congress of American Indians / National Congress of American Indians Fund

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

Department of the Interior (Authorized under 25 USC 13)  
COPA No. 13,567 - Strengthening Tribal Nations  
Grant No. A22AC0004-01  
Award Amount: \$964,999.34 (9/1/2020 - 12/31/2025)  
Department of Justice (Authorized under 24 U.S.C. 12591b(1))  
Tribal Special Operations - Violence Against American Indian Project  
DUNS Number 317841885  
Award Amount: \$225,000 (1/1/2021 - 09/30/2023)  
Department of Justice  
COPA No. 18384 - Tribal Victim Services Program (Supported under Commerce, Justice, and Related Agencies Appropriation Act, 2019, Public Law 116-6, section 5)  
FY 2019 Tribal Victim Assistance Micro-Grant Program  
Award Amount: \$13,980,000 (10/01/2019 - 09/30/2022), extended to 09/30/2023

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

N/A

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

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

\* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:  
(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.  
(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.  
(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.  
(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

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

\_\_\_\_\_



3/6/23

\_\_\_\_\_

Date

Mr. SIMPSON. Thank you, Larry.  
 Tesia, you are next. Is that—how do you—is it Tesia?  
 Ms. ZIENTEK. Tesia.  
 Mr. SIMPSON. Tesia, okay.

\_\_\_\_\_

WEDNESDAY, MARCH 8, 2023.

**NATIONAL INDIAN EDUCATION ASSOCIATION**

**WITNESS**

**TESIA ZIENTEK, PRESIDENT, NATIONAL INDIAN EDUCATION ASSOCIATION**

Ms. ZIENTEK. Miigwech. [Speaking Native language.]

On behalf of the National Indian Education Association, the oldest and most inclusive organization founded to advance comprehensive, culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians, miigwech for this opportunity to provide testimony on fiscal year 2024 funding for the Department of the Interior, the Bureau of Indian Education, and the Bureau of Indian Affairs. The spending within the subcommittee's jurisdiction is some of the most critical for Native youth.

The fiscal year 2023 budget demonstrated an intentional effort to uphold the promises made to our people in exchange for life and land by ensuring funding levels for BIE-funded and BIE-operated schools not only met inflation rates, but increased towards reversing decades of underfunding. We urge the subcommittee to maintain this trajectory so Native students will have access to the resources they need to thrive in a global economy.

As tribal nations represent central economic engines for many rural areas in the U.S., it only makes sense for the subcommittee to maximize your investments by providing critical resources for our Native youth. Tribal communities are unique in that even during times of economic downturn, Natives frequently remain their traditional communities. To give tribal nations the necessary foundation for economic success and prosperity, the Federal Government should support a culturally relevant, high-quality education for all Native students that uplifts community-based approaches to education.

The core funding for BIE elementary and secondary schools comes from the Indian School Equalization Program. These funds cover salaries for teachers, aides, principals, and other personnel but are often reallocated to cover program cuts in other areas of education. For ISEP, we are requesting \$532.6 million, but we also would highlight the official Tribal Interior Budget Council recommendation of \$967 million, which represents the minimum funding needed to offer a parity investment in public schools across the country.

NIEA also requests \$109 million for BIE facilities operations and \$100 million for BIE facilities maintenance. BIE schools use operations and maintenance funding to cover such costs as electricity, heating fuels, and other operating expenses for both preventive and routine upkeep. Underfunding of maintenance continues to be an issue, as a number of buildings are in poor condition and cannot maintain proper standards.

NIEA strongly urges the subcommittee to increase the amount of funding for BIE education construction. We request \$371.2 million for fiscal year 2024, even though the need is much greater. Interior has estimated that more than \$639 million would be needed to fix only the most pressing deferred maintenance issues for BIE schools.

NIEA requests \$23.8 million for the Johnson O'Malley Program to assist with the unique educational needs of the other 93 percent of Native students in public schools. JOM programs provide critical educational resources for afterschool programs, academic support, and a number of other Native cultural and language enrichment. JOM is supported by its parent committees that determine the needs of Native students in their communities.

Tribal education departments and agencies are responsible for administering and implementing education priorities in tribal nations and are equal partners with State and Federal education entities serving Native students. However, as tribal nations lack parity with States, local governments, and the Federal Government within the tax code, TEDs and TEAs do not receive tax revenue to fund their programs. Instead, TEDs and TEAs use tribal education department funding under BIE. NIEA requests \$5.8 million for this account.

There is a direct link between cultural identity and the cognitive success of Native students. It is critical to our communities that fight harder than ever to protect our Native languages. NIEA requests \$25 million for language immersion grants for BIE schools. These grants allow tribal communities the ability to protect and preserve their unique cultural and linguistic heritages.

NIEA also requests \$25 million for Native language revitalization under Interior economic development to provide funding for tribally run Native language programs, ensuring students have language and cultural instruction available to them regardless of which school they may attend.

In fiscal year 2023, this subcommittee and the rest of Congress made a major step towards fully upholding its trust obligations by providing mandatory spending for the Indian Health Service. If healthcare is a major pillar in upholding the Federal trust obligation to tribal nations, then immediately next to it is the obligation for Indian education.

NIEA strongly recommends all of Indian education be provided for as mandatory spending. This ensures there is never a threat of funding halts during critical times, and never will a crumbling school facility worry about if construction dollars will continue to come.

The Federal trust responsibility to all Native students is an example of the promises that makes this country unique. This subcommittee should honor its first promises and support the above recommendations to provide only the highest-quality education to Native students across the country and provide the essential supports for the future of our communities.

Miigwech. Thank you.

[The statement of Ms. Zientek follows:]



**Written Testimony of Tesia Zientek  
President of the National Indian Education Association  
For the House Committee on Appropriations,  
Subcommittee on Interior, Environment, and Related Agencies**

**March 8, 2023**

On behalf of the National Indian Education Association (NIEA), the oldest and most inclusive organization founded to advance comprehensive, culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians, thank you for this opportunity to provide testimony on Fiscal Year (FY) 2024 funding for the Department of the Interior (DOI), the Bureau of Indian Education (BIE), and the Bureau of Indian Affairs (BIA). The spending within this subcommittee's jurisdiction includes some of the most critical funding for Native youth. NIEA urges congress to fulfill its trust and treaty obligation to Tribal Nations by fully funding the DOI and BIE accounts which support Native students.

Rooted in treaties between Tribal Nations and the federal government, the US Constitution, and decades of legal precedent, Congress has a direct fiduciary responsibility to provide federal funding for Indian education. Unfortunately, the BIE is chronically underfunded, leaving an essential obligation the United States owes Tribal Nations on the floor.

FY 2023 showed an intentional effort to uphold the promises made to our people in exchange for life and land. By ensuring funding levels for BIE-funded and BIE-operated schools not only rose with inflation, but further towards reversing decades of underfunding, appropriators demonstrated that repaying the national debt to Indian education is a priority. We urge this subcommittee to maintain this trajectory so Native students will have access to the resources they need to thrive in a global economy.

Due to the underinvested, rural, and remote nature of Native communities, Native students often do not have access to high-quality culture-based education options that provide the building blocks for future success. Safe and healthy classrooms that center community and culture are essential to positive educational outcomes for our students across the Nation. From early childhood through postsecondary education, Native students must have access to programs and resources that provide them the best chances for the future.

As Tribal Nations represent central economic engines for many rural areas in the US, it only makes sense for this subcommittee to maximize your investment by providing critical resources to our Native youth. Tribal communities are unique, in that even as growing job markets and diversified options might entice others to move to cities, Natives frequently remain in their traditional lands. To give Tribal Nations the necessary foundation for economic success and prosperity, the federal government should support a culturally relevant, high-quality education for all Native students

which uplifts community-based approaches to education. Tribal Nations need the flexibility to determine what types of education are best suited to meet the needs of their communities. This means increased and flexible funding for cultural infusion into curriculum, traditional knowledge pathways, and workforce-focused education alongside traditional college readiness. This means education sovereignty.

#### **Department of the Interior**

The Department of the Interior, succeeding the Department of War, has served as the center for educating Natives in the US for almost two centuries. The federal trust responsibility is an acknowledgement that the debt paid for by our ancestors, is to be paid for, in part, with education. This debt was only made greater through the increased loss of life during the federal Indian boarding school policy period, and through the misuse of Indian trust monies to pay for boarding school operations.<sup>1</sup> The initial Federal Indian Boarding School Initiative's investigation has found over 500 deaths which took place at these schools and expects the numbers to rise as the investigation continues.<sup>2</sup> Originally conceived to acculturate and assimilate Natives, Indian education continues to be a pillar of federal policy, with the modern Indian education programming providing for the inclusion of Native history and culture and local, tribal control determining suitable education for their children. In 2006, DOI restructured these programs by creating the Bureau of Indian Education (BIE), parallel to Indian Affairs, to oversee all Indian education-related work within DOI. This subcommittee must leverage all BIE and other existing authorities to ensure all American Indian, Alaska Native, and Native Hawaiian youth have access to the high-quality education they are owed.

#### **I. Bureau of Indian Education – Operation of Indian Programs, Elementary and Secondary Programs**

NIEA requests \$532.6 million for Indian School Equalization Program (ISEP) Formula funds. The core funding for BIE elementary and secondary schools comes from ISEP. These funds cover salaries for teachers, aides, principals, and other personnel, but are often reallocated to cover the program cuts in other areas of education. ISEP must have adequate funding to ensure all program needs are fulfilled. We also would highlight the official Tribal Interior Budget Council (TIBC) recommendation of \$967 million, which is based on the average per pupil funding in public schools, multiplied by the total Weighted Student Unit, representing the minimum funding needed to offer a per pupil parity investment with public schools.<sup>3</sup> Likewise, NIEA supports the TIBC recommendation for \$8.2 million in ISEP Program Adjustments.

NIEA requests \$109 million for BIE facilities operations and \$100 million for BIE facilities maintenance. BIE schools use facilities operations funding for costs such as electricity, heating fuels, communications, vehicle rentals, custodial services, and other operating expenses. For years, schools have only received roughly 70 percent of funding needed for these expenses.

<sup>1</sup> Department of the Interior, Bureau of Indian Affairs, 2022, Federal Indian Boarding School Initiative Investigative Report, 44. [https://www.bia.gov/sites/default/files/dup/inline-files/bst\\_investigative\\_report\\_may\\_2022\\_508.pdf](https://www.bia.gov/sites/default/files/dup/inline-files/bst_investigative_report_may_2022_508.pdf)

<sup>2</sup> *Ibid.*, 9.

<sup>3</sup> Tribal Interior Budget Council, March 2022, 10. [https://res.cloudinary.com/ncai/image/upload/v1661949853/tibe-documents/march2022/004\\_-\\_TIBC\\_FY\\_2024\\_Budget\\_Submission.pdf](https://res.cloudinary.com/ncai/image/upload/v1661949853/tibe-documents/march2022/004_-_TIBC_FY_2024_Budget_Submission.pdf)

BIE schools use facilities maintenance funding for both 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, some built in the 1970s, are in poor condition and cannot maintain proper standards. In 2019 DOI's Assistant Secretary for Management testified before the House Committee on Appropriations that the total identified deferred maintenance for education facilities and education quarters was \$725 million.

Another essential funding stream for running a Tribally Controlled School (TCS) is the Tribal Grant Support Costs account. NIEA requests \$113.2 million for FY 2024. This is to support necessary administrative costs and ensures Tribal Nations have the resources to expand self-determination and local tribal control over their education programs.

Tribal Education Departments and Agencies (TEDs/TEAs) are responsible for administering and implementing education priorities of Tribal Nations and are equal partners with state and federal education entities serving Native students. However, as Tribal Nations lack parity with states, local governments, and the federal government within the tax code, TEDs and TEAs do not receive tax revenue to fund their programs. Instead, TEDs and TEAs use Tribal Education Department Funding under BIE. NIEA requests \$5.8 million dollars for this account.

NIEA also requests \$70.8 million for Student Transportation. Due again to the rural and remote nature of many BIE and TCSs, transportation for students requires more support. Oftentimes schools end up rerouting funding from other sources to cover the difference, as ensuring students arrive safely at school is an essential prerequisite to educating our populations.

Additionally within Operation of Indian Programs, NIEA requests \$25 million for Education Program Enhancements which should support Native Language Immersion Grants for BIE schools. The enhancement funding works alongside the Tribal Grant Support costs to fund professional development, technical assistance, and school program improvements which support tribal community self-determination. These grants allow tribal communities the ability to protect and preserve their unique cultural and linguistic heritages.

For the other 93 percent of Native students that do not attend BIE-funded schools, NIEA requests \$23.8 million for the Johnson O'Malley (JOM) Program to assist with the unique educational needs of Native students in public schools.<sup>4</sup> In 1995 the federal government allocated \$98 per student in JOM funding. That investment has steadily declined, while this funding oftentimes remains the only source through which Native students in public schools can engage in basic cultural education activities. Factoring in inflation, that would equate to \$195 per student. It would take additional funds of at least \$230 million to fully address this drastic disparity.

JOM programs provide critical educational resources for after school programs, academic support, dropout prevention, funding for college access testing, the purchase of school supplies, and Native cultural and language enrichment. JOM is supported by its parent committees which determine the needs of Native students in their communities. However, while other BIE program operations, and many other federal education accounts, are forward funded, JOM is not. Disbursements are

<sup>4</sup> National Center for Education Statistics (NCES), 2021, Table 203.50, [https://nces.ed.gov/programs/digest/d21/tables/dt21\\_203.50.asp?current=yes](https://nces.ed.gov/programs/digest/d21/tables/dt21_203.50.asp?current=yes).

routinely provided later than needed due to the regularity of continuing resolutions and government shutdowns over the past two decades. NIEA, alongside the National JOM Association, recommends that JOM should be forward funded.

## **II. Bureau of Indian Education – Education Construction**

NIEA urges this subcommittee to increase the amount of funding for BIE Education Construction. We request \$371.2 million for FY 2024, even though the need is much greater. The Department of Interior has estimated that more than \$639 million would be needed to fix only the most pressing deferred maintenance issues for BIE schools. Beyond this it will take over an estimated \$1 billion to cover all the associated costs for Replacement School Construction, Replacement Facility Construction, Replacement/New Employee Housing, Employee Housing Repair, and Facilities Improvement & Repair, to bring BIE schools up to a quality which would be considered adequate for the federal education trust responsibility. Better school buildings lead to improved conditions for learning, academic outcomes, and student achievement. Education construction provides long-term investments in better economic growth.

## **III. Bureau of Indian Affairs – Community and Economic Development**

NIEA requests \$25 million for Native Language Revitalization under the Community and Economic Development – Economic Development (TPA) account. This not only supports funding for tribally-run Native Language program projects currently administered by the Office of Indian Economic Development (OIED), but as of FY 2023, included funding for language instruction and immersion for students not enrolled in BIE schools, ensuring these students have language and cultural instruction available to them regardless of which type of school they may attend.

## **IV. Mandatory Spending**

In FY 2023, this subcommittee and the rest of Congress made a major step towards fully upholding its treaty and trust obligations by providing mandatory spending for the Indian Health Service (IHS). If healthcare is a major pillar in upholding the federal trust obligation to Tribal Nations, then immediately next to it is the obligation for Indian education. NIEA strongly recommends all Indian Education - Operation of Indian Education Programs and Education Construction accounts be provided for as mandatory spending. This ensures there is never a threat of funding halts during critical times, never will a crumbling school facility worry about if construction dollars will continue to come. This most importantly ensures Congress' funding investments remain solid and secure, even as Congress itself may change.

### **Conclusion**

The federal trust responsibility to all Native students is an example of the promises that make this country unique. Native culture and language are within the foundation of the United States, alongside the land we have known for generations. This subcommittee should honor its first promises, and support the above recommendations to provide only the highest quality education to Native students across the country and provide the essential supports for future of our communities.

## TESIA MARIE ZIENTEK

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**EDUCATION** **Stanford University Graduate School of Education, Stanford, CA, June 2013**  
Master of Arts: Policy, Organization, and Leadership Studies

**University of Notre Dame, Notre Dame, IN, May 2009**  
Bachelor of Arts: English  
Minor: Anthropology  
Overall GPA: 3.9, Magna Cum Laude

**University of Notre Dame London Program, London, England, Fall 2007**  
Study Abroad Program

**EXPERIENCE** *Education Director, Citizen Potawatomi Nation*  
Shawnee, Oklahoma, **October 2015 – Present**

- Proposed, developed, and implemented the first Department of Education for the Citizen Potawatomi Nation
- Manage the affairs of the Department of Education, including four employees and a multi-million-dollar budget
- Provide an accessible entry point for college-bound Citizen Potawatomi Nation students in search of individualized college advice, scholarship help, or internship information, regardless of age or location
- Partner with local schools to support college access and completion
- Construct curriculum and culturally relevant programming for partnerships with local universities
- Develop helpful resources to prepare Citizen Potawatomi Nation students for success in college
- Track and analyze data to show student success and return on student investment
- Wrote, designed, and implemented grants from the U.S. Department of Education, Department of Justice, Administration for Native Americans, and Indian Health Service

*Program Advisor, Potawatomi Leadership Program*  
Shawnee, Oklahoma, **June 2012 – Present**

- Proposed and implemented new curriculum for the Harvard Honoring Nations Award-winning program, which welcomes high-achieving tribal interns aged 18-20 on-site to be immersed in the Citizen Potawatomi Nation for six weeks
- Lead weekly discussion groups to consider issues of cultural identity, traditional knowledge, and future tribal involvement and leadership
- Create and grade reflection assignments
- Design, advise, and monitor capstone group projects

*Adjunct Professor, St. Gregory's University*  
Shawnee, Oklahoma, **June 2016 – December 2017**

- Proposed and created courses for the Citizen Potawatomi Nation Core, a series of courses required for Potawatomi scholarship students at St. Gregory's University to promote connection and engagement with their tribal community
- Developed curriculum for two courses with Citizen Potawatomi culturally relevant curricula: Introduction to the Citizen Potawatomi Nation I and Introduction to the Citizen Potawatomi Nation II

*Curriculum Development Specialist, Citizen Potawatomi Nation Cultural Mentorship Program*  
Shawnee, Oklahoma, **October 2013 – February 2016**

- Collaborated with staff to construct culturally relevant and site-appropriate curriculum
- Developed the Adult Mentor and Peer Mentor training curricula, which include manuals, slide presentations, and lesson activities
- Developed the Cultural Activities Curriculum materials to guide the mentors in teaching traditional Native American knowledge to youth in order to promote healthy and positive decision-making

*Grants and Contracts Coordinator, Citizen Potawatomi Nation Office of Self-Governance*  
Shawnee, Oklahoma, **May 2013 – October 2015**

- Led grant proposal development teams to complete funding applications
- Wrote, reviewed, edited, and submitted grant proposals in accordance with funding announcement guidelines
- Developed project budgets
- Provided tribal-wide technical assistance and training to grant project directors
- Acted as a liaison between funding agencies and grant programs
- Assisted with self-governance management and advocacy
- Guided strategic planning efforts to ensure that all funding pursuits interact to best benefit Citizen Potawatomi Nation tribal members and other community members in our service area

*Powwow Systems Manager, Stanford University Native American Cultural Center (NACC)*  
Stanford, California, **September 2012 – June 2013**

- Collected best practices from the 42-year history of the Stanford Powwow, the largest student-run powwow in the nation, to capture institutional memory of the event
- Led the NACC's transition to the online platform OrgSync
- Synthesized experience into a scalable model of the powwow for use in other Native American communities
- Served as liaison between students and NACC faculty to facilitate a smooth transition to OrgSync

*Administrative Assistant, Citizen Potawatomi Nation Environmental Department*  
Shawnee, Oklahoma, **June 2011 – August 2012**

- Maintained records for ten government grants
- Tracked payment process of each purchase made with grant funds per line-item budget
- Acted as primary liaison between department and vendors or contractors
- Reduced waste and streamlined process by restructuring filing procedure from a paper to an online system

*English as a Second Language Teacher, Colegio Maria Auxiliadora*  
Santurce, Puerto Rico, **October 2010 – August 2011**

- Made and executed daily lesson plans for six classes of 1<sup>st</sup>-3<sup>rd</sup> graders
- Created original worksheets, reviews, and tests to assess and monitor the students' progress
- Designed creative projects to make classroom material interesting and relevant to all 184 students

*Teacher and Tutor, Puerto Rico Center for Social Concerns (PRCSC)*  
Orocovis, Puerto Rico, **August 2009 – July 2010**

- Made and executed daily lesson plans for K-3 English and science classes
- Planned and organized an afterschool program serving approximately thirty K-7<sup>th</sup> graders
- Coordinated the daily tutoring efforts for seven 5<sup>th</sup> graders
- Prepared and taught a daily English reinforcement class for approximately fifteen students

*External Affairs Intern, Department of the Interior, U.S. Fish and Wildlife Service (FWS)*  
Arlington, Virginia, **June 2008 – August 2008**

- Wrote and edited articles for *Fish and Wildlife News*
- Covered wildlife-related hearings for the branch of Congressional and Legislative Affairs
- Researched and helped construct a FWS strategy for minority employment outreach

*Human Resources Intern, Citizen Potawatomi Nation Human Resources*  
Shawnee, Oklahoma, **Summer, Fall, and Spring Breaks, May 2005-August 2007**

- Restructured personnel filing system for over 2,000 Citizen Potawatomi Nation employees
- Assisted in the transition from paper employment applications to online employment applications

- ACTIVITIES**
- *President, National Indian Education Association (NIEA)* October 2022 – Present
  - Protect the organization’s mission to promote Indigenous educational sovereignty
  - Preside at all meetings of Board of Directors and general membership
  - *President, Oklahoma Council for Indian Education (OCIE)*, December 2020 – Present
  - Support statewide Indian education advocacy; plan and implement several Indian education activities
  - Chair the Oklahoma Indian Student Honor Society committee to honor over 1,000 Native students annually
  - *Vice President, Tribal Education Departments National Assembly (TEDNA)*, October 2017 – Present
  - Guide the national organization, which strives to represent tribal education department interests
  - *Treasurer, National Indian Education Association*, October 2020 – October 2022
  - Make organizational and fiscal decisions to promote Indigenous educational sovereignty
  - Chair the fiscal committee to ensure prudent spending of the nationally recognized nonprofit
  - *Member At-Large, American Civil Liberties Union (ACLU) of Oklahoma*, October 2020 – Present
  - Support the defense and promotion of individual rights secured by the U.S. and Oklahoma constitutions
  - *Board, The Kwek Society*, June 2020 – Present
  - Support the eradication of period poverty by providing period supplies to Indigenous students nationwide
  - *Board, Community Renewal of Pottawatomie County*, March 2019 - Present
  - Guide the local organization, which helps neighbors restore community through intentional relationships
  - Chaired the fiscal committee from 2021-2022 and raised over \$50,000 in event revenue
  - *Board, Pioneer Library System (PLS) Foundation*, August 2020 – Present
  - Guide the organization's efforts to support literacy and a love of learning throughout PLS communities
  - Chair the Governance committee to safeguard the Foundation's compliance with the law and internal policies
  - *Reviewer, Cobell Scholarship*, 2021-2022
  - Review and score dozens of high-achieving Indigenous scholarship applications based on a rubric
  - *Member, Matriarch Aubrey Dameron MMIW Scholarship Committee*, August 2019 – Present
  - Develop application, award, and review process for scholarship honoring an Indigenous student
- HONORS**
- **Native American 40 Under 40**, Selected in 2020
  - Recognized for outstanding leadership, initiative, dedication, and significant community contributions
  - **Shawnee Forward 15**, Selected in 2020
  - Selected to celebrate achievement and excellence in career
  - **ionOklahoma Magazine NextGen Under 30**, Selected in 2016
  - Selected from a pool of 700 nominations overall as part of the effort to recognize and encourage the next generation of innovative, creative, and inspiring individuals who push the boundaries of endeavor
  - **Leadership Shawnee**, Accepted in 2015
  - Local leadership program committed to educating a diverse group of businesspeople about the economy, resources, and challenges facing the greater Shawnee area
  - **Citizen Potawatomi Nation Noek Nmeshosek**, Accepted in 2014
  - Tribal employee program that fosters leadership skills and teaches tribal history and modern governance
  - **Howard Yackus Memorial Scholarship Award**, Selected in 2013
  - Nominated as an outstanding participant of the CPN Workforce and Social Services department
  - **Gates Millennium Scholar**, Received in 2005 - 2013
  - Scholarship awarded for academic achievement and leadership to support undergraduate and graduate studies
  - **Phi Beta Kappa Honors Society**, Inducted in 2009
  - A nationally renowned honors society pledged to the ideals of liberal learning and moral integrity
  - **Sigma Tau Delta**, Inducted in 2009
  - International English honor society
  - **Presidential Scholar**, Awarded in 2005
  - One of 20 students chosen out of a class of 2000 based on academic and extracurricular performance
  - **Citizen Potawatomi Nation Family Reunion Festival Head Dancer**, 2016 - Present
  - Nominated by tribal leadership to represent the Citizen Potawatomi Nation at the annual event
- PRESENTATIONS**
- *Community Conversation on Current Topics in Indigenous and Native Education*, May 13, 2022, Harvard Graduate School of Education
  - *The History of Indian Education and Its Impact on Youth Development*, May 13, 2022, Tribal Youth Resource Center

- *Achieving Oklahoma's Postsecondary Attainment Goal, Oklahoma Legislators Retreat*, January 21, 2022, The Hunt Institute
- *Indigenizing Education: Local to National Panel*, November 30, 2021, Oklahoma City Metropolitan Library System
- *A Public Talk Celebrating Indigenous People Heritage Month*, November 12, 2021, Texas Tech University Honors College
- *Native American History Month Kick-Off Keynote*, November 3, 2021, University of Central Oklahoma Office of Diversity and Inclusion
- *Surveying TEDs Nationwide: Developing a 2021 TEDNA Report*, October 16, 2021, National Indian Education Association Annual Convention
- *Preparing for the Next Seven Generations: Indigenous Student Academic Success Strategies*, August 12, 2020, Northern Oklahoma College NASNTI Program
- *Native Mascots and How They Affect Native Identity*, November 19, 2019, University of Central Oklahoma Office of Diversity and Inclusion
- *Native Identity Panel*, November 13, 2019, Texas Tech University Student Intersectional Leadership Council and Raiderland Native American Student Association
- *Funding Opportunities for Native Students, Native American Attainment Convening*, February 27, 2019, Western Interstate Commission for Higher Education
- *Native Americans in the 21<sup>st</sup> Century: Nation Building*, January 16, 2019, Harvard Kennedy School of Government and the Harvard Graduate School of Education
- *Developing Future Leaders*, December 4, 2018, Oklahoma Council for Indian Education Annual Conference
- *Citizen Indigenous Panel Discussion*, March 19, 2018, Harvard University Native American Program and the Harvard Project on American Indian Economic Development's Honoring Nations Program

#### **KNOWLEDGE AND SKILLS**

- High level of proficiency in Spanish, both verbal and written
- Superior verbal and written communication skills
- Excellent ability to problem-solve, make independent decisions, and recommend solutions
- Ability to manage unpredictable and voluminous workloads, demonstrating a high degree of flexibility
- Strong attention to detail
- Unwavering commitment to Indigenous perspectives and cultural growth

### Truth in Testimony Disclosure Form

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

Committee: Appropriations 

Subcommittee: Interior, Environment, and Related Agencies 

Hearing Date: 03/08/2023

Hearing Title :  

American Indian and Alaska Native Public Witness Written Testimony

Witness Name: Tesia Zientek

Position/Title: President

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

National Indian Education Association (NIEA)

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

Yes; President at National Indian Education Association (NIEA)

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

Administration for Native Americans, Social and Economic Development Grant - \$794,569  
Department of Education, Accessing Choice in Education Grant - \$5,829,970  
Administration for Native Americans \$205,667

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

None

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

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

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

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.



**False Statements Certification**

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



3/3/23

Witness signature

Date

Mr. SIMPSON. Thank you. Laurie.

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WEDNESDAY, MARCH 8, 2023.

**TRIBAL EDUCATION DEPARTMENTS NATIONAL  
ASSEMBLY (TEDNA)**

**WITNESS**

**LAURIE HARPER, PRESIDENT, BOARD OF THE TRIBAL EDUCATION  
DEPARTMENTS NATIONAL ASSEMBLY (TEDNA)**

Ms. HARPER. Chairman Simpson, Ranking Member Pingree, and members of the committee, my name is Laurie Harper, and I am the president—

And I am the president of the Tribal Education Departments National Assembly, a national nonprofit organization for the tribal education departments and agencies. Thank you for the opportunity to speak today about funding through the U.S. Department of Interior for TEDs.

First and foremost, our sincerest gratitude for appropriating funds continually since fiscal year 2015 to support TEDs through Title 25 United States Code Section 2020, also known as Section 2020 grants. For continued and increased funding, TEDNA respectfully requests \$10 million to support TEDs in the Department of the Interior, Environment, and Related Agencies appropriations bill for fiscal year 2024 so that we can continue to serve and serve better our students.

Tribes have educated their citizens from time immemorial, and education continues to be a tribal sovereign right, a trust obligation, an issue of local control, and a sacred responsibility of tribal and nontribal governments. That we have trusted, as memorialized in treaties and other official sovereign and inter-sovereign acts, a part of the formal education of our students to the Federal Government via BIE-funded schools and States via public schools speaks to our expectation of the Federal and State governments to honor their end of the bargains and promises made.

And we should all be concerned. Educational attainment rates for tribal students in the United States today are not good. Recent Federal reports show that our students have the lowest high school graduation rates of any group for whom numbers are maintained. While the high school graduation rates of whites, Asians, blacks, and Hispanics are at 80 percent or higher, 1 in 4 of our students will not graduate from high school.

Federal funding precipitates the abilities of TEDs to help address this. TEDs are in a unique position to direct and coordinate the resources, management, and provision of education for tribal students.

For example, I serve as the director of education for Leech Lake Band of Ojibwe in Minnesota, a Section 2020 grantee and a TEDNA member. The tribe is developing a program under Section 2020 to address our inherent authority over all areas of education. I served as the board chairwoman for the tribally operated Bug-O-Nay-Ge-Shig BIE-funded school. I am the director of the Leech Lake Band of Ojibwe's Tribal Ed Department, which administers

Johnson O'Malley funds for public schools on and near our reservation.

With Section 2020 grant funds, we have taken a community-based approach to improving education, utilizing community and youth input to shape priorities that will be developed into a tribal education code and a comprehensive education plan that will be culturally specific to our tribal needs.

We also realize the importance of data sovereignty and have recently partnered with the Minnesota Department of Education on a data sharing agreement for our K–12 students, in addition to a longitudinal early childhood study. Through these agreements, we can both identify our students in early childhood and follow them through their educational journey within the State of Minnesota.

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. Many more tribes than the 16 tribes currently funded serve the 183 BIE-funded elementary and secondary schools and dormitories located across this country. They need TED funding. TED appropriations should be increased to serve more tribes and more students.

With increased Section 2020 funding, tribes like the Pyramid Lake Paiute in Nevada, for example, could develop a TED to support Pyramid Lake Junior Senior High School, a tribal secondary school in Nixon, Nevada, on the Pyramid Lake Indian Reservation. With increased Section 2020 funding, tribes like the Navajo Nation, where many BIE-funded schools are located, could train new school board members when the schools convert from being BIE operated to being tribally controlled.

With increased Section 2020 funding, additional tribes could decrease their dropout rates, like the Rosebud Sioux Tribe in South Dakota did with its Truancy Intervention Program administered by the Rosebud TED.

TEDNA respectfully requests sustained funding of \$5.889 million plus additional funding, for a total of \$10 million for TEDs in the Department of the Interior, Environment, and Related Agencies appropriations bill for fiscal year 2024 to continue the vital and excellent work being done through the Section 2020 grants.

Miigwech [speaking Native language].  
[The statement of Ms. Harper follows:]



**HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

**TESTIMONY OF LAURIE D. HARPER, BOARD PRESIDENT,  
TRIBAL EDUCATION DEPARTMENTS NATIONAL ASSEMBLY  
REGARDING FY 2024 FUNDING FOR TRIBAL EDUCATION DEPARTMENTS**

March 3, 2023

Chairman Simpson, Ranking Member Pingree, and Members of the Committee,

My name is Laurie D. Harper, and I am the President of the Board of the Tribal Education Departments National Assembly (TEDNA), a national non-profit membership organization for Tribal Education Departments/Agencies (TEDs/TEAs). Thank you for the opportunity to speak today about funding through the U.S. Department of the Interior for TEDs. First and foremost, our sincerest gratitude for appropriating funds continually since FY 2015 to support TEDs through Title 25, United States Code, Section 2020, also known as "Section 2020 grants." This Subcommittee clearly values the crucial role of TEDs in education for tribal students. To quote the Subcommittee from its 2016 report, "TEDs are instrumental in helping tribes build the capacity to oversee the high quality and culturally appropriate education of tribal members."

Thanks to Interior Department funding, over a dozen tribal governments with TEDs today are making great needed progress in directing and coordinating education, thereby fulfilling Congress' intent after decades of a lack of direct federal fiscal support. For continued and increased funding, TEDNA respectfully requests \$10 million to support TEDs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal-Year 2024 so that we can continue to serve and serve better our students whose lifelong educational experiences include Bureau of Indian (BIE)-funded schools.

**AUTHORIZATION FOR FUNDING**

Federal funding for TEDs through the Interior Department has been authorized by Congress since 1988 and currently is codified at 25 U.S.C. § 2020.

### JUSTIFICATION FOR FUNDING

Tribes have educated their citizens from time immemorial, and education continues to be a tribal sovereign right, a trust obligation, an issue of local control, and a sacred responsibility of tribal and non-tribal governments. That we have entrusted - as memorialized in treaties and other official sovereign and inter-sovereign acts - a part of the formal education of our students to the federal government via BIE-funded schools and to states via public schools, speaks to our expectation of the federal and state governments to honor their end of the bargains and promises made.

And we all should be concerned. Educational attainment rates for tribal students in the United States today are not good. Recent federal reports show that our students have the lowest high school graduation rates of any group for whom numbers are maintained. While the high school graduation rates of Whites, Asians, Blacks, and Hispanics are at 80% or higher, one in four of our students will not graduate from high school.<sup>1</sup> This has direct and dire consequences for tribes, states, and the Nation.

Federal funding precipitates the abilities of TEDs to help address this. TEDs are in a unique position to direct and coordinate the resources, management, and provision of education for tribal students vertically and horizontally. The vertical direction and coordination involves families and community engagement, early childhood programs, elementary and secondary schools and programs, higher education, and vocational and adult education. The horizontal direction and coordination involves schools and programs run by various providers (state, federal, and tribal), as well as numerous health care and juvenile justice facilities, services, and programs. The vertical and horizontal direction and coordination occurs because tribes, through Section 2020 grants, can operate TEDs, develop and enact tribal education codes, and negotiate and enter into inter-governmental agreements and other collaborative arrangements, all pertaining to the myriad of components of formal education and tailored to the specific needs at local levels regarding curriculum, staff, students, facilities, training, policies, programs, and initiatives.

For example, I serve as the Director of Education for the Leech Lake Band of Ojibwe in Minnesota, a Section 2020 grantee and a TEDNA Member. The Tribe is developing a program under Section 2020 to address our inherent authority over all areas of education. I served as the Board Chairwoman for the tribally operated Bug-O-Nay-Ge-Shig BIE-funded school. I am the Director of the Leech Lake Band of Ojibwe's Tribal Education Department, which administers Johnson O'Malley funds for public schools on and near our Reservation. With Section 2020 grant funds, we have taken a community-based approach to improving education, utilizing community and youth input to shape

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<sup>1</sup> <https://nces.ed.gov/programs/coe/indicator/coi/high-school-graduation-rates>

priorities that will be developed into a tribal education code and a comprehensive education plan that will be culturally specific to our Tribe. We also realize the importance of data sovereignty and have recently partnered with the Minnesota Department of Education on a data sharing agreement regarding a longitudinal early childhood study. Through this agreement, we can both identify our students in early childhood settings and track them throughout their educational journey within the State of Minnesota. 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.

Although unfunded for 27 years, it was through the commitment of this Subcommittee that Section 2020 funding finally began in FY 2015, and 16 tribes are currently receiving Section 2020 grants. But many more tribes serve the 183 BIE-funded elementary and secondary schools, and dormitories located across this country. They need TED funding but not at the expense of current Section 2020 funded tribes or any other BIE funding for schools or programs. Rather, TED appropriations should be increased to serve more tribes and more students.

With increased Section 2020 funding, tribes like the Pyramid Lake Paiute Tribe in Nevada, for example, could develop a TED to support Pyramid Lake Junior Senior High School, a tribal secondary school in Nixon, Nevada on the Pyramid Lake Indian Reservation. With increased Section 2020 funding, tribes like the Navajo Nation, where many BIE-funded schools are located, could train new school board members when the schools convert from being BIE operated to being tribally controlled. With increased Section 2020 funding, additional tribes could decrease their dropout rates, like the Rosebud Sioux Tribe in South Dakota did with its Truancy Intervention Program administered by the Rosebud TED.

Moreover, while Section 2020 funding goes directly to TEDs, TEDNA 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 this year's report issued by this Subcommittee.

#### **REQUEST**

Sustained and increased investment in TEDs is sound federal policy. It efficiently and effectively helps focus and maximize scarce resources for a historically underserved population. TED direction and coordination in formal education is consistent with basic important federal policies: tribal self-determination and local control of education. By continuing and increasing TED Interior Department appropriations, this Subcommittee can increase tribal involvement, leverage the expertise of TEDs, and help generations of students who are tribal, state, and national citizens get quality and culturally appropriate education.

TEDNA respectfully requests sustained funding of \$5,889,000 plus additional funding, for a total of \$10 million for TEDs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal-Year 2024 to continue the vital and excellent work being done through the Section 2020 grants. Miiigwich (Thank you).

**Laurie Harper**

Curriculum Vitae

**Work Experience:**

Director of Education  
Leech Lake Nation

President of the Board  
Tribal Education Departments National Assembly (TEDNA)

**Education:**

Certificate – Indigenous Education Leadership	June, 2023
Kansas State University, PhD Certificate Course	
Master of Public Affairs – Public Affairs Leadership	2025
Humphrey School of Public Affairs, University of Minnesota, Twin Cities Campus	
Bachelor of Arts, Public Policy	2005
NAES College, Leech Lake Co-Hort	
Associate of Arts, Business Administration & Entrepreneurship	1997
Leech Lake Tribal College	

**Community Involvement & Awards:**

TRUTH Research Fellow, 2022, Minnesota Indian Affairs Council  
School Board Chairperson, Bug O Nay Ge Shig School 2018-2022  
Swain Fellow, Humphrey School of Public Affairs, University of Minnesota, Twin Cities Campus  
DeCramer Fellow, Humphrey School of Public Affairs, University of Minnesota, Twin Cities Campus  
Shakopee Mdewakanton Scholar, University of Minnesota, Twin Cities Campus  
Native Nations Rebuilders Cohort 5, Bush Foundation, University of Arizona, Harvard Project on American Indians  
Chairperson, St. Paul Public Schools American Indian Parent Advisory Committee, St. Paul, MN 2012-2015  
Chairperson, St. Paul Public Schools' Local Indian Education Committee/JOM Committee, St. Paul, MN 2012-2015

Past Secretary/Treasurer for the Leech Lake Twin Cities Local Indian Council – community organization for Leech Lake Band Members and their families; served as liaison between the Leech Lake Tribal membership and the Leech Lake elected governing body

Lobbying at local, tribal, national, and state levels; grant writing and reporting; fund raising; strategic planning and development and implementation; federal grant reviewer

### Truth in Testimony Disclosure Form

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

**Committee:** Appropriations

**Subcommittee:** Interior, Environment, and Related Agencies

**Hearing Date:** 03/08/2023

**Hearing Title** :

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies of the House of Representatives American Indian and Alaska Native Public Witness Days

**Witness Name:** Laurie D. Harper

**Position/Title:** President, Tribal Education Departments National Assembly (TEDNA)/Dir of Education, Leech Lake Band of Ojibwe

**Witness Type:**  Governmental  Non-governmental

**Are you representing yourself or an organization?**  Self  Organization

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

Tribal Education Departments National Assembly (TEDNA)  
Leech Lake Band of Ojibwe, Minnesota

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

TEDNA

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

Tribal Education Department National Assembly (TEDNA) Native Youth Community Partners (NYCP) Project: College and Career Readiness for Indian Students BUDGET PERIOD \$86,810.00 Oct 1, 2022 – Sept 30 2023 (No Cost Extension) PR/AWARD NUMBER S299A150045  
Tribal Education Departments National Assembly (TEDNA) Accessing Choices in Education (ACE) Project BUDGET PERIOD \$1,371,104.00 10/01/2022 - 09/30/2023 PR/AWARD NUMBER S299A200071

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

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

- I have attached a written statement of proposed testimony.
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(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

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

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Witness signature

3/6/23

\_\_\_\_\_

Date

Mr. SIMPSON. Thank you. Tom.

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WEDNESDAY, MARCH 8, 2023.

**ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS (ACTS)**

**WITNESS**

**THOMAS MILLER, BOARD PRESIDENT, ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS (ACTS)**

Mr. MILLER. Good morning. I would like to thank you for this opportunity to testify on the 2024 Interior appropriations.

And again, my name is Tom Miller. I am the Association of Community Tribal Schools board president. We formed in 1982. We represent a pretty good cross-section of the tribally controlled schools, and the organization has been around long enough that we went through three name changes, basically contract, controlled, and now community tribal schools.

And we represent each year a variety of these schools, but the needs are always the same. I am not going to get into the actual particulars of the dollar amount because they are in the written testimony. But we are running into many, many problems now as a result of our recent COVID pandemic.

Our population has underlying health programs, a large percentage of them and in a disproportionate amount. We have isolation factors. We have our schools are not next door to a Walmart or in that area. We don't have that luxury with many of them.

Many of our schools do not have the Internet connections. We have had problems as we have come into trying to get out of this separation distance learning thing, as we couldn't do it in the first place because of our lack of technologies and such.

We each year come in and we ask for the basics. We ask for increases in ISEP. We ask for increases in transportation, facility operation and maintenance, tribal grant support, and this is to get us holding ourselves even with the water. We are not going under this way.

What we would like to start doing is that we would like to see some kind of parity, and one of our ideas that now when I started this, all my hair was black, 1980. I believe it was there. But right now, we are looking at trying to get parity with the Department of Defense schools on salaries, on salaries and school construction.

One of our problems is not only do we have a problem of getting teachers—teacher shortage? Oh, it is three times as bad on the reservations because, first off, you have to recruit, retain. So when I say about the dollars that I am going to address right here are those in addition to our testimony, that is getting Congress to either forward fund some of our areas, maybe all of our areas that we get more funding in, so that we are not in the ping pong effect of politics.

We try to get out of that. We did it once in 1988. It took a little bit of a sting then with Congress to forward fund a full year. Some of that would take another sting.

The other big sting would be for facilities. I don't care what you do, if you take old schools and maintain them, you have an old school maintained. That is all you get.

Our thing is if Congress were to plan, use a \$3 billion base, take the schools, the 83 that need replacing right now—we are doing 2 a year. I will be dead and long gone by the time these schools get addressed. And I am just trying to get—our students deserve the same thing that has been done with DOD. That is, over 10 years, a couple billion dollars, bring them up.

And they should be supported. The military and those schools should absolutely be supported, but so should we. And we have been at this—in fact, the last time I testified in front of this committee about 6 years ago, I told the chair at that time that I could probably have recorded this in 1980 and played the same thing again and come pretty close. But that is what we are getting now. We are trying to get to a point where not only do we get the funding that we normally get in a year—and that varies on the percentages—but we have to address some of these things in a drastic method because it is not getting any better for our kids.

And our Native students deserve to have enough teachers to teach. They need to have enough money to operate, and they certainly deserve the ability to have a safe and adequate, up-to-date environment, school building. So that is what we are pushing this year. If we could get that started, we know it is not a one-time shot and it is going to happen overnight, but we have got to start somewhere. And to this point, we have always been settled with our yearly increases.

Last year, we would like to thank for the fiscal year 2023 was good, but we would like to see that every year. And again, forward funding would take care of a lot of the problems and the instability of our—when the money is coming. And then, if you give us a good house to live in, it is a little bit easier to make things happen. Those kids deserve that.

And with that, I thank you for your time.  
[The statement of Mr. Miller follows:]

Association of Community Tribal Schools Inc.  
FY 24 Interior Appropriations Testimony

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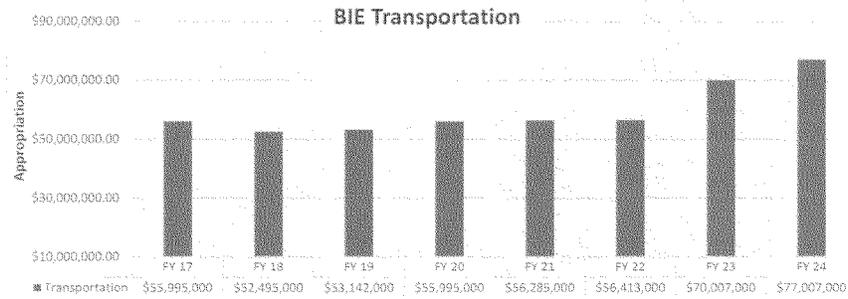
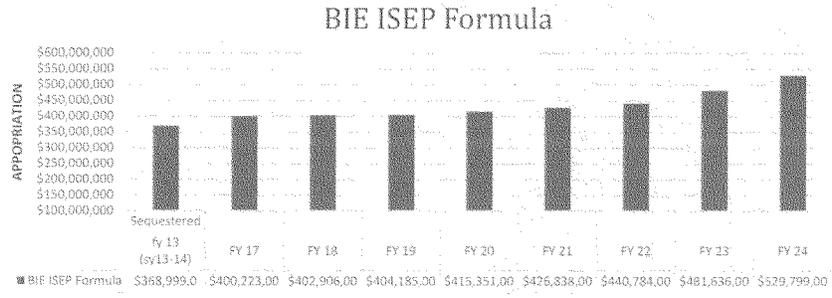
My name is Tom Miller and I am the Board President of the Association of Community Tribal Schools (ACTS) and have served on the Board since 1982. I am an enrolled member of the Sault Ste. Marie Tribe of Chippewa Indians and served 8 years on our Board of Directors. I also served as the School Administrator at the Hannahville Indian School for 36 years. The Association is submitting this written testimony that provides the ACTS position on the FY 2024 needs of tribal schools. We have consistently submitted testimony since 1985. As we attempt to get back to "normal" after the pandemic years, it is imperative that congress be aware of the needs of the Tribally Controlled Schools. Our schools were extremely vulnerable to the effects of the Covid Pandemic due to isolation, infrastructure, educational structure deficiencies and overall funding issues. The ACTS membership recognizes that the Interior Appropriations Subcommittees of both the House and Senate and will begin to consider the FY 24 funding. We have major issues as we attempt to address parity to the schools of the Department of Defense. **WE WANT TO THANK YOU FOR YOUR FIGHT FOR THE FY 23 Interior Appropriations especially Education Construction.**

**OVERVIEW OF THE ASSOCIATION OF CONTRACT TRIBAL SCHOOLS**

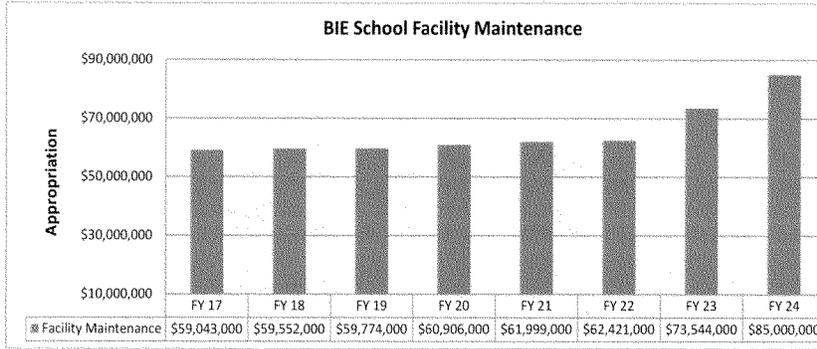
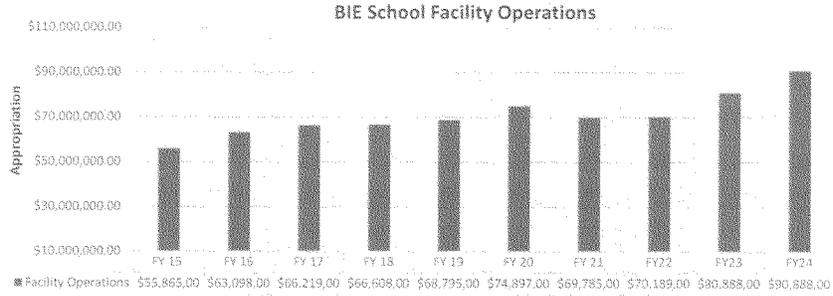
The tribal school movement started in 1966 with Rough Rock Demonstration School in Arizona. Currently there are over **30,000 students in 130 tribal elementary and secondary schools.** The schools are in the states of **Minnesota, South Dakota, North Dakota, Michigan, Iowa, Wisconsin, Kansas, Maine, Florida, North Carolina, Mississippi, Louisiana, 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

Association of Community Tribal Schools Inc.  
 FY 24 Interior Appropriations Testimony

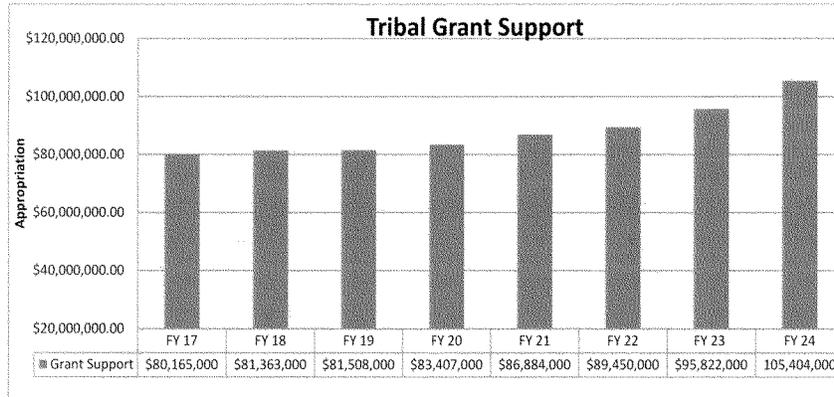
these students will strengthen and perpetuate traditional tribal societies.” **Charts illustrate history of appropriations:**



Association of Community Tribal Schools Inc.  
 FY 24 Interior Appropriations Testimony



Association of Community Tribal Schools Inc.  
 FY 24 Interior Appropriations Testimony



Requested Action  
 Summarizing the ACTS request for FY 2024

PRPGRAM	FY 2023	Proposed FY 2024
BIE-Elementary/Secondary Programs-ISEP	\$481,636,000	\$529,799,000
BIE-Elementary/Secondary Programs-Facility Operations	\$ 80,888,000	\$ 92,212,000
BIE-Elementary/Secondary Programs-Facility Maintenance	\$ 73,544,000	\$ 85,000,000
BIE-Elementary/Secondary Programs-Student Transportation	\$ 70,007,000	\$ 77,014,000
BIE – Tribal Grant Support Cost (1.5%)	<u>\$ 95,822,000</u>	<u>\$105,404,000</u>
	\$801,897,000	\$891,950,000
		<b>+\$15,900,000</b>

[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]

1. Increase Early Child and Family Development (allow expansion, 10 schools) \$ 3,000,000
2. Construction – We would ask the department of Interior with the support from your Subcommittee, to follow the example that the Department of Defense, through the funding of the Defense Authorization and Appropriation Committees have put forth over the past 10 plus years in providing construction funding to public schools located on a military installation to allow school buildings to be renovated, repaired, modernized and in some cases in need of new construction. To date using the dollars appropriated by the DoD Appropriations Subcommittee, the Department of Defense has provided just under \$2 billion dollars with the FY 23 appropriations just passed providing over \$650 million to public schools
3. Education Construction. The BIA reports that there are 83 Tribally Controlled Schools that in need of replacement. There is nearly a \$75,000,000 annual facility deterioration rate, \$ 388 million in deferred maintenance, and also reports a \$ 4.4 billion school replacement need.

Association of Community Tribal Schools Inc.  
FY 24 Interior Appropriations Testimony

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Annual Need	
Replacement School Construction (2-3 schools per year)	\$ 165,000,000
Replacement Facility Construction (4-8 facilities per year)	\$ 75,000,000
Employee Housing Repair and Replacement	\$ 20,000,000
Facility Improvement and Repair	\$ 100,000,000

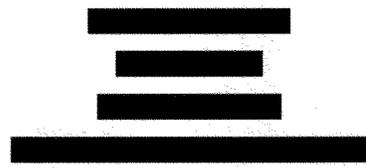
4. Establish an Independent Federal Agency to lead and manage the **Bureau on Indian Education**.
5. Forward funding of all educational funds for the Tribally Controlled Schools in an attempt to stabilize our ability to plan for the future education of our native students.

ACTS

2025

**RESUME**

Thomas Miller



**Employment**

- 1980 – 2016      Hannahville Indian School, Wilson, MI  
**Superintendent**
- 1979-80      Big Bay de Noc Schools, Cooks, MI  
**Community School Director**
- 1977 -79      Flint Public Schools, Flint, MI  
**Indian Education Instructor**
- 1976-77      Manistique, MI  
**Student Services Instructor**

**Education**

- 1979      **Masters Degree Educational Administration**, Central Michigan University,  
Mt. Pleasant, MI
- 1976      **Bachelor of Science Degree**, Northern Michigan University, Marquette, MI

**Awards**

- 2000      **Distinguished Native American Alumni**, Northern Michigan University  
Marquette, MI
- 2022      **Lifetime Achievement Award**, National Indian Gaming Association

**Professional Organizations**

1982 – 2023      **Board Member**, Association of Community Tribal Schools (ACTS)  
1994 – 2007      **Board Member**, Upper Great Lakes Technologies Incorporated (UGLETI)  
1992              **Michigan Delegate**, to White House Conference on Indian Education  
1984 -95         **Board President**, Minneapolis Area Community Tribal Schools (MACTS)  
1986 – 87        **Board Member**, State of Michigan Advisory Council for Vocational Education  
1980 – 81        **Board Member**, Coalition of Tribally Controlled Schools

**Military**

1970 -74         **United States Navy**, Vietnam Veteran

**Tribal**

**Enrolled member of Sault Ste. Marie Tribe of Chippewa Indians**  
2004 -2012      **Tribal Board of Directors Member**

### Truth in Testimony Disclosure Form

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

Committee: Committee on Appropriations

Subcommittee: On Interior, Environment, and Related Agencies of the House of Representatives

Hearing Date: 02/28/2023

Hearing Title :

American Indian and Alaska Native Public Witness Day On FY 24 Appropriations

Witness Name: Tom Miller

Position/Title: President of Association of Community Tribal Schools (ACTS)

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Association of Community Tribal Schools

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

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

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

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

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

\* Rule XI, clause 7(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.



**False Statements Certification**

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



Witness signature

2/28/2023

Date



Mr. SIMPSON. Thank you, Tom.

I appreciate all of your testimony. Let me just say keep pushing, Tom. It sometimes takes Congress a long time to do things, you know? That is generally the way we operate around here, yes. But it is something that we need people like you to continue to push on that, people like all of you.

Larry, you mentioned law enforcement and the challenges you face. Do you find that—well, let me put it this way. I was out at the Fort Hall Reservation and talking with them about firefighters and new fire station we are building and the police officers that were there and stuff.

And what we find is that we got a town of 50,000 on south of Fort Hall Reservation and a town of 10,000 on the north of the reservation, and the reservation police officers, they send them to training. They come. They get all trained up. And as soon as they do, they get hired by Pocatello or Blackfoot, and I mean, it is like the training ground for the other communities.

Do you find that across the country, or is this unique in—

Mr. WRIGHT. No, I think it is across the country. And when you compound that with some reservations are bigger than many States.

Mr. SIMPSON. Yes.

Mr. WRIGHT. And you have a police force that is a fraction of that and lack of funding to make it so they can train and retain a police force, it makes it very difficult.

And just like teachers, they are going to go where there is opportunity and salary that is reflective of what they do and their training and education. And police departments are no different.

Mr. SIMPSON. Yes. Reservations, a lot of the reservations are very big. And I have talked to some—I can't remember if it was Pine Ridge—that they get a call of domestic abuse, it is an hour before a police officer can get there.

Mr. WRIGHT. Absolutely.

Mr. SIMPSON. Well, you know, the problem has gone away one way or another then pretty much. That is a challenge. It is something I would like to work with you on and how we address—I don't know how to address that, but it is something that I think needs to be addressed.

And Tesia, I appreciate your testimony. And Tom mentioned the difficulty of finding teachers. How do you keep teachers on the reservation?

I mean, when we have gone to the Navajo reservation and stuff, the problem is housing, trying to get doctors there and to stay on the reservation. I mean, you don't want to live 50 miles from where you work, and that is a challenge. How do you do that with teachers?

Ms. ZIENTEK. Absolutely. Housing is a major, major concern. So providing we are looking for funding for housing for teachers. Also, of course, as mentioned with law enforcement, the pay is a huge issue. If teachers are able to get paid elsewhere and in a more—where the living is more convenient, then they are likely to do that.

So funding, increased funding for teacher pay to get that equal to Federal teaching—

Mr. SIMPSON. Yes.

Ms. ZIENTEK [continuing]. Pay, as well as housing, would help with that issue quite a bit. Also, programs to help grow your own teachers is extremely helpful. Then if teachers decide to stay in their own communities, they might be more likely to stay for a long time.

Mr. SIMPSON. Do you work at all with TRIO?

Ms. ZIENTEK. I—I do a little bit in my job, as the education director for the Citizen Potawatomi Nation, partner with some of our local community colleges.

Mr. SIMPSON. I would encourage all of you to start working with TRIO because TRIO can be a great asset in what they do. That is for people that have never gone to college, never thought of going to college or anything like that. But it helps mentor them through high school to get them ready if they decide they want to go to college.

Ranking Member Pingree.

Ms. PINGREE. Thank you very much, Mr. Chair.

Thank you, everyone, for your testimony. Really appreciated all the themes, and I know we will hear them more today, certainly the law enforcement and your statistic about four in five members of a tribe have had some form of violence in their family or themselves. That is really shocking and another reminder of how important it is to fund tribal courts.

And as you mentioned, the distance in so many of our communities is so far, that is really critical. And I have worked with one of my schools on school replacement and seen just what a challenge it is. And one tiny school, one State, and realize if we could just get rid of the backlog at some point, as you recommended, and start even. We are never going to get there, and I really appreciated your remarks that kids need to have the feeling of the respect of going into a beautiful building that is dedicated to them, and they can comfortably learn.

And so I just want to say how dedicated I am to that and really appreciated the remarks about culturally sensitive education. I think the more we can support kids understanding a Native language and learning more about the history of their tribes, when I have been able to witness those programs, they just seem so beneficial. And I hope we can continue to do more of that.

And of course, I am fully supportive of all the funding concerns. We are so far behind to not meet our treaty obligations. It is so disrespectful of the lack of funding that our tribes receive in each and every area that you mentioned. So I hope we can do everything to make sure there are no cuts and that we can increase that.

And while Betty is the true Minnesotan here, I was raised in Minnesota and spent a lot of my childhood in one of the lakes near Brainard. So still go back there to visit my family. So love the place you are from.

I don't have any questions because you just all did such a wonderful job, and the chair has asked some good questions. But thank you so much for being with us today.

Mr. SIMPSON. Thank you. Mr. Zinke.

Mr. ZINKE. Thank you, Mr. Chairman, and I apologize for being late. I had a Montana coffee.

So, drugs. So on the law enforcement and drugs in Montana seems to be they spend a lot of time on drugs, mental health, and civil action, mostly domestic violence. And from what I understand is all three are related oftentimes.

Can you talk about the drug problem on the reservations, what you are seeing? And my understanding is in Montana, most of it is coming from the southern gut. It is coming straight up from the border. And in Montana, we have Fort Peck Reservation, which is near the Bakken, or many times, great expanses of territory. It means that there is opportunity for storage lockers of drugs and transportation, and there is a vulnerable population.

So how concerned are you on drugs on the reservations?

Mr. WRIGHT. Indian Country is very concerned, and we see this across the board, and fentanyl is a big issue. And I think the things that you hear here today, they are all interconnected, and one begets the other. When we have lack of law enforcement, it is going to be hard to—if you have a reservation that has high crime and drug issues and doesn't have the police force to help police that and take care of that, it is going to be hard to retain good teachers to come to the reservation and live there.

If we don't have adequate housing, we can't recruit and keep our own people on reservations. And so when we have underfunding in our housing programs and we have our own wait lists for our own tribal citizens to get into housing, it is going to be hard to recruit people to come from the outside to do that.

But I think to your specific question on drug issues in Indian Country, with, again, the lack of—with the distance and the geographic size of our reservations, lack of cross-deputization and those kinds of issues, it makes it very tough for a small police force to have—to cover that expanse and not have some of the same equipment and different things, opportunities that other law enforcement agencies have, whether it be drug dogs, whatever that might look like.

But I think we see that, we are seeing it more and more, as more of a concern. But again, there is lack of funding and lack of the infrastructure there from police departments to help adequately address that.

Mr. ZINKE. And Tom, just I am not going to hold you to statistics, but would you say that the law enforcement spends most of their time on either drug enforcement or mental health that are related? That is what I am hearing and across the—

Mr. MILLER. I would say a good question, but the exact, not expert enough. I would say this. As far as in our area, the Sault Ste. Marie with the Chippewa tribe, recently—just 2 weeks ago—we had about five overdose, one died. And that was in a week.

So it is—it is a problem, and we address it as best we can, but one of the major things that we are short of, funding. You can see a problem, but you can't do anything about it if you don't have the people to do it, and we don't have the people to do it.

Mr. ZINKE. Lastly, inflation. What I have seen across in Montana, inflation runs higher because you have distances are further. The fuel costs are further. Bus to get the kids around costs more because we are using more fuel, and inflation. Would you say that inflation is hurting the tribes disproportionately?

Mr. MILLER. Oh, I would say that, yes, because we are short already. The fact is if you are doing well and you are getting inflation, eh, you can kind of adjust to it. But if you are already on the short end and inflation comes out, it can hurt you.

Hopefully, things will get better. I am kind of an optimist. But I think right now, yes, it hurts everybody. And the tribes that don't have the money—and there are some that are set fairly well, are handling it a lot better than those that aren't. It definitely is, yes.

Mr. ZINKE. Thank you, Mr. Chairman. I yield back.

Mr. SIMPSON. Thank you. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

First and foremost, thank you for your testimony. For those of you who are going to testify later, I am the ranking member on Defense, and so I have a conflict, and I have to be there, but I have staff here getting the testimony.

The mandatory funding, we hear Indian Country loud and clear on that. The advance appropriations is for 1 year, 1 year only. So that is going to have to be re-rolled into any legislation that we do. And that was a bipartisan effort on behalf of this committee and the White House, and we got the Senate's attention. So, hopefully, we can take care of healthcare and start the—and really have a serious discussion about what we could do for educational funding this year. So I appreciate you bringing that up.

Also, bringing up that there are two accounts that you are looking for \$25 million for, for the languages was very helpful. So thank you for that. That made me take an extra note on that.

I am going to just make a couple of general comments, and then I have a question for you all, because I think you are all impacted by this. We are going to hear more about, I think, drugs and what is happening, especially with tribes that are in 280. We just had a serious discussion with our U.S. attorney. Andy Luger has been meeting and talking with the tribes in Minnesota what we can do about, as they describe it, "catch and release." And there is no other way to summarize what is happening. So I will save that for later and been working with Red Lake on that.

But Minnesota, if you could take a second to talk about what Minnesota is uniquely doing to make sure that all of our students have the best education possible, and under the leadership of Lieutenant Governor Flanagan, this has taken a real impetus. And I think the fact that we have tribally enrolled members serving in our State legislative body is exciting.

If you would just take a second for that, and then I have a general question about broadband.

Ms. HARPER. So, a real quick question. With having Lieutenant Governor Peggy Flanagan in that seat, what it has helped tribal nations do in the State of Minnesota in education specific is identify the need for us to be at the table, instead of on the table. And it has opened up discussions that include us, and it is not uncommon for not just the Governor's office and the Lieutenant Governor's office to reach out to tribal leaders, but also to tribal department heads such as myself to be asked for our specifics in the field of education.

In my role, as an education director, I also oversee human services. So, MFIP, SNAP-Ed. So, Minnesota Family Investment Pro-

gram, anything having to do with training and education. So a lot of our—in Indian Country, a lot of our responsibilities are intertwined throughout various funding agencies.

Ms. MCCOLLUM. Thank you. Well, we have started a journey, and we hope other States emulate that.

And it is important that we educate students because they are our future not only for the tribe, but for the Nation. And as I am leaving to go to a DOD hearing, the fact that Native Americans percentage wise serve highest enlistment really makes a case for why we need to make sure that they have the adequate education.

Mr. Chair, I know broadband is going to come up a lot. We need to figure out not only how to do it in the schools, but to get it in the home when they have the homework coming home. So thank you all for bringing up broadband.

Mr. SIMPSON. Thank you, Ms. McCollum, former chair of this committee.

We have got on this committee two former chairs and one current chair that was a former chair.

Ms. MCCOLLUM. Yes.

Mr. SIMPSON. There are a lot of chairmen on this committee.

Ms. MCCOLLUM. And we all work together.

Mr. SIMPSON. Anyway, thank you. And thank you all for your testimony. We appreciate you being here today and look forward to working with you on this year's budget.

Mr. WRIGHT. Thank you. I will get you that statistic, okay?

Ms. MCCOLLUM. Absolutely.

Mr. WRIGHT. All right.

Mr. SIMPSON. Next, we would call—I am going to massacre names. Maybe that is the wrong word. [Laughter.] How do you pronounce that? Do you know?

The Muscogee Creek Nation, who is—and Oliver Littlecook, chair of the Ponca Tribe.

Mr. CHAUDHURI. Where would you like us?

Mr. SIMPSON. Right up here. We got nameplates. [Pause.]

Mr. SIMPSON. Okay. Pronounce that name for me.

Mr. CHAUDHURI. Jonodev Chaudhuri.

Mr. SIMPSON. Jonodev Chaudhuri. Well, when you say it, that is what it looks like now. Thank you.

Jonodev, you are up.

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WEDNESDAY, MARCH 8, 2023.

**MUSCOGEE CREEK NATION**

WITNESS

**JONODEV CHAUDHURI, AMBASSADOR, MUSCOGEE CREEK NATION, ON  
BEHALF OF CHIEF DAVID HILL**

Mr. CHAUDHURI. Oh, okay. Well, [speaking Native language] Jonodev Chaudhuri. I am honored to serve as ambassador of the Muscogee Creek Nation.

Chairman Simpson, Ranking Member Pingree, and members of the subcommittee, let me thank you for the invitation to our nation to testify here today.

Let me start by saying how grateful we all are for the additional funding this subcommittee has provided in the past 2 years as a down payment on the permanent commitment going forward by the Federal Government to provide the resources necessary to uphold its solemn trust and treaty obligations to the Muscogee Nation and other tribal nations throughout Indian Country.

As you know, over 100 years of usurpation of the rightful authority of the tribal law enforcement on Oklahoma reservations has left tribal nations with great needs for public safety infrastructure, as particularly the case with the Muscogee Creek Nation. As we implement restored jurisdiction, \$80 million are required for the construction of 8 regional tribal jails on the reservation.

And just a little background, our nation covers eight full counties in eastern Oklahoma and parts of three more counties. It covers over 3.2 million acres, with well over 1 million people within our borders. And we are doing our part to keep people safe, and we appreciate your support.

Additionally, \$80 million are required for the construction of 8 regional tribal courthouse facilities on the reservation. Like most jurisdictions, we have seen an explosion in criminal mental health cases, and \$27 million for the construction of 2 mental health facilities for the incarceration of individuals requiring mental health evaluation and treatment, both pre-trial and post-conviction.

Finally, \$24 million are required for the construction of 4 juvenile detention facilities on the reservation that will appropriately separate young offenders from older, hardcore criminals and to focus on the rehabilitation youthful inmates.

In addition to significant infrastructure needs, our current Federal trust funding for ongoing operations is far below the rightful amounts. According to the BIA standards, the Muscogee Nation must maintain a police force of 312 full-time equivalents for our population size, law enforcement FTEs. This requires \$34.4 million on a recurring basis for increased personnel, equipment, and other operational costs.

Just as law enforcement needs have grown, so, too, have the needs of tribal courts. Using the BIA Office of Justice Services report, Creek Nation estimates that an additional \$40 million is required to support expanded responsibilities for tribal courts.

In fiscal year 2020, Muscogee Nation's ICWA program provided services to more than 1,800 Indian children, placed an average of 253 Indian children in homes per month, and investigated 1,452 reports of child abuse and neglect, a sixfold increase in 5 years. We calculate that \$30 million in additional funding will be needed to provide tribes in Oklahoma sufficient ICWA services.

The Muscogee Creek Nation's Center for Victim Services served 636 victims and survivors in 2022, 575 of which experienced VAWA-related crimes. Additional funding of \$60 million would allow for the construction of facilities that would allow us to fully administer VAWA and protect our women and children from violence.

In other self-governance needs, the nation performs a number of functions related to self-governance, and these functions have grown. One exciting area that I would like to highlight is natural resources management. We are currently working with several

members on legislation that would enable Muscogee Nation to bring cultural and historical management expertise in the co-management position with the National Park Service. We believe we can help NPS save taxpayer dollars while simultaneously improving the experience of park visitors.

In closing, we greatly appreciate the opportunity to present these views of our needs to you as part of the fiscal year 2023 appropriations process. Reaffirmation of the Muscogee Nation reservation following the McGirt decision once again called our nations together to make decisions for the greater public good. We stand ready to assist in providing the core public safety services that will protect our reservation and the United States, Muscogee Nation citizens, and all our friends and neighbors living within our jurisdictions.

We believe in prosperity for all, and we are doing our part. Again, we appreciate your support.

Thank you.

[The statement of Mr. Chaudhuri follows:]

**Testimony of Principal Chief David Hill, Muscogee (Creek) Nation**  
**To: House Interior Appropriations Subcommittee**  
**Date: March 8, 2023**  
**RE: Muscogee Nation Views on Public Safety Funding Requirements for FY 24**

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Chairman Simpson, Ranking Member Pingree, and Members of the Subcommittee, thank you for your invitation to testify here today on the views of the Muscogee Nation on the federal funding necessary to be allocated by Congress in order for the US Government to fulfill its treaty and trust responsibilities to protect public safety on our reservation in Oklahoma. Let me start off by saying how grateful the Nation is for the additional funding this Subcommittee has provided in the past two years as a down payment on the permanent commitment going forward by the federal government to provide the resources necessary to uphold its solemn trust and treaty obligations to the Muscogee Nation and other tribal nations in Oklahoma.

As you know, the consequences of over 100 years of usurpation of the rightful authority of the tribal/federal law enforcement on Oklahoma reservations has been the federal investment in building the public safety infrastructure on tribal lands has been a tiny fraction of what is now needed. Had Oklahoma not illegally exercised this authority, this subcommittee would have been building that infrastructure out on our reservation lands for many decades now. Instead, we are all in a position of trying to build out a century's worth of infrastructure in a few fiscal years. We commend your leadership in recognizing that large investments are needed now in order to offset decades of neglect and aggressively addressing this situation in the FY 24 congressional appropriations cycle.

The resources now required to provide public safety for our reservation can be divided into two distinct categories – constructing public safety infrastructure, which require a significant up-front investment to compensate for decades of a much lower spending level precipitated by wrongful usurpation of jurisdiction, and recurring yearly expenses to operate our public safety system.

**Public Safety Infrastructure Investments:**

**Detention facilities** – \$80 million dollars are required for the construction of 8 regional tribal jails on the reservation. These facilities are needed to incarcerate individuals at multiple locations geographically distributed across the reservation to ensure convenient access for law enforcement officers and minimize the need for costly long distance prisoner transport. Currently the Nation is charged by Tulsa County the same rate as the United States Marshals are paying. This expense alone costs the Muscogee Nation an average expense exceeding \$300,000 per month. The construction of these facilities would have capacity to hold approximately 60 inmates for long terms of incarceration.

**Courthouses w/Police Station** – \$80 million dollars are required for the construction of 8 regional tribal courthouse facilities on the reservation. These would be geographically paired with the regional jail facilities for efficiency and convenience. The Nation is challenged by the

expansion of these Courthouses which will include police precincts and short term incarceration capacities.

**Mental Health Facilities** – \$27 million dollars are required for the construction of 2 mental health facilities for the incarceration of individuals requiring mental health evaluation and treatment, both pre-trial and post-conviction. These facilities would also be available to provide training and support for our tribal police officers in violence interruption, de-escalation, and other techniques for increasing the likelihood of successful interactions with suspects/individuals with mental health problems.

**Juvenile Detention Facilities** – \$24 million dollars are required for the construction of 4 juvenile detention facilities on the reservation. These facilities are absolutely necessary to separate young offenders from older, hardcore criminals and to focus on the rehabilitation and diversion of youthful inmates away from crime and other destructive lifestyle choices.

#### **Public Safety Recurring Expenses**

**Tribal Police Force** – According to the Bureau of Indians Affairs, Office of Justice Services (OJS) and the American Community Survey estimates of the American Indian and Alaska Native population on the reservation, the Muscogee Nation must maintain a police force of 312 full time equivalents (FTEs). To achieve this level of operation, OJS estimates that nearly \$34.4 million is required on a recurring basis for increased personnel, equipment, and other operational costs. These expenses are for recurring costs, however, and do not represent the one-time costs to build infrastructure or acquire existing infrastructure to support operations. Clearly, significant investments are necessary, because MCN is responsible for all facets of law enforcement within a reservation that is larger than New Jersey and includes the second largest city in the state of Oklahoma.

We are currently underfunded or will be when certain federal grants expire in areas such as: or supplemental funding request of **\$2,402,078** to support grant funded officer salary. Additionally, an immediate need and funding shortfall for:

- 30 vehicles (\$1,860,000 @ \$62,000 per vehicle)
- 65 patrol officers (\$3,327,285 @ \$51,189 per officer)
- SWAT Equipment and 20 SWAT Officers (\$1,118,620 @ \$55,931 per officer)
- 10 investigators (\$593,420 @ \$59,342 per investigator)
- Dive Equipment,
- 5 additional K9s and officers (\$279,655 @ \$55,931 per officer)
- 4 probation officers for DV cases (\$204,756 @ \$51,189 per officer)

For these projected unmet needs, there is a total of **\$5,523,736** in salaries and wages, **\$2,982,817** in fringe benefits and **\$1,860,000** in vehicle costs. I left out the equipment costs as I did not receive any cost estimates or quotes related to those needs. Altogether, this is an estimated total need/shortfall of Approximately **\$11 million** for SG police services.

**Jail/Detention Services-** as the Nation moves forward with its plans to build or acquire facilities to detain prisoners we will encounter the recurring expense of staffing the facility(s) and we estimate this expense to be approximately \$20.6 million dollars annually. The detention expenses have never been included in Federal funding.

**Tribal Court System** – Just as law enforcement needs have grown, so too have the needs of tribal courts. Using the OJS report, MCN estimates that an additional \$40 million is required to support expanded responsibilities of tribal courts. Since July of 2020, MCN has seen dockets in tribal court quadruple, without any additional funding to support efficient and professional disposition of cases that now must be adjudicated under tribal and federal law.

**Indian Child Welfare Act (ICWA) Program** – We calculate that \$30 million in additional funding will need to be provided to tribes in Oklahoma for the ICWA program. MCN invests more than \$2 million dollars of tribal revenue to provide ICWA services to MCN families and state and county governments. In FY20, MCN’s ICWA program provided services to more than 1800 Indian Children, please an average of 253 Indian Children in homes per month, and investigated 1,452 reports of child abuse/neglect. MCN has seen ICWA cases increase more than six time over compared to just five years ago without any additional resources from the federal government. Additional financial resources are needed. Social workers in our community are critical to ensuring the safety and well-being of MCN youth and prosperity of 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.

In closing, we greatly appreciate the opportunity to present these views of our needs to you as part of the FY 23 appropriations process. Congressman Cole has consistently supported Tribal sovereignty and respected the unique government-to-government relationship Tribes have with United States. Reaffirmation of the MCN reservation following the *McGirt* decision once again calls our two nations together to make decisions in the best interest of the MCN, all citizens (Indian and Non-Indian) of our tribal reservation, and the United States of America. We stand ready to assist you in your efforts to fully fund the Muscogee Nation and other Oklahoma tribal governments to provide the core public safety services that will protect our reservation and allow United States, Muscogee citizens, and all our other friends and neighbors living within it to prosper.

#### **VAWA**

The Muscogee (Creek) Nation’s Center for Victim Services served 636 victims/survivors in 2022, 575 of which experienced VAWA-related crimes. The Nation continues to dedicate substantial resources to strengthening collaborative responses to crime on the reservation.

Partnerships amongst the Nation’s victim service program, Center for Victim Services (CVS), Lighthorse Tribal Police Department (LHP), tribal Prosecutors from the Nation’s Office of

Attorney General, tribal forensic nursing program, as well as communications with the Nation's District Court and other entities are all critical to improving the Nation's criminal justice response.

Many of these offices engage monthly for a High-Risk Team meeting to staff high-lethality cases and develop strategies for increasing victim safety and offender accountability. The Nation is engaged in a number of projects to enhance collaborative and effective responses on the reservation including development and implementation of the following: specialized domestic violence docket, child/family advocacy center, domestic violence shelter, expand probation services, extensive work to revise and strengthen tribal codes and on-going capacity building throughout the tribal criminal justice system. The Nation's large reservation requires substantial resources to address and effectively respond to public safety needs. Additional funding of \$60 million would allow for the construction of facilities that would allow us to fully administer VAWA and protect the our women and children from violence.

**Other self-governance needs-** the Nation performs a number of functions related to self-governance contracts and these functions have grown. We are funded at what we consider to be deficient levels for a number of positions and the amount of underfunding for FY23 was approximately \$400,000.

There are other areas of consideration, such as Realty Trust services, Federal Roads and Natural Resource Management.

One exciting area I would highlight in natural resource management is an opportunity where we believe that we can aid the federal government in delivering its services through a historic co-management of certain National parks or Public lands within the Nations Reservation and in the Ancestral Lands of the Muscogee People. We are currently working with a several Members on this project and expect legislation will be introduced soon. Our cultural and historical expertise on our Nation's past is unmatched, and by placing us in a co-management position with the National Park Service, we can help the NPS save taxpayer dollars while simultaneously improving the experience of park visitors.

**Jonodev Chaudhuri****Muscogee Creek Nation Ambassador**

Jonodev O. Chaudhuri serves as Ambassador of the Muscogee (Creek) Nation, the fourth largest tribal nation in the United States, and among the first to enter into treaty relationships with the US. The creation of the Ambassador position in 2019 renewed a long tradition held by the Muscogee Nation, as well as tribal nations throughout the continent, of utilizing diplomats to engage with other sovereigns on a government-to-government basis. As Ambassador, Chaudhuri works with congress and federal agencies, as well as representatives of tribal nations, states, and other governments to advocate for and advance the interests of the Muscogee Nation.

Chaudhuri is a lawyer by trade, with extensive experience representing tribal nations throughout the US. He has served as a judge for five different tribal nations, including serving as Chief Justice of the Muscogee Nation. Chaudhuri has also held policy positions within the federal government, including service as Chairman of the National Indian Gaming Commission from 2013-2019, having been nominated by President Obama in 2013 and unanimously confirmed by the U.S. Senate. During his tenure as NIGC Chairman, Chaudhuri oversaw the \$32.4B Indian gaming industry, comprised of approximately 500 gaming facilities, operated by 244 tribal nations across 29 states.

Because of the unique structure of the Ambassador position, and in accordance with tribal law, Mr. Chaudhuri represents select tribal clients on matters that strengthen tribal sovereignty and economic opportunity throughout Indian country. His limited private practice helps him stay abreast of legal developments impacting tribal nations.

Mr. SIMPSON. Thank you. Oliver.  
 Mr. LITTLECOOK. Yes, sir.  
 Mr. SIMPSON. Turn on the mic.  
 Mr. LITTLECOOK. Is that on? Okay. All right.

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*Wednesday, March 8, 2023.*

**PONCA TRIBE OF INDIANS OF OKLAHOMA**

**WITNESS**

**OLIVER LITTLECOOK, CHAIRMAN, PONCA TRIBE OF INDIANS OF OKLAHOMA**

Mr. LITTLECOOK. Yes, sir, Chairman Simpson and Member Pingree, my name is Oliver Littlecook. I am the chairman of the Ponca Tribe of Oklahoma, and I am glad to have this in front of me because listening to the other panel there, I almost forgot what I was going to talk about because I have the same concerns that they have also.

But I am here, and I am honored to submit a written statement to the subcommittee and testify in person. I am a lifelong member of the Native American Church, which is a way of life that is also described as the "Peyote Religion." And as a practitioner of the ceremony and a tribal leader, I am compelled to express to this committee that you also have a role in the protection and perpetuation of the Native American Church and in the continuance of this religion and fulfillment of the 1978 American Indian Religious Freedom Act and the policy declaration Public Law 95-341 as contingent upon the survival of the peyote habitat.

Without sufficient peyote habitat, the peyote plant, which we call peyote, would no longer exist in the wild. The entire Native American Church ceremony is dependent on peyote, which is used as a sacrament. So what I am here to request is \$5 million for a peyote habitat conservation initiative demonstration project.

And we are in you might say a crisis situation now because we have probably over 300,000, 400,000 members all across Indian Country, and speaking of those of us at home in Oklahoma and my reservation, Ponca, it is getting more difficult to obtain peyote. And so it is really important that we find some way, we are asking you all for help and some way for we can initiate some type of a conservation project to work with the farmers and ranchers down in Texas so we can preserve it.

And—a little slow here. To counteract the peyote habitat destruction, we request \$5 million for a peyote habitat initiative to establish a separately funded grant program within the U.S. Department of the Interior and administered by the Department of the Interior's Office of Assistant Secretary of the Interior.

And so the National Congress of American Indians recently passed Resolution 2209 affirming support for the American Indian Religious Freedom Act, as amended, and calling for Federal preemption as it pertains to the legalization and decriminalization of peyote. And the resolution was endorsed unanimously by member tribes in NCAI.

And again, just personally speaking on behalf of my tribe, Ponca, when we were removed from our homeland, original homeland up in Nebraska and South Dakota, and when we came to Oklahoma, like most tribes, we were devastated with the move. We had no really nothing left. Everything was taken away from us. And especially our way of life, our religious way of life.

And so because of that, there was a lot of you might say turmoil within our tribe, no direction. And so when the peyote religion came to us, I would say it actually saved us, gave us all a sense of belonging, a sense of direction, and a sense of prayer, which changed our lives and continues.

And so I, myself, am a lifelong member of this Native American Church, and it has done wonders. My tribe was one of the six original tribes to incorporate in Oklahoma, to make it into a church. So it now is called the Native American Church. So I represent all of our members in Oklahoma, speak for all of our members across the country, who we really need this.

So what we are asking of you, just a small lump compared to what the rest of the tribes are asking for. So we would really need your support and help in helping us save it. It needs to be saved. It is protected, but now it needs to be saved.

So, thank you.

[The statement of Mr. Littlecook follows:]

STATEMENT OF OLIVER LITTLECOOK  
CHAIRMAN PONCA TRIBE OF INDIANS OF OKLAHOMA  
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENTAL, AND RELATED AGENCIES  
ON THE 2024 INTERIOR DEPARTMENT BUDGET  
MARCH 8, 2023

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***Request.***

We request \$5 million for Peyote Habitat Conservation Initiative Demonstration Projects. Department of Interior Office of Assistant Secretary-Indian Affairs.

***Introduction.***

Chairman Simpson, Ranking Member Pingree, Members of the Committee, my name is Oliver Littlecook, Chairman Ponca Tribe of Indians of Oklahoma. I am honored to submit this written statement to the subcommittee and testify in person. I am a lifelong member of the Native American Church, a church or way of life that is also described as the Peyote religion/ceremony. As a practitioner of this ceremony and a tribal leader I am compelled to express to this committee that you have a role in the protection and perpetuation of the Native American Church (NAC). The continuance of this religion and fulfillment of the 1978 American Indian Religious Freedom Act (AIRFA) policy declaration Pub. L. 95-341 is contingent on the survival of Peyote (*Lophophora Williamsii*) habitat. Without sufficient Peyote habitat the Peyote plant (our medicine) will no longer exist in the wild. The entire Native American Church ceremony is dependent on Peyote which is used/digested as a sacrament.

Today I stand in the symbolic shadow of the late Parrish Williams my esteemed tribal member who testified before both the Senate Committee on Indian Affairs and the House Natural Resources Committee helping to secure passage of the 1994 American Indian Religious Freedom Act Amendments Pub. L. 103-344. These amendments codified in the body of federal Indian law the legal right for American Indian and Alaska Native peoples to use, possess, transport, purchase Peyote for bona fide Traditional purposes. This statute ensured the protection of the religious rights to Peyote, the next logical interpretation of Congressional intent is to ensure the religious rights to the Peyote plant. This does not require a new authorization but rather a focused approach within Indian Affairs to secure a new future for the Peyote plant with dedicated appropriations from this subcommittee.

***Current Crisis American Indian Religious Freedom***

In 1994 Congress amended the AIRFA to legalize Peyote use, acquisition, and transportation for members of federally recognized Indian tribes. Congress however has yet to provide protections to the Peyote plant itself. All Peyote habitat in America exist within the nexus of

leaders to determine changes necessary to preserve Native American religious cultural rights and practices and report to the Congress 12 months after August 11<sup>th</sup>, 1978.

Now in his twilight days, I believe our longest living President Jimmy Carter would be astonished to know that not since his historic signing of the American Indian Religious Freedom Act and its initial report has there been an official review of AIRFA by any Administration or Congress. It is time again to take the needed steps to assure a proper and respectful review and evaluation in consultation with tribal leaders and traditional practitioners.

This Subcommittee can and should use its jurisdiction to include report language that requires the Department of Interior to engage, lead an Administration wide review and evaluation of Federal policies and activities in relation to the American Indian Religious Freedom Act.

### ***Conclusion***

100 years before President Carter's signing of AIRFA the Ponca tribe was removed from our ancestral homelands to Indian Territory. This removal nearly destroyed our tribe and Ponca cultural spiritual continuity. Exacerbating an already tragic scene our ancestors were inundated by agents and missionaries who were intent on eviscerating traditional dances, ceremonies, protocols, and cultural customs. Our ancestors proved resilient and passed down a wealth of knowledge that allowed our tribe to survive, that is the reason there is still a Ponca Tribe of Oklahoma in existence. As evidenced by my presence here today we carry on our cultural, spiritual, and political sovereignty as Ponca. Our government-to-government relationship exists because of our resiliency, we Ponca owe much of this sustained survival to Peyote. As the late Parrish Williams said many years ago to Congress "its good medicine" I say it today on behalf of the 3,500 Ponca Tribe of Indians of Oklahoma Its good medicine. From my tribal government to yours, let's work together to ensure there are Ponca people here hundreds of years from now to say the same.

**VITAE**

**Oliver Littlecook**



**OBJECTIVE**

**To work and to provide strong leadership for our Ponca Tribal Nation and its people. To seek out opportunities for economic development and Capacity building while maintaining and preserving our tribal culture.**

**EDUCATION**

<b>Chilocco Indian High School</b>	<b>HS Diploma</b>
<b>Northern Oklahoma College, Tonkawa, Okla.</b>	<b>Associates</b>
<b>Langston University, Tulsa, Okla.</b>	<b>Bachelor's</b>

**EXPERIENCE**

**Forty three years of experience working in tribal government. Current tribal chairman of the Ponca Tribe of Oklahoma. Worked for various tribal nations as Tribal Administrator, Health director, Clinic Director, Director of tribal housing, Social Services director and Tribal Self-Governance director.**

### Truth in Testimony Disclosure Form

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

Committee: Committee on Appropriations

Subcommittee: Appropriations Subcommittee

Hearing Date: 03/03/2023

Hearing Title :

Committee on Appropriations, Subcommittee on Interior, Environment, and related agencies of the House of Representatives American Indian and Alaska Native Public Witness Days.

Witness Name: Oliver Littlecook

Position/Title: Chairman Ponca Tribe of Oklahoma

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

Mr. SIMPSON. Thank you. And thank you both for being here today.

Just out of curiosity, what is the—I mean I support the Native American Church just like I do any other religion.

Mr. LITTLECOOK. Mm-hmm.

Mr. SIMPSON. What is the natural habitat of growing peyote? You know, like potatoes grow in Idaho, and outside of Idaho, there is a lot of tubers grown, but potatoes are grown in Idaho. So there is a certain climate for that kind of stuff, for Maine and Idaho and stuff.

Mr. LITTLECOOK. Yes, yes.

Mr. SIMPSON. What is the climate like or habitat that peyote grows in?

Mr. LITTLECOOK. It grows in southwest Texas. Right now, there is only probably four counties in southern Texas, and it is called—it is a shrub brush deal. And so, today, because of the ranchers and farmers, they are leasing out their land. And of course, with wind-mill pads and then also the climate change and all of that, so it is getting more scarce.

Mr. SIMPSON. Yes.

Mr. LITTLECOOK. It is getting scarce, and so that is why we are requesting so we can try to do something to save it. Our life—the way we see it, our life depends on it.

Mr. SIMPSON. Yes.

Mr. LITTLECOOK. And it is sometimes I say all on pirate land because it is up to the renters. It is their land. So we are trying to find a way to work with them.

Mr. SIMPSON. Yes. Okay. Appreciate it. Thank you.

Ms. PINGREE.

Ms. PINGREE. Yes, thank you. Thank you both for your testimony.

And I was curious about that, too. Is it—is peyote grown as a cultivated plant, or is it only—are you saying it is just wild and native in those areas?

Mr. LITTLECOOK. It is a native plant, yes.

Ms. PINGREE. Yes, okay.

Mr. LITTLECOOK. It grows wild, and it has been destroyed all the way up to now. It is just condensed to maybe like, say, four counties.

Ms. PINGREE. Great. Well, I am happy to learn more about that, and I appreciate your describing it as a “small lump of money.” That is a new technical term on the committee. [Laughter.]

Mr. LITTLECOOK. In comparison, I guess.

Ms. PINGREE. Absolutely. No, I mean we talk a lot about big numbers, and so—

Mr. LITTLECOOK. And I think this would be a good start, a demonstration project where we can work with them and let it grow it into—

Ms. PINGREE. Great. I will—yes.

Mr. LITTLECOOK [continuing]. Grow into a \$100 million grant one day.

Ms. PINGREE. Yes, I will be interested to learn more about that. So thank you for your testimony.

And thank you, Mr. Ambassador. My partner is actually from Muscogee. He was born there and grew up in Gore. So I have spent a little time visiting Oklahoma, and last summer, I got a chance to meet with the five—the chiefs of the Five Civilized Tribes and talk a little bit about McGirt.

So I understand some of the unique challenges there and particularly in the law enforcement. So thank you for bringing that to our attention and happy to continue working with you because it is definitely some big challenges there. And you described the area and the need and the amount of funding, we really need to pay more attention.

Mr. CHAUDHURI. Thank you, Ranking Member. The Principal Chief Hill gives his regards. He was taken away on critical national business today, but he specifically mentioned that meeting, and we were very happy to host you when you came down.

Ms. PINGREE. Thank you.

Mr. CHAUDHURI. And we really appreciate you taking the time there.

A little bit outside of the scope of today's discussion, but connected still is our ongoing efforts to implement McGirt in the face of kind of these countervailing cases that have come our way, including the Castro-Huerta case.

So we are in a point in history right now where we are trying to develop infrastructure that was denied to us for 100 years because of the unlawful exercise of nontribal jurisdiction on our lands. We are very thankful that the court affirmed our reservation, but we are concerned that within a year after affirming, the very same court placed limitations on the inherent sovereignty of our tribe to exert jurisdiction on our lands but, by extension, the inherent sovereignty of tribal nations throughout the country.

So our battles truly are Indian Country battles. We appreciate the personal attention that you gave to these issues because they certainly impact the entire trust relationship between the Federal Government and tribal nations throughout the U.S.

A related note. We support a call for Congress to act and voice its support of tribal sovereignty in the wake of the Castro-Huerta decision because we think that is absolutely fundamental to supporting our efforts to protect people within our borders, be they Native or non-Native, and protect them both in the law enforcement arena, but also in the economic development arena.

And so having Congress signal its support of tribal sovereignty, we think not only benefits Indian Country, it benefits everybody in our borders. So thank you for the personal attention and time that you took to visit our nation.

Ms. PINGREE. Absolutely. I appreciated your hospitality, and we will continue this conversation.

Thank you.

Mr. SIMPSON. Thank you. I got to tell you, Tom Cole keeps us advised of everything that is going on in Oklahoma. So, great member, a great friend.

But I was just wondering, you mentioned in your testimony that law enforcement standards would be you would have 312, I think it was, law enforcement people.

Mr. CHAUDHURI. Yes, sir.

Mr. SIMPSON. How many do you currently have?

Mr. CHAUDHURI. Oh, I knew you would ask me that. And you know, I am not—

Mr. SIMPSON. You don't have to be exact. Is it even close?

Mr. CHAUDHURI. Yes, I am not—I want to say we are—we have got a lot of cross-deputization agreements. I want to say we are well over 100 now. We are 80 or so for a while, but I don't know if that—that sounds right.

Mr. SIMPSON. That is good enough. I just wondered if you were at 200 or 250 or 100, you know?

Mr. CHAUDHURI. Well, we are getting there. But I mean, again, we have never been able to develop the infrastructure because of these complications created by kind of the unlawful exercise of non-tribal jurisdiction.

Now that that has been affirmed, we are using our limited resources to the greatest extent possible to build up our law enforcement and courts and social workers, but we have got a long way to go. And we have been actively engaged in intergovernmental agreements since day one from the McGirt decision.

Mr. SIMPSON. Yes.

Mr. CHAUDHURI. But funding is always—is always critical to those efforts.

Mr. SIMPSON. Do you have issues with cross-deputization of tribal police officers?

Mr. CHAUDHURI. I think it depends on the county. As I said before, we cover eight full counties and three partial counties. And our relationships are very strong with a number of sheriff's offices in a number of counties, but I am not going to throw anybody under the bus. There are a couple counties that we could have better relationships with.

Mr. SIMPSON. Yes, okay.

Mr. CHAUDHURI. Relationships are work, and we are committed to doing the work.

Mr. SIMPSON. Yep. And when counties—what I have found out in Idaho and other places is that when county elections come around, you get a new sheriff, sometimes that relationship goes good. Sometimes it goes bad, you know?

Mr. CHAUDHURI. And that is an excellent point, and that is why the need to have permanent funding allocations is so critical. Because a lot of the relationship breakdowns often, unfortunately, fall along political lines.

Mr. SIMPSON. Yes.

Mr. CHAUDHURI. Whether or not there is a political calculation to cooperating with the tribe or not, that shouldn't impact law enforcement—

Mr. SIMPSON. No, it shouldn't.

Mr. CHAUDHURI [continuing]. Concerns. It shouldn't impact funding concerns. So the idea of having permanent funding and permanent appropriations is critical.

So, as I said before, and you mentioned Tom Cole. He has been a great advocate for McGirt-related funding, and when I mentioned the initial down payment of this subcommittee towards law enforcement funding at the start, Tom Cole was a champion of that.

But that is just a major step forward to everything, everything else that needs to be done.

Mr. SIMPSON. Just—

Mr. CHAUDHURI. Our nation—oh, I am sorry.

Mr. SIMPSON. I was going to say it seems to me that everybody who has testified so far, just six, everybody wants either forward funding, permanent funding, whatever for these programs. What you really all want is stability.

Mr. CHAUDHURI. Absolutely.

Mr. SIMPSON. To know what is going to happen, and that is really important. I wish we had stability here in Congress. That doesn't always work.

But anyway, listen, I appreciate your testimony and all that you guys do, and we will work with you on these issues and try to address them.

Mr. CHAUDHURI. Thank you.

Mr. SIMPSON. Try to move us forward.

Mr. CHAUDHURI. Thank you, and I am sorry for scaring off all the other chairs once we sat down. [Laughter.]

We had a full room of chairs, but they are all gone now.

Mr. SIMPSON. Yes, it is because they are chairs.

Mr. CHAUDHURI. There you go.

Mr. SIMPSON. And they have got other committees that they have to step into, and a lot of them will step into them and come back. And so it is kind of—it is the way it works around here.

Mr. CHAUDHURI. Yep.

Mr. SIMPSON. Anyway, I appreciate it.

Mr. CHAUDHURI. Thank you, sir.

Mr. SIMPSON. Thank you.

Okay. Buu Nygren. Is that how you pronounced that? Okay. Jeez.

Dr. NYGREN. Good.

Mr. SIMPSON. Yes. Kirk Francis and Frank Star Comes Out.

[Pause.]

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WEDNESDAY, MARCH 8, 2023.

## NAVAJO NATION

### WITNESS

#### DR. BUU NYGREN, PRESIDENT, NAVAJO NATION

Dr. NYGREN. Perfect. Good morning. Good morning, Chairman. I appreciate you extending the invitation to be here. And Ranking Member Pingree, it is good to see you again as well. And then the rest of the committee, some of you might be listening or some of you might be making your way this way.

But first of all, I just wanted to start my testimony off with the Navajo Nation actually lost one of its iconic leaders last night, Dr. Peterson Zah. He was the first president of the Navajo Nation, and I understand that he was a good champion here on the Hill in the 1990s and the 1980s. So that is a big loss for the Navajo Nation, and I just wanted to let Indian Country know as well, too.

I know that he was a huge tribal advocate across Indian Country and America. So thank you to his family for letting us having him lead the Navajo Nation.

But my name is Buu Nygren, president of the Navajo Nation. I am honored to be here as the newly elected president of the Navajo Nation.

The Navajo Nation is one of the largest tribes in the country. It provides critical services to over 400,000 members, half of whom reside on the reservation. The Navajo Nation spans 27,000 square miles across 11 counties in Arizona, New Mexico, and Utah. Our nation has approximately one-third of the on-reservation Indian population in the United States.

Indian healthcare. Tragically, the Navajo Nation lost nearly 1 percent of its on-reservation population because of COVID. This is a high mortality rate, is directly connected to ongoing deficiencies in Indian healthcare because of limited funding. If further inroads are to be made to address this healthcare deficiency, this committee needs to boost IHS funding by a factor substantially greater than the inflation rate.

The IHS received an advance funding for fiscal year 2024. This is very important for planning purposes, but we ask that this committee support making advance appropriations for permanent for both the IHS and for the BIA. This is especially for critical programs and services such as public safety, housing, disaster relief, social services, welfare assistance, and self-governance.

Assuring public safety. For every 1,000 Navajos, there are only 0.85 public safety officers. This is far below the FBI's recommendation of 3.5. With so few officers available, calls for services are delayed because of the distances between communities from the law enforcement stations. The Navajo Nation requests an increase of \$26 million for its public safety services.

Protecting our children. The Navajo Nation's Indian Child Welfare Act program is critical to our ability to protect Navajo children and the future of the Navajo people. Unfortunately, Navajo ICWA has only 15 team members who must coordinate and collaborate with tribal, State, and Federal partners in 24 States, with 354 active ICWA cases, including 655 Navajo children. Current funding is less than \$1.6 million. The Navajo Nation needs \$5 million annually.

Improving housing. The Navajo Nation asks for \$23 million for BIA's Housing Improvement Program. This program provides much-needed housing resources to Indians residing in Indian Country who cannot meet HUD's excessive program income thresholds.

Abandoned uranium mine clean-up on the Navajo Nation. According to the EPA, more than half of over 523 abandoned uranium mine sites located on our nation lack Federal funding for clean-up and monitoring. These sites subject our members to substantial ongoing cancer and health risks. Approximately \$5 billion is needed to address these sites.

Fulfill Federal obligations for Navajo Indian Irrigation Project. The Navajo Nation agreed to exchange water for a Federal promise to build the Navajo Nation Indian Irrigation Project. However, approximately 35,000 acres of the promised farmland remains unde-

veloped. The Navajo Nation asks that the Federal Government finish its work, which will cost approximately \$1 billion.

Navajo relocation. The Office of Navajo and Hopi Indian Relocation was created to carry out the forced relocation of approximately 15,000 Navajos. That began in 1970. This committee knows well the harm and trauma this relocation has caused to many people, as well as related multi-decade construction freezes imposed over 1.6 million acres of land. This harm is felt down onto the second and third generation of relocatee families.

The Navajo Nation requests include an immediate transfer of \$15 million in excess of ONHIR funds to the Navajo Rehabilitation Trust Fund; funding for the Navajo Thaw Initiative; funding for studies, analysis, and reports concerning Navajo relocation and the construction and repair freeze and their ongoing impacts; support for Navajo technical amendments legislation that would authorize ONHIR to work with the Former Bennett Freeze Area. This would eventually lay the groundwork for closure of ONHIR in a humane fashion through a multi-agency program of rehabilitation put in place over the next 10 years.

In conclusion, thank you for taking the time to consider the Navajo Nation's needs. We look forward to working with you all to enact the 2024 appropriations package that you have.

[The statement of Dr. Nygren follows:]

**Testimony of the Honorable Dr. Buu V. Nygren, President of the Navajo Nation  
Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies  
American Indian and Alaska Native Public Witness Days  
March 8, 2023**

*Yá'át'ééh*, Chairman Simpson, Ranking Member Pingree and Members of the Subcommittee.

My name is Dr. Buu Nygren, president of the Navajo Nation (“**Nation**”). We are the largest Native American tribe in the country. We provide critical governmental services to more than 400,000 members, half of whom reside on the Navajo Nation which encompasses more than 27,000 square-miles and spans portions of 11 counties across the states of Arizona, New Mexico and Utah.

Thank you for resuming these important in-person American Indian and Alaska Native public witness days to hear directly from tribal leaders on our appropriation requests for Fiscal Year (“**FY**”) 2024. Indian Country, like Congress, is eager to review President Biden’s budget proposal. We are hopeful that it will recommend increases to programs that have been chronically underfunded, as it did for FY 2023. We request that this Subcommittee, in acknowledgement of its trust responsibility, continue providing meaningful increases to programs that support the overall health, educational, social services and economic welfare of our people. Some of these programs include:

**Protecting Indian Health Service (“IHS”) and Bureau of Indian Affairs (“BIA”) Funding from Sequestration.** Across the board, sequestration cuts have a devastating impact on Indian Country. Sequestration impacts already chronically under-funded programs that tribal members rely on for healthcare, public safety, education and other critical services. More importantly, it represents a failure of the federal government to uphold its trust obligation to Indian tribes. The Nation receives fewer funds per acre than other federally funded programs. Funds are severely needed to enhance, restore and improve agricultural activity for community subsistence and commercial development. We need more funds, not fewer, and the prospect of sequestration threatens the small gains we have made over the years. This Subcommittee should implement provisions that protect vital funding resources for Indian Country from sequestration rather than further subjecting them to these harmful policies.

**Advanced Appropriations to IHS & BIA.** To understand the importance of providing advanced appropriations to IHS, this Subcommittee should provide advanced appropriations for critical BIA programs and services. These include public safety, housing, disaster relief, social services, welfare assistance and self-governance. Advanced appropriations ensure that the federal trust responsibility to tribes is upheld during times of uncertainty. Respectfully, they should continue for IHS and be expanded to BIA.

**Providing an Increase of \$26 million for the Nation’s Public Safety services.** Despite periodic increases for public safety over the years, the Nation sees very little of this funding going directly to our public safety efforts. The Navajo Police Department has approximately 179 commissioned police officers, 35 criminal investigators and has a need for 50 additional correctional officers to service 27,000 square miles of land. For every 1,000 Navajos, there are only 0.85 officers. According to the FBI, the recommended ratio is between 3.4 and 3.5 officers per 1,000 residents. The Navajo Nation Division of Public Safety receives approximately 250,000 calls for service every year. With so few officers available, responses are delayed due to the distance between communities from law enforcement stations. Additionally, with the shortage of funding and no

mechanism to replace dilapidated or aging correctional facilities, offenders are often released back into communities. That puts communities at risk of revictimization. In a 2018 report to Congress, the BIA stated that \$1 billion is required for tribal law enforcement, \$1 billion is required for tribal courts, and \$222.8 million is required for prisons to provide an adequate level of basic funding to all federally recognized tribes. Recent appropriation levels indicate that the BIA routinely funds tribal law enforcement at approximately 20% of projected demand, tribal prisons at approximately 40% of anticipated demand and tribal courts at a disappointing 3% of anticipated need.

For FY 2023, we are predicted to have a shortfall of **\$4 million**. This means we cannot invest in critical improvements to services. In addition to more recruitment, retention of officers and maintaining our specialty enforcement programs to counter the increase in violent crimes, the Navajo Division of Public Safety is in critical need of temporary public safety modular facilities for three (3) of its Navajo Police districts. Existing facilities have been condemned because of unsafe structural integrity and asbestos/mold contamination. There is a need for funding to purchase durable police vehicles for operation in mountain/desert terrains, as well as a critical need for specialty vehicles (snow cats, snowmobiles, etc.) in order to be able respond to the needs of the public during emergency declarations. Finally, the Nation's correctional services need 10 transport units and basic equipment to ensure current correctional officers have the necessary tools to conduct their day-to-day duties.

**Providing an Increase to \$5 million annually for the Nation's Indian Child Welfare Act ("ICWA") Program.** The Navajo ICWA Program is severely underfunded by the BIA through a P.L. 93-638 contract and is subject to unnecessary funding restrictions. The Navajo ICWA Program operates with \$1,599,461.00, which is inadequate for increasing travel and operating costs for our limited personnel. The Nation needs an annual budget of \$5 million to adequately fund the Navajo ICWA Program.

The purpose of the Navajo ICWA Program is to promote the stability and security of Navajo families. It provides services to preserve and reunite Navajo children with their parents, next of kin, or other appropriate families depending on the best interest of the child. The Navajo ICWA Program consists of 15 team members who coordinate and collaborate with tribal, state, and federal partners on open cases in 24 states. Currently, there are 354 active ICWA cases involving 655 Navajo children. The states with the highest caseloads include Arizona, New Mexico and Utah and account for approximately 75% of our cases. Additionally, the Navajo ICWA Program coordinates with the Nation's Department of Justice when it requests legal intervention in ICWA cases. Some of the successes of the Navajo ICWA Program include: 55 Navajo children placed with parents and 306 placed with extended family or relatives.

**Providing \$23 Million for BIA's Housing Improvement Program ("HIP").** The Nation strongly encourages the Subcommittee to fund BIA's HIP program to past levels of \$23 million. HIP is a much-needed program providing housing resources to the neediest tribal members residing in Indian Country who cannot meet U.S. Department of Housing and Urban Development program income thresholds. Whether it supports emergency housing repairs, renovations, replacements, or even more recently, down payment assistance, it helps those who need it most.

**Providing \$5 Billion to Address Abandoned Uranium Mine Clean-up on the Nation.**

According to U.S. Environment and Protection Agency, there are more than 500 abandoned uranium mine sites located on the Nation. These sites are contaminating Navajo homes and water sources with elevated levels of radiation. Because of this, tribal members are subjected to potential health risks including lung and bone cancer as well as impaired kidney function. While some of these sites have funds allocated for their remediation, more than half of the sites still need federal funding. The Navajo Nation estimates that it will cost an additional \$4 to \$5 billion to address the remaining sites, which does not include the cost of long-term monitoring and maintenance of areas where hazardous waste may be contained in a disposal cell.

**Fulfilling Federal Obligations for the Navajo Indian Irrigation Project (“NIIP”).** In 1962, P.L. 87-483 authorized the development of 110,630 acres of farmland and an annual diversion of 508,000 acre-feet of water from the Navajo Reservoir to Navajo Indian Irrigation Project lands in exchange for the diversion of 100,000 acre-feet of water from the Nation’s claim in the San Juan Basin to the Rio Grande Basin. In 1970, the Nation established Navajo Agricultural Products Industry (“NAPI”) enterprise to operate the NIIP and manage the Nation’s industrial agri-business to build a profitable commercial enterprise, provide jobs and training for Navajo people and to expand markets for NAPI’s products.

Approximately 35,000 of the 110,630 acres of farmland authorized for construction under P.L. 87-483 remains undeveloped. Funding to build out the NIIP and increase farming capacity is critically needed. Appraisal level costs provided by the U.S. Bureau of Reclamation in 2019 estimated \$985 million to complete the project. Additionally, under an existing P.L. 93-638 contract, the federal government is obligated to cover the NIIP’s operations and maintenance (“O&M”) expenses. However, the BIA has failed to keep pace with increasing O&M expenses for the NIIP and other Indian Irrigation Projects. The NIIP Condition Assessment, which was conducted by the Bureau of Indian Affairs in 2016, estimates over \$175 million in remediation costs resulting from an extensive deferred maintenance backlog.

In order to meet its obligation, the federal government needs to increase funding to the following:

- Due to a continued lack of past necessary funding, total funding needs for NIIP’s O&M will be \$8.1 million in FY 2024. We therefore request the Natural Resources Management; Irrigation Operations & Maintenance funding be increased to \$25 million total in FY 2024.
- Increased funding for the WIIN Act, Public Law 114-322, Title III, Subtitle B, Irrigation Rehabilitation and Renovation for Indian Tribal Governments and their Economies from \$10 million annually to \$35 million annually. NAPI is ready to complete Block 9, stage 2 and 3 of the NIIP but lacks the promised funding to do so. We respectfully request that the Resources Management Construction fund be increased to \$110 million in FY 2024 and that the NIIP be funded at a minimum of \$12 million from this fund.

The Nation has not received all of what was promised in the NIIP Act nor in our P.L. 93-638 contract with the federal government. As a result, we are leaving valuable land unfarmed, Navajo Nation water rights entitlement unused and NAPI is forced to cover the government’s O&M funding short falls. We request what was promised over 60 years ago.

**Fulfill Navajo-Hopi Settlement Act obligations with sufficient funding, and provide additional funding to address harms from the relocation and construction/development freezes.** Pursuant to the Navajo-Hopi Land Settlement Act of 1974, the Office of Navajo Hopi Indian Relocation (“ONHIR”) is responsible for the federally-mandated relocation of Navajo and Hopi families living within each other’s boundaries in a “generous and humane” fashion. Yet the federal government’s most recent forced relocation of our people continues to cause great harm to generations of Navajo families, destroying traditional lifeways, undercutting spiritual practices, which have led to a range of social ills that have had terrible spiritual, physical and economic consequences.

The harms caused by the relocation have been exacerbated by ONHIR’s ineffectiveness and federally imposed construction/development freezes. ONHIR has not had a Commissioner since 1994, leaving the agency rudderless and chronically underfunded. Further, from 1966 to 2009, the construction freeze that was imposed left 1.6 million-acres—comprised of nine Navajo Chapter communities—ineligible for *any* federal or tribal aid. Congress must act through appropriations to address its outstanding obligations and to remediate the harms caused by the federal government. We seek:

- Immediate transfer of not less than \$15 million in "excess" ONHIR funds to the Navajo Rehabilitation Trust Fund to address relocatee and relocation community needs.
- Maintenance of ONHIR funding for another 10 years for a total of \$300 million or more, if the studies and planning call for more, to coordinate a multi-agency rehabilitation program.
- Forgiveness of the Navajo Rehabilitation Trust Fund loan repayment, which is a federal loan, whose conditions requiring repayment will never occur.
- Expanding ONHIR’s authorization to allow it to work in the Former Bennett Freeze Area.
- Funding of the Navajo Thaw Initiative and a Former Bennett Freeze Rehabilitation Program to address the impact of federal freezes.
- Funding of a Navajo Partitioned Lands Rehabilitation Trust Fund, to be used by the Navajo Nation to immediately provide rehabilitation to the Navajo Partitioned Lands, for not less than \$20 million per annum until its purposes have been fulfilled.
- Funding for studies, analyses and reports concerning the Navajo relocation and construction/development freezes and their impact on generations of Navajo families, economic development, infrastructure, traditional lifeways, the Navajo aquifer and other areas as determined through coordination with the Navajo Nation.
- Although not an appropriations matter, support for the Navajo Technical Amendments: legislation that has been introduced in the last several Congresses that would implement or advance many of the items identified above.

**Conclusion:** The Navajo Nation strongly urges the Subcommittee to act on these recommendations in FY 2024, both to uphold its trust and treaty obligations to the Navajo people and to remedy some of the grievous injustices the federal government itself created and perpetuated. Thank you for taking the time to consider the Nation’s comments and the needs of the Diné people. We look forward to working you to enact a FY 2024 appropriations package that addresses these needs. *Ahéhee*’ (Thank you).



## DR. BUU NYGREN *PRESIDENT*

The Navajo Nation | Yideeskáadi Nitsáhákees

**Elected the youngest Navajo Nation President in history at the age of 35**, Dr. Buu Nygren served as the Chief Commercial Officer for the Navajo Engineering and Construction Authority (NECA) since 2019.

In 2018, President Nygren was selected as the vice presidential running mate for the Shirley-Nygren ticket in the Navajo Nation General Election. The prior eight years, from 2010 to 2018, the President was a national operations trainer and project manager at a multi-billion dollar construction company that built schools, senior living homes, and public safety facilities from Nevada to Florida.

A graduate of Red Mesa High School, the President obtained his Bachelor of Science in Construction Management from Arizona State University in 2012. He then pursued a Masters of Business Administration from Arizona State University and completed his Doctorate of Education in Organizational Change and Leadership from the University of Southern California in 2021.

The President's prior work experience includes being a construction laborer, carpenter, dishwasher, and, at the age of 14, custodian at his local high school. As a youth, he developed a strong work ethic as a small vendor offering baked goods and hand-made jewelry in and around the communities across the northern Navajo Nation.

Dr. Buu Nygren is married to former Arizona State Representative Jasmine Blackwater-Nygren, and together have a young daughter. Both proudly reside in Red Mesa, Arizona, about 35 miles from the Four Corners National Monument.



### Truth in Testimony Disclosure Form

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

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 03/08/2023

Hearing Title :

American Indian and Alaska Native Public Witness Days

Witness Name: Dr. Buu V. Nygren

Position/Title: President of the Navajo Nation

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

The Navajo Nation Tribal Government

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

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

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

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

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

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

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

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

[Redacted Signature]

3/3/23

Date

Mr. SIMPSON. Thank you. Kirk.

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WEDNESDAY, MARCH 8, 2023.

**PENOBSCOT INDIAN NATION**

**WITNESS**

**KIRK FRANCIS, CHIEF, PENOBSCOT INDIAN NATION**

Chief FRANCIS. Good morning, Chairman Simpson; Ranking Member Pingree, always great to see you as well; and members of the subcommittee. Thank you for the opportunity to provide testimony.

My name is Kirk Francis. I serve as the president of the United South and Eastern Tribes Sovereignty Protection Fund. I am also the chief of the Penobscot Indian Nation in the great State of Maine, where we have terrific potatoes, by the way, Mr. Simpson. [Laughter.]

Mr. SIMPSON. Oh, yes. I like to tease a lot.

Chief FRANCIS. And so we are here today as an organization to continue to remind you all that the Federal Government is failing to deliver upon its obligations to tribal nations and Native people. This failure has persisted regardless of changes in administration or Congress, despite numerous reports, investigations, recommendations, and consistent advocacy from Indian Country. It has been evident in the 2002 Quiet Crisis report, the 2018 Broken Promises report, and continues in spite of the recent funding allocated to tribal nations via the COVID-19 relief and infrastructure packages.

This is not a question about addressing poverty and needs across Indian Country. Our relationship with the United States is ultimately about honor and fulfillment of commitments and promises. The solutions we offer involve a fundamental shift in Federal Indian policy and funding. They will allow Indian Country to realize its great potential and create lasting, positive change for tribal nations and our people.

With this in mind, we underscore the importance of continued increases for tribal lines in the Federal budget. We recognize there may be plans and conversations to reduce discretionary spending and remind you all that deficit reduction must not be accomplished to the detriment of obligations to tribal nations.

Deep and chronic failures require bold systematic changes, some of which have recently been proposed under the administration. However, because these hearings are being held prior to the release of the President's request for fiscal year 2024, we are unable to react to any specific proposals for this appropriations cycle in this testimony. We request the opportunity to provide additional written testimony to this body after the President's request is released and that maybe you might consider holding a future hearing after that request is issued.

It is critical that the administration propose and Congress demand budgets containing full funding for all Federal Indian agencies and programs. Given our history and unique relationship, this

funding can no longer be subject to the instability of discretionary spending.

We extend our gratitude for the work of this subcommittee in achieving advance appropriations for IHS. It is our expectation that this will be included in every appropriations bill going forward. In the long term, we must achieve fully mandatory funding for all Federal Indian agencies and programs.

The processes under which OMB develops budgets and policies that impact us require reform also. In concert with its newly established Tribal Affairs Adviser, OMB must be required to produce a full, detailed accounting of funding distributed to Indian Country, including only what Indian nations have accessed, not funds for which we are technically eligible. Congress should also work with OMB to hold States accountable for any pass-through dollars that are intended for tribal nations.

While we are appreciative of the inclusion of funding for tribal nations in the recently enacted infrastructure packages, this level of funding is insufficient to address centuries of unmet infrastructure obligations. A much greater Federal investment is necessary to rebuild tribal nation infrastructure and economies. Similar to the U.S. investment in rebuilding post World War II Europe via the Marshall Plan, the legislative and executive branches should commit to the same investment to rebuild tribal nations.

As we await details on the President's budget, we provide our regionally identified priorities for IHS and Department of the Interior in our written testimony. We continue to support mandatory funding proposals for IHS as well as the 105(l), CSC lines of the IHS budget, BIA, and BIE.

We would also like to highlight the following additional priorities—payment in lieu of taxes for trust land acquisitions, increased funding for tribal historic preservation, interagency transfer authority for tribal funding, \$80 million for the Native Behavioral Health Resource Program—and dedicated funds and permanency for the following—Treasury's Office of Tribal and Native Affairs, OMB's Tribal Adviser, and the White House Council on Native American Affairs.

We now call upon Congress, and this subcommittee in particular, to work with tribal nations and the administration to fulfill the Government's trust and treaty obligations through the Federal budget. While each Member of Congress shares equally in these obligations, you have a unique understanding of this charge, including the unmet funding obligations and, more importantly, the opportunity to drive historic change.

In closing, we implore you to lead this change within Congress to improve how the United States views, honors, and fulfills its promises to Indian Country.

Thank you very much, sir.

[The statement of Chief 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 2024 Tribal Public Witness Hearings, March 8, 2023**

Chairman Simpson, Ranking Member Pingree, and members of the Subcommittee, thank you for opportunity to provide testimony regarding our funding priorities for Fiscal Year (FY) 2024. 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 Department of the Interior (DOI), the Indian Health Service (IHS), and beyond. While we appreciate this Subcommittee's longstanding commitment to holding Tribal Public Witness hearings, USET SPF finds it problematic that the timing of this hearing did not allow for witnesses to review the President's Fiscal Year FY 2024 Budget Request, especially given the Office of Management and Budget's (OMB) recent commitment to consulting with Tribal Nations on the preparation of the Request. Having the opportunity to provide our views on the President's Request is an important oversight opportunity for appropriators to ensure that budget proposals reflect Tribal expectations and objectives.

USET SPF is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico. USET SPF member Tribal Nations are within the Eastern Region and Southern Plains Region of the Bureau of Indian Affairs 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.

As the Subcommittee is well aware, Native people have endured many injustices as a result of federal policy, including federal actions that sought to terminate Tribal Nations, assimilate Native people, and to erode Tribal territories, learning, and cultures. This story involves the cession of vast land holdings and natural resources, oftentimes by force, to the United States out of which grew an obligation to provide benefits and services—promises made to Tribal Nations that exist in perpetuity. 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 and services to Tribal Nations and Native people are simply a repayment on this perpetual debt. USET SPF has consistently called upon the United States to deliver and fulfill its sacred promises to Tribal Nations and to act with honor and honesty in its dealings with Indian Country.

Over the course of our centuries-long relationship, at no point has the United States honored these sacred promises; including its historic and ongoing failure to prioritize funding for Indian country. The chronic underfunding of federal Indian programs continues to have disastrous impacts upon Tribal governments and Native people. As the United States continues to break its promises to us, despite its own prosperity, Native people experience some of the greatest disparities among all populations in this country and have for generations. It is no surprise, then, that the failures of the federal government have come into sharper focus due to the global pandemic.

In December 2018, the U.S. Commission on Civil Rights issued the *Broken Promises* Report, following years of advocacy from Tribal Nations and organizations seeking an update to the 2003 *Quiet Crisis* Report. The Commission concluded that the funding of the federal trust responsibility and obligations remains "grossly inadequate" and a "barely perceptible and decreasing percentage of agency budgets." The report confirms what we in Indian Country already know—with the exception of some minor improvements, the U.S. continues to neglect to meet its "most basic" obligations to Tribal Nations. Though these chronic failures have persisted throughout changes in Administration and Congress, it is time that both the legislative and executive branches confront and correct them.

While USET SPF takes 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 trust and treaty obligations. As leaders who have consistently demonstrated a greater understanding of this commitment

and obligation, we implore you to lead the change within Congress that is necessary to improve how the United States views, honors, and fulfills its promises to Indian Country, including through the enactment of these proposals. The federal budget is a reflection of this commitment. We recognize that there are many causes and issues that this body considers. However, we ask that you always remember this nation's first promise to its First People—the promise that resulted in an exchange responsible for the vast wealth, power, and influence of this country. This is especially critical as we recognize there is a desire on the part of the House majority to reduce discretionary spending. However, as we have stated repeatedly before this Subcommittee any others, deficit reduction must never be accomplished to the detriment of federal trust and treaty obligations to Tribal Nations.

**Mandatory Funding for the Indian Health Service and Binding Obligations** USET SPF celebrates and expresses its gratitude to this body for the historic achievement of advance appropriations for IHS. For the very first time, the agency's clinical services will have budgetary certainty in the face of continuing resolutions and government shutdowns. It is our expectation that the Subcommittee will continue to include language providing advance appropriations for IHS beyond FY 2024. We urge the inclusion of all of IHS' budget line items in this mechanism, as well as advance appropriations for BIA, BIE, and all federal Indian agencies and programs as next steps for this Subcommittee. Despite its importance in the stabilization of funding, however, we continue to view advance appropriations as a temporary funding mechanism in our overall advocacy for the full delivery of trust and treaty obligations.

Above all, the COVID-19 crisis has highlighted the urgent need to provide full and guaranteed federal funding to Tribal Nations in fulfillment of federal obligations. Because of our history and unique relationship with the United States, the federal government's trust and treaty obligations to Tribal Nations, as reflected in the federal budget, is fundamentally different from ordinary discretionary spending and should be considered mandatory in nature. Payments on debt to Indian Country should not be vulnerable to year to year "discretionary" decisions by appropriators. Honoring the first promises made by this country, in pursuing the establishment of its great principled democratic experiment, should not be a discretionary decision.

The Biden Administration's FY 2023 Request proposed a shift in funding for the Indian Health Service (IHS) from the discretionary to the mandatory side of the federal budget, including a 10-year plan to close funding gaps and an exemption from sequestration, a move that would provide even greater stability for the agency and is more representative of perpetual trust and treaty obligations. Year after year, USET SPF has urged multiple Administrations and Congresses to request and enact budgets that honor the unique, Nation-to-Nation relationship between Tribal Nations and the United States, including providing full and mandatory funding. While we firmly believe all Indian Country funding should be fully funded today, including the IHS, we continue to strongly support this proposal, recognizing that additional detail and planning is necessary to provide a fully developed plan to fund IHS on a full and mandatory basis. We look forward to working with IHS to draft legislation that reflects our guidance for implementing these changes.

The FY 2023 Request also proposed mandatory funding for Contract Support Costs and 105(l) leases—binding obligations—at IHS, BIA and the Bureau of Indian Education (BIE). While we contend that all federal Indian agencies and programs should be subject to mandatory funding, in recognition of perpetual trust and treaty obligations, we continue to support the immediate transfer of these lines to the mandatory side of the federal budget. This will ensure that funding increases are able to be allocated to service delivery, as opposed to the federal government's legal obligations. The Senate Appropriations Interior Subcommittee ultimately supported these important first steps in achieving mandatory funding for Indian Country in its mark for FY 2023. We now call appropriators to work with Tribal Nations and the Administration fulfill its responsibilities and work to ensure that this proposal is included in any final FY 2024 appropriations legislation.

**Indian Health Service (IHS).** In addition to supporting full and mandatory funding for IHS, Nashville Area Tribal Nations identified the following top 10 priority line items for increases in FY 2024:

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|---|--|
| 1. <b>Hospitals &amp; Health Clinics</b>  | 6. <b>Dental Health</b>                    |
| 2. <b>Purchased/Referred Care</b>         | 7. <b>Community Health Representatives</b> |
| 3. <b>Alcohol &amp; Substance Abuse</b>   | 8. <b>Maintenance and Improvement</b>      |
| 4. <b>Mental Health</b>                   | 9. <b>Health Education</b>                 |
| 5. <b>Electronic Health Record System</b> | 10. <b>Self-Governance</b>                 |

Nashville Area priorities and hot issues also include funding for telehealth resources, recurring funding for Public Health Education, impacts of COVID-19 on user population and workload data, funding for Substance Use Disorder aftercare and housing programs, funding to reduce Hepatitis C, continued funding for Community Health Representatives, resources to modernize health information technology, and parity in group payor authorities when sponsoring patients on insurance plans.

**Department of the Interior (DOI).** Working in partnership with Indian Affairs, the yearly budget formulation process now offers a much more comprehensive look at the priorities of Tribal Nations across the many lines and accounts found within the BIA and BIE budgets. However, we remain focused on the addition of a component outlining BIA's unfunded obligations in order to measure how well the U.S. is honoring its promises, on which Indian Affairs recently agreed to collaborate. This body should want to know the full extent of DOI's unmet funding obligations to Indian Country. We cite a recent report to Congress from DOI conveying placing a full funding total for just Public Safety & Justice programs at \$3 billion as the type of data we are seeking across the agency. We offer the Eastern Region's top priorities for FY 2024 in eight different strategic funding categories:

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|--|---|
| <ul style="list-style-type: none"> <li>• <u>Strengthening Tribal Communities: Social Services (TPA)</u></li> <li>• <u>Trust-Natural Resources Management: Natural Resources (TPA)</u></li> <li>• <u>Trust-Land &amp; Water Rights Management: Real Estate Services Program (TPA)</u></li> <li>• <u>Public Safety &amp; Justice: Tribal Courts (TPA)</u></li> </ul> | <ul style="list-style-type: none"> <li>• <u>Economic Development: Economic Development (TPA)</u></li> <li>• <u>Education: Scholarships &amp; Adult Education (TPA)</u></li> <li>• <u>Construction: Education Facilities Improvement and Repair</u></li> <li>• <u>Resource Management Construction: Federal Power Compliance [FERC]</u></li> </ul> |
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In addition to the above priorities, USET SPF remains focused on the restoration of Tribal homelands as a top priority. The federal government's objective must be to support healthy and sustainable self-determining Tribal governments, which fundamentally includes the restoration of lands to all federally recognized Tribal Nations, as well as the legal defense of these land acquisitions. We are pleased to see the Administration's proposed improvements to the land-into-trust process and we look forward to the opportunity to work on this and other land restoration priorities, including a fix to the decision in *Carcieri v. Salazar*. To this end, we would like to reiterate a funding request that we believe will increase the amount of land going into trust for Tribal Nations. Since 1977, the DOI has issued billions in Payments In Lieu of Taxes to local governments that help offset losses in property taxes due to the nontaxable federal lands within their boundaries. However, while PILT payments are made for lands administered by numerous other DOI Bureaus, for federal water projects and some military installations, lands held in trust for Tribal Nations are not currently eligible. USET SPF believes that PILT for lands put into trust could remove barriers to the restoration of Tribal homelands while also easing the perceived impacts to local government as a result of lost tax revenue. We urge the Subcommittee to consider working with the Administration to provide funding for this purpose in FY 2024.

**Funding for Tribal Historic Preservation.** Due to chronic underfunding, many Tribal Historic Preservation Offices (THPOs) are currently operating without the necessary personnel to conduct National Historic

Preservation Act Section 106 reviews. THPOs are the protectors of irreplaceable resources: our cultures and spirituality. The explosion in infrastructure development that will be funded by recent infrastructure laws is likely to overwhelm THPOs without additional funding and other resources. While we recognize a modest increase THPO funding was provided in FY 2023, we urge this Subcommittee to provide additional, increased resources for THPOs, so that we may protect our cultural and sacred sites.

**Improving the OMB Crosscut.** OMB asserts that over \$28 billion in federal dollars is appropriated to Indian Country annually. From our perspective, this number seems to be widely inflated, with far less actually reaching Tribal Nations and Tribal citizens. We suspect that OMB arrives at this figure by tallying the amount for which Tribal Nations and entities are “eligible”, regardless of whether these dollars actually reach Indian Country. Regardless, this represents less than 1/10 of 1% of the annual value that the U.S. enjoys from lands and the natural resources which once belonged to Tribal Nations and which stand as the source of the exchange between our two sovereigns that resulted in the obligations we are discussing today. Both USET SPF and the Tribal Interior Budget Council (TIBC) have asked OMB for a full, detailed accounting of federal funding distributed to Indian Country. While OMB is working to refine its Native American Crosscut, we have not yet seen the level of detail we are seeking. This information is essential to the measurement of the federal government’s own success in meeting its obligations and the work of Tribal Nations, as well as developing accountability mechanisms for instances where states are applying for funds utilizing our population numbers and never providing pass through funding to Tribal Nations. Congress must hold itself and OMB accountable by requiring states to provide a detailed annual report reflecting actual dollars passed through to Tribal Nations, with accordant consequences for state failures to provide us with funding to which we are entitled.

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

**Promote Self-Governance through Interagency Transfer Authority.** USET SPF is working toward a future in which all federal dollars are eligible to be contracted or compacted under the Indian Self-Determination and Education Assistance Act (ISDEAA). In the meantime, we urge Congress to ensure all federal Indian funding can be transferred between federal agencies, so that it may be received through contracts and compacts. We cite the unnecessary delays and barriers to the receipt of urgently needed COVID-19 relief funding as an example of why this authority must be confirmed, as well as a recent Government Accountability Office Report.

**Other Selected Lines and Programs.** Though not an exhaustive list, USET SPF strongly supports the continued funding and urges increases for the following lines and programs, with a goal of reaching full and mandatory funding for each: Good Health and Wellness in Indian Country (CDC), Rural Community Facilities (ACF), Tribal Opioid Response Grants (SAMHSA), Community Development Financial Institutions Fund grants, the Indian Community Development Block Grant, USDA Rural Business Development grants, EPA state and Tribal assistance grants, BIA Tribal Climate Science Centers, Tribal Historic Preservation funding, the Tribal set aside from the Crime Victims Fund, and Native American Housing Block Grants. We further request permanency and dedicated funding for the following offices/programs: Treasury’s Office of Native and Tribal Affairs, OMB’s Tribal Advisor, and the White House Council on Native American Affairs.

**United South and Eastern Tribes, Inc.**  
**Summary of Current Grants and Contracts**

*Prepared for House Appropriations Subcommittee on Interior, Environment and Agencies*

NRCSM Natural Resources Conservation Service (53-NRCSM)  
 Funder: USDA- United States Department of Agriculture  
 Amount: \$800,000

Performance Partnership Grant (14-PPG 17-Regions 4,2,1)  
 Funder: EPA- Environmental Protection Agency  
 Amount: \$255,000 (TOTAL)

Performance Partnership Grant (R1)  
 Funder: EPA-Environmental Protection Agency  
 Amount: \$248,142

EPA Wetlands Tribal Wetland Program Development (28-EPA Wetlands)  
 Funder: EPA -Environmental Protection Agency  
 Amount: \$114,225

EPA Small and Disadvantaged Communities Tribal Drinking Water (SDC-TDW)  
 Funder: EPA – Environmental Protection Agency  
 Amount: \$39,000 (Region 2), \$24,000 (Region 4)

EPA Public Water System Supervision (PWSS)  
 Funder: EPA – Environmental Protection Agency  
 Amount: \$159,000 (Year 1- \$87,000, Year 2- \$72,000)

USDA TAT 2020 (69-USDA TAT)  
 Funder: USDA-RUS -United States Department of Agriculture- Rural Utilities Service  
 Amount: \$2,817,000

USDA TAT 2022  
 Funder: USDA-RUS-United States Department of Agriculture- Rural Utilities Service  
 Amount: \$1,220,436

HHS Wastewater Training and Technical Support (HHS-2020-ACF-OCS-EF-1831)  
 Funder: Department of Health and Human Service/Administration for Children and Families Block Grant (CSBG)/Rural Community Development Program (RCD) Water and Wastewater Treatment Systems Training and Technical Assistance Project  
 Amount: \$1,181,975

T-FERST (Tribal Focused Environmental Risk Sustainability Tool)  
 Funder: BIA/EPA  
 Amount \$825,701

BIA CSL TL Tribal Climate Science Center Tribal Liaison and Assistant Liaison (72-BIA CSC TL)  
 Funder: BIA- Bureau of Indian Affairs  
 Amount: \$399,028

Tribal Climate Resilience- Forest and Wetlands—Category 1  
 (Additional Forest/Wetlands)  
 Funder: BIA- Bureau of Indian Affairs

Amount: \$136,094

Tribal Resilience and Ocean and Coastal Management and Planning—Category 2  
(78-BIA Cat 2 (writing))

Funder: BIA- Bureau of Indian Affairs Amount: \$79,349

Tribal Climate Resilience- Forest and Wetlands  
(BIA- Category 8-Tribal Climate Interns)

Funder: BIA- Bureau of Indian Affairs

Amount: \$46,280

Tribal Resilience and Ocean and Coastal Management and Planning—Category 1 and Category 3 (Multi Cat 1 and 3)

Funder: BIA- Bureau of Indian Affairs

Amount: \$155,446

Trainings and Workshops—Design and Hosting of Tribal Trainings and Workshops

Funder: BIA- Bureau of Indian Affairs

Amount: \$148,000

USDA Animal and Plant Health Inspection (APHIS APP- 15291)

Funder: USDA United States Department of Agriculture

Amount: \$75,000

Northeast SARE 2021 Professional Development Grant

Funder: Northeast Sustainable Agriculture Research and Education

Amount: \$142,085

EPA-WINN- Lead Testing (Regions 1,2,6)

Funder: EPA- Environmental Protection Agency

Amount: \$629,000

THPS P.L. 93-638 Contract with Indian Health Service (13-THPS)

Funder: USET member Tribal Nations; Tribal Shares

Amount: \$599,954

Special Diabetes Program for Indians (SDPI) (22,23 Diabetes)

Funder: HHS-HIS-U.S. Department of Health and Human Service

Amount: \$5,070,630 (\$4,820,630 award, \$250,000 supplement)

IHS EPI Tribal Epidemiological Center (25-HIS EPI)

Funder: HHS-HIS, NPAIHB, CSTE—U.S. Department of Health and Human Services Indian Health Service, Northwest Portland Area Indian Health Board, Council for State and Territorial Epidemiologists

This has three components: EPI (\$509,895), HIV (\$265,357), plus COVID-19 CARES Act Funding (\$1,000,000)

Amount: \$2,678,757

IHS EPI Tribal Epidemiological Center (25-HIS EPI)

Funder: HHS-HIS, NPAIHB, CSTE—U.S. Department of Health and Human Services Indian Health Service, Northwest Portland Area Indian Health Board, Council for State and Territorial Epidemiologists

Amount: \$2,413,107

GPRA—Tribal Data Quality Improvement & Government Performance and Results Act Pilot Program

Funder: HHS-HIS—U.S. Department of Health and Human Services Indian Health Service

Amount: \$250,000

Dental Support Center (DSC) (05-Dental Center)

Funder: HHS-HIS—U.S. Department of Health and Human Services Indian Health Service

Amount: \$444,444

CDC GHWIC—Good Health and Wellness in Indian Country (55-CDC GHWIC 1903)

Funder: HHS-CDC—U.S. Department of Health and Human Services- Centers for Disease Control and Prevention

Amount: \$1,240,625

CDC Infrastructure Building Public Health Infrastructure (Community Health Infrastructure Program, CHIP)

(73-TECPHI)

Funder: CDC-NCCDPHP—Centers for Disease Control- National Center for Chronic Disease Prevention and Health Promotion

Amount: \$852,802

CDC Infrastructure Building Public Health Infrastructure (TECPHI 2.0)

Funder: CDC-NCCDPHP—Centers for Disease Control- National Center for Chronic Disease Prevention and Health Promotion

Amount: \$539,715

Tribal Public Health Capacity Building Umbrella and Quality Improvement Cooperative Agreement (Expanding Social Determinants of Public Health)—Strategy 1 (54-CDC-Umbrella)

Funder: HHS-CDC- U.S. Department of Health and Human Services—Center for Disease Control

Amount: \$22,000

Tribal Public Health Capacity Building Umbrella and Quality Improvement Cooperative Agreement (Expanding Social Determinants of Public Health)—Strategy 2 (54 CDC-Umbrella)

Funder: HHS-CDC- U.S. Department of Health and Human Services—Center for Disease Control

Amount: \$1 million

Tribal Public Health Capacity Building Umbrella and Quality Improvement Cooperative Agreement (Expanding Social Determinants of Public Health)—Strategy 2 (54-CDC Umbrella)

Funder: HHS-CDC- U.S. Department of Health and Human Services—Centers for Disease Control

Amount: \$4,000,000

COVID-19 funding subawards of 4/6/2020- \$3,005,628

CDC-RFA-OT18-18030204SUPP20: COVID-19: Prevention of Suicide, Intimate Partner Violence and Adverse Childhood Events (ACES) in Indian Country- \$876,000

Strategic Prevention Framework- Partnerships for Success (87-SAMHSA)

Funder: HHS-SAMHSA- U.S. Department of Health and Human Services—Substance Abuse and Mental Health Services Administration

Amount: \$500,000

Agricultural Training and Technical Assistance

Funder: Native American Agriculture Fund

Amount: \$75,000

COVID-19 Rapid Response Fund

Funder: Native American Agriculture Fund

Amount: \$25,000

USDA-RBDG

Feasibility Study-Native-to-Native Business

Amount: \$93,000

CDC-COVID 19-Supplemental Special COVID Economic Activities

Funder: Centers for Disease Control and Prevention  
Amount: \$119,293

EDA-Atlanta Region-Updating CEDS plan  
Funder: EDA-Economic Development Administration  
Amount: \$253,600

EDA-Atlanta Region- Indigenous Communities Grant  
Program

Funder: EDA

Amount: \$235,506

**Chief Kirk Francis  
Penobscot Indian Nation**

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

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

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

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

### Truth in Testimony Disclosure Form

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

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 03/03/2023

Hearing Subject  :

American Indian and Alaska Native Public Witness Days

Witness Name: Kirk Francis

Position/Title: President

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

United South and Eastern Tribes Sovereignty Protection Fund

#### **FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

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

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

Please see attached document.

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

N/A

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

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

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(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

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03/03/2023

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Date



Mr. SIMPSON. Thank you. Frank.

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WEDNESDAY, MARCH 8, 2023.

**OGLALA SIOUX TRIBE**

**WITNESS**

**FRANK STAR COMES OUT, PRESIDENT, OGLALA SIOUX TRIBE**

Mr. STAR COMES OUT. Yes, good morning, Chairman, Ranking Member, and members of the subcommittee. I greet you all with a warm handshake.

My name is Frank Star Comes Out. I am the current and newly elected president of the Oglala Sioux Tribe. I am also the newly elected chairman for the Great Plains Tribal Chairmen's Association.

I will be brief. A little bit about my history and why I am sitting here today is I served in the United States Marine Corps. I am a proud veteran. I served in the Gulf War and in Mogadishu, Somalia, during my tour of duty as a machine gunner, and I truly believe—I have always been boots on the ground from that day forward, as a young man to this day.

So I just wanted to mention that, and my fight for my people, our people in Indian Country. So, with that, I also served as—I started out in the districts, serving my communities, and then now as a president of my tribe. And I come before you to urge you to fulfill your treaty responsibilities.

We face a lot of challenges on our Pine Ridge Reservation. We have the lowest life expectancy in the entire United States, high unemployment, and lack of business development, just to name a couple. I could spend hours talking about issues, but I will try to keep it under 5.

We suffer a lot of challenges. Law enforcement. We are in dire need of manpower, equipment, resources, to meet our challenges against violence and drugs.

Social services. We lack sufficient wages and housing to attract staff. We are short social workers. We lack the basic transitions to follow-up resources for reunification. Our youth need emergency shelters, counselors, nutrition support, and services.

Our healthcare. We have inadequate staffing, long wait times, and very few providers because of our geographical location and the situation on the reservation.

Our BIA roads. We lack qualified personnel, equipment, and road maintenance. We have a lot of unimproved roads, and the location of our reservation is huge. It is a huge land base.

Telecommunications. We lack coverage. We lack the BIA towers, and they are old and outdated. So we have our Internet access is limited.

Education. Schools need facilities upgrade, competitive wages, counselors, and school resource officers. We have very little funding for school resource officers. But our chief of police will be testifying, I believe, tomorrow, and he can cover all that, and we submitted our paperwork here. So it covers a lot.

Indian Country formulas do not work for us. Prioritized tribal allocations also do not work for us. True, meaningful government-to-government consultation and coordination needs to happen. I hear talks of leadership here in Washington, D.C., since I have been in—the short time I have been in office. I have heard talks of treaty obligations, and I am going to be looking forward to that, to having more conversations about that.

I have highlighted important issues in our written testimony like I just said, but there are many other equally important needs, and it is not fair to prioritize—I feel it is not fair because we are in desperate need of all funding in all departments, programs.

So, with that, let me wrap it up. You know, the Oglala Lakota are resilient. We are a proud people in culture and spirituality, and that is what keeps us strong. We survived a lot under harsh conditions, and we will keep going. But we need your help to fulfill your treaty obligation.

I urge you to help us, fund us at the highest possible level to ensure the money is being fairly distributed to all tribes. Keeping in mind the unique challenges of the Great Plains tribes like my tribe, the Oglala Sioux Tribe. For us, it is not a policy question. It is life and death.

Thank you.

[The statement of Mr. Star Comes Out follows:]

**Written Testimony of Frank Star Comes Out, President of the Oglala Sioux Tribe  
 “Public Witness Testimony: Fiscal Year 2024 Appropriations”  
 House Appropriations Subcommittee on Interior, Environment, and Related Agencies  
 March 17, 2023**

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**Recommendations:**

1. Address our Public Safety/Law Enforcement Crisis.
2. Increase funding for BIA-based Welfare Assistance and Social Services.
3. At least \$30 million to BIA for ICWA implementation and child protection services.
4. Adequate funding and resources for the establishment of addiction recovery services.
5. Full advance appropriations for the IHS, annually, and increase funding for IHS Facilities Planning and Construction.
6. Provide BIA with not less than \$45 million to establish a roads improvement program.
7. Provide funding for Native language and culture revitalization activities.
8. Increase ISEP funding and increase teacher pay at BIE-funded schools.
9. Expand Impact Aid to include tribal schools.
10. Adequate funding and resources for a Truth & Healing Commission.
11. Provide BIA with \$30 million for the Housing Improvement Program.
12. \$5 million for replacing aging BIA tower infrastructure
13. Provide \$25 million to complete the Mni Wiconi Project for regional clean drinking water through the EPA or the IHS Sanitation Facilities Construction fund.
14. Provide BIA with \$12.5 million for the Water Management, Planning and Pre-Development Program.
15. Increase funding for the Water Resources Program.
16. At least \$8 million for the BIA Endangered Species Program.
17. Provide funding and resources to support tribal co-management of public lands.
18. Change approach to funding Indian Country to provide continuous funding of programs.
19. Fully fund all accounts identified as Tribal Priority Allocations.
20. Provide funding directly to our Tribe across all accounts.
21. Prioritize the allocation of funding based on demonstrated need.
22. Provide funding for tribal consultation services.

**Introduction.** The Oglala Sioux Tribe is a member of the Oceti Sakowin (Seven Council Fires, known as the Great Sioux Nation). The chronic underfunding of Indian Country programs has taken an enormous toll on our Tribe and our citizens. The Fort Laramie Treaties of 1851 and 1868 cemented the United States’ obligations to the Oglala Sioux Tribe, and we look to you to fulfill those obligations through the federal budget process. Unfortunately, the President’s FY2024 Budget Request was not available prior to preparing our FY 2024 testimony. Regardless, we look forward to working with this Subcommittee to ensure full and adequate funding for programs that service Tribal Nations and Native people. Any cuts to such programs would be devastating given the historic severe underfunding of such programs. Below, we speak to our public safety crisis first and then set forth our other needs.

**Public Safety Crisis.** Our Tribe is in the midst of a dire public safety and law enforcement crisis, which is severely negatively affecting our people’s daily lives. We have been for some time, and failure to address our situation has resulted in an untenable situation: only 5-7 police officers per shift for 52 communities in an area just under the size of the State of Connecticut. We need to stop the crime, prosecute the perpetrators, and protect our communities,

our visitors, and our police officers. *The Tribe wholeheartedly supports and incorporates by reference the testimony and public safety recommendations submitted by our Tribe's Chief of Police.* We implore this Subcommittee to appropriate the resources necessary to adequately combat the tide of crime, violence, drug trafficking, gang activity, and human trafficking currently plaguing our Reservation. We need resources for full staffing of our police force. We also need full funding to maintain and replace our aging public safety equipment, to modernize and fully staff our courts and criminal justice facilities. We need housing quarters for officers and substations in each of our districts for police and ambulance services. We also need resources for social services necessary to aid families dealing with the results of crime and violence, homelessness, domestic abuse, substance abuse, and food insecurity.

**Social Services and Child Protection Services.** The average Oglala Tribal citizen must contend with high rates of infant mortality, chronic illness, intergenerational trauma, appalling high-school drop-out rates, limited to nonexistent economic development, high unemployment, and limited recreational outlets, among other challenges. BIA social services programs are, therefore, essential to meeting our citizens' well-being and integral to improving public safety. Our Child Protection Services and Indian Child Welfare Act programs need increased resources to provide child and family services on our Reservation, and our Emergency Youth Shelter Program is operating with just a fraction of the resources it needs.

**Addiction Services.** Our community members experience increased vulnerability to certain adverse life experiences, which can result in susceptibility to drug use. The Great Plains Region has been devastated by an epidemic of drug addiction. We have been the unwitting victims of a drug trafficking effort that originates outside of our reservations, but which specifically targets our citizens. Our community is grappling simultaneously with methamphetamine and opioid problems. We desperately need resources to treat our people in our communities. We need funding that guarantees detox and inpatient rehabilitation beds for every single individual who needs one.

**Health Care: IHS Funding.** The health care of our members is of paramount importance and we were thrilled that for FY 2023 Congress provided advance appropriations for the Indian Health Service. This is substantial but incomplete progress. First, the FY 2023 and 2024 IHS budget amounts are less than is needed. Last year, the IHS Tribal Budget Formulation Workgroup calculated the need at almost \$50 billion to attain full funding of IHS in FY 23; the FY 2023 budget provides only \$7 billion. The Workgroup has estimated the need for FY 2024 at more than \$51 billion. Congress should ensure that IHS is funded at this level for 2024. Second, the passage of advance appropriations must happen annually. We urge this Subcommittee to renew its commitment to advance appropriations for IHS and to fully fund Indian Country's health care needs by simultaneously fully funding FY 2024 and FY 2025 and supporting mandatory funding for the IHS. Advance appropriations for IHS insulate tribal patients from the volatile politics of the Federal Government, provides job and program security, and contributes to greater continuity of care. IHS appropriations should also include funding to improve and construct IHS facilities and to provide staff quarters for qualified staff to combat our chronic issues of recruitment and retention of talented health care personnel. We also need additional dialysis places on our Reservation. We need one in each of our districts. The need for these resources in the Great Plains Region is particularly severe and we urge this Subcommittee to consider targeted appropriations to address these issues.

**Roads.** Federal funding for tribal roads is absolutely essential, but funding for the BIA Road Maintenance program has been chronically below the level of demonstrated need. In FY 2021, for example, the BIA received funding at *only 12%* of documented need. This would not

even cover roads needs in the Great Plains Region alone. In FY 2023, Congress only appropriated \$39 million for this program even though the Bipartisan Infrastructure Law authorized up to \$52 million. In addition, targeted action must be taken to address the now dire need for roads and bridge maintenance projects in the Great Plains Region. Congress should create a new BIA roads maintenance account that targets backlogged road and bridge projects and prioritize them by taking each Tribal Nation's mile inventory, geographic size, and location (for weather conditions) into account. We also need adequate funding for heavy equipment needs, especially in light of our harsh winter conditions.

**Education.** We urge this Subcommittee to continue its investment in Native language and culture revitalization. Congress must provide adequate funding to BIE-funded schools so teachers and school staff can be compensated at competitive salaries. We also urge the Subcommittee to work to ensure that Indian Head Start programs meet the needs of all Indian children in their service areas, regardless of family income. We ask Congress to increase Indian School Equalization Program funding to provide funding parity between BIE-funded schools and public schools. In addition, we need Congress to expand Impact Aid to include BIE-funded schools to provide much-needed revenue for these schools. *We support and incorporate by reference the submitted testimony of the Oglala Lakota Nation Education Consortium on these and other matters.* Relatedly, we urge this Subcommittee to rectify the problem of dual taxation which permits state and local governments to tax non-Indian activities within Indian lands. This infringes on our sovereignty, impermissibly siphons tribal resources to state and local coffers, and contributes to educational disparities for our children.

**Truth & Healing Commission.** We support the funding of a Commission to investigate the United States' Federal Indian Boarding School legacy and to provide resources for healing our communities as an initiative consistent with improving the whole health of our members.

**Tribal Co-Management of Lands.** Tribes must be a part of the management of public spaces and resources, such as lands under federal control in our sacred He Sápa Black Hills. We urge this Subcommittee to provide funding to support tribal co-management of these lands. Just as federal land management agencies need funding to support the management of these spaces, so too do we.

**Housing.** Housing is a necessary pillar of our citizens' health and welfare, and we need resources to address our acute housing crisis. Our current unmet need is for over 4,000 new housing units and 1,000 housing repairs. Meanwhile, our existing homes are overcrowded, in disrepair, and are unsafe. We have no temporary housing. These conditions are an affront to human dignity that must be alleviated. The Housing Improvement Program should be expanded to reach more families who live in substandard housing and to help those families become homeowners. We also need adequate funding to accompany our ability to build apartments for professional living quarters. One reason we cannot attract health, law enforcement, and other professionals to work for us for extended periods is because there are no available residences for them.

**BIA Towers.** We need \$5 million for replacing aging BIA tower infrastructure and constructing new towers as necessary to service schools, law enforcement, and other communication needs across the Pine Ridge Reservation.

**Clean Water: Mni Wiconi Project.** We need funding to finally complete the congressionally authorized Mni Wiconi Project. (Pub. L. 100-516). The Project provides potable water from the Missouri River to three reservations and the West River/Lyman-Jones Water District. Yet, we still need approximately \$25 million to upgrade 19 existing systems on our Reservation and transfer them into the Mni Wiconi Project. Once transferred, they will be operated

and maintained pursuant to statutorily authorized funding. We ask Congress to provide increases in EPA's Revolving Funds and IHS's Sanitation Facilities Construction accounts for this purpose. Congress should also establish 5% tribal set-asides for the National Safe Drinking Water Revolving Fund and for the National Clean Water Act Revolving Fund.

**Clean Water: Other Needs.** Our Department of Water Maintenance and Conservation has significant funding needs for water system upgrades, pipe construction and repairs, well maintenance, water tank installation, and maintenance of equipment. Likewise, we need funding to rehabilitate and, in certain instances, replace our aging and overstressed lagoon system. We ask the Subcommittee to fund the BIA Environmental Quality Program and EPA's Solid Waste Program at adequate levels to ensure funding is available and directed to meet our needs. We also need to undertake further investigation of the health of our local ground and surface water sources and secure funding for their restoration. We also request funding for the BIA Endangered Species Program which is the only program that provides Tribes with support to protect wildlife on Tribal lands through natural resources restoration and management.

**General Recommendations: Reform Indian Country Funding Model.** Rather than providing long-range funding for our programs, Congress funds Indian Country year to year. Under this funding model we cannot provide continuity of government, employment, social services, education, law enforcement, or any other service. Our employees leave and our programs have to plan for status quo or worse, triaging against the fear of program cuts and funding gaps caused by delayed, inconsistent, and piecemeal funding. We need continual, long-range planned funding.

**Fully Fund All Tribal Priority Allocations.** We urge this Subcommittee to fully fund all Tribal Priority Allocations (TPAs) identified by the Department of the Interior. These should not be the only items that receive full funding, but funding these priority needs is a strong place to start addressing generations of unmet needs.

**Provide Direct Funding to our Tribe.** We also ask that this Subcommittee provide funding directly to our Tribe across all accounts under its jurisdiction. When allocations must pass through State or Federal entities before ever reaching Tribes, this funding is carved up as each office along the way takes its cut. These may seem like small amounts in the grand scheme of Federal Government spending, but these carve outs mean less resources on the ground for our Tribe. This undercuts Congress's intent in appropriating money for these programs, and prevents funds from reaching our Tribal members in need. Providing federal funding to us directly is a more efficient use of federal dollars and honors the advancement of Tribal sovereignty.

**Adopt Needs-Based Funding Methodologies.** We urge this Subcommittee to require the Department of the Interior to adopt needs-based funding methodologies. Needs-based funding makes better use of federal resources and respects the diverse needs of Tribal Nations.

**Compensate Us for Consultation Work.** Finally, we ask Congress to provide funding for tribal consultation activities. At present, Tribes, like ours, are typically confronted with a choice between consulting without compensation or not consulting at all. The consultation input of Tribal Leaders is work that merits compensation. Inevitably, Tribes provide valuable input to the federal government to improve their programs and regulations. Still, the Federal Government asks us to work for free to ensure that our sacred sites and resources are protected and that our interests in health care, criminal justice, education, and other issues are properly represented. Of course, we will continue to consult to safeguard our people and way of life, but for Tribes like ours it imposes a financial burden. We ask you to create a pot of monies dedicated to Tribes of a certain financial profile for travel expenses to participate in consultation sessions.

**Biography of  
Frank Star Comes Out  
President of the Oglala Sioux Tribe**

Frank Star Comes Out was elected President of the Oglala Sioux Tribe in November 2022 and was sworn into office on December 6, 2022. As President, he is focused on ensuring the United States upholds its treaty obligations and trust responsibility to the Tribe and the Great Plains Tribes as well. He is also focused on promoting the health, education, and general welfare of all of the people of the Oglala Lakota Nation.

President Star Comes Out is also the current Chairman of the Great Plains Tribal Chairman's Association.

Prior to becoming President, he served as the District Chair for the Oglala District of the Oglala Sioux Tribe. There, he oversaw the District government and worked to ensure District members' basic needs were addressed. President Star Comes Out also was part of the Crazy Horse Planning Commission, which consists of Chairmen from all nine districts of the Tribe.

President Star Comes Out also served as the Fifth Member of the Oglala District, a position that serves to ensure the Tribe's several treaties are considered in respective District's actions.

President Star Comes Out is a United States Marine Corps veteran. As a Marine, he served in Operation Desert Shield and Operation Desert Storm (The Persian Gulf War) and Operation Restore Hope (Mogadishu, Somalia). He also held a seat on the Oglala Sioux Tribe's Veterans Affairs Committee. Increasing opportunities and improving the quality of life for veterans is a passion of President Star Comes Out. He also worked at the various Federal Government positions, including the Veterans Affairs, Indian Health Service, National Cemetery, the Bureau of Indian Affairs, and the Department of Defense.

President Star Comes Out is also a member of the Tokala Society, a revered traditional warrior society of the Great Sioux Nation.

After traveling around a lot in different positions, President Star Comes Out moved home to serve his Tribal Nation and to assert and protect Tribal rights. He currently lives in the Oglala community on the Pine Ridge Indian Reservation.

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**Committee:** Appropriations \_\_\_\_\_

**Subcommittee:** Interior, Environment, and Related Agencies \_\_\_\_\_

**Hearing Date:** 03/08/2023 \_\_\_\_\_

**Hearing Title** :

American Indian And Alaska Native Public Witness Day 1

**Witness Name:** Frank Star Comes Out \_\_\_\_\_

**Position/Title:** President, Oglala Sioux Tribe \_\_\_\_\_

**Witness Type:**  Governmental  Non-governmental

**Are you representing yourself or an organization?**  Self  Organization

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

Oglala Sioux Tribe

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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[Redacted Signature]

Witness signature

3/3/23

Date

Mr. SIMPSON. I thank you all for your testimony, and as I am sitting here listening to you, and I have been to Pine Ridge several years ago when I was chairman of this committee before. And enjoyed the trip but also was, I think, amazed at the needs.

Mr. STAR COMES OUT. Yes.

Mr. SIMPSON. And we visited other reservations. We went to Standing Rock and to the Cheyenne River Reservation and Lone Pine, and we were down in Oklahoma, too, and visited those tribes down there. The differences between tribes is great.

But I got to tell you—and I think Chellie would probably agree with me, having worked on this committee for years—it will—it will be years before we can honestly say we have met our treaty obligations. I mean, we have been so lack in it over the century that it will be years before we can all stand up and say we are where we need to be.

Our goal here is to move us forward and to continue moving us forward to address just what you said. And I tell people in Idaho all the time that if you really want to see poverty in America, let us go visit a few reservations. Because it is terrible. I saw schools at some of these reservations that I am not proud to say, but I would not send my child to. But that is what they had.

And so it is important that this committee get out and actually see on the ground what works. And I can tell you our visit to the Navajo reservation was fascinating. That is a beautiful reservation down at Window Rock and other places. We really—we really enjoyed that, and there are challenges there, as you mentioned.

And while I know that these funding requests that you have all asked for are significant, our goal is to move us, as I said, in the right direction and not take a step back. Never take a step back.

Yes, Frank.

Mr. STAR COMES OUT. Sir, if I may? I know, earlier, you mentioned something about stability, and I would like to add on to your comment there on stability. And that is the ultimate goal of most of us—treaty tribes, I should say, because we lack the—we had a formula that wasn't working for us, and it is that formula, they have been using it for decades, and it is slowly, slowly choking us out.

And all our programs can attest to that. We had no choice to minimize some of the needs there and prioritize, where it turns into a life and death situation. And right now, our police force is feeling it.

Mr. SIMPSON. Yes.

Mr. STAR COMES OUT. We have 5 to 7 officers a day patrolling 51,000—over 51,000 plus membership. The crime is extremely high, the violence, the drugs, the alcohol. And it is also affecting our families because the families are—because of lack of funding, resources, who do we turn to?

I look outside our reservations and I see all these organizations helping people overseas while you got a Third World country right here in America, and we are not even addressing it.

Mr. SIMPSON. Yep.

Mr. STAR COMES OUT. Our people suffered a lot. Our people serve this country. I am also a proud veteran, a combat veteran.

And now I am fighting for my people, my tribe, and I will continue to do that.

But I just want to make you, everybody aware here it is time that we are heard. We need to be listened to. We are not sitting here begging for help. We are asking you to hold up to your end of the bargain with our treaty obligations because that has definitely choked us out.

Mr. SIMPSON. Yep.

Mr. STAR COMES OUT. Thank you.

Mr. SIMPSON. I appreciate that, Frank.

Ms. Pingree.

Ms. PINGREE. Yes, and thank you so much. Thank you for your service. And as Representative McCollum mentioned, tribal members serve at a much higher rate than the general population and that, too, should be considered, this complete lack of respect and sufficient funding. And I really appreciated your remarks.

And also your comment that when people suggest you prioritize, there is really no way to prioritize because each of these you are talking about fundamental basic needs that aren't being met. So I hope we can continue to do more and certainly not—not go in the wrong direction.

Congratulations on your new position. I guess you are both fairly new here. And I didn't realize just—you brought up a lot of important points, of course, but on the uranium mine clean-up, is there current mining going on on the reservation? And also just on the clean-up point, is that an EPA responsibility that we need to be working on, or how does that impact you?

Dr. NYGREN. Currently, uranium mining is banned on the Navajo Nation since the mid 2000s. But I also believe that there is no clean-up happening at the moment, and there is EPA involved. But just the lack of actually getting mines cleaned up is the holdup. So definitely if we want to hold a hearing, maybe a meeting with EPA, we are definitely open to that, to try to figure out how do we streamline that.

Because I know, as of a month ago, there is a school out in—Cove Day School. So kids are actually in school over a year ago, and just from the uranium mines and all the weather, water did come down the mountains, and it actually contaminated the school site. So that is halting the BIA construction of the school.

So just as of a year ago, kids were actually in that area. So definitely over 500 mines, whatever we can do to really collectively address that, that would be great because I think that the safety and the well-being of our Americans should be a top priority, and that is one of the things that I always like to say is that we are Americans as well and also Native Americans. But let us try to work collectively together so that people can feel safe. So—

Ms. PINGREE. Absolutely. And this committee also has jurisdiction on the EPA's budget. So if we can facilitate a meeting like that, we would be happy to do it.

And thank you, Chief Francis. We are all so proud of you in Maine and the work that you do for all of the Maine tribes, particularly in our legislative challenges that we have in Maine, but also what you said in really representing so many interests out there and supporting that with all of us.

I just want to remark that I thought your suggestion that we create a Marshall Plan for the tribes kind of goes along with your suggestion that we—you know, we just have to at some point step back and take a look at this bigger issue that we never catch up. We don't come close to meeting our obligations. And while I know the chair is really dedicated to keeping us on track and keeping the funding going, we are just never going to get there if we don't, in a sense, just like we looked at the infrastructure bill for the United States, saying what do we need to do to have the infusion here to support our obligation?

And any other thoughts you have about that, I would be interested to hear.

Chief FRANCIS. Well, USET has really worked over the past few years on this Marshall Plan theory for Indian Country and approach. And as we looked at different—different things, it is not just post World War II, but what we see going on in Ukraine and different places, how can—and not saying those decisions were wrong, by any means. But just that how can we get to a place where we are having that type of conversation?

And so, so USET really has developed a step-by-step thought on how to accomplish this. We have put it, I think some of it in our written testimony and be happy to provide that to you all as well going forward.

Ms. PINGREE. Great, great. Well, I would really be interested in working on that. So I will look for it in your written testimony, and I can be in touch about talking about it more.

Chief FRANCIS. And it is great to see you, Mr. Zinke. I think the last time I saw you, you were paddling the Penobscot River.

Mr. ZINKE. You know God has got a sense of humor. I am back. [Laughter.]

Ms. PINGREE. You can come back to the Penobscot River anytime, Mr. Zinke.

Mr. ZINKE. [presiding]. Well, thank you. Mr. Ellzey, would you have any comments?

Mr. ELLZEY. [Indicating no.]

Mr. ZINKE. Thank you for your testimony. I will look forward to working with you, and good to see new friends and old. I have been to the reservations, and there is a lot to do.

Up front, I didn't realize how bad the BIA was until I was in charge of it. I get it. At the end of the day, we also need consensus among the nations on what to do. It is complex because it is very difficult. It is hard in Congress to get consensus. The nations and the points that I learned, that every nation is different.

It is easy to combine and say, well, the Indian issue problem. Well, each nation is a sovereign nation, and they are different. And so how we go forward probably to empower the front line. If there is one thing I learned as a SEAL—and thank you for your service, *semper fi*—is that you have got to look at the front line.

It is how the E-5 is—what is his conditions in life? You don't learn a lot from the headquarters. You learn when you go to the front line. And more resources in the front line, how we can make sure that resources get there without being caught up in regulations.

In Montana, a little different. But the counties that are adjacent to the reservations, if the counties had the same amount of regulation, they wouldn't put up with it. But the nations have far greater amount of regulatory oversight problems and just trying to get to the first base. So I get it, and I look forward—and this is a bipartisan committee. We work with the nations. We work together. But we recognize the issue.

So, thank you, gentlemen.

[Pause.]

Mr. ZINKE. In D.C., as you know, it is interesting. I am still a Reagan optimist. I still think it is fixable. So that is good, but it is important here. It is important to hear the voice and to identify what we can do. So we look forward to your testimony, and I look forward to working with you on it.

And I do remember my given name is [speaking Native language]. So I do remember, sir.

So, with that, sir, we will begin with you, Jeffrey. Jeffrey Stiffarm.

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WEDNESDAY, MARCH 8, 2023.

**FORT BELKNAP INDIAN COMMUNITY**

**WITNESS**

**JEFFREY STIFFARM, PRESIDENT, FORT BELKNAP INDIAN COMMUNITY**

Mr. STIFFARM. Good morning, everyone. I would like to say I am sitting before you very humbly to speak about our needs, and wants and needs back at Fort Belknap in Montana. Thank you for listening to our story.

My name is Jeffrey Stiffarm. I am the president of the Fort Belknap Indian Community, home of different tribes, the Nakoda Assiniboine Tribe and the A'aninin, the Gros Ventre Tribe. I am enrolled member of the Gros Ventre Tribe, and I have been the president there going on year number two here. So I have a little bit of experience in the political arena, but my career, I was a law enforcement officer all in Fort Belknap, and that is kind of what I want to testify on and tell my story about.

You heard a little bit of other stories from other tribes about the issues that they have and the problems with public safety and other issues in Indian Country. And the things that I wanted to kind of point out is I can throw some numbers at you here real quick. In the past, the U.S. Government sent over \$40 billion in foreign aid to other countries. That is over 10 times greater than they ever spent on anything in Indian Country.

Afghanistan alone, they sent more money to Afghanistan than they have ever done to Indian tribes in the United States. Something to remember and think about as you guys hand out the funding going forward. And the Federal Government gave \$2.8 billion to farmers and ranchers in this country. They gave the tribes half that.

And listening to some of the stories that the people talked about earlier and their issues, and that is the same issues in Fort

Belknap. We are not asking for a handout. We are asking for a hand up. We are the First People of this country. Yet we are treated, still treated like secondhand citizens. Always overlooked, always stepped over, always an afterthought.

And the issues that we have in Fort Belknap, in 1997, Fort Belknap 638 contracted BIA law enforcement. At that time, the base funding for law enforcement was \$1.2 million. Here we are in 2023, our base funding is \$1.3 million.

Now how can you run public safety on that amount of money, and nothing has increased. But the yet the cost of living has probably increased a thousand times over since 1997. At that time, we were funded to hire 10 officers at \$10 an hour. We have a reservation of over 600,000 acres. We have six officers to cover that. So one officer per shift.

And in my years and experience in law enforcement, the lack of funding, whether it was in housing, public safety, or IHS, we didn't have an ambulance in the southern end of our reservation. So our officers would have to respond to medical calls and transport with their police units, and I remember transporting people and them dying in my police unit because we couldn't get there in time. We didn't have the medical training. You know, a heart attack. We would pull over to the side of the road, do CPR, things like that.

What we are asking for is to help us with the bare necessities of life for our people. Most of the money that this Government sends overseas is to help with wars, and that is to help kill people. We are asking for money to help save our people, and it is not a very hard thing to think about when you talk about life.

Our children are always sent off to foster care. We don't have enough homes. We got five families living in one home at Fort Belknap, and I am sure the other reservations, the other people have the same issues that we do. I know we all do. And the hard times that we are having, like I said, it is the bare necessities that are all we are asking for to survive and to live on.

It is a very hard situation, and I know some of the people that spoke before me said you guys visited their reservations. And I don't know if you guys have been to Montana, except my friend here, Mr. Zinke. He has been a champion for our people back home, and I want to you for that and what you may do going forward. And I want to congratulate you again for being re-elected to take good care of us and to help us, and we will work together with you to do that. And I mean that from the bottom of my heart.

And a family from Fort Belknap adopted him because he was their commander that went over SEALs. That was part of his command that was killed. So he had enough compassion to reach out to that family back in Fort Belknap, and he is part of our reservation now. And I want to thank you again, Commander Zinke, from the bottom of my heart.

That is part of our story that we have. And a lot of that funding that we ask for is not just for law enforcement. It is for social services. It is IHS, housing. Like I said, the basic necessities that we have. We are trying to live.

We got homeless people. People still live off—you guys remember the days they hand out rations. A lot of our people still live off of rations, general assistance, because we can't provide jobs. We can't

provide income for our people. It is a hard thing to watch when you are a cop or when you are a tribal leader now, and you watch this.

And we are—reservations across the country are still fighting for our water, and so is Fort Belknap. And water is another basic necessity that we need it in the country. And our prayer, sir, you know say you can't have the land without the water. Well, we need water, too, and we need the money to build the infrastructure to irrigate, to grow crops to feed our cattle, our horses, things like that. To grow our medicines.

And I am a very strong believer in our culture. I am holding a piece of bark that I hold and I talk and I pray with. That is from our medicine lodge that I danced in. I asked my relatives that have gone before me to say the words that I am saying to you. And I speak from the heart to every one of you to understand that it is not me speaking, it is the people back home where I come from, that the basic needs that we need.

And I have to reiterate the basic needs—public safety, health, housing, court systems, things like that—we really need you guys to really think about that and the money that you guys send to overseas of over \$40 billion, and this is a couple years ago. It is probably a lot more now what you guys are sending over to foreign countries compared to what you are spending on the First People of this country.

And I won't take any more of your time, but I want to thank you for your time, for listening, and I hope that you don't listen with your ears, but you listen with your heart to really understand what we are going through, the people.

[Speaking Native language.]

[The statement of Mr. Stiffarm follows:]

## Fort Belknap Indian Community



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Fort Belknap Indian Community  
(Elected to administer the affairs of the community and  
to represent the Assiniboine and the Gros Ventre  
Tribes of the Fort Belknap Indian Reservation)

### Fort Belknap Indian Community Testimony on Fiscal Year 2024 Appropriations

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

March 8, 2023

Chair Simpson, Ranking Member Pingree, and Members of the Subcommittee on Interior, Environment, and Related Agencies, thank you for the opportunity to testify on the Fiscal Year (FY) 2024 priorities of the Fort Belknap Indian Community (FBIC). After more than a century of chronic underfunding, the United States must fulfill its treaty and trust obligations and properly fund Indian programs and services. When we ceded vast lands and resources and agreed to a reserved permanent homeland in north central Montana, the United States committed to provide services and programs while also protecting our homelands.

These commitments seem long forgotten. We are forced to make due with underfunded Federal programs, protect our own lands and resources, and seek creative solutions to support our infrastructure. Meanwhile the State of Montana continues to challenge and attack us. Just recently, the members of the Montana legislature attempted to pass a resolution that would request the U.S. Congress to review alternatives to the reservation system.

It is time for the United States to make good on its commitments to FBIC and Indian Country generally. This testimony focuses on some of the most basic needs that were promised to us. Congress must increase base funding for Indian programs and services, and improve funding allocations and formulas, for Indian programs across the board.

#### **Chronic Underfunding of Indian Programs and Services Must End**

The chronic underfunding of Bureau of Indian Affairs (BIA) programs and services has dramatic consequences for tribal members and our communities. While Federal funding has increased in the last few years, much of it related to recovering from the COVID-19 pandemic, significant increases are needed to make up for decades of under funding. The Federal government spends significantly more providing aid to foreign countries than the first people of the United States.

Infrastructure on our Reservation has been left behind. Many of our members are forced to live in nearby towns or rural areas and drive to the Reservation for work and governmental services. The unemployment rate on the Reservation is high (30%) and the median household income (\$42,222) is far lower than the State's median household income (\$60,560). We lack

resource rich trust assets like oil and gas, or income-producing enterprises such as casinos. Agriculture drives our economy, but due to the western drought conditions our agricultural efforts suffered. Our Tribe relies on Federal funding and we urge that this Subcommittee provide significant increases in base funding for Indian programs and services.

In contrast, the Federal government provides significant aid to foreign countries. According to a Congressional Research Service report from January 10, 2022, the U.S. spent approximately \$48.18 billion on foreign aid in FY 2019. This is more than 10 times the Federal funding provided for all Indian programs and services which in recent years was below \$4 billion. The Federal government has a trust and treaty obligation to FBIC and other tribal nations, but does not provide the funding we need for basic services.

#### **Funding for Law Enforcement is Critically Needed**

The chronic underfunding of BIA law enforcement impacts every part of our day-to-day lives. The patrol and detention officers our community relies on to respond in times of emergency are overworked, stressed, and underpaid. Officers spend long hours on the road patrolling an area about the size of the State of Rhode Island and often work without backup to keep our large land base Reservation safe. Further exacerbating staffing issues, we have difficulty recruiting and retaining officers.

We strongly urge the Subcommittee to take action to substantially increase BIA base funding for law enforcement programs within BIA's Office of Justice Services (BIA-OJS) – we requested at least \$5.194 million per year for our new 3-year contract with BIA-OJS. Under current funding levels, we are routinely forced to juggle budget items to address unmet needs and make up the lack of BIA funding. We need more Federal funding to help secure our community and Reservation. Members of our community deserve to live safe and secure in our homelands.

In some cases, the only reason we have been able to continue administering law enforcement is if we are successful in obtaining a one-time competitive grant from the Department of Justice (DOJ). The uncertainty of securing this competitive grant hinders our ability to budget for our law enforcement needs. DOJ competitive grant funding should be transferred back to BIA-OJS and used to provide adequate base funding for law enforcement services. Our law enforcement officers are frontline employees and the safety of our community deserves the Subcommittee's full support.

Under current funding we have six patrol officers. We need at least 12 patrol officers. Currently, our law enforcement administrators are doing double duty as patrol officers. This impacts their ability to manage law enforcement, conduct background checks, process bills and purchase orders. Patrolling a large reservation also takes a toll on our patrol cars, our Reservation is approximately 675,000 acres, the size of a small state, including rough terrain and poor road conditions on our large Reservation. Currently, each officer has a patrol vehicle.

Our Reservation is rural, but our officers are busy. Our officers must respond to numerous emergency calls and make many arrests annually to protect and serve our homelands. Addressing drug-related crimes and providing effective treatment adds another dimension to the law

enforcement services we need to provide for the health and safety of our community. As mentioned, our officers are stretched thin on a regular day. During special and cultural events throughout the year, officers must increase their availability to serve by covering seatbelt and sobriety checkpoints while also responding to calls for service.

Even without all of these pressures, our officers are already overworked and underpaid. Our BIA contract provides some of the lowest officer pay in Montana, making recruitment and retention even more difficult. As a result, our officers are stretched thin, and we experience frequent turnover. It takes about a year between the background check process and basic police officer training. These police officers are here for about one to two years before leaving for higher paying jobs. With more funding, we could offer comparable wages, increase our retention rate, and ultimately lower the costs associated with training new officers. This would also improve law enforcement services with more experienced and knowledgeable officers in the field.

At the minimum, Congress should provide a Cost-of-Living Adjustment (COLA) for BIA law enforcement base funding. Under other 638 contracts, such as Indian Health Services, Congress authorizes yearly COLA increases. A COLA increase for our officers would provide some financial relief and help provide them with the living wages they deserve. The last time Congress authorized an increase in BIA base funding was FY 2020, when FBIC law enforcement got a \$1,000 increase moving our base budget from \$1.299 million to \$1.3 million.

We strongly urge the Subcommittee to significantly increase base funding for law enforcement services, authorize a COLA for law enforcement staff so that we can adequately protect and serve our communities.

#### **BIA Tribal Court Programs Also Need Funding Increases**

Base funding for BIA tribal court programs also needs a significant increase. Under 25 U.S.C. § 3611, BIA is required to provide training, technical support, and funding to all tribal courts. BIA provides funding through Tribal Priority Allocations for tribes that exercise self-determination contracts to operate judicial services on behalf of the Federal government. For FBIC, the base funding provided by BIA has been consistently low for years. Increasing Federal funding will ensure that BIA can fulfill its requirement to provide training, technical support, and funding.

We have several positions that are critical to the program that have been funded through one-time funding, but have never been included in base funding. These positions include a Guardian Ad Litem, Law Trained Public Defender, and Bailiff/Security Guard, Associate Judge, and Court Clerks. We received \$336,000, but need \$850,000 to fund our tribal court.

The lack of BIA funding provided for tribal courts prevents us from implementing the very laws Congress has passed to keep our Reservation safe. Even worse, the U.S. Supreme Court's recent ruling in *Oklahoma v. Castro Huerta* threatens the already scarce Federal funding because states lack budgets to take on new law enforcement responsibilities and will ask for Federal funding to patrol reservations pursuant to this decision. We already have difficulties enforcing the Violence Against Women Act and the Tribal Law and Order Act due to inadequate funding.

It is time for Congress and the Subcommittee to finally provide the funding increases necessary to keep tribal courts running effectively and provide basic justice services in tribal communities. The Subcommittee must also urge the rest of Congress to fix the *Castro Huerta* decision to protect already scarce Federal funding for law enforcement services by amending 18 U.S.C. § 1152 to clarify that state prosecutorial jurisdiction is preempted in Indian country.

#### **Substantial Funding for Indian Water Rights Settlements is Needed**

In 1908, we went to court to fight for our water rights on the Milk River in *Winters vs. United States*. In this case, the U.S. Supreme Court held that the creation of our Reservation included the water rights necessary for us to make a homeland. This case provides the basis for all tribes to protect and quantify their water rights. However, we have been forced to litigate our water rights, spend decades in negotiations, and seek Congressional legislation to affirm our water rights and provide the funding and infrastructure.

Settling more than a century of neglect for our water rights and infrastructure requires substantial funding, but settlements also include protections for existing water users, avoids litigation and upholds the United States' treaty and trust responsibilities. Without settlement, enforcing our senior water rights would adversely impact most other current state-based water users. The Subcommittee must provide adequate funding to implement settlements as agreed to in Congressional legislation. In our case, funding will be used to rehabilitate a federal Indian irrigation project and develop water infrastructure. Indian water settlement funding is infrastructure funding—and our very existence as a peoples requires that we have water to develop and use for our permanent homeland.

#### **Private Attorneys' Fees Funding**

An essential part of settling Indian water rights is the modest amount of Federal funding provided for the BIA Private Attorneys Fees Funding Program under 25 C.F.R. Part 89. We urge the Subcommittee to continue to fund this program. This program provides financial assistance so that tribes can employ legal counsel to defend their tribal trust resources. In many cases, DOJ cannot fulfill its job as our trustee and assert our Indian water rights. Instead, DOJ sits on the other side of the table negotiating against us. In these cases, the United States must continue to fulfill its treaty and trust obligations and provide adequate funding so that tribes can retain private attorneys that will represent our interests.

#### **Conclusion**

Thank you for this opportunity to provide written testimony on Fort Belknap Indian Community's FY 2024 funding priorities. We ask that the Subcommittee take bold steps to correct the chronic underfunding of Indian programs including the lack of funding for BIA law enforcement. Our patrol officers are frontline employees that work to serve and protect our communities with little assistance from the Federal government. The least Congress and the Subcommittee can do is provide them with the staffing levels, salaries, and equipment these officers deserve. The United States must finally fulfill its treaty and trust responsibilities to the Fort Belknap Indian Community.

## Fort Belknap Indian Community



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(Tribal Office)  
Fort Belknap Indian Community  
(Elected to administer the affairs of the community and  
to represent the Assiniboin and the Gros Ventre  
Tribes of the Fort Belknap Indian Reservation)

### Biography of President Jeffrey Stiffarm Fort Belknap Indian Community March 3, 2023

President Jeffrey Stiffarm is a member of the Gros Ventre Tribe. Raised on the Fort Belknap Indian reservation his whole life, he came from humble beginnings, as he and his siblings were raised by their mother. Their father was killed in a car wreck when he was very young. Today he actively participates in the Medicine Lodge.

In 2016 he decided to run for a seat on the Fort Belknap Tribal council. He is now serving his seventh year, with the last year as President of the Tribes.

As the Fort Belknap Indian Community President Stiffarm has dedicated his career to serving his tribal community. Prior to his role as President of FBIC, President Stiffarm served in different capacities on the Tribal Council, at all levels of law enforcement, and as a counselor for the Yellowstone Boys and Girls Ranch. Along with a career serving in various law enforcement capacities, President Stiffarm possesses certifications pertaining to his professional career in law enforcement, including a certification from the Montana Law Enforcement Academy. He understands the issues and concerns of large land base tribes and is a strong advocate for tribal youth. President Stiffarm has worked to serve FBIC at all levels and is dedicated to improving the quality of life on the Fort Belknap Indian Reservation.

He and his wife, Jessica, an enrolled member of the Gros Ventre Tribe, live on the Fort Belknap Reservation at the base of the Fur Cap Mountains (Little Rocky Mountains) where they raise their children and grandchildren.

### Truth in Testimony Disclosure Form

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

Committee: Appropriations 

Subcommittee: Interior, Environment, and Related Agencies 

Hearing Date: 03/08/2023

Hearing Title :

American Indian and Alaska Native Public Witness Days

Witness Name: Jeffery Stiffarm

Position/Title: President

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Fort Belknap Indian Community

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

N/A

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

N/A

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

N/A

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

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

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

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.



**False Statements Certification**

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

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Date

Mr. ZINKE. Thank you, Mr. President.  
And Council Member Lankford.

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WEDNESDAY, MARCH 8, 2023.

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

**WITNESS**

**CAROLE DEPOE LANKFORD, MEMBER, TRIBAL COUNCIL OF THE CON-  
FEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD  
RESERVATION**

Ms. LANKFORD. Good morning. [Speaking Native language.]

My name is Carole Lankford, and it is an honor to be in front of this committee today to be able to speak to you, but especially in front of you, Congressman Zinke, Chairman Zinke. It is a real honor, and I appreciate your service and honor you for that.

Thank you very much.

My name is Carole Lankford. I am a member of the Confederated Salish and Kootenai Tribes of the Flathead Nation. The Flathead Reservation was reserved as our permanent homeland under the Hellgate Treaty of 1855 and encompasses over 1.2 million acres in Western Montana, situated around the southern half of Flathead Lake, the largest freshwater lake west of the Great Lakes.

Our tribes are made up of approximately 8,000 enrolled members, with about 5,000 members living on the reservation. With a total reservation population of approximately 30,000 people, we are the largest minority on our own reservation.

The past 3 years have been challenging for us as Native peoples. The COVID pandemic claimed the lives of three to four times that of other populations in the State of Montana. This disease took from us elders, speakers of our language, and carriers of our beliefs. It swept through our communities despite our tribe's working tirelessly to keep our communities safe.

But the pandemic taught us a valuable lesson. We learned that if we work together and effectively work toward solutions, we can overcome great challenges. We also learned how important it is for resources to be deployed where they are needed the most.

Now we must take what we have learned and apply those lessons to the challenges ahead. We appreciate the opportunity to share our thoughts on addressing these challenges and the subcommittee's commitment to improve the lives of our shared constituents. We face an ever-growing epidemic of untreated mental illness and substance abuse. We also face threats to our homeland, water, forests, and animals from fire and other natural disasters, as well as from invasive species.

Our tribal council has endeavored to tackle the challenges head on. Like the bison our people have been in a relationship for thousands of years, we must turn into the storm. To that end, our tribal council has resolved to eradicate homelessness, to address and treat mental illness and dependence on drugs and alcohol, to make our forests and fields resilient to fire and other natural disasters,

and to prevent the introduction of invasive species that destroy our homeland, private property, and economies.

We support full funding for the Indian Health Service. As a self-governance tribe, we have been carrying out all the functions of IHS on our reservation for decades. Local control and otherwise fiscal management have resulted in significant improvements in the delivery of healthcare services, but our efforts continue to be limited by funding shortfalls. If we have any hope to adequately address mental illness and addiction, we need the necessary resources to do so.

We support additional funding for the Bureau of Indian Affairs. I am incredibly proud of the essential governmental services carried out by tribal staff under the self-governance compact with the BIA. Our law enforcement officers, wildland firefighters, and social services, for example, make sacrifices every day to protect our people and our homeland. In most cases, they do so for less pay and inadequate resources and with substandard infrastructure.

Our reservation was ravaged by wildfire in 2021 by the 2021 fire season. The CSKT Division of Fire, which engages in a full host of fire management activities, was stretched to the breaking point due in part to inadequate infrastructure to support an evolving fire landscape. Lack of available space and facilities to permanent and emergency personnel, the equipment is a problem, and it has exponentially over the past few years as we adapt to changing snowfall patterns and drought conditions.

And one area of critical concern for us is that tribal and wildfire fighters providing fire suppression to our 638 contract are not paid equitably in relation to other Federal firefighters. We need the tools to pay our firefighters the same as our Federal counterparts.

Adequate funding for these essential activities is critical as we face the challenges ahead. We appreciate the subcommittee's commitment and partnership with us.

On behalf of the Tribal Council of the Confederated Salish and Kootenai Tribes, I thank you for this opportunity.

[The statement of Ms. Lankford follows:]

**TESTIMONY OF COUNCIL MEMBER CAROLE LANKFORD OF THE  
CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD  
RESERVATION TO THE HOUSE APPROPRIATIONS COMMITTEE  
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES ON THE IHS, BIA  
AND EPA FY 2024 BUDGET**

**March 3, 2023**

My name is Carole Lankford and I am a member of the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation. I would like to thank the House Interior Appropriations Subcommittee for the opportunity to present testimony concerning appropriations for the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA), and Environmental Protection Agency (EPA).

The Flathead Reservation was reserved as our permanent homeland under the Hellgate Treaty of 1855. The Reservation encompasses over 1.2 million acres in western Montana situated around the southern half of Flathead Lake, the largest freshwater lake west of the Great Lakes. Our Tribes are made up of approximately 8,000 enrolled tribal members, with approximately 5,000 tribal members living on the Reservation. We have a total Reservation population of approximately 30,000 people.

We are a Self-Governance tribe and have carried out all functions of the Bureau of Indian Affairs and Indian Health Services on our Reservation for decades. We have also carried out the functions of the Environmental Protection Agency under the Treatment as States authorities for many years. Local control and wise fiscal management have allowed us to stretch limited resources far beyond the capabilities of the federal government. Despite the efficiencies our Tribal government can achieve, limitations on federal resources presents a significant challenge for the delivery of services. As Congress has long recognized, the foundation for economic development and prosperity in Indian country is rooted in community stability, begins with quality health care, including care for mental illness and addiction, public safety, safe roads and infrastructure, resilient forestlands, abundant fish and wildlife, and a clean environment.

**INDIAN HEALTH SERVICE FUNDING**

We zealously advocated for full funding for the Indian Health Service for decades. The COVID-19 pandemic showed the nation the chronic health care deficiencies in Indian country. Native people acquired and died of this disease at some of the highest rates in the nation, especially in Montana where Native deaths from COVID accounted for over one-third of all deaths statewide. These statistics were undoubtedly influenced by higher rates of comorbidities experienced by Tribal people as a result of inadequate health care and infrastructure funding.

My colleagues and I are now focusing on the emerging health crisis involving mental health and addiction. We have faced challenges with mental health and addiction for many years, but those challenges have been exacerbated by the COVID pandemic. We are committed to providing needed mental health care and substance abuse treatment, but we lack adequate resources to address these critical needs.

**BUREAU OF INDIAN AFFAIRS**Social Services, Public Safety and Housing

Due in no small part to the mental health and addiction challenges faced by our people, there is a dire need for increased funding for our Tribal Social Services program. Unfortunately, Congress has not increased BIA's social services program for several years. Social services are critical to families to support good parenting keeping children out of the foster care system and supporting Tribal people into the workforce.

We appreciate the increased funding for Tribal Courts that Congress has provided, but it has not been enough. Tribal Courts also face significant challenges associated with mental health and addiction. Tribal courts are essential to a strong economy and safe communities. Our Tribal Defender's office is leading several cutting-edge efforts to reduce recidivism including case management and supportive housing but needs additional funding.

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

Homelessness and overcrowding in housing at all-time highs across Indian country, both of which have undoubtedly contributed to the high death rates of Native people throughout the COVID pandemic. The situation is further complicated by the drug and mental health crisis we face. Importantly, housing funding must include the resources for infrastructure to ensure any new housing has water, sewer, electricity, and broadband access.

Natural Resources: Wildland Fire and Aquatic Invasive Species

My tribe is encouraged by the trending increases in federal wildland fire appropriations. Pending increases in Fuels reduction, preparedness and prevention funding is improving. However, there needs to be constant, intentional attention to parity, equity, and inclusion of tribal wildland fire management programs during the Agency allocation of these funds.

Our Reservation was ravaged by fire during the 2021 and 2022 fire seasons. CSKT's Division of Fire, which engages in a full host of fire management activities was stretched to the breaking point, due in large part to inadequate infrastructure to support an evolving fire landscape. Lack of available space and facilities for permanent and emergency personnel and equipment is a problem that has grown exponentially over the past few years. To that end, we have undertaken planning to identify the appropriate infrastructure and facilities necessary for our Division of Fire to protect our Reservation and the region. These facility needs include:

- Airport security fencing to improve aviation security and safety by eliminating wildlife from runways;

- Construction of a single engine air tanker (SEAT) base facility to provide adequate amenities to the management, pilots, and crews;
- Construction of adequate containment areas for the SEAT base to increase capacity to 12,000 gallons of retardant. This would improve SEAT retardant delivery to fires within the Northern Rockies;
- Field personnel facilities with crew locker rooms, briefing and staging areas, showers, restrooms, kitchen area, and sleeping quarters;
- Vehicle bays for BIA vehicles and engine crew room to protect the vehicle chassis, pumps and equipment reducing maintenance costs and increasing longevity of critical suppression resources as well as accommodations for engine crews, briefing areas, and management;
- BIA and Tribal facilities needs Assessments are critical to determine adequate funding for facilities and maintenance in order to comply with applicable safety regulations.

We are keenly concerned with the detection, prevention and eradication of invasive species and on the resiliency of our Tribal lands. There has been little to no coordinated effort across the Columbia River Basin for the protection against the introduction of Aquatic Invasive Species (AIS), such as the zebra and quagga mussels. Because it only takes one boat to infect an entire watershed, every potential vector is a threat to the entire region. At the same time it's critical to empower local parties, who are best suited to guard against invasion, and build strong partnership among local parties throughout a basin. In our view federal monetary support and assistance in coordination are the keys to adequately protect the vital water resources of the Pacific Northwest. Because of the interconnectedness of waterways, protection against AIS is an area where federal funds can match or supplement local efforts in a cost-effective manner.

Importantly, the Federal Highway system is the primary vector for transmission of invasive species, including AIS. The best way to build a robust line of defense against invasive species is establish permanent check stations on all federal highways in and out of the Basin. Working in tandem the Transportation and Interior Departments could ensure that traffic is safely and efficiently moved into check stations, where watercraft can be inspected safely by local staff from Tribes, states, and local governments. These check stations could be constructed in conjunction with rest areas and weigh stations throughout the Columbia Basin. Similarly, federal reservoir managers, in order to fulfill their trust responsibility to Indian tribes, must ensure that no watercraft leaves a water body without certifying that the craft has been inspected, is clean, and free of invasive species, but they need the resources to do so.

CSKT operates a number of programs that defend against the introduction of invasive species and mitigate the invasions that have already occurred. But funding for our efforts is sparse and inconsistent. Again, the most significant barriers in our efforts are the lack of coordinated response and adequate resources.

#### **ENVIRONMENTAL PROTECTION AGENCY**

Finally, we strenuously urge Congress to prioritize adequate funding for the Environmental Protection Agency programs for Tribal communities. Over the past 12 years, we have seen funding for Tribal EPA programs steadily decrease. Moreover, many EPA grants provide only short-term funding and come with onerous reporting requirements. CSKT must therefore devote considerable

staff time to monitoring, applying for, and administering federal grants—which are shrinking in size. This inadequate funding system is a drain on our government and makes it increasingly difficult for CSKT to sustain vital programs to monitor, reduce, and prevent pollution on our Reservation.

The federal government, which includes EPA, has a trust responsibility to provide Tribes with a livable homeland. A livable homeland must be one where pollution levels are safe for people, wildlife, and the environment. In administering EPA programs in the Agency's stead, CSKT and other Tribes play a critical role in protecting human health and the environment.

The current funding and grant systems undermine the obligations of the United States. Without stable funding, CSKT cannot build sustainable and effective programs to protect our environment and community. Unfortunately, EPA's budget for tribal environmental programs does not increase even when the number of Tribes operating these programs does.

Over the past six years the Clean Water Act Section 106 Water Quality Program has seen a 20% reduction in funding. This reduction has greatly impacted the Program's ability to fund full-time staff who can perform necessary monitoring and water pollution assessments on the Reservation. Similarly, the Clean Water Act Section 319 Non-Point Source Pollution Program has never been adjusted for cost of living increases. As a result, we are now unable to support a full-time position alone on EPA funding allocations.

We have relied on EPA Wetland Program Development Grant funding since 2004. However, high competition and low total funding for EPA WPDG's has resulted in poor retention of Wetland Program Coordinators (we have had eight coordinators in 16 years) and three years without any monitoring or assessment. A higher amount of regularly-available EPA WPDG funding would be an enormous benefit to the 40,000 acres of wetland habitat on the Reservation.

Clean Air Act Section 103 and Section 105 Air Quality Program funding has dwindled in a similar fashion. As late as 2003, our Tribal Air Quality Program budget carried four full-time employees. This fiscal year funding is barely sufficient for one full-time employee with no allowance for cost-of-living adjustments or pay raises. For Fiscal Year 2022 Air Quality budget is 62% of what is was 15 years ago while the workplan elements remain essentially the same.

Solid and Hazardous Waste and Brownfields Program has remained stagnant as well while our staff struggles to deal with the needs of the growing population on the Reservation. At the same time Underground Storage Tanks and Leaking Underground Storage Tanks Program has seen a 50% reduction in funding presenting an alarming outcome of family and community drinking water supply sources.

Our Tribal Federal Insecticide Fungicide Rodenticide Act ("FIFRA") Program provides routine and for-cause inspections, compliance assistance, and Native Pollinator Protection and Pesticide Safety educational outreach in regard to pesticide use on the several Indian Reservations in Montana. Because EPA funding has remained the same since 2009, except for nominal cost-of-living increases, the program's staffing capacity has steadily decreased.

## Biography

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

In December 2021, Carole Depoe Lankford (Kootenai and Salish) was re-elected to her eighth Tribal Council term for the Ronan District of the Flathead Indian Reservation. She is a lifelong resident of the Reservation, graduating from Hot Springs High School in 1977. She holds an Honorary Bachelor's Degree from Salish Kootenai College. Before being elected to the Tribal Council in 1993, her Tribal career included work in Tribal Forestry, Fish and Game Conservation, and Tribal Administration. Her Tribal Council service has run concurrent to the CSKT's self-governance efforts that begin in 1992 and she remains committed to furthering CSKT's successes. Carole and her husband Tom Lankford (Gros Ventre) are the collective parents of four sons and three daughters who have blessed them with 28 grandchildren.

### Truth in Testimony Disclosure Form

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

Committee: Appropriations

Subcommittee: Interior, Environment and Related Agencies

Hearing Date: 03/08/2023

Hearing Title :

Tribal Public Witness Hearing

Witness Name: Carole Lankford

Position/Title: Tribal Council, Confederated Salish and Kootenai Tribes

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Confederated Salish and Kootenai Tribes of the Flathead Reservation

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

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

[Empty rectangular box for listing federal grants or contracts]

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

[Empty rectangular box for listing foreign government contracts, grants, or payments]

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

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

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(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—

(i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

Appropriations  
U.S./UC—

**False Statements Certification**

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



Witness signature

3/2/23

Date

Appropriations

US/UC

Mr. ZINKE. Thank you.  
Ms. Ashleigh Weeks of the Assiniboine and Sioux Tribes.

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WEDNESDAY, MARCH 8, 2023.

**ASSINIBOINE AND SIOUX RURAL WATER SUPPLY  
SYSTEM (ASRWSS)**

**WITNESS**

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

Ms. WEEKS. Good morning, Chairman Zinke, Ranking Member Pingree, and members of the subcommittee, my name is Ashleigh Dupree-Weeks. I am the general manager of the Assiniboine and Sioux Rural Water Supply System in Northeastern Montana.

There are 21 employees on the Fort Peck Indian Reservation that operates, maintains, and replaces this vital system that now serves a rural population of 18,000 persons and will serve 32,000 when the design capacity is reached in several future decades.

This drinking water system supplies safe, high-quality, and reliable drinking water from the Missouri River. A regional water treatment plant operated by my certified and highly capable staff delivers water through 3,200 miles of pipeline when completed, with multiple pumping stations and water storage tanks.

The construction of the project is 95 percent complete within the Fort Peck Indian Reservation and 85 percent complete in the area that we serve off the reservation known as Dry Prairie, our non-Indian partners and a very successful part of our project. The United States will invest \$375 million in construction to complete the project in Montana, and Dry Prairie will invest an additional non-Federal cost-share of \$47 million.

I have the responsibility of operating, maintaining, and replacing the facilities on the reservation with a Federal construction value of \$239 million. The request we make of the subcommittee for funding in fiscal year 2024 is \$4.204 million, or 1.75 percent of the construction cost, a modest percentage. This is an increase over our fiscal year 2023 funds of \$772,000.

Our funding in fiscal year 2021 was \$3.28 million. So our request this year is nearly 28 percent higher than 3 years ago. We only requested small increases in fiscal year 2022 and fiscal year 2023, but we now need a significant increase due to several factors I will outline for you.

The first is inflation. Reclamation construction cost trends index for our type of construction rose from 505 to 654, or over 29 percent, over the last 3 fiscal years. This is reflective of the type of inflation for operation, maintenance, and replacement.

The second, increasing water deliveries with service to more people. Our deliveries of water rose from 795 million gallons to 1.112 billion gallons over the last 3 years, an increase of 40 percent.

Chemical costs at the water treatment plant increased from \$407,000 to \$607,000, an increase of 50 percent.

Pumping costs increased from \$266,000 to \$378,000, an increase of 42 percent.

We have also increased the staffing of highly qualified and certified operators for our system to its full potential. Our labor costs in fiscal year 2021 were around \$1 million, and the projected cost in this next fiscal year 2024 for current staff is \$1.5 million, an increase of 70 percent due to the increase of manpower, increasing our FTEs from 18 to 21, and an increase in average salaries.

FTEs increased by 17 percent. Average salaries increased by 21 percent, reflecting an increase in certification as well as inflation. Fuel and maintenance cost of vehicles has also increased over the last 3 years by about 16 percent.

Mr. Chairman, factors I have outlined account for the increase in funding needed for fiscal year 2024. I thank the subcommittee for the continued support of OMR funding for ASRWSS, as authorized by Public Law 106-382.

Thanks.

[The statement of Ms. Weeks follows:]

**FY 2024 TESTIMONY OF ASHLEIGH WEEKS, GENERAL MANAGER  
ASSINIBOINE AND SIOUX RURAL WATER SUPPLY SYSTEM  
HOUSE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
APPROPRIATIONS SUBCOMMITTEE**

**FORT PECK RESERVATION RURAL WATER SYSTEM (\$4,204,000)**

The Assiniboine and Sioux Rural Water Supply System (ASRWSS) submits this testimony in support of \$4,204,000 in funding for continued Operations, Maintenance, and Replacement (OMR) of part of the Fort Peck Reservation Rural Water System as authorized by PL 106-382.

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

The most basic of governmental functions is the delivery of clean, safe, and reliable drinking water. We are honored to provide water to the Assiniboine and Sioux Tribal members and to service northeastern Montana off-Reservation population in a 7,750 square mile area connected by 3,200 miles of pipeline when completed in 2024. Completion of all construction is expected in FY 2023 and upon completion, the project will provide drinking water to an area larger than New Jersey and just smaller than Massachusetts.

ASRWSS wants to thank the Subcommittee for the full funding of OMR costs of the Water Project at \$3.432 million in FY 2023 and for full funding in all previous years.

As the Project works toward completion of construction, OMR needs continue to increase. Thus, for FY 2024 we will need an additional \$772,000 to reach the \$4.204 million in appropriations for the Bureau of Indian Affairs (BIA) Construction account.

The increase is a significant increase over the last several years and is due to:

- i) inflation in FY 2021 through FY 2023 for all OMR items, particularly
  - (1) chemicals
  - (2) fuel
  - (3) power and heating
  - (4) asset replacement
- ii) continuing construction to advance service to more users on the
  - (1) west side of the Fort Peck Indian Reservation
  - (2) Scobey area of Dry Prairie
- iii) increase in production of water at treatment plant from 795 million gallons in 2018 to 1,112 million gallons (0.795 to 1.112 billion gallons) in 2022.

The funding increase of \$772,000 is necessary to:

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

The Congress (Energy and Water Subcommittee) will have appropriated over \$381 million to complete the project through FY 2023. The amount required for completion includes a considerable inflation amount over the last 2 years and results in an increase of \$27 million overall. This increase is a small portion of the remaining construction costs that required re-pricing by the Bureau of Reclamation. The ASRWSS/DPRWS projects are 95% complete and full funding will be available to complete the project in FY 2023 and 2024. It is imperative, through Interior appropriations (and a DPRWS non-federal cost share), that ASRWSS maintain the investment of Congress in the ASRWSS infrastructure valued at \$240.4 million and held in trust by the United States.

The DPRWS cost share covers the OMR cost of their use common facilities as agreed upon between ASRWSS, DPRWS and the Secretary in a Water Service Agreement. DPRWS makes monthly payments on a timely basis. DPRWS will provide an estimated \$759,000 in FY 2024 to supplement appropriations.

ASRWSS provided drinking water to more than 17,400 residents in Northeast Montana in 2022. In 2024 over 18,000 residents will be served. Ultimately, 31,000 residents will be served as the population of the region continues to grow over the next several decades. The population served at the end of 2016 was less than 10,000, and with population growth, OMR funding needs have increased accordingly. The project also serves social and governmental agencies, including the BIA Agency Office, schools, clinics, hospitals, Medicine Lake National Wildlife Refuge, Fort Union Trading Post National Historic site, U.S.- Canadian border stations, and the towns of Poplar, Wolf Point, Frazer, Culbertson, Medicine Lake, Scobey, Nashua, St. Marie, Fort Kipp, and Brockton. The small Reservation communities of Reserve and Lustre were added in 2022 and the off-Reservation town of Opheim will be served in 2023.

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

The Project called for the construction of a single treatment plant on the Missouri River near Wolf Point, Montana, that will distribute water through 3,200 miles of pipeline to both the Reservation Tribal system and through three completed and operational interconnections to

DPRWS. A single water source on the Missouri River replaced nearly two dozen individual community water sources and ensured a clean, plentiful, and safe water supply.

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

Thus, the \$4.204 million requested in FY 2024 for the OMR of this vital infrastructure project is critical. The increased funding of \$772,000 over the FY 2023 level for the OMR of the Project is needed as the Project buildout increases the service population and requires additional personnel, power, chemicals, repairs, replacements and improvements to operate the water treatment plant and other facilities.

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

Bio for Ashleigh Weeks

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

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Committee: Appropriations ▼

Subcommittee: Interior and Related Agencies ▼

Hearing Date: 02/27/2023

Hearing Title :

Tribal and Native American Witness Testimony on the FY 2024 Interior and Related Agencies' budgets

Witness Name: Ashleigh Weeks

Position/Title: ASRWSS General Manager

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Assiniboine and Sioux Rural Water Supply System

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(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.



**False Statements Certification**

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

\_\_\_\_\_

Witness signature

7/27/2023

Date



Mr. ZINKE. Thank you.  
And my good friend, chairman of the great Assiniboine and Sioux  
Tribe. And Mr. Chairman.

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WEDNESDAY, MARCH 8, 2023.

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

**WITNESS**

**FLOYD AZURE, CHAIRMAN, ASSINIBOINE AND SIOUX TRIBES OF THE  
FORT PECK RESERVATION**

Mr. AZURE. Thank you. Thank you, Chairman Zinke. We have had a great relationship for the past few years, and I even enjoyed it when you were at the BIA. That was a lot of fun.

Mr. ZINKE. I am glad you did.

Mr. AZURE. I would come to see you. I know what happened to you. I didn't agree with it, but some people just do things. And I went through the same thing, basically. So it is not good.

And thank you, Ranking Member, and thank you, committee members. Thank you for allowing us to be here today, and I want to thank you for allowing my manager of our water treatment plant give her report, and she does a great job.

Mr. ZINKE. Mr. Chairman, you hire really good people.

Mr. AZURE. I am Floyd Azure and chairman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. Fort Peck Reservation is in northeast Montana, 40 miles west of the North Dakota border and 50 miles south of the Canadian border, with the Missouri River defining its southern border.

The reservation encompasses over 2 million acres of land. We have approximately 12,000 enrolled tribal members, with approximately 7,000 tribal members living on our reservation. We have a total reservation population of about 11,000 people.

We appreciate the subcommittee's continued commitment to addressing substance abuse and the consequential challenges that arise from this plague. When someone is suffering from addiction, it is not just the person who is impacted, it is the entire family. And for tribal communities, it is the entire tribe.

The addictions our people are facing today, and particularly meth and heroin, are so much more destructive than alcohol. I am not sure we can survive another generation with our people locked in the grasp of addiction to these drugs.

Thus, I would like to take the time today to talk about the importance of supporting Indian Health Service, and we need to support the Indian Health Service's capacity to collect from third-party payers like Medicaid, Medicare, and private insurance. From expanded Medicaid, Montana has allowed the Indian Health Service to actually provide healthcare rather than band-aids, which all too often were prescription painkillers.

It is an old story across Indian Country that the biggest drug dealer on the reservation is the IHS clinic. This is because the IHS historically did not have the resources to treat serious conditions like torn ACLs, rotator cuff injuries, or even gallbladder disease be-

cause these conditions are not life or limb conditions and would not qualify for PRC contract care.

Consequently, the providers, who were led to believe that painkillers would be a safe alternative to real care, prescribed painkillers. Thus, for a generation, we have had to deal with people who were given pills and became addicts, which led to the destruction of lives, families, and in the end, compromised the very foundation of our community and our future.

However, since Medicaid expansion, the numbers tell us that people are getting real healthcare, and their quality of life is improving, which means the quality of life of our children is improving. No longer are our people being told that they are not sick enough to get quality healthcare and given a bottle of pills for the pain.

Specifically, we have had scores of hip and knee replacements and other orthopedic surgeries and other preventive and screening healthcare, including substance abuse treatment. While there is no magic solution to combatting the many issues that are caused by drug and alcohol addiction, I am certain that ensuring people have access to quality healthcare is a big part of the solution.

As our people heal, we must work to heal our families, and that is why I am here again asking for additional funding for our tribal social services program. Over 35 percent of our children are in foster care in Montana. They are Indian children. Indian people represent only 10 percent of the State population.

Finally, a key factor in keeping families together and healthy is housing. Our reservation is in dire need of housing. It is masked by the fact that we have families living in overcrowded situations.

Thus, when someone is asked do they have housing, they answer, "Yes, I live with my grandmother." What they do not disclose is that sometimes four or five other families live in that house, and it is usually a two- or three-bedroom home.

We need additional Housing Improvement Program funding to be able to meet the low-income housing needs for our members.

Thank you.

[The statement of Mr. Azure follows:]

**TESTIMONY OF FLOYD AZURE, CHAIRMAN  
ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION TO  
THE HOUSE APPROPRIATIONS COMMITTEE SUBCOMMITTEE ON  
INTERIOR AND RELATED AGENCIES ON THE IHS, BIA AND EPA FY 2024  
BUDGET**

**March 3, 2023**

I am Floyd Azure, Chairman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. I would like to thank the House Interior Appropriations Subcommittee for the opportunity to present testimony concerning FY 2024 appropriations for the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA), and Environmental Protection Agency (EPA).

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

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

**A. INDIAN HEALTH SERVICE FUNDING**

We strongly support full funding for the Indian Health Service. The COVID-19 pandemic showed the nation the chronic health care deficiencies in Indian country. Native people acquired and died of this disease at some of the highest rates in the nation. This is because we suffer from the comorbidities at higher rates, we lack access to adequate health care, and we lack basic community infrastructure.

As we are coming out of the pandemic, Indian country is preparing for the next health crisis, a mental health and addiction crisis. Our people were engaging in self-harming behaviors at drastic rates before the pandemic. We fear that because our people have suffered tremendous losses and have not been able to properly grieve, that this grief will manifest itself in unhealthy behaviors. Congress must focus on addiction and mental/behavioral health programs to ensure that we do not have another epidemic to respond to.

**B. BUREAU OF INDIAN AFFAIRS**

We strongly support the increased funding for the Bureau of Indian Affairs.

**1. Social Services and ICWA Funding**

There is a dire need for increased funding for our Tribal Social Services program is critically

needed. There has not been any increase in this program for several years. Over 35% of the children in the foster care system in Montana are Indian children - Indian people represent less than 7% of the State population. We need more support to recruit and retain licensed foster care homes on the Reservation. Importantly, we need to provide social services to families so that they have the tools to be the best parents possible, so that their children do not enter the foster care system.

Montana is one of six states in the country to have instituted an ICWA court. This court handles State ICWA cases in Yellowstone County from the Fort Peck, Northern Cheyenne, and Crow Tribes. The team approach of the ICWA Court in Montana fosters collaboration between State and Tribal stakeholders, promotes meaningful State compliance with the Indian Child Welfare Act, and improves outcomes for Indian children and their families involved in the foster care system.

In this era where ICWA is under constant attack, in spite of it providing needed protections for Indian children, families and Tribes, the Committee should encourage the BIA to work collaboratively and strategically with Tribes to expand ICWA courts across the country. This kind of support and dedicated staff can only be done through additional funding for the BIA Tribal Social Service and ICWA programs.

## 2. Tribal Court Funding

Relatedly, while we appreciate the increased funding for Tribal courts that Congress has provided, it has not been enough. Tribal Courts are the backbone of tribal sovereignty. Without sound tribal courts, we could not be a community where people feel safe, where business want to open and where our children and our most vulnerable receive protection. The Fort Peck Tribal Court is one of the oldest in the country and we are very proud of the work our judges, prosecutors, defense attorneys and clerks do.

Currently, the Bureau of Indian Affairs only provides a fraction of the funding to operate our Tribal Court. Our court is one of the few Tribal Courts in the Country exercising expanded VAWA jurisdiction and enhanced sentencing under the Tribal Law and Order Act. This work is important to making our Reservation a safe place for women and families. However, this takes additional resources to retain properly trained defense counsel, prosecutors, and judges, and provide services to defendants and families requires additional resources. .

## 3. Law Enforcement

There is critical need for increased law enforcement funding throughout Indian country. Our Police Chief estimates that 70%-80% of criminal conduct has a drug component to it, with assaults and burglaries arising out of drug use-and addiction. We are dealing with violent crimes, in particular violent crimes against women and children. We need to emphasize community policing but to do this we need more law enforcement personnel to live and work in our community. The crime in our community is impacting the most vulnerable in our community the most and it is time that we stop accepting this as normal. It is not normal, it is tragic.

#### 4. Housing

One of the reasons the Pandemic impacted our community so significantly is that too many people on our Reservation are living in overcrowded conditions. In many homes, there are three or more families living in 4-bedroom homes. Across Indian country it is estimated that approximately 20% of all homes are overcrowded, it is much higher on the Fort Peck Reservation.

This overcrowding situation is contributing to the social disfunction that our children experience. In many instances, it is the grandparents who take in their adult children and grandchildren. Sadly, these adult children are in the grips of addiction, and other unhealthy behaviors, which their children can't escape from as they are living with it every day. Moreover, when a grandparent allows an active user to live in their home, they are putting their own housing security at risk, because our Housing Authority does not allow active users to live in a HUD home, and thus, these elders can face eviction. In short, in order to have a healthy community, we must have more housing. This includes not only more housing for families, but also recovery housing so that people with addictions are not forced to go homeless.

In addition to overcrowded housing on the Reservation, the housing shortage also impacts our ability to recruit professionals, including education, law enforcement, and especially health care workers. Thus, we need housing that is not only directed to low-income families, but also working families so that we can attract the professionals we need to work in our schools, clinics, and police stations.

Importantly, housing funding must include the resources for infrastructure to ensure any new housing has water, sewer, electricity, and broadband access.

#### 5. Bison Program Funding

We want to thank the Subcommittee for funding that you provided for the Tribal Bison program. This funding is critical to bringing traditional food and traditional practices back to our communities. The Fort Peck Tribes have implemented a robust bison restoration program and now have partnered with the National Park Service to conduct post quarantine assurance testing of NPS bison from Yellowstone National Park. Most recently, in January 112 Yellowstone Bison to were transferred to Fort Peck. Since 2019, a total of 294 Bison have transferred to Fort Peck. Of this, 170 have been translocated to 23 tribes across 12 states for their herd development. This vital to cultural, economic and

### C. ENVIRONMENTAL PROTECTION AGENCY

There is an important need to increase funding for tribal environmental programs with the Environmental Protection Agency. This in includes the Indian Environmental General Assistance Program, the Solid Waste-Indian Lands Program, and the Tribal Clean Air Program. None of these programs have received and increase in funding in several years. It is important to support these programs with increased funding.

Bio for Floyd Azure, Chairman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

Prior to serving as Chairman, Mr. Azure was a member of the Fort Peck Tribal Executive Board. Before beginning his public service, Mr. Azure was a small business man in his hometown of Poplar, MT, owning his own auto body repair shop. Mr. Azure was born and raised on the Fort Peck Reservation and is proud to have raised his family there and call it his home. In his free time, he enjoys hunting and fishing and enjoying all that Montana has to offer.

### Truth in Testimony Disclosure Form

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

Committee: Appropriations

Subcommittee: Subcommittee on Interior and Related Agencies

Hearing Date: 03/08/2033

Hearing Subject  :

Tribal Leaders' Testimony on the FY 2024 Interior and Related Agencies Budgers

Witness Name: Floyd Azure

Position/Title: Chairman

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Assiniboine and Sioux Tribes of the Fort Peck Reservation

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

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

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

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

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

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

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.



**False Statements Certification**

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Witness signature

2/27/2023

Date



Mr. ZINKE. Thank you, Mr. Chairman.

We talk a lot about treaty obligations, but there is also an obligation to border security. There is also an obligation to create the economic conditions where people can reach prosperity.

So I recognize, fully recognize the obligations of treaties because sovereign nations, it is one nation having a treaty with another nation. So I understand that and respect that, but also the U.S. can do a lot better with our obligations on border and such.

Ranking Member, would you like to ask a question?

Ms. PINGREE. Thank you very much.

Thank you so much for your testimony. I thought that was a really good way of describing the issues when you don't have sufficient healthcare and the IHS being the biggest drug dealer. We understand the progression that has happened in so many places where people start with a painkiller.

Did the tribes—or did your tribe receive any of the settlement funds with the drug companies? Were you involved in any of that litigation?

Mr. AZURE. No. No.

Ms. LANKFORD. Yes.

Ms. PINGREE. No. Yes, you are? Yes, that is interesting. I think—

Mr. AZURE. The issue with us—

Ms. PINGREE. Go ahead.

Mr. AZURE. You know, the drug problem we have is great on our reservation, but the biggest issue I have to deal with is the children that are affected by it. My wife has been a schoolteacher for 33 years in kindergarten, and she deals with it. And the children that come in have increasingly come in with mental disabilities.

And not only that, but this drug problem we have increases the burden on our healthcare and law enforcement and correctional, our social services. And that is why we have the majority of our children in social services. We got 97 of them in foster care on the reservation, and they are not on a reservation that is spread out through the State of Montana.

Ms. PINGREE. Right.

Mr. AZURE. But it all stems from the drug abuse that we have, and there—in Montana, there was a representative in Montana that was putting a bill forward to come to Congress and ask to do away with the reservations with the drug problem, but you have got to remember that our reservation is in the middle of Montana. So it is not coming from us. It is coming from the State of Montana.

And we have to work with the State of Montana. We have been working with the State of Montana. We have a drug task force with the State of Montana, and it extends to the state of Minneapolis, and it extends to the State of Washington, our ties. And we have been catching people on Burlington Northern because they have no guidelines on Burlington Northern. Anybody can get on Burlington Northern.

We caught one person that was coming from Washington—from Portland, Oregon, all the way across going to Minneapolis. And they stopped it, they have a stop in Williston, North Dakota. Well, the agents from Williston, North Dakota, came in, joined with our

agents. We put them on the train in Wolf Point. They pinned the guys down, who they were and where they were at in the train, and they took them off the train in Williston, North Dakota.

And my people, working with the State of Montana, we worked with the Highway Patrol. We worked with the County of Roosevelt. We worked with the County of—Valley County, the City of Wolf Point. We all have the same issue. We don't have enough officers.

But we have been doing a great job. We have had a bust almost every week. The last bust we had was over 5 pounds of marijuana, over a kilo and a half of meth, and I don't know how many fentanyl pills in one bust. But that is what is destroying our reservation. And if the State of Montana can't stop them from coming into our State, how are we going to stop them from coming into our reservation?

Ms. PINGREE. Yes. No, and thank you for the good work that you are trying to do. And you are right. It is certainly not just specific to tribal reservations. It is a huge issue in all of our rural communities in a State like mine, too.

So, but thank you all for your testimony. I really appreciate it.

Mr. ZINKE. Thank you.

Mr. Ellzey, do you have any comments?

Mr. ELLZEY. [Indicating no.]

Mr. ZINKE. Thank you.

One last, Mr. President, you had mentioned before that you have five officers because you had to reduce the number of officers simply to raise the pay. Because you get the same amount over time, and 10 years later, you have the same amount, obviously inflation, it is hard to recruit when they are so underpaid.

But is that true? You had to reduce the number because the budget has been the same. You got to hire somebody, and you got to find someone to do the job.

Mr. STIFFARM. Yes, exactly. We had to reduce the number of officers down to five to increase their wages, which their wage is still incompatible to surrounding areas, the county or Highway Patrol or anything like that. And we are not cross-deputized. The only officers that serve our people back home is tribal officers, 638.

And like I said, their starting wages in 1997 were \$10 an hour. That is minimum wage to put your life on the line, and that is how when I started in law enforcement, I was at \$9 an hour. And people, the surrounding areas, counties, they are offering \$30, \$40 an hour. And like I said, we are a training ground.

The lack of funding throughout Indian Country also affects the BIA. In my years of being a council member, every time I came to D.C. I asked BIA for extra funding to increase our baseline for our officers' pay and then give us one-time funding, which was like around \$100,000, and you couldn't use it towards wages. You have to use it for equipment or things like that. And I tell them it was a training ground for other agencies.

And the BIA told us last year that they are going to increase the BIA police officers' wages because they are a training ground. And I told them, well, welcome to our world. We have been living that from day one. And here you guys are the people that distribute money down to the tribes that have 638 contracts, and you guys

got to remember us. You know, you give us pennies on the dollars you get.

But then what the BIA and the Federal Government gives to BIA is pennies on the dollars to what they give foreign countries and other entities. Something to think about going forward is how much money you give other countries compared to what you give to the tribal nations of this country, our First People.

But I want to thank you again for this opportunity to let us tell our story and the stories you are going to hear after us, and I appreciate every one of you.

Mr. ZINKE. Thank you, Mr. President. And thank you all.

[Pause.]

Mr. ZINKE. Well, thank you. I am honored to be chairman of the next panel. So we will go right into it.

Doctor, we are interested and waiting for your testimony.

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WEDNESDAY, MARCH 8, 2023.

## UKPEAGVIK INUPIAT CORPORATION

### WITNESS

**DR. PEARL BROWER, PRESIDENT/CEO, UKPEAGVIK INUPIAT CORPORATION**

Dr. BROWER. Thank you. Thank you.

Uvlaalluataq. Good morning, Chairman Zinke, Ranking Member Pingree, and honorable members of the Subcommittee on Interior, Environment, and Related Agencies.

Uvuna Nageak, Taniktunsiniga, Dr. Pearl Kiyawn Brower. Ukpiagvinmiuguru?a. Qaugliruna uvunga Ukpeagvik I?upiat Corporation, UIC. Quviasuktuna maaniitchumi(ng)agama uvlupak.

So, good morning. My name is Dr. Pearl Brower, and I am from Utqiagvik, otherwise known as Barrow, on the edge of the Arctic Ocean in Alaska. I live, work, and have the responsibility of caring for our land, the land of the Inupiat, as the president of Ukpeagvik Inupiat Corporation.

I am here to talk to you about the clean-up, or lack thereof, of the contaminated lands conveyed to Alaska Native communities as part of the 1971 Alaska Native Claims Settlement Act, ANCSA. Specifically, I am here to testify regarding the need for additional ANCSA contaminated land funding through the Environmental Protection Agency. Quyanaqpak. Thank you for allowing me the opportunity to provide our perspective on the impact of contamination in Alaska.

UIC is an Alaska Native village corporation created under ANCSA, and UIC has worked to become self-sustaining and provide for the economic, social, and cultural prosperity of our shareholders. We celebrate our 50th anniversary this year and, as a company, are in the strongest position we have ever been in.

As part of ANCSA, the Federal Government agreed to convey to 12 Alaska Native regional corporations and more than 200 village corporations 44 million acres of land and \$962.5 million in settlement of aboriginal land claims of Alaska Native peoples. However, much of the land conveyed had serious issues with contamination,

including PFAS, gasoline and oil spills, metallic debris, and other contaminants.

In 1995, Congress directed the Secretary of the Interior to prepare a report on the extent of the contamination. The result was a report to Congress entitled "Hazardous Substance Contamination of Alaska Native Claims Settlement Act Lands in Alaska." The report acknowledged conveying approximately 650 contaminated sites to Alaska Native corporations with various types of hazardous waste and toxic materials, which pose significant health risks to humans, animals, and the environment, including arsenic, unexploded ordnances, PCBs, among others.

Since 2016, there has been very little progress regarding remediation. There are 35 active contaminated sites in Ukpeagvik, and UIC itself owns 11 of those sites. Currently, the Navy, according to the Restoration Advisory Board meeting held in October of 2021, was on its third 5-year long-term monitoring review. Today, in 2023, we are in the 21st year of the long-term monitoring, and this year started the fourth 5-year review.

The results from the 5-year review show the absence of an established contaminant degradation rate, and the 2021 trend data make it unclear when this site will achieve clean-up levels via natural attenuation. It is recommended that the annual long-term monitoring program of active zone water continue until clean-up levels are achieved.

So, basically, essentially, contaminants are not going away naturally. In July of 2017, the Navy conducted surface water sampling at Imikpuk Lake, found PFAS and PFOA was present above the EPA lifetime health advisory, showing that the contaminants are moving into previously clean areas. This lake, used by hunters and animals alike, was transferred to UIC from the military.

We, as a people, are heavily dependent on subsistence resources consisting of migratory birds, caribou, fish, and marine mammals. Our connection to the land and sea, which surrounds us, is paramount. To sustain our culturally healthy way of life, we must have healthy lands, waters, and animals. It is our cultural belief that taking care of our environment will continue to sustain a healthy way of life, which is why the continued contamination of our land is so harmful.

We hunt on land and in the sea because hunting feeds our children and ourselves. But we hunt on contaminated lands and waters. We hike inland on tundra, looking for eggs, gathering greens, but we encounter hundreds of barrels left by the Federal Government while researching Arctic activity decades ago.

This contamination seeps into the water we drink and the land from which we feed ourselves and our families. The clean-up is costly, but we cannot put a price on the health of our families.

The fiscal year 2023 appropriation bill included \$20 million for the inventory, verification, assessment, and remediation of contaminated ANCSA sites. While this is a step in the right direction, \$20 million will not cover the remediation of UIC lands, let alone all of the contaminated sites in Alaska.

Therefore, I am asking the committee to include a larger set-aside for ANCSA contaminated lands in your fiscal year 2024 appropriations bill to ensure the efforts to clean our lands can and

will be addressed. By mitigating these issues now, we are preventing further problems in the future.

I look forward to working with the committee to address the issues of land contamination in Alaska.

Quyanaqqak. Thank you so much for your time and the consideration of your testimony, and come and visit us anytime.

[The statement of Dr. Brower follows:]

**Written Testimony of Ukpeagvik Inupiat Corporation President**

**Dr. Pearl Brower**

**American Indian and Alaska Native Public Witness Hearing**

**Before the U.S. House Appropriations Subcommittee on Interior, Environment,  
and Related Agencies**

**March 8, 2023**

***Introduction and Background***

Uvlaalluataq, good morning, Chairman Simpson, Ranking Member Pingree, and Honorable Members of the Subcommittee on Interior, Environment, and Related Agencies. Uvuna Nageak, Taniktunsiniga, Dr. Pearl Kiyawn Brower. Uiga Jesse Darling Paniga Islalu, Sindrilu. Ukpiagvinmiuguruᅇa. Savaqtuna Nuna Inupiat. Qaugliruna uvunga Ukpeagvik Inupiat Corporation (UIC). Quviasuktuna maaniitchumi(ng)agama uvlupak.

Good Morning Committee. I appreciate the invitation to testify in front of you today. My Inupiaq name is Nageak, and my English name is Dr. Pearl Brower. I am a wife, and a mother of 2. I am from the community of Utqiaᅇvik, otherwise known as Barrow, on the edge of the Arctic Ocean in Alaska. I live, work, and have the honor of caring for our land, the land of the Inupiat as the President of Ukpeagvik Inupiat Corporation.

I am here to talk to you about the cleanup – or lack thereof - of contaminated lands conveyed to Alaska Native communities as part of the 1971 Alaska Native Claims Settlement Act (ANCSA). Specifically, I am here to testify regarding the need for additional ANCSA contaminated land funding through the Environmental Protection Agency (EPA). Quyanapᅇak, thank you, for allowing me the opportunity to provide our perspective on the impact of contamination in Alaska.

I have served as the President and CEO of UIC since April 2022. Prior to that, I served on the UIC Board of Directors, and also served as Senior Advisor to the University of Alaska focusing on Alaska Native Success, Institutional Diversity, and Student Engagement. I worked for Iᅇisaᅇvik College, Alaska's only tribal college, from 2007 to 2020, eight of those years serving as President. Iᅇisaᅇvik College is located on some of these lands that UIC owns and that we know are contaminated. I have a Ph.D. in Indigenous Studies with an emphasis in Indigenous Leadership from the University of Alaska Fairbanks; a Master's degree in Alaska Native and Rural Development; and a double Bachelor's Degree in Anthropology and Alaska Native Studies. But today I am here solely on behalf of our UIC shareholders, my Inupiaq people, who are from the most northern reaches of the United States, the community of Utqiaᅇvik. Our

shareholders, our community members, are forced to live and subsist on lands contaminated by the federal government.

UIC is an Alaska Native Village corporation created under the Alaska Native Claims Settlement Act of 1971. Since then, UIC has worked to become self-sustaining and provide for the economic, social, and cultural prosperity of our shareholders. We celebrate our 50<sup>th</sup> anniversary this year and, as a company, are in the strongest position we have ever been in. We are here because we put our shareholders, our families, first. A large part of our foundation is our land and if our land is not healthy, it will be difficult for our community to be healthy.

We as a people are heavily dependent on subsistence resources consisting of migratory birds, caribou, fish, and marine mammals. Our connection to the land and sea which surrounds us is paramount. To sustain our culturally healthy way of life we must have healthy lands, waters, and animals. It is our cultural belief that taking care of our environment will continue to sustain a healthy way of life, which is why the continued contamination of our land is so harmful. We hunt on land and in the sea because hunting feeds our children, ourselves, our souls—but we hunt on contaminated lands, and waters. We butcher our catch on our traditional lands, but often this land has been contaminated by years of misuse by the Federal Government. We hike inland on tundra looking for eggs, gathering greens, but we encounter hundreds of barrels left by the federal government while researching Arctic activity in the 1940-70s. Once the research was complete, they vacated our land and left it contaminated. This contamination seeps into the water we drink and the land from which our animals feed – the same animals we hunt and eat.

#### ***History of ANSCA and Contaminated Land***

As part of the Alaska Native Claims Settlement Act of 1971, the Federal Government agreed to convey to 12 Alaska Native regional corporations and more than 200 village corporations 44 million acres of land and \$962.5 million in settlement of aboriginal land claims of Alaska Native people. However, much of the land conveyed had serious issues with contamination, including PFAS, gasoline and oil spills, metallic debris, and other contaminants.

During the 1990s, we raised our significant concerns regarding the Department of Interior (DOI) conveying contaminated land to Alaska Native Corporations (ANCs). Congress heard the community's concerns and took action by requiring the Secretary of Interior to report to Congress on the status of our land. The Bureau of Land Management (BLM) conducted a mail-out survey of ANCs and other interested parties, but did nothing with the information received.

In 1995, Congress directed the Secretary of the Interior to prepare a report on the extent of the contamination. In 1998, the DOI submitted said report to Congress entitled *Hazardous Substance Contamination of Alaska Native Claims Settlement Act Lands in Alaska*.

The report acknowledged conveying approximately 650 contaminated sites to Alaska Native Corporations with various types of hazardous waste and toxic materials which posed significant health risks to humans, animals and the environment, including arsenic, unexploded ordinances, PCBs, among others. 189 of the contaminated sites identified in the report were classified as Formerly Used Defense Sites (FUDS). Many of these sites also include petroleum contamination.

A huge concern for ANCs is we, as the current landowners, may be held responsible for the cleaning of prior contamination of ANCSA lands under existing Federal and State environmental laws. The 1998, DOI report asserted that ANCs would not be, and furthermore recognized the unjustness of conveying contaminated lands to ANCs in settlement of aboriginal rights to land. DOI gave six specific recommendations to help fully identify contaminated sites and cleanup needs of ANCSA lands. Despite the fact that DOI stated it would "coordinate the implementation of these recommendations, although other agencies such as the EPA and the Corps of Engineers may take the lead in certain aspects of the recommendations," little action was taken because they lacked funding through congressional action.

In 2016, the Bureau of Land Management submitted an update to the report, which included an inventory of the contaminated sites prepared by the BLM (with input from Federal, State and local entities and Alaska Native stakeholders). The inventory identified 537 sites which require remediation. Of the identified sites, the majority are Department of Defense sites (162 sites, 120 of which are FUDS). 94 of the contaminated sites are not in a cleanup program and are classified by the BLM as "orphan" sites (notably the report stated an additional 104 sites still require further verification and may be added later to the Orphan Site Database – since then, additional sites have been added). 92.5 percent of the 94 "orphan" sites are within 2 miles of Alaska villages, places where our Alaska Native peoples engage in subsistence activities, obtain drinking water, and children play. An additional 242 sites identified in the report have land use controls in place, limiting use and development of the land.

#### ***ANCSA Set-Aside/Prioritization***

Since 2016, there has been very little progress regarding remediation. There are 35 active contaminated sites in Utqiagvik, UIC itself has 11 separate contaminated sites. Currently the Navy, according to the Restoration Advisory Board meeting held October 2021, is on its THIRD 5-Year Long Term Monitoring Review. The anticipated activities

are to continue into the 21<sup>st</sup> year of Long Term Monitoring in 2023 and start the FOURTH 5-Year Review. The results from the 5-Year Review show “the absence of an established contaminant degradation rate and the 2021 trend data make it unclear when this site will achieve clean-up levels via natural attenuation. It is recommended that the annual long term monitoring program of active zone water continue until clean up levels are achieved”. Essentially contaminants are not going away naturally but the Navy will only continue to monitor them. There are increasing concentrations of contaminants above cleanup levels in sampling locations along the shoreline of Imikpuk Lake. In July 2017, the Navy conducted surface water sampling at Imikpuk Lake and found PFAS and PFOA was present above the EPA lifetime health advisory, showing that the contaminants are moving into previously clean areas. This lake, transferred to UIC from the military, is used by local hunters and caribou. Contaminants continue to build up and seep into the ground, causing further problems by entering our food chain.

It is crucial that we remedy this issue as soon as possible because it is only getting worst. The federal government contaminated this land and transferred it to our people without the removal of contaminants and debris. While the cost to clean the land is not insignificant, we cannot put a price on the health of our families. We look to you to advance this work – prioritize cleaning our land.

The FY 2023 appropriations bill included \$20 million for the inventory, verification, assessment, and remediation of contaminated ANSCA sites. While this is a step in the right direction, \$20 million will not cover the remediation of UIC’s lands – let alone all of the contaminated sites in Alaska. Therefore, I am asking the Committee to include a larger set-aside for ANSCA contaminated lands in your FY2024 Appropriations Bill to ensure the efforts to clean our lands can and will be addressed. By mitigating these issues now, we are preventing further problems down the road.

We would encourage the Committee to consider this funding, as well as other possible avenues for funding ANSCA cleanup – this should be a priority.

I look forward to working with the Committee to address the issue of land contamination in Alaska. Quyanapqak, thank you again for your time and the consideration of this testimony.

Dr. Pearl Kiyawn Brower

Dr. Brower is the President/CEO of Ukpeagvik Iñupiat Corporation, an Alaska Native Corporation, 10<sup>th</sup> largest company by revenue in the State of Alaska. Prior to this she was at the University of Alaska (2021-2022), and served as the President of Iñisagvik College, Alaska's Only Tribal College (2007-2020). Brower holds a master's degree in Alaska Native Studies and Rural Development and a Ph.D. in Indigenous Studies with an emphasis in Indigenous Leadership both from the University of Alaska Fairbanks.

Brower is active in her Alaskan community and nationally serving on many boards and commissions.

Brower grew up in both Barrow, Alaska and in northern California practicing a subsistence lifestyle in both areas. She has 2 daughters and along with her husband, Jesse Darling, lives between Barrow and Anchorage, Alaska where she loves to be close to her culture and community.

**Truth in Testimony Disclosure Form**

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

**Committee:** Appropriations

**Subcommittee:** Interior, Environment, and Related Agencies

**Hearing Date:** 03/08/2023

**Hearing Title** :

American Indian and Alaska Native Public Witness Hearing

**Witness Name:** Dr. Pearl K Brower

**Position/Title:** President/CEO - UKPEAGVIK IÑUPIAT CORPORATION

**Witness Type:**  Governmental  Non-governmental

**Are you representing yourself or an organization?**  Self  Organization

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

UKPEAGVIK IÑUPIAT CORPORATION

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

Dr. Pearl K Brower is the President/CEO of UKPEAGVIK IÑUPIAT CORPORATION, which is the Alaska Native Village Corporation for Utqiagvik, Alaska

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

Barrow Site 1 Removal Action, located at the Former Naval Arctic Research Laboratory Utqiagvik.  
Contract amount is \$145,519.99  
Client is NAVFAC NW  
Awarded 2021

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

None

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

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

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(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

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



3/3/23

Date

Mr. ZINKE. The good thing is you are a long way away from it now.

Dr. BROWER. We certainly are. I was looking—I think I have traveled the farthest. Good to be here. Got in at 10:00 last night. [Laughter.]

Mr. SIMPSON [presiding]. David.

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WEDNESDAY, MARCH 8, 2023.

**METLAKATLA INDIAN COMMUNITY**

**WITNESS**

**DAVID BOXLEY, COUNCIL MEMBER, METLAKATLA INDIAN COMMUNITY**

Mr. BOXLEY. [Speaking Native language.]

Good morning to you all, Representatives of the United States. Chairperson Simpson, Ranking Member Pingree, and members of the subcommittee, it is my deep privilege to be here before you today, and I am profoundly honored to speak to you on behalf of my people, the Metlakatla Indian Community of the Annette Islands Reserve. Thank you for the opportunity to share our funding priorities for the 2024 Federal budget.

In 1891, Congress set aside the Annette Islands to create a permanent home for the Tsimshian pioneers of Metlakatla in what was then the colonial territory of Alaska. In doing so, a new trust relationship was born between us.

I have traveled a very long way—not quite as long as others, but a long way—to ask Congress to maintain this trust to keep faith with Metlakatla, to redouble its efforts in our shared commitment to face down every threat, to overcome every obstacle, and build a brighter tomorrow for the next generation.

We strongly recommend a substantial increase in baseline funding to the BIA. Year after year, we have large funding shortfalls across all BIA-funded programs, causing services in our community to constantly depend on an inconsistent patchwork of Federal funding. We have been forced to choose between meeting water quality standards or providing scholarships to our students.

It has sadly become the norm that we don't receive our full yearly appropriation until several months, sometimes longer, after the start of the fiscal year, making it nearly impossible for us to plan, grow, or achieve self-sufficiency. Full advance appropriations for the BIA would lead to better stability, reduce dependence on uncertain grant funding, and improve everything overall.

For many years, tribes have requested that IHS be funded on advance appropriation cycle. Going forward, we urge the subcommittee to take the necessary steps to continue advance appropriations for the IHS for 2025 and beyond.

Like many tribal communities, we continue to be impacted by the growing challenge of climate change. The Tongass National Forest, a temperate rainforest, now sees droughts that can last for years, bringing existential threats like water shortages and wildfires closer and closer to our shores. Erosion, landslides, sea level rise, ocean

acidification, and changes in seasons all contribute to the serious challenges that my community currently faces.

We are forced to reduce emissions to mitigate and adapt, but to be truly successful, we need additional support, Government funding at levels that are equal to the threat.

On top of climate change, our shores have already been invaded by the European green crab, an invasive species that threatens to supplant native crabs, leaving desolation in their wake, most significantly the potential of destroying the salmon population, which we cannot allow to go unchallenged. Salmon are a keystone species and have shaped the lives of my people for millennia.

We are asking the subcommittee to continue increased funding levels for fish hatcheries next year. Our own Tamgas Creek hatchery has greatly increased production in recent years, doing our part for the local economy as well as the salmon fishing industry as a whole in southeast Alaska.

In addition to the critical funding needs I have mentioned, the Federal trust responsibility does not and should not require that we jump through hoops and compete against other tribes to see that trust services are provided to our people. We support moving away from competitive grants for Federal funding mechanisms. We must be granted the flexibility we need to respond to the specific needs of our own community, not those prescribed by Federal grants.

There is also an invisible threat looming over my people. Our heritage language, Sm'algyax, is dying. The Tsimshian language is considered critically endangered. There are only a few dozen speakers remaining in the world. We must impart the grave seriousness of this to every member of this committee. With permanent recurring annual funding as part of our compact, we can, in partnership with Congress, help to save our language, which will ensure a positive identity and future for generations to come.

The challenges facing my people are many, but the pioneering spirit of Metlakatla is as strong today as it was when my ancestors first raised the star-spangled banner on that sandy beach on Annette Island in August of 1887. The bravery and patriotism of the Metlakatla proudly shows in the faces and records of service of our veterans, as we have the most servicemembers per capita of any city, State, or tribe in America.

Metlakatlans have the fortitude to withstand the challenges that face us if Congress will stand with us. We need funding increases not to become more dependent, but to become more independent. We want nothing more than to enjoy what many of our American Tsimshian warriors fought and died to protect, freedom. Freedom from poverty and freedom to determine for ourselves how our destiny will unfold.

So when we recommend increases in baseline funding to IHS and the BIA, we are asking in the context of the trust relationship between Metlakatla and the United States that once again is built upon the premise of making the Annette Islands our permanent home.

I come before this esteemed committee today not to beg for money, but to ask you to invest in Metlakatla's future, that our trust relationship can grow stronger, that together we can create

opportunities that will bring prosperity to our whole region because what is good for Metlakatla is good for Alaska. What is good for Alaska is good for America.

[Speaking Native language.] Your time and attention has been a blessing.

[Speaking Native language.] Thank you for listening to me.

[The statement of Mr. Boxley follows:]

**Testimony of David R. Boxley, Councilmember and Chairman of the Finance Committee  
for the Metlakatla Indian Community**

"Public Witness Testimony: FY 2024 Appropriations"

House Appropriations Subcommittee on Interior, Environment, and Related Agencies  
Filed March 3, 2023

**Recommendations:**

- 1) Support increased overall funding and advance appropriations for the Bureau of Indian Affairs (BIA)
- 2) Provide full funding and continued advance appropriations for the Indian Health Service (IHS)
- 3) Fund critical infrastructure investments for the Indian health system (IHS)
- 4) Ensure mandatory funding for Contract Support Costs and 105(I) lease payments
- 5) Amend Indian Self-Determination and Education Assistance Act (ISDEAA) to clarify CSC provisions
- 6) Increase funding and authorize a self-governance funding mechanism option for the Special Diabetes Program for Indians (IHS)
- 7) Support for Tribal Hatcheries at the Bureau of Indian Affairs (BIA)
- 8) Support for U.S. Canada Pacific Salmon Treaty (BIA)
- 9) Support for Tribal Court Assistance for tribes subject to PL 83-280 (BIA)
- 10) Support funding to address the impacts of climate change (BIA)
- 11) Continue increases for Native language programs (BIA)
- 12) Reduce dependence on competitive grants for Indian Country (all agencies)

Thank you Chairperson Simpson, Ranking Member Pingree, and Members of the Subcommittee for the opportunity to share our funding priorities for the FY 2024 federal budget. The Metlakatla Indian Community (MIC) is located on the Annette Islands 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 ISDEAA. The following testimony provides recommendations on FY 2024 BIA and IHS priorities.

***Increased Funding and Advance Appropriations for the BIA***

In FY 2024, we recommend a substantial increase for the Operation of Indian Programs at the BIA. This base funding is critical in the functioning of our government and our survival as a Tribal Nation. As noted by the National Congress of American Indians "Tribal nations are resilient and have demonstrated their resolve and dedication since time immemorial, yet are uniquely reliant on their federal partner to fulfill the promises made in exchange for the land that created the foundation of the United States." These funds are essential as they provide for social services, law enforcement, court services, child care services, public health and safety, and other essential government functions.

Unfortunately, year after year, we experience large funding shortfalls across all BIA-funded programs, causing government services in our community to constantly depend on an inconsistent patchwork of federal funding. For example, we have been forced to choose between meeting water quality standards or providing scholarships to our students. In some cases, these shortfalls force us to cut services altogether. The programs that have been impacted are realty, higher education, tribal scholarships, social services, and limiting services from the fire department.

Additionally, we request that BIA appropriations be funded on an advance appropriations cycle. It has sadly become the norm that the Tribe does not receive its full yearly appropriation until several months (sometimes longer) after the start of the fiscal year. These funding delays make it impossible for the Tribe to plan and manage their annual budgets. Congress recognized these challenges when it provided the Veterans Administration with advance appropriations over a decade ago and then last year in a historic step, finally provided advance appropriations for key IHS accounts. However, when it comes to our critical BIA accounts, Tribes still remain vulnerable while awaiting funding. The practical implication of this is that the Tribe does not have the ability to plan our finances even weeks ahead due to the uncertainty as to the level of funding. It is nearly impossible to Tribes to plan, grow, or achieve self-sufficiency. Advance appropriations for the BIA would lead to better stability for Tribal self-governance, reduce dependence on uncertain grant funding, and improve practices over all.

***Improving the Indian Health System***

*Full Funding for the IHS:* Appropriations are essential to this effort and in fulfilling the federal government's trust and treaty obligations by ensuring critical programs and services receive adequate funding to fulfill their intended purpose. We support the IHS Tribal Budget Formulation Workgroup calculated need of \$51.4 billion for full funding in FY 2024.

*Continuing Advance Appropriations for the IHS:* For many years, tribes have requested that the IHS be funded on an advance appropriations cycle, a position championed by the Biden Administration and many on this Subcommittee. In the FY 2023 Consolidated Appropriations Act, Congress in a historic move, finally provided advance appropriations for the IHS for FY 2024. We thank this Subcommittee for your decisive leadership of this effort and applaud the 117th Congress for supporting this. Going forward, we urge the Subcommittee to take the necessary steps to continue advance appropriations for the IHS for FY 2025 and beyond.

*Fully Fund Critical Infrastructure Investments:* We would like to thank the Subcommittee for funding Electronic Health Record modernization at \$217 million for FY 2023, which was an increase of \$72.5 million (50%) over FY 2022. For FY 2024, we ask that the Subcommittee continue robust funding for full implementation of interoperable Electronic Health Records (EHR) and tele-health. This will ensure that IHS can provide services that are similar to other health providers. For tribes and Tribal health organizations who have committed their own resources to move away from RPMS and making their systems functional, IHS should take this into consideration with any new resources and ensure these programs are not only interoperable, but compensated accordingly. We were thrilled to see that the Sanitation Facilities Construction program received \$3.5 billion in appropriations in the Infrastructure Investment and Jobs Act (P.L. 117-58). That said, it is critical that Congress make still significant investments in Tribal health facilities construction. IHS and tribal facilities are some of the oldest in the nation, meaning that facilities are out of date, or not appropriate for the size of the patient populations they serve. Therefore, consistent with the Budget Formulation Workgroup's request, we recommend \$9.6 billion for Facilities in FY 2024.

*Mandatory Funding for Contract Support Costs and 105(l) Lease Payments:* We appreciate the Subcommittee's commitment to ensuring that Contract Support Costs (CSC) and 105(l) lease costs are fully funded by including an indefinite discretionary appropriation in recent years for both of these accounts. We support the Biden Administration's request to transition these accounts to mandatory funding. This change would bring appropriations process into line with

the clear legal requirements of the authorizing statute. CSC and 105(*l*) lease funds are already an entitlement under substantive law for the ISDEAA to function as intended by Congress. It is contradictory and problematic to appropriate funding for CSC on a discretionary basis. A simple amendment to a permanent appropriations statute could solve this challenge.

*Amend Indian Self-Determination and Education Assistance Act to Clarify CSC Provisions:* We also request that the committee consider amending the Indian Self-Determination and Education Assistance Act (ISDEAA) to clarify that when agency funding paid to a tribe for program operations is insufficient for contract and compact administration, contract support costs will remain available to cover the difference. In the recent court decision *Cook Inlet Tribal Council, Inc. v. Dotomain*, a federal appeals court held that costs for activities normally carried out by IHS are ineligible for payment as CSC—even if IHS transfers insufficient, or even no, funding for these activities in the Secretarial amount. Under this new ruling, if facility costs are higher for a tribe than for IHS, the Tribe is forced to cover the difference by diverting scarce program dollars. Recently, this serious misinterpretation of the ISDEAA that has been applied to one tribal organization resulting in a 90% reduction of contract support costs reimbursement threatens tribal self-governance and self-determination. Therefore, we call upon Congress to provide a legislative fix to clarify the intent on Congress for this matter, and ensure consistency with precedent.

*Extend Self-Governance Funding Options to the Special Diabetes Program for Indians (SDPI) and Increase Funding to \$250 million/year:* While we understand that SDPI is not under the jurisdiction of the Subcommittee, we appreciate that Congress included a three-year reauthorization of SDPI in the Consolidated Appropriations Act, 2021 (P.L. 116-260). SDPI's success rests in the flexibility of its program structure that allows for the incorporation of culture and local needs into its services. Congress should authorize SDPI participants the option of receiving their federal funds through either a grant (as currently used) or self-governance funding mechanisms under ISDEAA. Additionally, SDPI has not had an increase in funding since FY 2004. We recommend permanent reauthorization for SDPI at a minimum of \$250 million per year with annual adjustments for inflationary increases.

*Tribal Hatcheries:* We deeply appreciate the \$1 million increase for the operation of fish hatcheries in the *Fish, Wildlife, and Parks* sub-activity within the BIA Trust-Natural Resources Management budget in FY 2023 and are asking the Subcommittees to continue increased funding levels FY 2024.

*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 thank the Subcommittee for your continued support for this program in FY 2023, including the \$3.5 million increase for *Rights Protection Implementation*, and encourage further investments in FY 2024.

*Tribal Court Assistance for Tribes Subject to PL 83-280:* We appreciate the much-needed support for tribes who are affected by Public Law 83-280 and who are striving to serve our communities with competent and appropriate judiciary systems. Specifically, under the BIA Public Safety and Justice *Law Enforcement-Tribal Justice Support* program element we appreciate the helpful report language continued from the FY 2021 Senate Appropriations Committee report (116-123) that outlined additional support for BIA to work with “Indian Tribes and Tribal organizations 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.” We also appreciate the \$2 million increase for this program in FY 2023 and ask that in FY 2024, the Subcommittees continue to include PL 280-specific funding under this program element and continue to reference the Senate Appropriations Committee report (116-123).

*Increased Funding to Address the Impacts of Climate Change:* Like many tribal communities we continue to be impacted by the growing challenge of climate change on our environment. Threats such as flooding, erosion, sea level rise, ocean acidification, increased wildfires, extended drought, and changes in seasons all contribute to the serious challenges that tribal communities currently face. We are forced to reduce emissions, mitigate and adapt, but to be successful we need additional support. We appreciate the \$216 million provided to the BIA through the Infrastructure Investment and Jobs Act (P.L. 117-58). We also appreciate the Subcommittee’s inclusion of \$34.9 million for *Tribal Climate Resilience* in FY 2023 appropriations, but request significantly more investment in this account, specifically to implement mitigation actions identified through Climate Resilience plans. Tribal Nations throughout the United States, and especially in Alaska, are increasingly impacted by the threats of climate change.

*Continue Increases for Native Language Programs:* As we have seen in the news everyday, through wars, plague, famine, and climate change, our health and wellbeing is under threat from many directions. While we urgently need the federal government to support our efforts to face these often existential challenges, there is also an invisible threat lurking all around us. Honorable Members of this Subcommittee, the heritage language of my people is dying. Those in academia refer to the Tsimshian language as “critically endangered.” Just as our ocean coastline is eroding away, so too is the Sm’algyax, the Tsimshian language. There are only a few dozen speakers remaining in the entire world. We must impart the grave seriousness to every Member of this Subcommittee. With permanent reoccurring annual funding as part of our compact, we can, in partnership with Congress, meet this challenge, and hold back the coming storm. We would like to thank to the Subcommittee for the \$2 million increase to the *Community Development Central Oversight* sub-activity under the Community and Economic Development activity directed towards supporting Native language instruction and immersion programs to Native students not enrolled at Bureau of Indian Education schools, including those Tribes and organizations in states without Bureau-funded schools.

*Reduce Dependence on Federal Grants:* In addition to the critical funding needs that are outlined above, we also support moving away from competitive grants for federal funding mechanisms across all departments. The federal trust responsibility does not require that we jump through a myriad of hoops and onerous applications and compete against other tribes to see that services are provided to our people. Tribes must also be granted the flexibility needed to respond to the specific needs of our own communities, not those prescribed by federal grants. This also means providing enough resources so that funds are provided in meaningful amounts to all tribes.

David Robert Boxley is an esteemed Tsimshian artist from Metlakatla, Alaska. Born on July 27, 1981, David Robert is the eldest son of the renowned carver and culture bearer, David Albert Boxley.

From a very young age David Robert was passionate and proud of his culture. David Robert began carving under the instruction of his father at six years old, and around this same time he also began to travel around the United States to assist his father in raising totem poles and teaching people about Tsimshian culture.

As an adult, he has continued to express the love and respect he has for Tsimshian culture through his art, cultural performance, teaching, and focus on language revitalization. David Robert's elegant design style is drawn from a strong tradition of Tsimshian carving and design, and has been heavily influenced by the teachings of his father and the old masters.

David Robert has carved over 25 totem poles, making him one of the most prolific totem carvers of his generation. From 2009-2011, David Robert carved alongside famed Haida artist Robert Davidson, and with his guidance, David Robert has honed his craft to compare with the very best in Northwest Coast art.

In addition to his art, every year David Robert and his father lead their dance group, the Git-Hoan Dancers, in performances around North America and Europe. He has taught Northwest Coast Art in his hometown of Metlakatla, as well as in Anchorage, Juneau, Ketchikan, Klawock, Haines, Hoonah, and Seattle.

David Robert is well respected for his artistic abilities, and for being one of the most prominent Native leaders of his generation. In 1982, David Robert's father was the first man to hold a potlatch in his village of Metlakatla in modern times. At twenty years of age, David Robert followed in his father's footsteps by being the first of his generation to hold his own potlatch and has hosted many more since with his clan, the Laxgibuu.

In 2015, David Robert moved home to Metlakatla to study and learn Sm'algyax, which is a critically endangered language, with less than 70 speakers in the world. He was fortunate enough to apprentice under the late fluent speaker, Mrs. Sarah Boot and fluent speaker, Theresa Lowther and has become an advanced learner of the language.

David was elected to the Council of the Metlakatla Indian Community in 2021.

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**Committee:** Appropriations \_\_\_\_\_

**Subcommittee:** Interior, Environment, and Related Agencies \_\_\_\_\_

**Hearing Date:** 03/08/2023 \_\_\_\_\_

**Hearing Title** :

American Indian And Alaska Native Public Witness Day 1

**Witness Name:** David R. Boxley \_\_\_\_\_

**Position/Title:** Councilmember of the Metlakatla Indian Community \_\_\_\_\_

**Witness Type:**  Governmental  Non-governmental

**Are you representing yourself or an organization?**  Self  Organization

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

Metlakatla Indian Community

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include--- (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include--- (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

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

\_\_\_\_\_  
Witness signature

3/3/23  
Date

Mr. SIMPSON. Thank you, David.  
Cecilia.

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WEDNESDAY, MARCH 8, 2023.

**OGLALA LAKOTA NATION EDUCATION COALITION**

**WITNESS**

**CECILIA FIRETHUNDER, PRESIDENT, OGLALA LAKOTA NATION EDUCATION COALITION, BOARD OF TRUSTEES FOR OGLALA LAKOTA COLLEGE, AND LITTLE WOUND SCHOOL BOARD MEMBER**

Ms. FIRETHUNDER. Good morning.

Mr. SIMPSON. Good morning.

Ms. FIRETHUNDER. Chairman Simpson, Ranking Member Pingree [speaking Native language]. I greet you with a warm handshake with good feelings from my heart.

And I am one of those people who speaks two languages, Lakota and English. Lakota first and English second.

So I would like to—Members of the House Subcommittee on the Interior, Environment, and Related Agencies, thank you for the opportunity to testify today regarding issues of importance to my tribe, Oglala Sioux.

My name is Cecilia Firethunder, and I am the president of the Oglala Lakota Nation Education Coalition of six schools on the Pine Ridge, and we are pulling in additional schools to help us on this work that we need to do to increase our budget for our tribal schools. I am also on the Board of Trustees for Oglala Lakota College.

Oglala Lakota Nation Education Coalition represents the Oglala Sioux Tribe's six tribally enrolled controlled schools—tribally controlled grant schools. And so one of the things that we are so happy about is that back around 19—Senator Abourezk, as you know, recently left us. And it was because of Senator Abourezk's work, the Senate Committee was established many, many years ago.

And one of the things that Senator Abourezk did was for Public Law 93-638 that allowed tribes to take ownership of programs in their community, and so we are part of that, tribally controlled schools. So we have our own school boards, and we administer and run our own schools. So, with that, I just wanted to put that out there. Okay? Thank you.

One of the things—and I also want to be a good relative. Us Indian people, no matter what tribe we come from, look out for each other. So, today, I also want to acknowledge not only the Federal schools on the Pine Ridge, but the 183 schools across Indian Country that are under the BIE-administered education. So we have relatives all over that we need to also look out for.

100-297 tribally controlled grant schools are the primary provider for education for on-reservation Indian students. Yet schools operating within the BIE system are woefully underfunded, outdated, and dangerous for students and staff. According to the Department of Education, in fiscal year 2023, the Federal Government funded Indian students at roughly half, \$6,283, versus what

the public schools were getting on my reservation, \$12,500. That is like half. Half, okay?

This also includes the 9.24 percent increase from the omnibus bill. I am also deaf. So you have to forgive me. Sometimes I can't pronounce words very well. Omnibus bill. Did I say it right?

Mr. SIMPSON. Yep.

Ms. FIRETHUNDER. Thank you. [Laughter.]

Anyway, so even with the increase, we are still underfunded. So what we wanted to do was to ask for your serious consideration to support our request for the Bureau of Indian Education to increase their budgets for our schools so we can provide even greater, better services.

The ISEP, which is the Indian School Equalization Program, funding—so, all Indians schools are under ISEP. ISEP dollars are set aside to educate our children. Teachers' salaries, books, supplies. Unfortunately, Congressman, what is happening is that because of the underfunding of ISEP and all school operations, including everything else, we are using money out of the money set aside to educate our children to make up for shortfalls in operation and maintenance.

Last year, my school, Little Wound School, we spent a little over \$300,000 feeding our students. So the USDA, under CANS, is supposed to also help feed our children. Unfortunately, there is not enough money there. The CANS program only pays for one person in the kitchen, okay? And we have eight people. So seven of them we have to pay.

So one of the things, and you will be hearing from us on this on a nutrition bill, a demonstration project that we want, too. So we want USDA to fund directly tribal schools. Right now, USDA funds the—gives the money to the State. The State puts regs on it, and they give it to us. And I am running out of time here. So I just want to—you have my written testimony.

However, I also want to talk about our college. Our tribal colleges are like the diamonds on our reservation. The Oglala Lakota College on the Pine Ridge Indian Reservation has done some fantastic work in terms of graduating. Our president of the college graduated from our college. He is a Ph.D.

Our schools on Pine Ridge, my school especially, our principals graduated from our high school and went on to get higher education.

So one of the things I want to ask you to do is to really give a serious consideration and as we ask for an increase in the ISEP funding and so our schools can provide better services and, most importantly, use the money for education and increase the line-items and all the other responsibilities the Bureau of Indian Affairs has.

[Speaking Native language.] Thank you.

[The statement of Ms. Firethunder follows:]

**TESTIMONY OF CECILIA FIRE THUNDER BEFORE THE HOUSE COMMITTEE  
ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND  
RELATED AGENCIES  
MARCH 8, 2023**

Chairman Simpson, Ranking Member Pingree, and members of the House Subcommittee on Interior, Environment, and Related Agencies thank you for the opportunity to testify today regarding issues of importance to our Tribe. My name is Cecilia Firethunder, and I am the President of the Oglala Lakota Nation Education Coalition (OLNEC) and Board of Director for the Oglala Lakota College (OLC).

OLNEC represents the Oglala Sioux Tribe's six tribally controlled grant schools, thus expressing a unique voice within the Bureau of Indian Education (BIE) system of schools. As a board of Director for OLC started in 1971, Oglala Lakota College is a beacon of hope for many individuals, providing truly equitable access to all students despite the many challenges they face while attending college.

**- 100-297 Tribally Controlled Grant Schools**

Tribal schools are the primary provider of education for on-reservation Indian students. Yet, schools operating within the BIE system are woefully underfunded, outdated, and dangerous for students and staff. According to the Department of Education, in Fiscal Year (FY) 2023, the federal government funded Indian students at roughly half, \$6,283 of the actual funding expended to educate non-Indian students at \$12,500. This also includes the 9.24% record increase from the FY2023 Omnibus Bill. Tribal facilities are also underfunded. In FY 2022, the Department of Interior's Deferred Maintenance and Repair Backlog, an estimated \$639 million is needed to fix only the most pressing deferred maintenance issues for BIE schools.

Since more than 90% of tribally controlled school funding comes from Congress to meet the federal government's treaty and trust obligations for Indian education, only Congress can solve our funding problem. We highlight seven areas of federal support that are essential to our school's operations and Indian students' successes.

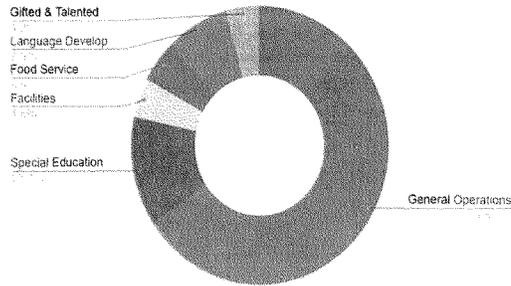
**- Indian School Equalization Program Funding**

All BIE-funded schools receive Indian School Equalization Program (ISEP) formula funds, which are the largest single source of revenue for tribal schools. ISEP funds are intended for teacher salaries, classroom supplies, textbooks, extracurricular activities, field trips, sports, and related programming. However, according to the BIA, ISEP does not assess the actual cost of school operations. In FY 23, Little Wound School received \$7.5 million in ISEP funding, which was woefully inadequate for the intended purpose. FY22. As a result, we, and every BIE school, are unable to provide the type of education necessary to give our students a competitive education. Our teacher salaries are already less than the South Dakota average, which according to South Dakota Public Broadcasting, is already dead last in the nation.

These already inadequate funds are further constrained by our need to use ISEP funds for expenditures other than educational programs, like facilities operations and facilities maintenance. ISEP funds also supplement underfunding of the U.S. Department of Agriculture's (USDA)

Breakfast and National School Lunch Program (which, combined, only pay for 55% of total foodservice costs), student transportation (which regularly uses more than 45,000 gallons of fuel for student transportation).

Federal underfunding of ISEP is a problem exacerbated by other federal funding shortfalls. Therefore, we emphasize at least a 50% increase in ISEP funding to bring Indian students' education funding to parity with the national average. Without a significant increase in ISEP funding, our students will only fall further behind their peers attending non-federally funded public and private schools. Seen in the Chart, the supplement shortfalls that ISEP funding must fill in to replace in federal shortfalls.

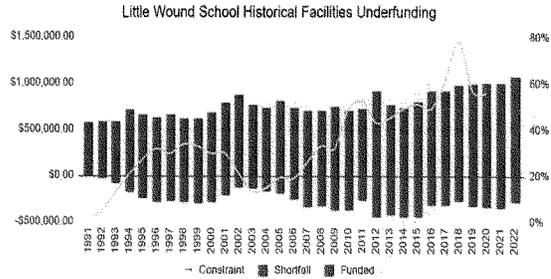


**- BIE Facilities, Operation, and Maintenance Funding**

According to the BIE, facilities operations and facilities maintenance (O&M), funding is intended for (1) operations, including utilities, water, sewage, basic safety, and cleanliness; (2) basic school maintenance, including upkeep of outdoor lighting, fixing broken windows, and replacing deteriorated floors and surfaces; and (3) unscheduled maintenance, including the correction of unforeseen costs of up to \$2,500.

Each O&M category is a necessary and fundamental element of school operation. Unfortunately, for the last 40 years, O&M funding has been consistently inadequate because the Department of the Interior (Interior) has not requested it. Thus, Congress has not appropriated adequate funding to cover essential operational needs. In 1976, Senate and House appropriations committees directed the BIA to fully fund all school facilities O&M costs. This was codified in CFR Title 25, Chapter I, Subpart L, Section 39.1203, which states, "The Assistant Secretary shall arrange for full funding for operation and maintenance of contract schools by fiscal year 1981." However, to this day, full funding for O&M of BIE schools has never been requested or appropriated. O&M underfunding is no small problem. Since 1990, Little Wound School has had a \$9 million deficit in O&M funding than our identified need. This is a 34% shortfall in facilities funding. As a result of the lack of funds to perform the basic upkeep of our facilities, they fall into disrepair. Our elementary school building is more than 80 years old. Our middle school students attend classes in a 45-year-old, poorly insulated metal building designed for temporary use. These buildings are heated by an outdated oil-burning furnace that would cost more than \$ 5 million to replace. In 2021, this outdated furnace cost the school over \$100,000 for heating.

This funding shortfall is a significant problem compounded by the fact that we must cannibalize other federal funding, ISEP. The student education funds. Let us not forget that these tribally controlled schools are federally-built and federally-owned buildings that tribes operate on behalf of the Federal government's trust responsibility to tribes. In no other scenario would Congress not appropriate enough funds to pay their bills, not in the military or federal agencies, but for over 40 years, Congress has let Native students take the fall for under-appropriating their utilities and operations bills. Tribal Schools finally need full funding of O&M costs.



**- Facilities Construction**

Our school’s facilities date from the 1930s through the 1980s and include several portable classrooms. These facilities are outdated, inefficient to operate, contain asbestos and mold, and are not ADA-compliant. We have advocated for new school construction funds since the early 2000s, specifically through placement on the Bureau of Indian Affairs’ construction priority list. In FY22, we received a \$500,000 planning and feasibility grant from the BIA for the initial work associated with new school construction, including site determination. The cost of new school construction is projected to be over \$120 million. These values are based on known construction costs for other tribal schools constructed in our region in the past five years.

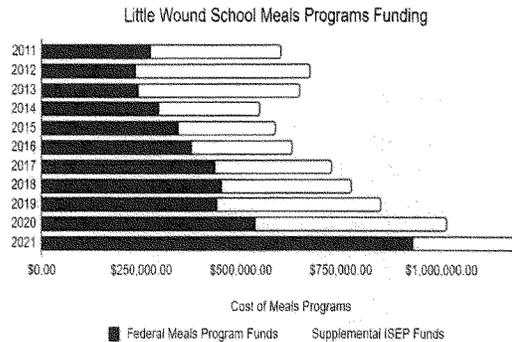
Last year at every step of the draft Appropriations process, Congress provided the funding necessary to design and replace five BIE-funded schools in South Dakota, including the Little Wound School. Unfortunately, at the last minute, that funding was scrapped. We ask that you continue to support BIE's new school construction funds during the appropriations process.

**- USDA School Breakfast and Lunch Programs**

Little Wound School provides no-cost meals to all students under the Community Eligibility Provision (CEP). Despite this, we must significantly subsidize our meal program. Since 2010, federal funding for meal service has only covered 45% of the total cost. The USDA School Lunch Programs are each vital to K-12 student health and, currently one of the highest tribal school-associated costs, are all entirely state-administered, leaving out many financial and cultural concerns.

One approach to address this underfunding is to allow tribally controlled schools to directly administer USDA National School Lunch Programs. In the 2014 Farm Bill, Congress instructed USDA to issue a Report on the “Feasibility of Tribal Administration of Federal Nutrition Assistance Programs.” The Report showed that all tribes USDA visited, and over 90 percent of tribes surveyed expressed an interest in directly administering USDA Nutrition Assistance Programs.

Authorizing direct administration by tribes would strengthen tribal sovereignty, increase the nutrition quality of the food provided, increase culturally appropriate food, and prioritize local and regional food. Tribes have proven for over 50 years that they can successfully administer federal programs. Authorizing tribes to administer school lunch programs should be a simple step. We request your support of the Tribal Nutrition Improvement Act.



**- The Oglala Sioux Tribe chartered Oglala Lakota College (OLC)**

According to the 2020 American Community Survey 5-year estimates, 43.2% of the people living on the Pine Ridge Reservation have incomes below the poverty level (compared to 12.8% in the United States), 76.2% have a high school/GED diploma (U.S.: 88.5%), and 13.2% have a bachelor’s degree or higher (U.S.: 32.9%). Since its inception, Oglala Lakota College has awarded 575 certificates, 3,524 associate degrees, 1,520 bachelor's degrees, and 157 master's degrees for an overall total of 5,737 degrees in Education, Nursing, Math, Science, Technology, Humanities, Business, Social Work, vocational programs, and Lakota Studies. Our graduates are role models to the youth on the reservation.

However, we have struggles. Students cannot meet their basic needs of food, shelter, clothing, caring for children and extended family, and commuting long distances in harsh weather conditions to attend class. In Fall 2022, 45% of OLC students were single parents, 64% were first-generation students, and 73% low income. Many students need remedial coursework to get their Reading, Writing, and Math skills up to college level (3-year average of Fall first-time students (Fall 2020-2022): 60%). In 2019, OLC students reported on the #RealCollege Survey that they experienced food insecurity, housing insecurity, and homelessness slightly more often than other tribal colleges and universities students and much more often than students at all participating 4-year institutions combined:

OLC has completed upgrades to its infrastructure regularly, such as repairing roofs and paving parking lots, installing security features, smart classrooms, and a new heating system. However, considering that more than a third of OLC’s buildings (17 of 49) are at least 20 years old, there is a need for a more thorough overhaul, including the expansion of existing buildings and construction of new facilities such as dorms to address the homelessness students face, their greatest challenge.

To provide Indian students with quality education, BIE must request and receive adequate funds to educate Indian students. I am happy to answer your questions. Wopila.

## BIO for Cecilia Firethunder

Cecilia Firethunder is a citizen of the Oglala Lakota Nation; her clan is the Kiyaksa Tiospaye from the Pejuta Haka/Medicine Root District of Kyle, South Dakota. She was given her first Lakota name by the elders in her clan, which is Tawachin Waste Win (her will is good), and as an adult, in ceremony the grandfathers gave her the name of a grandmother who had been watching her to carry, Mato Canali Win. Spoke only Lakota till age five, at catholic boarding school learned English. Cecilia moved with her family to California on the Relocation program, complete high school and became a nurse. Cecilia co-founded the American Indian Free Clinic in Los Angeles in the 70's, after moving to San Diego co-founded the American Indian Health Center.

After living and learning away from home she returned to Kyle in 1987, co-founded the Oglala Lakota Women's Society whose work brought attention to the violence against Lakota women and children. The Oglala Sioux Tribe was the first tribe in 1989 to pass a mandatory arrest ordinance in response to the women's work. The tribe and community also addressed the child abuse/sexual abuse issues by reviewing and strengthening the children's code along with training and investigation protocols for tribal law-enforcement.

Cecilia traveled for years to tribal communities in U.S. and spent ten years across Canada on many reserves for wellness and healing. Of the hundreds of keynotes given the most memorable was the Spirit of Worldwide Healing where she addressed over a thousand in her beginning period of being deaf in 2003. She was the only native person from U.S. invited to the gathering in Edmonton, Alberta where the many reserves shared their projects/programs from the Aboriginal Healing Foundation grants on the impact of residential schools.

In April of 2003 soon after setting up an office for the re-election of Senator Tim Johnson she lost her hearing, however continued to work with volunteers in six of the nine districts and traveling to University of Iowa Medical Center for evaluation and subsequent surgery for cochlear implants which allowed her to hear. Senator Johnson retained his seat and she ran for the Presidency of the Oglala Sioux Tribe and became the first woman ever chosen to lead the Tribe.

She is the President of Oglala Lakota Nation Education Coalition (after 10 years of advocacy in DC the bill to allow schools to access health insurance from federal government was signed in law which will benefit 133 -Tribal schools ) Board of Directors for Little Wound School (K-12) and an elder /matriarch Tasunke Wakan Okolakiciye , Medicine Horse Society, addressing trauma in children using Lakota healing practices, and after a long career in health, returned to school and is a Certified Lakota Language teacher. She is an adjunct instructor at Oglala Lakota College where she teaches Lakota Culture, Lakota Traditional Art, American Indian Women, American Indian/Lakota Psychology and Graduate course on Lakota Community Organizing. Along with her Uncle John Around Him, Cousin Robert Two Crow designed and created the Lakota Philosophy Exhibit at the National Museum of the American Indian in Washington, D.C. She makes time to work on her creative side, sewing, beading and making dolls.

**Truth in Testimony Disclosure Form**

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

**Committee:** Appropriations

**Subcommittee:** Interior, Environment, and Related Agencies

**Hearing Date:** 03/08/2023

**Hearing Title** :

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies of the House of Representatives American Indian and Alaska Native Public Witness Days.

**Witness Name:** Cecilia Firethunder

**Position/Title:** President

**Witness Type:**  Governmental  Non-governmental

**Are you representing yourself or an organization?**  Self  Organization

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

The Oglala Lakota Nation Education Coalition and Board of Directors for Little Wound School and an elder /matriarch Tasunke Wakan Okolakiciye (Oglala Sioux)

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

President of Oglala Lakota Nation Education Coalition, Board of Trustee for Oglala Lakota College and Little Wound School Board Member.



**False Statements Certification**

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

[Redacted Signature]

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Witness signature

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3/3/23

Date

Mr. SIMPSON. Thank you. Thank you. I appreciate your testimony.

And you mentioned that we spend about half of the money on—per student—

Ms. FIRETHUNDER. Yes.

Mr. SIMPSON [continuing]. On Indian education as we do other students.

Ms. FIRETHUNDER. Public schools.

Mr. SIMPSON. Public school students.

Ms. FIRETHUNDER. Mm-hmm.

Mr. SIMPSON. Same is true with health services. If you look at the amount of money that is spent per individual on health services versus what is spent outside that, versus what is spent for veterans, it is about—it is about half of what we spend for patients outside Indian Services. And I mean, that is a dichotomy that we have got to address.

Ms. FIRETHUNDER. Thank you.

Mr. SIMPSON. Yes, it really is.

You mentioned something else that I agree with, but if you would explain it, please. You said that treaty obligations—I will paraphrase—but treaty obligations shouldn't require tribes to compete against one another for grants and stuff.

Explain to me where that comes from. What are the programs that you are competing with other tribes for, for money for? Because I agree with what you are saying.

Mr. BOXLEY. Well, and specifically for funding that should be part of trust obligations anyway.

Mr. SIMPSON. Right.

Mr. BOXLEY. Grants, very often that they are competitive grants are for base services in our community.

Mr. SIMPSON. So some tribes are going to get them, and other tribes are not going to get them?

Mr. BOXLEY. Right. Or because of whether it is population or land based, other tribes are favored, ignoring the needs, the specific needs of the given communities that are up for those grants.

Mr. SIMPSON. Yes.

Mr. BOXLEY. And just there is not quite enough consideration there.

Mr. SIMPSON. Especially if it is a trust responsibility.

Mr. BOXLEY. Absolutely.

Mr. SIMPSON. If it is a trust responsibility, it is the trust responsibility for all tribes.

Mr. BOXLEY. Absolutely. Yes, it shouldn't be one or the other. It should be everybody.

Mr. SIMPSON. Yes. I appreciate you bringing that up. That is important.

Thank you all for being here.

Ms. Pingree.

Ms. PINGREE. Thank you. And I just want to emphasize that whole point about the per student expenditure. It is just hard to fathom like that you could ever do an adequate job with half of the average that we spend in other schools.

And I wanted to just sympathize. I come from the coast of Maine, and green crab invasion has been a serious issue for us, too. So I

guess they are hitting both coasts at the same time. I certainly know the importance of your fisheries to the tribe.

Mr. BOXLEY. Absolutely. It is crucial to us. Our hatchery is doing fantastic, but we are the first community in Alaska to encounter green crab, and we are pushing the State also for funding and because it is just going to keep spreading. Our neighbors over in Canada, in Haida Gwaii, talked to their dismay about how out of control it is. And as I mentioned, salmon is a keystone species, and we have got to do everything we can to protect it. Not just for economic reasons, but the stability of our ecosystem.

Ms. PINGREE. Absolutely, yes. We had a—I think we had a contest in our State with chefs trying to develop recipes for green crabs, but we are not going to eat our way out of this problem. [Laughter.]

It is devastating to our shellfish industry, our clams and other things.

And the number of contaminated lands and the sites that you are dealing with is really staggering, and I am sorry that we have not met the obligation. And when Representative McCollum is back, we will remind her that the Navy has funds to do that kind of clean-up, and at the very least, we should be pushing and going after those places where we know the resources are there.

I mean, all of this clean-up should be done. It is just unfathomable that we would say, here, look at all this great land we are giving you. Oh, by the way, we didn't clean it up before we turned it over. And then not to fund the clean-up. So I am supportive of helping you in any way we can.

Thank you. Thank you for traveling the distance that you both did.

Mr. SIMPSON. I have got to be real honest with you. I have never heard of green crabs.

Mr. BOXLEY. European green crabs, there is—I have heard a couple of stories about their origin as to how they made it to the United States. It sounds like there is one strain of it on the coast that someone purposefully dumped off a boat at some point.

They are—they are smaller than Dungeness. They breed rapidly. They destroy herring and salmon habitat. They eat through everything. It could be—it is to the—our knowledge so far is that there probably isn't a way to eradicate them. We have to learn how to maintain their population to prevent them from destroying natural wildlife and habitat.

Mr. SIMPSON. Yes, I am very interested in salmon habitat. I have been working on an initiative to restore Idaho salmon runs that are—will be extinct if we don't do something about them. And it is amazing how hard it is to do.

But the one thing I will tell people whenever they talk to us, I said, you know, every tribe in the Pacific Northwest, every tribe, when they sign treaties reserve their fishing rights. Those fishing rights, those reserved fishing rights don't mean anything if there is no fish. And especially if there is no fish because of what we have done to destroy those fish habitats.

So we have got to restore those, but it is going to be—it is controversial. It is costly, but it has got to be done. Or one day you are going to wake up and your children will say, "What were you

doing when the salmon went extinct in Idaho, and why do they call that the Salmon River? There is no salmon in it," you know?

Mr. BOXLEY. Well, and I would just like to add that it is similar—actually, we could talk about funding for language revitalization. Doing something now before it is too late—

Mr. SIMPSON. Yep.

Mr. BOXLEY [continuing]. Is going to be less expensive —

Mr. SIMPSON. Exactly.

Mr. BOXLEY [continuing]. In many ways than if we just take care of it now.

Mr. SIMPSON. Yep.

Mr. BOXLEY. As to whether that is salmon or our language, it is a cheaper investment now than later. Yes.

Mr. SIMPSON. Absolutely. Absolutely. Thank you all for being here today. We appreciate it.

Abigail Echo-Hawk and Aurene Martin.

Ms. ECHO-HAWK. Good morning.

Mr. SIMPSON. Good morning.

[Pause.]

Mr. SIMPSON. I have got Abigail Echo-Hawk first on here. So, Urban Indian Health Institute.

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WEDNESDAY, MARCH 8, 2023.

## URBAN INDIAN HEALTH INSTITUTE

### WITNESS

**ABIGAIL ECHO-HAWK, EXECUTIVE VICE PRESIDENT, SEATTLE INDIAN HEALTH BOARD AND DIRECTOR OF THE URBAN INDIAN HEALTH INSTITUTE**

Ms. ECHO-HAWK. Good morning. Thank you so much for the opportunity to speak, Chairperson Simpson, Ranking Member Pingree, and members of the committee. I would also like to thank the staff, who did an incredible job of pulling us all here together. It is always an incredible feat to keep this all going.

I am Abigail Echo-Hawk. I am enrolled citizen of the Pawnee Nation of Oklahoma and the director of the Urban Indian Health Institute, along with the executive vice president of the Seattle Indian Health Board, an Urban Indian Health program in Seattle, Washington.

I have had the opportunity to spend a lot of time working to end violence against indigenous women and all women across this country. Four years ago, I stood at the Capitol alongside Senator Lisa Murkowski, where we released the very first data report on Missing and Murdered Indigenous Women and Girls that has ever happened in this country.

In that data report, what we found is that there was a crisis of missing and murdered indigenous women and girls and people. However, what we knew is that there wasn't any data being collected, and our report 4 years ago pointed out this gap. As a direct result of our report, the advocacy of tribal leaders and grassroots advocates, there was legislation passed, Savanna's Act and the Not Invisible Act, along with, and I am very proud to say our report

is cited in more than 40 pieces of legislation in States across the country.

I self-funded that report with \$20,000 I raised out of speaking fees because nobody would fund us to do it because nobody believed what was happening to our people. And then we proved it.

But 4 years has gone by, and what has happened? Unfortunately, we have seen the dismal, nonexistent work that the Department of Justice was supposed to do under Savanna's Act and the Not Invisible Act. And I want to share with you what we have done instead.

As a result of the Department of Justice not fulfilling their responsibilities under Savanna's Act and the Not Invisible Act, Indian Country had to act. My organization, the Urban Indian Health Institute, stepped up to do that because—not because we wanted to, but because we had to because our people were suffering.

We looked at and we found that under the—there was a Government Office of Accountability report that looked at the implementation of Savanna's Act and Not Invisible Act and found that Department of Justice was lacking. And in fact, it took them more than a year and a half to simply appoint people to a committee to look at this crisis.

In the year and a half in which they did that, in a year and a half, I was able to reform an entire law enforcement data department for one of the largest counties in the country, King County, Washington, where we reformed their data, and I was able to train their law enforcement officers and fix the problems that they said couldn't be fixed.

All of the things that my team and I are doing are actually in the work of Savanna's Act and the Not Invisible Act. We are doing this with a small amount of funding as a tribal epidemiology center. We are 1 of 12 tribal epidemiology centers in the country. However, we are drastically underfunded. Yet despite that drastic underfunding, we continue to do the work that nobody else is doing.

I remember when we released that report. I was standing at the Capitol, and a woman from a tribe came up to me, and she said, "Abigail, I buried every single one of my four sisters covered in bruises." She said, "We can't keep doing this. We have to keep working."

And every time when I step into this work and I realize that despite everything that we do and despite all of the work that you have all done to ensure that this legislation passed, we are not seeing the fulfillment of it happening within the administration. They need to be held accountable, and those of us who are doing the work need to receive the funding that we desperately need to do so.

I have done and volunteered more than 20—my team and I have done more than 2,000 hours of unpaid work in this 4 years, along with right now I am actually funding the State of Hawaii, who passed legislation to address missing and murdered indigenous women and girls into a data report, but they didn't give them any money. So I raised \$100,000 and am currently funding the work in the State of Hawaii because our women matter that much.

Mr. SIMPSON. Let me—let me interrupt you for just a second. I am sorry.

Would that funding that you are requesting come out of the Department of Justice? Is that where it should be funded or whatever? Or out of this budget?

Ms. ECHO-HAWK. So we are asking for \$474 million for a line item for the tribal epidemiology centers, which is the work. The tribal epidemiology centers work across tribal nations. The 11 represent every tribal nation within the IHS regions, and the Urban Indian Health Institute works with the urban Indian population, which is more than 70 percent of our population. And so that line item for \$474 million would be under IHS.

Mr. SIMPSON. Okay.

Ms. ECHO-HAWK. Am I willing to take DOJ money? Yes. [Laughter.]

Well, I am tired of talking about what I can do with so little. What we are looking for is parity.

And I will close with a story. I was working with a group of young women who had been kidnapped, incarcerated, trafficked. They were forcibly injected with heroin and other types of drugs.

They had been recovered, and a tribal community was bringing them together. They were working to bring healing to them. They are using their traditional value system. Everything every tribal leader here has been talking about—connection to land, connection to culture, resources within the Indian Health Service, which is why we need mandatory advance appropriations.

And I was sitting there with those young women, and I was sharing with them my own story. I am a survivor of sexual assault and of rape that was never prosecuted as a result of being an Indian person on Indian land. And I told them the story of the blueberry.

And a blueberry in my tribal community in Alaska, where I was born and raised, it teaches us so many things. It teaches us how to survive in the greatest cold and the most heat. It has the most nutrients. It teaches us how to go out and gather. It tells us that we can survive despite all obstacles. I shared that with those young women.

About a year later, I was at another conference. A young woman comes up, and she runs up to me, and she gives me the biggest hug. And she grabbed me and she said, "Abigail, I want you to know that today I am a blueberry." She is like "I can survive. I can make it. And I didn't think I could. But I am a blueberry because I am learning my language. I am connected to my land again. I am incorporated in my community. I am with my elders." She said, "Abigail, I can be a blueberry, too."

And so, today, I challenge you to think about what it means for all of you to step into that same place, hold DOJ accountable, get the resources to Indian Country and law enforcement on tribal lands and urban Indian areas, to the tribal epidemiology centers into the Indian Health Service, appropriately in fulfilling treaty and trust responsibility. Because you are a part of our story, too.

And when I go again and I see that young woman because now this young woman is about to graduate college. She is going to be stepping into these spaces and places and advocating for her people, and we are going to work to ensure. And that is the kind of healing we are bringing. When we bring our cultural value systems in, when we fight for our people, we will see the healing because

opiates, substance misuse, health disparities are all grounded in trauma. And until we address the root cause of that, we are going to be sitting at these tables for decades.

I don't want to sit at this table. I want to talk about healing, and I want to be a blueberry along with all of you.

[The statement of Ms. Echo-Hawk follows:]



Abigail Echo-Hawk, MA  
 Director, Urban Indian Health Institute  
 Executive Vice President, Seattle Indian Health Board

Testimony of Abigail Echo-Hawk, MA  
 Director of Urban Indian Health Institute  
 House Committee on Appropriations  
 Subcommittee on Interior, Environment, and Related Agencies  
 Friday, March 3, 2023

Members of the House Committee on 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 Executive Vice President of the Seattle Indian Health Board (SIHB) and Director of the Urban Indian Health Institute (UIHI), an Indian Health Service (IHS) designated Tribal Epidemiology Center (TEC), where I oversee our policy, research, data, and evaluation initiatives. There are twelve TECs that are designated public health authorities granted by the Indian Health Care Improvement Act. Of the twelve TECs, eleven operate regionally to serve tribal nations, and UIHI is the only TEC that operates nationally to serve both tribal and urban American Indian and Alaska Native (AI/AN) populations. Since their inception, TECs have contributed to the public health data reported on AI/AN communities, including the release of multiple reports and studies documenting the Missing and Murdered Indigenous Women and People (MMIWP) crisis across the United States. In efforts to improve governmental responsibilities for funding TECs, Congress has supported TECs on a bi-partisan basis through annual appropriations. I urge you support full funding of TECs by appropriating \$474.4 million to the IHS Hospitals and Clinics: Tribal Epidemiology Center line item to fulfill their public health authority status and improve culturally attuned research, data, and evaluation services for the over 7 million American Indian and Alaska Native (AI/AN) people across the country.

I am an American Indian health researcher with more than 20 years of experience in both academic and non-profit settings. I am part of numerous local, state, and federal efforts to support AI/AN communities in research, including serving on the Tribal Collaborations Workgroup for the National Institutes of Health (NIH) All of Us Precision Medicine Initiative; National Academies of Sciences, Engineering, and Medicine (NASEM) Committee on Racial and Ethnic Inequalities; the Robert Wood Johnson Foundation National Commission to Transform Public Health Data Systems and; NIH Office of AIDs Research Advisory Council. I am a co-author of and contributed to nine groundbreaking research studies on sexual violence and Missing and Murdered Indigenous Women and Girls (MMIWG) where I have called national attention to the bureaucratic barriers in data collection, reporting, and analysis of demographic data that perpetuate violence against AI/AN people. I also served as a committee member for the NASEM: Framework for Equitable Allocation of COVID-19 Vaccine<sup>1</sup> where I was the only Native scientist represented.

**4 years later: MMIW and Public Health Data**

On November 14, 2018, UIHI, in partnership with Senator Murkowski, released a groundbreaking report I co-authored called *Missing and Murdered Indigenous Women and Girls: A snapshot of data from 71 urban cities in the United States*. It

provided the first national data that revealed the horrific crisis on MMIWG. It was instrumental in educating and informing members of Congress of the epidemic of violence Native women experience and supported the successful passage of bipartisan legislation – the Not Invisible Act of 2019 and Savanna’s Act in 2020. The culmination of MMIWG reports I co-authored, grassroots advocacy, and bi-partisan legislation influenced *Executive Order 13898: Establishing the Task Force on Missing and Murdered American Indians and Alaska Natives*. Our report has also supported states in reporting the high rates of MMIWG cases in their respective jurisdictions, resulting in the successful passage of MMIWP taskforces across the U.S..<sup>1</sup> This groundbreaking report was primarily self-funded by \$20,000 that I received in speaking fees and subsidized through staff support received by UIHI (TEC) employees. Our hope was to see sweeping data reform and immediate action across the Department of Justice (DOJ) and state and local law enforcement agencies to appropriately address this crisis – however, we have been drastically disappointed.

What has been done up to this point has been dismal. In October 2021, the Government Accountability Office (GAO) released a report titled *Missing and Murdered Indigenous Women: New Efforts are underway but Opportunities Exist to Improve the Federal Response* which recommended that the DOJ and Department of Interior meet their legislative mandates of the Not Invisible Act and Savanna’s Act by 1) requiring the Attorney General (AG) to develop a plan for accomplishing ongoing data analyses of data in existing federal databases, 2) developing a strategy to educate the public on entering data into the National Missing and Unidentified Persons System (NamUs), 3) developing a plan to conduct specific outreach to tribes, tribal organizations and urban Indian organizations (UIO) regarding their ability to publicly enter data into NamUs, and 4) encouraging the Secretary of the Interior to establish and appoint all members to the Joint Commission of Reducing Violent Crime Against Indians. Of these legislative mandates, only one has been fulfilled – leaving our community to continue being devastated by this crisis which affects individuals of all gender identities.

Congressional efforts have been made to push for accountability including in 2021 the House Committee on Appropriations submitted a report<sup>2</sup> encouraging the DOJ to act swiftly to implement all provisions of the Savanna’s Act including submission of the required report by October 2021. On May 2, 2022, Senator Murkowski, Senator Tester, and Senator Cortez Masto sent a letter to the AG and Secretary of the Interior<sup>3</sup> to address the oversight of the Not Invisible Act and Savanna’s Act. Additionally, our original report which helped spark congressional support focused on the urban AI/AN community, which makes up 76% of the total AI/AN population. Yet the needs of our urban community have been ignored in federal efforts up to this point.

<sup>1</sup> UIHI was cited in AB1314: Emergency notification: Feather Alert, 2022, State of California and HR10: Requesting the Hawai State Commission to Convene a Task Force, 2021, State of Hawaii.

<sup>2</sup> U.S. Government Publishing Office. (2021). House Report 117-87. Retrieved from: <https://www.govinfo.gov/contracts/HRPT-117/087/087.html>

<sup>3</sup> United States Senate. (May 2, 2022). MMIW Laws Oversight Letter from Senator Cortez Masto, Senator Tester, and Senator Murkowski. Retrieved from: <https://www.indianz.com/News/wp-content/uploads/2022/05/04/senate050222.pdf>

Despite a recent extension, the DOJ continues to neglect their legislative mandate to address this crisis in urban and rural Native communities leaving our people to die and go missing in silence.

Why does this matter to UIHI as a TEC? The crisis of violence and MMIWG has a deep impact on the behavioral and physical health of Native people. It exasperates the ongoing behavioral health disparities such as suicide and substance misuse and affects individual's physical wellbeing resulting in high blood pressure, broken bones, unintended pregnancies and more. A TEC's role is to provide data on the health and wellbeing of Native people and to conduct public health services to address issues of concern. MMIWG is beyond a concern, it is a crisis.

The GAO report cited COVID-19 as the reason slow to non-existent implementation of federal mandates. However national research found that intimate partner violence increased 8% nationally<sup>4</sup> and from research conducted in Native communities, in both rural and urban settings, it was reported that COVID amplified this crisis due to women being quarantined with their abusers resulting in higher rates of physical and sexual assault and murder.

#### **Addressing Public Health Concerns in Indian Country by Investing in TECs**

As an epidemiology center, we function under a cooperative agreement with IHS, and in this role **we have done the work that the DOH has not**. With limited funding and support primarily coming from our Epicenter Core grant of \$775,640, UIHI has become one of the leading MMIWG research and data organizations in the nation. Not because we wanted to, but because we had too. We refuse to let this crisis continue and have made meaningful and nationally impactful steps forward on addressing the issue. We are doing what DOJ will not do. For example:

- UIHI partnered with the 13<sup>th</sup> largest county in the country – King County, Washington, which also includes federally recognized tribes, and reformed King County's data systems to have the appropriate data fields to capture AI/AN and other pertinent information including tribal affiliation and whether violence perpetuated against AI/AN occurred on tribal lands. We used this as a pilot project to create a data system that can be used by law enforcement agencies of any size to reform their data systems. And it has been shown to be successful in one of the nation's largest counties. We intend to take it nationwide in partnership with our law enforcement partners.
- UIHI partnered with NamUs, a federal database on missing persons, to provide trainings nationwide for community members to enter their missing loved ones into the underutilized NamUs database, including the case of a Native woman who went missing in 2010 that had never been entered into NamUs.
- UIHI has created data trainings and used them to train hundreds of members of law enforcement that work directly with victims and survivors. The trainings focus on an

<sup>4</sup> National commission on COVID-19 and Criminal Justice. (February 2021). Domestic Violence During COVID-19: Evidence from a Systematic Review and Meta-Analysis. Retrieved from: <https://build.neoninspire.com/councilone/wp-content/uploads/sites/96/2021/07/Domestic-Violence-During-COVID-19-February-2021.pdf>

understanding of the MMIWP crisis and how to collect appropriate information from victims and their families.

- In addition to the two reports cited above, since 2018, UIHI has published multiple sets of work related to violence against Indigenous women and people, including frameworks to assist with adapting the allocation of essential resources for victims and their families. These studies include *MMIWG: We Demand More; Sacred: Womxn of Resilience; Service as Ceremony: A Journey Toward Healing*, and; *Building the Sacred: An Indigenous Framework for Programs Serving Native Survivors of Violence*.
- UIHI has provided expert consultation on research, data, and violent crime surveillance for tribal and urban Indian communities in Alaska, Arizona, California, Colorado, Minnesota, Nebraska, New York, Washington, Wisconsin, Wyoming, and more **representing more than 2,000 hours of unpaid work over the span of four years, aside from staff contributions paid for by our TEC funding from IHS.**
- UIHI has directly provided resources and support to AI/AN organizations nationwide to highlight the MMIWP crisis and need for intervention by providing culturally appropriate educational materials and advocacy for data collection, which no one else has been doing up to this point.
- UIHI has also provided monetary contributions to address this crisis within the Native Hawaiian community. On May 5, 2021, the State of Hawaii passed legislation to conduct a report like UIHI's original report. However, the State of Hawaii did not provide substantial funding for this state mandated work. In our dedication to ending violence against all Indigenous people, UIHI provided financial support in the amount of \$100,000 for this report from private funding. However, we recognize this is minimal funding and the Native Hawaiian community deserves more resources to address this crisis.

We are requesting \$474.4 million for TECs that would result in \$39,533,33 being disbursed to each of the 12 TECs. This investment would be a step toward parity for TECs as we strive to provide culturally specific public health services and data to urban and rural tribal communities, for example King County, Washington, has budgeted over \$1.1 billion of its 2023-24 budget for public health, and is spending \$43.6 million on public health initiatives which it received from the American Rescue Plan Act.<sup>5</sup> In comparison, the twelve TECs had to split \$24 million in COVID supplements and this disparaging funding impacts our staffing and work capacity. In 2023, the DOJ requested a budget over \$37 billion, yet continues to falter on its mandates to address MMIWG while TECs like UIHI, are the ones leading research and implementation of solutions.<sup>6</sup> We will continue to provide resources, scientific expertise, and research parallel to what is conducted at other public health authorities despite minimal fiscal resources because it is our responsibility to support the health and wellness of our communities. I urge you to support us in these efforts and allocate \$474 million to TECs.

<sup>5</sup> King County. (2022). 2023-2024 Executive Proposed Budget. Retrieved from <https://kingcounty.gov/digital/execution/performance-strategy-budget/budget/2023-2024.html>

<sup>6</sup> U.S. Department of Justice. (2023). FY2023 Budget Summary. Retrieved from <https://www.justice.gov/ncj/caspe/1486621/download#:~:text=The%20Department%20of%20Justice's%20FY%20local%20and%20tribal%20assistance%20programs>

Abigail Echo-Hawk (Pawnee), MA, is the Executive Vice President of Seattle Indian Health Board and the Director of their data and research division, Urban Indian Health Institute. She serves on the Robert Wood Johnson Public Health Data National Commission, the University of Washington Population Health Initiative External Advisory Board, the Data for Indigenous Justice Board, and many other boards and committees related to data justice and health equity. She also served on the National Academies of Sciences, Engineering, and Medicine (NAEM) committee to create A Framework for Equitable Allocation of Vaccine for the Novel Coronavirus in 2020.

Since the COVID-19 pandemic began, Abigail's voice has been front and center on a national level, ensuring that the urban Native community is represented in data collection. Seattle Indian Health Board has been a leader in the COVID-19 response directly because of Abigail's leadership and vision. She has co-authored numerous peer-reviewed articles including two for the CDC's Morbidity and Mortality Weekly Report on COVID-19 among American Indian and Alaska Native people and was lead author on a report about the data genocide of American Indians and Alaska Natives in COVID-19 data.

Abigail has also led the way in bringing the issue of Missing and Murdered Indigenous Women and Girls (MMIWG) to the forefront, leading directly to federal, state, and local legislation working to protect Native women. She serves on the Washington State Missing and Murdered Indigenous Women and People Taskforce, which she was instrumental in bring to fruition.

Abigail earned her Bachelor of Arts in American Studies with a minor in Human Rights and her Master of Arts in Policy Studies both from the University of Washington. She is a researcher and policy professional specializing in tribal government and urban Indian relations. She successfully leads teams of public health professionals to develop culturally competent and culturally relevant NIH-, CDC-, and HHS-funded health and policy interventions with tribal and urban Indian communities across the country.

**Abigail L. Echo-Hawk**  
**Citizen of the Pawnee Nation of Oklahoma**

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**SUMMARY**

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I have a continuous record of accomplishment as a research and policy professional, specializing in tribal government and urban Indian relations.

I sit on multiple boards and advisory committees as the cultural and tribal government expert and outreach specialist. I have also successfully led teams of Native and non-Native public health professionals to develop health and policy interventions with tribal communities across the United States.

I have provided cultural expertise on working with rural and urban Native American communities for many agencies. These services include: facilitating focus groups and community meetings to gather input and disseminate information, providing training for those new to working in tribal communities and tribal government relations, and advising on the implementation of \$450 million in grant and public levy funds.

Additionally, I am an experienced print and television media spokesperson with national credits including NPR and Associated Press.

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**EDUCATION**

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**Master of Arts in Policy Studies, University of Washington, Bothell, WA – June 2009**

**Bachelor of Arts, University of Washington, Seattle, WA – 2007** American Studies with a Minor in Human Rights

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**MANAGEMENT**

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<b>Seattle Indian Health Board</b> <i>Executive Vice President</i>	<b>12/2020- Present</b>
<b>Seattle Indian Health Board</b> <i>Chief Research Officer</i>	<b>10/2017 – 12/2020</b>
<b>Urban Indian Health Institute</b> <i>Director</i>	<b>10/2016 – Present</b>
<b>Washington State University</b> <b>Partnerships for Native Health</b> <i>Co-Director</i> <i>Affiliate Professor, College of Nursing</i>	<b>09/2015 – 10/2016</b>

University of Washington  
 Institute for Translational Health Sciences  
 Partnerships for Native Health  
*Associate Director/Tribal Liaison*

03/2010 – 08/2015

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**LEADERSHIP AND PROFESSIONAL MEMBERSHIPS**

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American Medical Association (AMA) Center for Health Equity Research Advisory Group	2023- Present
Office of AIDS Research Advisory Council	2022- Present
National Academies on Sciences, Engineering, and Medicine (NASEM) Committee on Racial and Ethnic Health Inequalities	2022- Present
Washington State Missing and Murdered Indigenous Women and People Taskforce	2021- Present
Robert Wood Johnson Foundation (RWJF) National Commission to Transform Public Health Data Systems	2021
University of Washington Population Health Initiative External Advisory Board	2021- Present
King County Racism as Public Health Crisis Community Oversight Committee	2021- Present
National Institute on Drug Abuse (NIDA) American Indian and Alaska Native Collaborative Research Engagement Workgroup	2020- 2021
Data for Indigenous Justice Board	2020- Present
Robert Wood Johnson Foundation, Health Equity Advisory Board	2019
King County Board of Health, Public Approach to Sexual Assault, Domestic Violence Prevention and Missing and Murdered Indigenous Women	2019

NIH All of Us Precision Medicine Tribal Advisory Board	2018- Present
Northwest Portland Area Indian Health Board, Dental Health Aid Therapist Education Advisory Committee	2017-Present
March of Dimes, Health Equity Workgroup	2017-2022
King County, Children and Youth Advisory Board	2016- 2022
Center for Indigenous Law and Justice	2015- Present
Native American Women in Dialogue on Infant Mortality	2010- Present

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#### PEER REVIEWED PUBLICATIONS

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Pete, D., Erickson, S. L., Jim, M. A., Hatcher, S. M., **Echo-Hawk, A.**, Dominguez, A.E. (2022). COVID-19 Among Non-Hispanic American Indian and Alaska Native People Residing in Urban Areas Before and After Vaccine Rollout-Selected States and Counties, United States, January 2020-October 2021. *American Journal of Public Health*. 2022; 112(10):1489-1497. DOI #: 10.2105.

Mays, V. M., **Echo-Hawk, A.**, Cochran, S. D., Akee, R. (2022). Data Equity in American Indian/Alaska Native Populations: Respecting Sovereign Nations' Right to Meaningful and Usable COVID-19 Data. *AJPH*. 2022; 112(10):1416-1420. DOI #: 10.2105.

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McDonnell MG., Skalisky J., Burduli E. **Echo-Hawk, A.**, et al. The rewarding recovery study: a randomized controlled trial of incentives for alcohol and drug abstinence with a rural American Indian community. *Addiction*. 2021;116(6):1569-79.

Arrazola J., Masiello MM., Joshi S., **Echo-Hawk, A.**, et al. COVID-19 Mortality Among American Indian and Alaska Native Persons — 14 States, January–June 2020. *MMWR Morb Mortal Wkly Rep*. 2020;69(49):1853-6.

Hatcher SM., Agnew-Brune C., Anderson M., **Echo-Hawk, A.**, et al. COVID-19 Among American Indian and Alaska Native Persons — 23 States, January 31–July 3, 2020. *MMWR Morb Mortal Wkly Rep*. 2020;69(34):1166-9.

- Locklear S., Harris C., Yang A., **Echo-Hawk, A.**, et al. Understanding Risk and Protective Factors Influencing Urban American Indian /Alaska Native Youth Graduation Expectations. *AIANMHR*. 2020;27(1):42-63.
- Oxford, M., Booth-LaForce, C., **Echo-Hawk, A.**, Madesclaire, O., Parrish, L. Widner, M., Petras, A., Abrahamson-Richards, T., Nelson, K., Buchwald, D., the CATCH Project Team. (2020). Promoting First Relationship: Implementing a Home Visiting Research Program in Two American Indian Communities. *Canadian Journal of Nursing Research*. Doi: 10.1177/0844562120914424
- James RD, West KM, Claw KG, **EchoHawk A.**, Dodge L, Dominguez A, Taulii M, Forquera R, Thummel K, Burke W. Responsible Research With Urban American Indians and Alaska Natives. *AJPH*. (2018); 108(12):1613-16.
- Van Dyke, E., Blacksher, E., **Echo-Hawk, A.**, Bassett, D., Harris, R., Buchwald, D. (2016). Health Disparities Research Among Small Tribal Populations: Describing Appropriate Criteria for Aggregating Tribal Health Data. *American Journal of Epidemiology*. doi: 10.1093/aje/kwv334
- Blacksher E, Nelson C, Van Dyke E, **Echo-Hawk A.**, Bassett D, Buchwald D. (2016) Conversations about Community-based Participatory Research and Trust: "We are Explorers Together". Progress in Community Health Partnerships: Research, Education, and Action. <https://www.ncbi.nlm.nih.gov/pubmed/27346777>.
- McDonnell, M., Nepom, J., Leickly, E., Suchy-Dicey, A., Hirschak, K., **Echo-Hawk, A.** et al. (2015). A culturally-tailored behavioral intervention trial for alcohol use disorders in three American Indian communities: Rationale, design and methods. *Contemporary Clinical Trials*, Volume 47, 93-100.
- Stein, M. A., Shaffer, M., **Echo-Hawk, A.**, Smith, J., Stapleton, A. and Melvin, A. (2015). Research START: A Multimethod Study of Barriers and Accelerators of Recruiting Research Participants. *Clinical and Translational Science*, 8: 647-654. doi: 10.1111/cts.12351
- Stephens, K. A., Lin, C., Baldwin, L., **Echo-Hawk, A.**, Keppel, G. A., Buchwald, D., Whitener, R., Korngiebel, D., Berg, A. O., Black, R. A., & Tarczy-Hornoch, P. (2012). LC Data QUEST: A technical architecture for federated data sharing across community primary care practices. *AMIA Summits Translational Science Proceedings*, Mar 19, 2012, 57-62. PMID: PMC3392065
- Lin, C., Stephens, K. A., Baldwin, L., Keppel, G. A., Whitener, R. J., & **Echo-Hawk, A.**, Korngiebel, D. (in press). Developing governance for federated community-based EHR data sharing. *AMIA Summits Translational Science Proceedings*. PMC Journal.

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**REPORTS**


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Polansky, L., Ferronato, H., and **Echo-Hawk, A.** Urban Indian Health Institute, Seattle Indian Health Board (2021). *Service as Ceremony: A Journey Toward Healing*. Seattle, WA: Urban Indian Health Institute.

Polansky, L. and **Echo-Hawk, A.** Urban Indian Health Institute, Seattle Indian Health Board (2021). *Building the Sacred: An Indigenous Evaluation Framework for Programs Serving Native Survivors of Violence*. Seattle, WA: Urban Indian Health Institute.

Baker, L. Goforth-Ward, M. May, K. **Echo-Hawk, A.** Urban Indian Health Institute, Seattle Indian Health Board (2021). *Supporting the Sacred: Womxn of Resilience*. Seattle, WA: Urban Indian Health Institute.

Apok CA, Villegas M, **Echo-Hawk A.** Potts JJ. We are calling to you: Alaska's missing and murdered Indigenous womxn and girls . Data for Indigenous Justice. <https://dataforindigenousjustice.com/we-are-calling-to-you/>. Published February 17, 2021.

Dodge, L. **Echo-Hawk, A.** Urban Indian Health Institute, Seattle Indian Health Board (2021). *COVID-19 Impact on Urban Indians in Washington State: An Assessment of Washington Urban Direct-Service Organizations*. Seattle, WA: Urban Indian Health Institute.

Urban Indian Health Institute (2021). *Data Genocide of American Indians and Alaska Natives in COVID-19 Data*. Seattle, WA: Urban Indian Health Institute.

**Echo-Hawk, A.**, Dominguez, A. Echo-Hawk, L. Urban Indian Health Institute, Seattle Indian Health Board. (2019). *MMIWG: We Demand More*, WA: Urban Indian Health Institute.

**Echo-Hawk, A.**, Lucchesi, A. Urban Indian Health Institute, Seattle Indian Health Board. (2018). *Missing and Murdered Indigenous Women & Girls*. Seattle, WA: Urban Indian Health Institute.

**Echo-Hawk, A.** Pete, D. Gerber, C. Urban Indian Health Institute, Seattle Indian Health Board (2018). *Our Bodies, Our Stories*. Seattle, WA: Urban Indian Health Institute.

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**KEY PRESENTATIONS**


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- American Society for Bioethics and Humanities Annual Conference- Plenary, October 2022
- CityMatch Leadership and MCH Epidemiology Conference- Closing Plenary, September 2022
- Public Health Law Practitioner Convening: Afternoon Plenary: “Rebuilding after COVID, addressing systemic issues with practical examples involving law and policy,” August 2022
- National Network of Public Health Institutes Annual Conference: Keynote. May 2022
- School of Data Science- Datapalooza 2022: “Advancing Health Equity Panel,” April 2022.

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**AWARDS**

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- Pass it on Giving Circle for Womxn Leaders Award, 2023
- University of Washington Martin Luther King, Jr. Distinguished Service Award, 2022
- Native Action Network, Sister Spirit Award, 2021
- 25<sup>th</sup> Annual National Indian Women's Supporting Each Other, Woman of the Year, 2020
- The Seattle Globalist, Globalist of the Year, 2019
- Washington State Public Health Association Secretary of Health Award, 2019
- Coalition to End Gender-Based Violence, Take Action Award, 2019
- National Organization of Women, Rising Shero Award, 2018
- University of Washington, Bothell, Hall of Alumni Excellence Award, 2017
- National Center for American Enterprise Development, Native American 40 Under 40 Award, 2015
- National Indian Health Board, Local Impact Award, 2015
- University of Washington, Distinguished Staff of the Year, 2014
- University of Washington, Bothell Distinguished Alumna of the Year, 2011
- University of Washington, Seattle, 1-year Research Merit Award, 2008
- YWCA Washington, Volunteer of the Year Award, 2007

### Truth in Testimony Disclosure Form

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

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 03/08/2023

Hearing Title :

American Indian and Alaska Native Public Witness Day

Witness Name: Abigail Echo-Hawk

Position/Title: Director of Urban Indian Health Institute & Executive Vice President of Seattle Indian Health Board

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Urban Indian Health Institute

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

Not Applicable

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

See Attached

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

Not Applicable

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

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

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(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing, and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

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

  
\_\_\_\_\_

Witness signature

3/3/23

Date

Mr. SIMPSON. Thank you, Abigail. I let her go on because I interrupted her.

Aurene.

Ms. MARTIN. That is a tough act to follow. [Laughter.]

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WEDNESDAY, MARCH 8, 2023.

**NATIONAL INDIAN CHILD WELFARE ASSOCIATION**

**WITNESS**

**AURENE MARTIN, TREASURER, NATIONAL INDIAN CHILD WELFARE ASSOCIATION**

Ms. MARTIN. [Speaking Native language.] Good morning, Chairman Simpson, Ranking Member Pingree, and Mr. Ellzey.

My name is Aurene Martin, and I am a citizen of the Bad River Band of Ojibwe in Wisconsin, and I am also on the Board of Directors for the National Indian Child Welfare Association.

NICWA is a national American Indian/Alaska Native organization with nearly 40 years of experience in policy development focused on Native children and families. Our mission is twofold.

First, it is to address issues of child abuse and neglect through training, research, policy, and community development and, two, to support compliance with the Indian Child Welfare Act. And that is really my connection. I am an adoptive mom of two Native children, and I practiced Indian Child Welfare Act law when I was a practicing attorney.

But today, I am here to talk about BIA programs serving Native children and families. And before I go into my comments, I do want to thank the committee. I want to thank you personally for what you have done in the last few years on child welfare programs. You have created some increases that have been extremely helpful, and we do appreciate that.

But your support for these programs is extremely important because Native children are placed in foster care at a rate higher than that of the general population. In some States, it is 10 times higher than the general population.

Yet tribal governments have some of the most limited access to Federal child welfare funding. In many cases, they don't have any direct access, and they have to access funding through States. We know and studies have shown that the surest way to reduce the flow of Native children into the child welfare system is to ensure that tribes have full capacity to protect their children and families, whether they are at home or in State care.

Accordingly, we make the following recommendations. First, we recommend that Indian Child Protection and Family Violence Prevention Act grant programs—get that wrong every time—be fully funded at \$90 million. These two grant programs remain our highest priority.

The law creating these programs was enacted in 1990 to address the lack of reporting, investigation, treatment, and prevention of child abuse in Indian Country. The act was very successful in improving the reporting of abuse because it created mandatory reporting requirements for people that have regular contact with Native

children. It also created the background check system for foster families.

But the unique provisions of the act authorizing direct funding for child abuse prevention and treatment for Native families was only funded last year by this committee in an amount of \$1 million. We request this program be funded fully every year, but we hope you consider any increase because we know that any access to this program will be groundbreaking.

The other priority recommendation I would like to make with you is to increase funding for the ICWA on-reservation program and off-reservation program, changing on-reservation from \$17.8 million to \$30 million and increasing the urban program from \$1.5 million to \$5 million. The BIA ICWA program provides dedicated funds for tribes to provide their own child welfare services, both to children living on and off the reservation.

But even though tribal child welfare programs work with some of the most at-risk and needy families in America, they have access to fewer resources than their State counterparts. Although almost every tribe receives ICWA funding from BIA, almost two-thirds of tribes receive less than \$30,000. This \$30,000 is expected to support a wide array of essential child welfare services, including child protective services, family reunification and rehabilitation, case management, foster care, recruitment and retention, and adoption services. And that is not even enough to fund one full-time position.

The same services are provided by ICWA off-reservation programs usually through urban programs, but the funding is even more scarce. We know that Native children living outside of their communities face bigger challenges because they have harder time connecting with their culture communities and kinship networks. These services are crucial, as the 2020 Census indicated that nearly 87 percent of all individuals who identified as Native lived off-reservation, up from 67 percent in 2010.

And 60 percent of individuals live in metropolitan areas, making urban programs vitally important to the tribal child welfare system. We are so grateful that you appropriated \$1.5 million last year, a \$500,000 increase in this program, and we are hoping that you will consider bigger increases for this year.

In conclusion, I would like to note that the statistics tell us that both the Native population and the number of Indian families involved in the child welfare system has been increasing for a number of years. We also know that prevention, early intervention, and treatment of childhood trauma saves lives, but it also saves money because children who experience violence are more likely to have problems and enter the system.

Thank you for the opportunity to testify today, and I am happy to answer any questions.

[The statement of Ms. Martin follows:]

**National Indian Child Welfare Association FY 2024 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 been a leader in the development of public policy that supports tribal self-determination in child welfare and social services for over 40 years. This testimony will provide funding recommendations for the following programs under the Bureau of Indian Affairs (BIA) in the Department of the Interior: 1) Indian Child Protection and Family Violence Prevention grant programs (two) and resource center (\$93 million), 2) Indian Child Welfare Act On-Reservation grant program (Tribal Priority Allocation—\$30 million), 3) Indian Child Welfare Act Off-Reservation grant program (\$5 million), 4) Welfare Assistance (\$90 million), and 5) Social Services (\$80 million).

In order for AI/AN children and families 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.<sup>1</sup> 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. Increasingly, tribes are developing and implementing child welfare systems that outperform states and make significant progress to reducing the need for child welfare services in their communities.

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.

**Priority Program Recommendation**

**BIA Indian Child Protection and Family Violence Prevention Act Recommendation:**

*Appropriate for the first time \$90 million for the two discretionary grant programs under this law—\$30 million for the Indian Child Abuse Treatment Grant Program, \$60 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, the two grant programs have never been appropriated funds since their inception in 1990. Only once were funds appropriated under any of these programs and it was just one year in the mid 1990's (\$3 million) for the Indian Child Resource and Family Service Centers. This is NICWA's highest priority request.*

The Indian Child Protection and Family Violence Prevention Act (ICPFVPA), Pub. L. No. 101-630 (1990) was, in large part, enacted to fill gaps in tribal child welfare services—specifically child protection and child abuse victim treatment—and to ensure better coordination between child welfare and domestic violence programs. The act authorizes funding for two tribal grant 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. 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. A National Institute of Justice Study revealed that AI/AN women are victimized at a rate 1.2 times greater than that of White women<sup>ii</sup> and more than one in three AI/AN women experience intimate partner violence at some point in their lives.<sup>iii</sup> Further, AI/AN children experience child abuse and neglect at an elevated rate. They are victims of child maltreatment at a rate of 15.5 per 1,000, compared to the national rate of 8.4 children per 1,000.<sup>iv</sup> These problems are intricately intertwined. Studies show that in 49–70% of cases, men who abuse their partners also abuse their children,<sup>v</sup> while child abuse investigations reveal violence against the mother in 28–59% of all cases.<sup>vi</sup>

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.<sup>vii</sup> Financially, child maltreatment costs tribal communities and the United States \$210,012 per victim.<sup>viii</sup> Child abuse prevention and treatment 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 \$30 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 still occur today, Congress provided protections to AI/AN families in state child welfare systems under ICWA. Tribal Nations use the funding for on-reservation programs, but also to assist states and AI/AN families when they are in state child welfare systems. To effectuate these provisions, ICWA authorized grant programs to fund child welfare services in on-reservation communities and for support in off-reservation, urban Indian communities. This is core funding that all tribes are eligible for and depend upon.

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.<sup>ix</sup> Current and historic funding levels have fallen far short of this estimate.

***Appropriate \$5 million for the authorized Off-Reservation ICWA Program to ensure all AI/AN children receive effective services as required by ICWA.***

According to the 2020 Census, 87% of AI/AN people lived outside of tribal lands with 60% living in metropolitan areas.<sup>x-xi</sup> 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 improve outcomes. For these reasons, ICWA authorizes child welfare funding for urban Indian programs. When funded, off-reservation programs provided important services such as child abuse prevention, case

management, court advocacy, and recruitment of Native foster care homes. We thank Congress for recognizing the need for funding of off-reservation ICWA programs and for providing \$1.5 million in FY 2023 for this purpose. We ask for an increase in FY 2024.

**BIA Welfare Assistance Program:** *Increase appropriation levels to \$90 million to support tribal services that assist families in crisis, prevent child abuse, 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. Twenty percent of AI/AN children live in households with incomes below the poverty line as compared to 16% of children nationwide.<sup>xii</sup> In many Native communities, the poverty rate has stayed above 40% for most of the past 30 years.<sup>xiii</sup> The crippling of Native economies before the 1980's left tribal communities impoverished, with few economic opportunities and high unemployment. The barriers to employment vary in Indian Country, but include geographic remoteness, a weak private sector, poor infrastructure, and a lack of basic law enforcement infrastructure. These conditions make the programs funded under welfare assistance an important safety net for AI/AN families, especially when similar state services are not locally available, which is often the case.

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 are ineligible for 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 not 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 \$80 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 staff and support for these programs. Importantly, the Social Services Program provides the only tribal-specific funding available for ongoing operation of child protective services in Indian Country. Given the ongoing epidemic of opioid abuse in Indian Country, these funds are critical to helping stabilize AI/AN families and children at risk.

The Social Services Program is drastically underfunded and as a result, AI/AN children and families suffer. Recent appropriations as part of the *Tiwahe* Initiative (Human Services

Tribal Design) are to be commended and their momentum must be continued, but they only reach a small number of tribes. This recommended increase will ensure that basic child protective services are provided in tribal communities across the country. The Tribal Interior Budget Council in 2015 estimated an unmet need of \$32 million based upon appropriation levels at that time, which are just under those enacted in FY 2023.

<sup>i</sup> 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>

<sup>ii</sup> Rosay, André B. (2016). *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*. U.S. Department of Justice, National Institute of Justice. <https://www.ojp.gov/pdffiles1/nij/249736.pdf>.

<sup>iii</sup> 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.

<sup>iv</sup> Children’s Bureau. (2022). *Child maltreatment 2020*. U.S. Department of Health and Human Services, Administration for Children and Families. <https://www.acf.hhs.gov/cb/report-child-maltreatment-2020>

<sup>v</sup> 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.

<sup>vi</sup> Carter, J. (2012). *Domestic violence, child abuse, and youth violence: Strategies for prevention and early intervention*. San Francisco, CA: Family Violence Prevention Fund.

<sup>vii</sup> 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

<sup>viii</sup> 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.

<sup>ix</sup> S. Rep. No. 95-597 (p. 19) (1977).

<sup>x</sup> U.S. Census Bureau. (2020). *American Indian and Alaska Native (AIAN) Heritage Month: AIAN Alone or in Combination by State: 2020*.

<https://www.census.gov/content/dam/Census/library/visualizations/2022/comm/ai-an-month.pdf>

<sup>xi</sup> Office of Minority Health. (2022). *Profile: American Indian/Alaska Native*. Department of Health and Human Services. <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=3&lvlid=62>

<sup>xii</sup> U.S. Census Bureau. (2020). *2019 American Community Survey: ACS 1-year estimates*. Selected population profiles, Table S0201; Detailed Tables, Table C17001A & Table C17001C; Data profiles, Table DP03 [Data set]. U.S. Department of Commerce.

<sup>xiii</sup> Akee, R. (2019). *How does measuring poverty and welfare affect American Indian children?* Up Front. Brookings Institution. <https://www.brookings.edu/blog/up-front/2019/03/12/how-does-measuring-poverty-and-welfare-affect-american-indian-children/>



**Biography**  
**Aurene M. Martin**

Aurene Martin is the Managing Partner of Spirit Rock LLC. She has extensive experience in Federal Indian law and policy, having served in tribal and Federal government in key posts responsible for developing Indian law and policy. She has worked as an in house attorney at the Oneida Nation of Wisconsin. She also served in both the United States Senate as Senior Counsel to Senate Committee on Indian Affairs and as Acting Assistant Secretary – Indian Affairs at the United States Department of Interior. She specializes in the areas of Tribal land acquisition and the fee to trust process, tax issues, Tribal gaming and child welfare issues.

### Truth in Testimony Disclosure Form

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

Committee: House Appropriations Committee ▼

Subcommittee: Interior, Environment, and Related Agencies ▼

Hearing Date: 03/03/2023

Hearing Title :

American Indian/Alaska Native Public Witness Hearings Day 1

Witness Name: Aurene Martin

Position/Title: Treasurer for the National Indian Child Welfare Association

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

National Indian Child Welfare Association

#### **FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

Yes. I am a member of the Board of Directors for the National Indian Child Welfare Association's (NICWA). NICWA has a policy to not compete or apply for any federal grants or contracts that tribal nations or tribal organizations are eligible to receive.

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

None.

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[REDACTED]

[REDACTED]

3/3/23

Date



Mr. SIMPSON. Thank you. Thank you both for testifying.

You don't even want to get me started on this. This is a huge problem. The abuse of Native American women in this country is horrendous. They have just started making some TV movies about it. I think that has raised the public's attention to this.

But I grew up, the southern border of my town was Fort Hall Indian Reservation. I went to school with a lot of kids. I saw the abuse that Indian children took and stuff. Not just on the reservation, but the abuse they took at school.

This is, to me, almost the largest problem that has got to be addressed. I mean, there are other things. Yes, we need new buildings for schools. We need—we can go on and on. This can't happen in this country. We can't allow it to happen.

So I appreciate everything that you all have done and are doing to try to address this problem.

Ms. ECHO-HAWK. Thank you so much.

And I did a study that was released in 2018 that actually showed—it was a study in Seattle, Washington, where of the Native women we talked to, 94 percent of them had been raped or coerced into sex in their lifetime.

In addition to that, one of the things we found is that they were more likely to have broken bones and large amounts of broken teeth, which is not actually the same when you look at other populations. And so my staff and I were thinking about that. It is like we could think about it as people beat us more, or we are fighting back harder.

Mr. SIMPSON. Yes.

Ms. ECHO-HAWK. So we really want to see that strength. We have been working with—for us at the Seattle Indian Health Board, we have a full dental program, but we also—I have been working with American—the folks from the American Dental Association to think about what pro bono work looks like.

And unfortunately, because of the underfunding of the Indian Health Service, because we need mandatory advance appropriations, our programs don't always have what we need to truly do some of the basic things. Cosmetic dentistry for somebody's teeth who were all broken out because they were beaten.

Mr. SIMPSON. Yes.

Ms. ECHO-HAWK. Those are the necessary things our people need, and we deserve that. That is a basic dignity, let alone now we need to have the mental health resources to address the problem at the root cause.

Mr. SIMPSON. Yes.

Ms. ECHO-HAWK. And so, again, mandatory advance appropriations for the Indian Health Service is absolutely key.

Mr. SIMPSON. Having been a dentist in the real world, I know exactly what you are talking about. And of course, you don't have the same challenge in the urban Indian Health Service. There are actually dentists within miles of where you are. But when you are out on a reservation, Pine Ridge or something, how do you get dentist to go out there? How do you get a dentist to live there or a physician or something else?

And there are so many challenges, but I will tell you—and I mean this from the heart—we cannot in this country allow what is 94 percent—

Ms. ECHO-HAWK. Yes. Yes.

Mr. SIMPSON [continuing]. Of the women have been raped?

Ms. ECHO-HAWK. In the study that I did in Seattle, Washington, yes. And I do want to say for the urban Indian health programs, as funded through a contract through the Indian Health Service, we do receive less than 2 percent of the overall IHS budget. We do struggle with getting dentists within our program.

And while there are dentists, for example, outside of our agencies, our folks, because of the socioeconomic deprivation that they experience, don't have the resources to access those services. So it is still an incredible gap and one that we are always addressing across the urban Indian health programs.

Mr. SIMPSON. Well, I would be more than happy to work with you with the ADA because I have a close association with them.

Ms. ECHO-HAWK. Love that.

Mr. SIMPSON. And see what we can do about pro bono. We can find dentists that do pro bono work that are willing to do that.

Ms. ECHO-HAWK. I would really appreciate that, and so would our women.

Mr. SIMPSON. You bet.

Ms. Pingree.

Ms. PINGREE. Yes, thank you. And thank you so much, Mr. Chair. I really appreciate your strong commitment to dealing with this.

And thank you so much for your commitment and the amazing work you have done. And really, your personal commitment of raising money. You should never have to be in that position, but then we shouldn't have so much neglect of this problem. And I would be fully committed to doing anything we can to make sure that the Justice Department—we are a small committee, and we should budget everything we possibly can to meet the requests that you have mentioned. But also we can make sure that the Justice Department in this administration is doing their job because it is a just staggering issue that we are still dealing with this.

Mr. SIMPSON. I can see some joint letters coming up.

Ms. PINGREE. I can see so. Yes, yes.

Ms. ECHO-HAWK. We would love to work with you on those.

Ms. PINGREE. Put down on that. So, yes, we would love to have your guidance on that. And really, thank you again for your work and your support, and I am just anxious to work with you in any way we can.

And of course, you two are dealing with two really critical heart-breaking problems, the issues of women and the issues of children. And so many of these issues that you brought up are being under addressed.

And I just can't even imagine when you said that almost two-thirds of the tribe received \$30,000. And then the list that you made of all the things that have to be done with that money, that just doesn't even come close to being a drop in the bucket to what is needed. So I hope we can continue to do more.

Thank you both, really, for the work you do.

Ms. MARTIN. Thank you so much.

Mr. SIMPSON. Mr. Ellzey.

Mr. ELLZEY. Thank you, Mr. Chairman.

Thank you all for being here today.

This is my first hearing. I am new to this subcommittee, and I am grateful to be on it. I waited to listen until I heard all morning's testimony, and a lot of folks have gone, on the problem that faces our tribal nations.

I am a husband, father, warrior, and protector, Navy 20 years. I live in Texas. I don't have any tribal—tribes in my district, but what I have heard this morning is that we need to break the cycle of hopelessness and dependence that has existed for so long.

And as we talk about kids, as a Naval aviator, there is not one thing that occurs to end up in a mishap. It is a chain of things. We call it the Swiss cheese model. And everything has to line up to have the end result being that mishap. And if you take one of the—if you block one of those holes in the Swiss cheese, you can effect mission success instead of mission failure.

And so what I have heard this morning is we have a failure of education, employment, addiction, abuse of women, crime, housing, healthcare, and inflation. And we have to start with stopping one of those issues going forward. It seems like from where I sit, the easiest one—easiest. Nothing is easy. The most direct one is safe communities with adequate law enforcement based on full fricking treaty adherence to getting the law enforcement that you deserve.

And as I have—it is very hard not to get emotional and, as I think you said, don't even get me started, as a warrior protector, and your staggering numbers. And of course, as you mentioned, it is in pop culture now. But now that I am a part of this committee, I would like to learn more. You have talked about the victims. Who are the serial perpetrators of these crimes over and over and over again?

Can you answer that in 1 minute or less?

Ms. ECHO-HAWK. Yes. So we actually find that a majority of the perpetrators are white men who have identified, particularly in reservation areas, the opportunity to exploit a maze of jurisdiction where they are not prosecuted.

So the things that are happening under the Violence Against Women Act, the expansion of tribal authorities is absolutely essential and needs to continue to grow and have further funding associated with that. And we also need to be holding law enforcement accountable that is outside of the reservations in doing that.

And again, and when we talk about it being hopelessness within our reservations, I would say this room here is full of hope. Because when we have the full fulfillment of our treaty and trust responsibility, we have the ability to stand up for our people, and our culture community and commitment to each other is what continues to give us hope, despite overwhelming obstacles.

Mr. ELLZEY. Thank you for that answer. It is staggering, and I look forward to supporting in any way I can to—and as you said, there is always hope. So I look forward to being a part of that solution on this subcommittee.

Thank you for your testimony, everybody's testimony this morning. Thank you for your time.

I yield back, Mr. Chairman.

Mr. SIMPSON. Yes, one of the things that really is eye-opening is to go visit our Indian brothers and sisters on their terms, on their land, and see what is actually going on on the ground and stuff. And we started that a few years ago. I think we were the first committee, when I was chairman, that took on, went out to Oklahoma and South Dakota and a few other place, and then other chairmen have followed up.

We couldn't do it the last couple years because of COVID and all that kind of stuff, but we are going to continue that. And we certainly invite anyone that wants to go along, and we will decide which areas we are going to go this year. We want to go to some place we haven't been yet.

Because I think it is important not only that you come and talk to us, as you are today, but we come and talk to you out on your reservations and your places of living and stuff about the challenges you are facing there.

So I thank you for your testimony today very much.

Ms. ECHO-HAWK. Thank you so much.

Mr. SIMPSON. Thank you.

That concludes the morning session. We will begin again at 1:00 p.m.



WEDNESDAY, MARCH 8, 2023.

**AMERICAN INDIAN AND ALASKA NATIVE PUBLIC  
WITNESS DAY 1—AFTERNOON SESSION**

**WITNESS**

**DONNA THOMPSON, VICE-CHAIRWOMAN, FORT HALL BUSINESS COUNCIL OF THE SHOSHONE-BANNOCK TRIBES**

Mr. SIMPSON. The committee will come to order.

We now have Donna Thompson, vice chairman of the Fort Hall Business Council of the Shoshone-Bannock Tribes, Quincy Ellenwood, Treasurer, Nez Perce Tribal Executive Committee, and Keenan Groesbeck, councilman, Northern Arapaho Business Council. Donna, you are up.

Ms. THOMPSON. Good afternoon. My name is Donna [Audio malfunction.] I want—

Mr. SIMPSON. You want the mic.

Ms. THOMPSON. I want to thank Chairman Simpson, who is our representative, for his continued efforts on behalf of the Shoshone-Bannock tribes, and for his efforts on salmon recovery for the Snake River. Thank you.

My written testimony includes several issues of great importance to the tribe, including the need for more funding for the Johnson-O'Malley Program, BIA road maintenance, wildlife conservation, and wildland fire programs, as well as the need to maintain advanced appropriations for the Indian Health Service in the fiscal year 2024 appropriations. But today, I will focus on one: the Gay Mine Superfund Site, located on our reservation, BIE teacher salaries, and the need for a comprehensive approach to the opioid epidemic.

The Gay Mine was an open pit phosphate mine that operated between 1946 and 1993. Ultimately, the mine would cover 7,000 acres of reservation land with 158 pits, each ranging in size from 15 to 20 acres, many with high walls of 50 feet or more, and many with contaminated pit lakes. There are also 57 mill shell piles with over 30 million tons of overburden. The original lease in 1946 stated that Simplot would return the land in "as good condition as received." This did not happen when the mine closed in 1993, and 30 years later, this has still not happened.

Over the past 30 years, minimal reclamation work to make the land usable, again, has occurred, and only recently has environmental remediation work started to address the contamination caused by the mine. While the EPA remediation process is underway, the tribe would like to lead a strategic study to plan the reclamation of the site in order to utilize the area for future development of the tribe. When Gay Mine was leased in 1940, the tribes never thought that when the mine closed, we would never be able

to use the land again. We, again, ask for your help in reclaiming our reservation land by directing the BLM and BIA to work with the tribe to undertake a strategic reclamation study of Gay Mine.

Turning to the need for more funding for the BIE teacher salaries, the current funding levels prevent providing competitive salaries for qualified teachers at the Shoshone-Bannock Junior/Senior High School, which is a tribally-controlled BIE School on the reservation. Right now, the only way our school can compete on teacher salaries with local schools in Idaho is to use carryover funding, over \$146,000 this school year. Over the last 2 weeks, the school has been closed for 4 days due to a lack of certified teachers. This is not sustainable for the school. While the BIE has informed the school that additional funding was provided and the school should be following the BIE teacher salary schedule, the school is simply not receiving enough funding to meet the BIE teacher schedule. As a result, the school is having great difficulty in recruiting and retaining high-qualified certified teachers as well as having funding to provide a guidance counselor and a school resource officer. We urge the subcommittee to hold an oversight hearing on the BIE and to increase funding for teacher salaries.

Finally, I want to make an urgent plea to the subcommittee to help us address the opioid epidemic that our community is facing. In the past 2 weeks alone, we have lost four tribal members to overdose. There is simply not enough funding for prevention and treatment. The tribes lack any suitable detox center or treatment facility on the reservation, limiting the ability of those in need to get treatment. Further, the lack of enforcement and prosecution of non-Indians on the reservation by the Federal Government is making the reservation a haven for drug dealers. We need immediate assistance to combat this issue.

Thank you for the opportunity to testify.  
[The statement of Ms. Thompson follows:]

**Donna Thompson, Vice Chair, Fort Hall Business Council, Shoshone-Bannock Tribes  
House Appropriations Subcommittee on Interior, Environment and Related Agencies  
American Indian and Alaska Native Public Witness Days (March 8, 2023)**

My name is Donna Thompson, and I serve as the Vice Chair of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes (Tribes) located in southeast Idaho. The Tribes are very grateful to Chairman Mike Simpson, our Representative, for all of his efforts over the years to improve services and facilities for the Tribes. We also appreciate the bipartisan efforts of this Subcommittee to protect and increase critical funding for tribal programs and services so that the federal government can better meet its solemn treaty and trust obligations.

The Tribes fully support the increases in funding for the IHS, the BIA, and other programs for tribal governments in the FY23 Omnibus Appropriations Bill. However, much more needs to be done to address the chronic underfunding of tribal programs and to honor the treaty and trust responsibility. **We cannot exercise our treaty rights under the Fort Bridger Treaty of 1868 if the federal government does not protect the natural resources and ensure the health and well-being of our people.** While the Tribes have many needs, in this testimony, I will focus on the following: (1) Reclamation of the Gay Mine Superfund Site; (2) Salmon Restoration – Columbia Basin Initiative; (3) Fort Hall Reservation Boundary Survey Review; (4) BIA Road Maintenance; (5) BIE Teacher and Counselor Salaries; (6) Johnson O'Malley Program; (7) Interstate 15/86 Wildlife Conservation Corridor; (8) BIA Wildland Fire Programs; and (9) Advance Appropriations and Mandatory Funding for Contract Support Costs for the IHS.

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

The Gay Mine is an open pit phosphate mine that operated from 1946 until 1993 on approximately 7,000 acres of the Fort Hall Indian Reservation. After closing in 1993, minimal reclamation activities commenced under the Bureau of Land Management's (BLM) and Bureau of Indian Affairs' (BIA) oversight, with many having now begun to fail with sloughing from high walls of the pits left behind from mining activities. In 2010, the US Environmental Protection Agency (EPA) entered into a Unilateral Agreement Order (UAO) with Simplot and the FMC Corporation to conduct a Remedial Investigation and Feasibility Study under the Comprehensive Environmental Response, and Compensation Liability Act (CERCLA), known as Superfund, process to conduct a Human Health and Ecological Risk Assessment and begin the remediation of soil, vegetation, and water contamination. Superfund work at the site continues with discussions surrounding what risks the site may pose to Tribal members, animals, and plants and how the responsible parties will begin cleaning up this site.

Despite the progress on the remediation efforts, no additional reclamation efforts to restore the land to use have occurred. The site has 158 pits, ranging in size from 15-20 acres, many with high walls that reach more than 50 feet high. There are 57 mill shale piles with over 30 million tons of overburden. While the remediation process is underway, work must be done to truly reclaim the pits and mill shale piles in order to utilize the area for future development purposes. The Tribes would like to lead a comprehensive strategic effort to study and plan the reclamation of the site, including taking down the dangerous high walls. This is critical for human and wildlife safety, cultural preservation, and to support multiple uses of the area. Since CERCLA (remediation) and reclamation efforts are completed independent of each other, the reclamation

investigation will not impede the remediation investigation and will likely benefit the ongoing data gathering activities at the Gay Mine area. *We respectfully request the Subcommittee to direct BLM and BIA to enter into an agreement with the Tribes to undertake a strategic study to develop a long-term reclamation plan for the Gay Mine area.*

**Salmon Restoration – Columbia Basin Initiative**

In 1991, the Tribes successfully petitioned the federal government to list the Snake River sockeye salmon as an endangered species in Idaho. Since then, two species of Chinook salmon and steelhead have also been listed as threatened in Idaho. At one time, tens of thousands of sockeye salmon would return to the Snake River every year, but now, even after decades of targeted recovery work spending many millions of dollars, less than 600 sockeye salmon return each year on average! While overfishing and climate change have certainly impacted salmon populations, the dams on the lower Snake River have made an arduous 900-mile journey nearly impossible for salmon populations. Although the Tribes appreciate the federal government's efforts, the current approach to salmon restoration is simply not working. The salmon are running out of time and a more comprehensive approach is required. The Tribes are grateful that Chairman Simpson has offered such an approach with the "Columbia Basin Initiative". The plan calls for the removal of the four lower Snake River dams while also investing in energy projects to replace the lost hydropower energy from the dams; ensuring that agriculture producers can still efficiently transport their goods; providing resources for local communities; and enhancing conservation programs. Just last September, NOAA released its final report on Columbia Basin salmon which stated: "For Snake River stocks, the centerpiece action is restoring the lower Snake River via dam breaching." *While we understand that this Subcommittee cannot authorize the removal of the four lower Snake River dams, we request that the Subcommittee provide funding for projects related to dam removal and salmon restoration under the Subcommittee's jurisdiction that may need appropriations.*

**Fort Hall Reservation Boundary Survey Review**

In 2012, the Tribes requested the BIA and BLM Cadastral Survey office to investigate and determine whether the federal survey of 1873, which was used to draw the boundaries of the Fort Hall Reservation, was consistent with the land boundary descriptions for the Reservation set forth in the Executive Order of June 14, 1867, and Articles 2 and 4 of the Fort Bridger Treaty of 1868. The 1867 Executive Order promised the Tribes 1.8M acres of land, however, the Tribes only received 1.2M acres when the exterior boundaries of the Reservation were drawn following the 1873 survey. Under an agreement with the Tribes, the BLM undertook a review of the historical documents, maps and correspondence of the federal and state agents responsible for the boundary of the Reservation and issued a report in 2018. However, the Tribes have serious concerns regarding the thoroughness, veracity and accuracy of the research, survey standards and conclusions in the report. The Tribes have expressed these concerns to the BIA and have requested that an engineering firm and surveyor review the BLM Report and a historian conduct further historical research on the establishment of the Reservation. *The Tribes request that the Subcommittee direct BIA to conduct a review of the Fort Hall Boundary Survey.*

**Increased Funding for BIA Road Maintenance Program**

Due to continued flat or small increases in funding for the BIA Road Maintenance program our Transportation Department has been unable to keep up with regular road maintenance. Without a

significant increase of road maintenance funding, the life of roads, bridges and other transportation facilities is drastically reduced resulting in increased risks for highway fatalities and injuries. The Tribes have numerous farm-to-market roads, and over 420 miles of paved roads. **Due to the lack of maintenance, paved road mileage is decreasing, as paved road failures are turned into gravel roads due to a lack of proper maintenance.** At least three-quarters of our roads are in danger of road failure due to road cracks and potholes. The Road Maintenance funding that the Tribes currently receive from the BIA only covers on-going minor maintenance needs but higher priced maintenance needs are not within our budget. Even worse, the BIA has been slow to provide funding to the Tribes for both FY22 and FY23. While the Tribes can use FHWA funds for maintenance, this takes away from our ability to do needed construction projects. The Tribes need at least an additional \$500,000 in Road Maintenance funding to allow the Tribes to repair spring road damage, striping, and chip sealing. The recently passed Bipartisan Infrastructure Law (BIL) authorizes \$54M in FY24 for the BIA Road Maintenance program, but funding in FY23 was only \$39.2M. ***The Tribes request that the Subcommittee appropriate the fully authorized amount of \$54M for BIA Road Maintenance and urge BIA to provide funding in a timelier manner.***

**Increased Funding for BIE Teacher Salaries and Funding for School Counselor**

The Tribes remain concerned about competitive salaries for teachers at the Shoshone-Bannock Jr./Sr. High School (School), a Tribally controlled BIE school on the Reservation. The current funding levels prevent providing competitive salaries for current and new qualified teachers without using our carryover funds. In this school year, entry level wages for a certified teacher at the School are currently set at \$41,017.60 (\$146,481.40 of carryover is being used to cover this) as compared to \$42,991 for the rest of Idaho. Using Idaho's guidelines for teacher salaries we would have to use \$160,188.80 of carryover funds to cover teacher salaries this school year and over \$173,655.80 for next school year. This is not sustainable for the School in the long term. While the BIE has informed the School (and other schools) that additional funding was provided for teacher salary increases and that the School should be following the BIE teacher salary schedule, the BIE does not provide funding to the School based on teacher positions (FTEs) but rather on a per student basis making it impossible to fully account for teacher salaries. Further, the School is simply not receiving enough funding to meet the BIE teacher salary schedule. As a result, the School is having great difficulty in recruiting and retaining high quality certified teachers. Furthermore, there is a significant need to provide technology training to help prepare students for trades upon graduation, but the School does not have a full-time Career/Technology teacher. Providing these types of training opportunities would increase the graduation rate and help more students be career ready. The school also has an urgent need for a full-time guidance counselor to assist the 120 enrolled students to be college and career ready. In addition, the School needs a dedicated School Resource Officer (SRO) for the safety of our students. ***We urge the Subcommittee to increase funding for teacher salaries to enable the School to be competitive with non-BIE schools and to provide additional funding for key staffing positions that make our school safer and better prepare our students for college and/or future careers.***

**Increased Funding for Johnson O'Malley (JOM) Program**

JOM funding provides programming and services for over 1,250 American Indian students in the Fort Hall area to address culture, language and academic dropout prevention. Our JOM funding is divided between three public school districts: Blackfoot, American Falls, and Pocatello, along with 40 Early Childhood Intervention students, at a cost of \$61.42 per student. Nearly 30 years

ago, the JOM program was providing funding at approximately \$125 per student, but funding levels have not kept pace with student population growth. At current levels, there is not enough funding to hire full-time staff to help assist with academic tutoring and student support or a certification course for teachers on tribal history. *The Tribes request that the JOM program be increased to provide funding of \$125/student as was appropriated in 1995.*

**Interstate 15/86 Wildlife Conservation Corridor**

The Fort Hall Reservation has two interstates within our exterior boundaries that require specific wildlife conservation actions to maintain the health, safety, and well-being of people travelling on those interstates as well as the wildlife who winter along those interstates. The Tribes have provided notice to various agencies about the heightened risk of wintering big game animals causing motor vehicle accidents along the interstate corridor and require additional funding to improve the corridor to promote wildlife conservation and public safety. The project would include the following components: 1) a wildlife exclosure fence for ~21.5 miles of I-15/86; 2) approximately ~21.5 miles of wildlife shelter and wind erosion control along the I-15/86 wildlife fencing project; and 3) feasibility studies to evaluate a minimum of 3 wildlife crossings (bridges or underpasses) along I-15/86. *The Tribes request that additional funding be allocated for BIA Tribal Wildlife programs to fund specific projects to promote wildlife conservation corridors.*

**Additional Funding for the BIA Wildland Fire Program**

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

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

The Tribes are very appreciative that advance appropriations for the Indian Health Service (IHS) was included in the FY23 Omnibus Appropriations. Advance appropriations are critical for IHS in order to maintain continuity of funding, especially for the recruitment and retention of healthcare professionals. In addition, while the Tribes support the President's FY23 Budget Request for mandatory appropriations for the Indian Health Service in concept, at a minimum, the provision of contract support costs (CSC) should be made mandatory. CSC are mandatory for tribes operating health programs under P.L. 93-638 contracts with the IHS, yet the funding for these costs are still funded through discretionary appropriations. Further, it is critical that CSC cover all costs normally associated with running a program for IHS. *The Tribes request that the Subcommittee continue to include advance appropriations for the IHS, reclassify CSC as mandatory, and ensure that CSC covers all costs normally incurred by IHS.*



## **Shoshone-Bannock Tribes**

### **Biography**

#### **DONNA THOMPSON - Vice-Chairman of the Fort Hall Business Council**

Donna Thompson, Vice Chairman, is currently serving her fourth term on the Fort Hall Business Council.

Donna is a lifelong resident of the Fort Hall Reservation from the Fort Hall District. Prior to working with the Tribes, Donna was the Human Resources Director at the Shoshone-Bannock Hotel & Event Center and has a combined history of thirty years working with the Tribes in Accounting, TERO (Tribal Employment Rights Ordinance) and Gaming.



Donna served on the Shoshone-Bannock Jr./Sr. High School Board of Directors and previously served as the Chairperson for the Shoshone-Bannock Tribal Enterprise Agri-Business Board of Directors.

In Donna's spare time, she enjoys spending time with her three daughters and twelve grandchildren, especially watching all of their sporting activities. She also enjoys going to powwows to watch her grandchildren dance and spending time in the outdoors with family and friends.

### Truth in Testimony Disclosure Form

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

Committee: House Committee on Appropriations

Subcommittee: Subcommittee on Interior, Environment, and Related Agencies

Hearing Date: 03/08/2023

Hearing Title :

American Indian/Alaskan Native Public Witness Hearings

Witness Name: Donna Thompson

Position/Title: Vice-Chairman

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Fort Hall Business Council,  
Shoshone-Bannock Tribes

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

N/A

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

N/A

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

N/A

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

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

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

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—

(i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

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

 \_\_\_\_\_

Witness signature

3-1-25 \_\_\_\_\_

Date

Mr. SIMPSON. Thank you, Donna. Keenan.  
Mr. GROESBECK. Yes, sir.

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WEDNESDAY, MARCH 8, 2023.

**NORTHERN ARAPAHO BUSINESS COUNCIL**

**WITNESS**

**KEENAN GROESBECK, COUNCILMAN, NORTHERN ARAPAHO BUSINESS COUNCIL**

Mr. GROESBECK. Good afternoon, Chairman Simpson, Ranking Member Pingree, and the members of the subcommittee. My name is Keenan Groesbeck, and I am a member of the Northern Arapaho Tribe, and I am business councilman from Wyoming. And I come here to speak on behalf of the Native American Church and peyote habitat that is being lost, you know. And I come before you guys today, and I want to thank you for your time, you know, to hear us out, you know.

And we are here as a representative for the Native American Church, you know. I participate and run ceremonies as a tribal leader for the Northern Arapaho Tribe, you know. And the issue that we have now is the decline of habitat for the peyote cacti, and it is a holy sacrament through our Native American Church. And I come before the subcommittee here to ask for some funding, you know, to help the decline of the habitat. And through the efforts by us, sustaining the purity habitat is going to sustain a way of life, you know, that we have as Native-American peoples throughout Indian Country, you know.

And the Northern Arapaho Tribe are 1 of 5 tribes that practice the Native American Church way of life, you know, and it is going to be detrimental to our people and other people for the loss of the habitat for the peyote cactus, you know? And we are here to ask the subcommittee here for allocations of funds, you know, to pay the private landowners in Southwest Texas, Laredo area, for the habitat, for the peyote that grows there. And through development of energy, and the roads, and construction, and everything, you know, the habitat is being lost at an alarming rate, you know. And we are here to put the markers up, and I will have you guys look into that, you know, see more Federal oversight on the issue of the peyote habitat loss, you know? And for myself, you know, it is a pretty scary time for our Indian people, you know, because we depend on this way of life, you know? It is the way we worship, you know? It is to the core over people, you know, how we get along with one another and how we support one another, and it would really hurt our tribe enormously, you know, if we was to not have the peyote to use as a holy sacrament in our Native American Church, you know.

So on that, we are just asking for some stability into the habitat so we don't lose it, and that is what I have to say today. Thank you.

[The statement of Mr. Groesbeck follows:]

WRITTEN TESTIMONY  
OF  
KEENAN GROESBECK  
NORTHERN ARAPAHO BUSINESS COUNCIL  
BEFORE THE U.S. HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENTAL, AND RELATED AGENCIES  
ON THE 2024 INTERIOR DEPARTMENT BUDGET  
MARCH 8, 2023

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The Northern Arapaho Tribe is *requesting \$5 million for Peyote Habitat Conservation Initiative Demonstration Project* in Department of Interior Office of Assistant Secretary – Indian Affairs.

Chairman Simpson, Ranking Member Pingree, members of the Committee, my name is Keenan Groesbeck, member of the Northern Arapaho Tribal Business Council. I am honored to submit this written testimony for it addresses a crucial issue to the Northern Arapaho tribe the survival of our Peyote ceremony. Since birth I have been a member of the Native American Church also known as the Peyote religion/ceremony, I also participate in our other traditional ceremonies which bind us together as Arapaho people in a web of mutuality and respect for the kinship we share to one another. This is what makes us Arapaho a distinct tribe with our own language, customs, and ceremonial life. As a tribal leader I want to lend my voice to the growing coalition of Peyote tribes who view the current state of Peyote habitat loss as an emerging crisis.

The Arapaho are among the founding tribes of the Native American Church/Peyote religion. Together with the Kiowa, Comanche, and our sister tribe Cheyenne we incorporated ancient teachings, values and ceremonies into the protocols that are still practiced today in the Native American Church. This religion is foundationally based on our way of life. We have a unique relationship with Peyote and the sacred lands in southwest Texas where our elders once made arduous pilgrimages to pray at these sacred sites and engage in ceremonial harvest. Traversing the decades of reservation era these pilgrimages started with horse and wagon giving way to model T's, modern vehicles and even flying.

Each generation of Arapaho carefully conducted the transmission of these pilgrimage stories to the next to assure continuity and survival of ceremonial harvest. In recent decades the Arapaho have been cut off from access to these sacred lands. Peyote harvest has been facilitated by Peyoteros who in turn sell Peyote to Arapaho Native American Church members, creating a barrier in a religious protocol connecting us to the sacred lands where Peyote grows.

The Northern Arapaho Tribe is expressing through this testimony that the federal government has a trust, treaty, and statutory obligation to Tribal Nations concerning their fullest religious rights. The Northern Arapaho along with all other Tribal Nations are endowed with inherent natural rights including right to worship, right to practice traditional ceremonies and religious right to acquire/ harvest medicines that these religious ceremonies are inextricably linked to.

***Emerging Crisis Peyote Habitat***

All Peyote Habitat is located on private land in southwest Texas along the U.S Mexico border. This land contains a finite resource, our sacred medicine and Peyote grows nowhere else in America. For over a 100 years private landowners have voluntarily engaged with Peyote tribes to help facilitate perpetuation of this religion. In recent decades this relationship of reciprocity and acknowledgment of private landowners occupying sacred lands has shifted.

Population growth, corresponding development, roads, wind farms, oil pads, agricultural practices big game farms, extreme weather, draught and changing values of private land owners have all put pressure on Peyote habitat.

The Department of Agriculture Farm Service Agency engages in investments through its Soil Conservation Program that pays farmers and ranchers on an acreage matrix to root plow Peyote land forever destroying Peyote habitat. Under the National Historic Preservation Act and the National Environmental Policy Act, each federal agency is also responsible for considering the cultural and environmental consequences of federal undertakings – including through federally supported grant activities. 54 U.S.C. 300320; see 42 U. S. C. chapter 55. For the National Historic Preservation Act, a federal agency must identify resources, assess whether they qualify as historic properties, and consider and address the federal activities potential for adverse effects on those resources. ***Section 106 also requires tribal consultation, which there has been none.*** Historic districts and sites included on or eligible for inclusion on the National Register of Historic Places; this includes geographically definable areas possessing a significant linkage of sites, as well as districts with sites separated geographically, but linked by association, such as the Sacred Peyote Garden.

***Gathering Storm Clouds, Pharmaceutical and Psychedelic Renaissance***

These formidable twins have generated a nationwide interest in Peyote and mescaline from mainstream society. The pharmaceutical and Psychedelic coalition has allied with Non-Governmental Organizations who have falsely claimed to represent the voice of relevant Peyote tribes. This perfect storm funded heavily by philanthropists and corporate interest is attempting to legalize Peyote/mescaline in over 20 states. There is a corresponding interest by pharmaceutical companies to patent mescaline from Peyote. The same companies are seeking FDA approval for synthetic mescaline treatment. The Northern Arapaho is one of many Peyote tribes who view this effort as an appropriation of a heritage molecule that many Tribal nations have been stewards of for thousands of years.

Recently the Pharma company Journey Colab announced it had engaged in “indigenous consultation with relevant Peyote communities” in their effort to Patent Mescaline and synthetic Mescaline. Neither the Northern Arapaho Tribe nor the Native American Church of North

America or Native American Church of Oklahoma are aware of any Peyote Tribe or Peyote community of federally recognized tribal members that were consulted.

These clearly rogue actions are symptomatic of a deeper malice facing the future of the Peyote Gardens. Pressure from these interests will lead to land grabs, escalating price of harvesting leases, illegal harvest, illegal distribution and ultimately a scenario where Peyote tribes and their members are completely alienated from the sacred lands containing the medicine that our ceremony is wholly dependent on.

***American Indian Religious Freedom Act 1978, 1994***

From the first iteration of AIRFA in 1978 Pub. L. 95-341 and the amendments of 1994 Pub. L. 103-344 Congress has received testimony which is now Congressional record substantiating that Peyote tribes view the Peyote Gardens of southwest Texas as sacred lands. It is irrefutable that tribal stakeholders view these lands as sacred. I am here to assert again that not only are these sacred lands but that an entire religion/ceremony is at stake if this land does not receive the commitment of the federal government to seek voluntary partnerships with private landowners to protect peyote habitat.

AIRFA broadly authorizes various Congressional committees of jurisdiction and the Administration to protect Native American traditions, religions, ceremonies and sacred sites. How this policy mandate is executed and enforced remains an uncertainty. What is certain however is that AIRFA represents the only statutory vehicle to seek protection for a particular religion. The Native American Church/ Peyote religion stands alone in the books of federal law. This anomaly deserves recognition by this subcommittee and an investment in fulfilling the promise of the American Indian Religious Freedom Act.

***Proposed Peyote Habitat Conservation Pilot Initiative.***

The Northern Arapaho Tribe is requesting to this subcommittee the establishment of a special Peyote Habitat Conservation Pilot initiative funded at \$5 million in FY 2024. To stem the tide of Peyote habitat loss we propose an initial investment of \$5million to establish a standalone funded grant program within the U.S. Department of Interior and administered by the Interior Department Office of the Assistant Secretary – Indian Affairs.

The proposed Peyote Habitat Conservation Pilot Initiative could take many forms, but the basic premise would be that it would invest in landowners for maintaining their Peyote habitat, converting land into Peyote habitat, and would fund activities that focus on conservation and managed harvest of Peyote for perpetual use. While there are a variety of conservation programs in the Department of Interior, they are highly prescriptive, and their authorizations do not accommodate the unique needs of both Indian country and private landowners.

The Northern Arapaho wish to point out to the subcommittee as well that by reaching voluntary conservation strategies and easements with private landowners it does not correlate with taking this land out of production. Peyote as a plant grows naturally in wild uncultivated habitat

in southwestern Texas in habitat known as thorn scrub under a canopy of mesquite trees. Peyote is a crop, it is harvested by DEA licensed Peyoteros and their paid laborers then purchased by Peyote tribes like the Northern Arapaho and sanctioned Peyote chapters throughout Indian country. Contrary to soil conservation activities by USDA Peyote groves actually retain soil and prevent soil erosion, they require no irrigation other than that provided by natural weather patterns, and they require no maintenance.

Peyote is a crop with producers, harvesters and consumers. It has an intricate and long-standing relationship between these stakeholders and involves an accepted economy that supports the private landowners, harvesters and members of the Native American Church.

This proposed Pilot Initiative is unprecedented in the aspect that non-Indian private landowners are the recipients of proposed conservation investments. The primary beneficiaries however are the 300,000 plus members of the Native American Church, the Northern Arapaho Tribe and other Peyote tribes.

***Why It Matters to Indian Country***

Medicines used by Indian country are in danger everywhere. These medicines and foods sustained tribal cultures, ceremonies, and religions since creation. Bridging the myriad of conservation programs in Department of Interior, deciphering conservation efforts that protect private landowners' rights and working through the complexities of jurisdictions and land designations is a daunting effort. Indian country needs a program that is easily identifiable and purposeful. A program that not only works with both Peyote tribes and landowners but one that links the policy mandates of AIRFA to an investment in reaching the goals of AIRFA.

The medicines and foods that grow naturally in America and what was once Indian country do not differentiate between federal, private, or Indian country land. They exist as exquisite sacred plants and species that should not only be treasured by the American Indian but by America as well.

The 10,500 plus enrolled members of the federally recognized Northern Arapaho tribe are either directly or indirectly linked to these medicines we rely on them for our continued existence. Our neighboring tribes the Eastern Shoshone, Crow, Northern Cheyenne, Northern Ute, Shoshone Bannock also rely on these medicines including Peyote for their health wellbeing and continued existence.

I urge the subcommittee to invest in this proposed Peyote Habitat Conservation Pilot Initiative, I request additionally that the subcommittee include report language that specifically requires the Department of Interior to engage in a review, assessment, evaluation of the soon to be 45-year-old American Indian Religious Freedom Act. This requested review should include tribal consultation and inclusion of traditional practitioners in consultation.

I thank you on behalf of the Northern Arapaho Business Council for holding these important hearings.

## Northern Arapaho Business Councilmember Keenan Groesbeck

Councilman Keenan Groesbeck hails from the Ethete area of the Wind River Reservation and is serving in his first term as a Councilmember. Previously Councilman Groesbeck worked in the oil & gas industry, and is currently a driving force overseeing the Wind River Energy Commission's oil and gas regulatory efforts. Councilman Groesbeck also served two years in AmeriCorps, focusing on youth intervention and tutoring, and working with tribal transportation. Councilman Groesbeck is a lifelong member of the Native American Church of North America and actively participates in the Native American Church ceremony. Councilman Groesbeck lives in Arapahoe with his wife, who have three adult children and three grandchildren.

### Truth in Testimony Disclosure Form

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

Committee: Appropriations

Subcommittee: Interior, Environment and Related Agencies

Hearing Date: 03/08/2023

Hearing Subject  :

American Indian and Alaska Native Public Witness Days

Witness Name: Keenan Groesbeck

Position/Title: Councilman, Northern Arapaho Business Council

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Northern Arapaho Business Council

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

Northern Arapaho Business Council

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

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

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(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.



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\_\_\_\_\_  
Witness signature

3/3/20  
\_\_\_\_\_  
Date

Mr. SIMPSON. Thank you.  
 Mr. GROESBECK. Yep.  
 Mr. SIMPSON. Appreciate it.  
 Mr. GROESBECK. Mm-hmm.  
 Mr. SIMPSON. And then next, we have Quincy.

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WEDNESDAY, MARCH 8, 2023.

**NEZ PERCE TRIBAL EXECUTIVE COMMITTEE**

**WITNESS**

**QUINTIN "QUINCY" ELLENWOOD, TREASURER, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE**

Mr. ELLENWOOD. [Speaking native language], Quincy, Illinois. I am known to my people [Speaking native language], the Nez Perce people, as [Speaking native language] after the late John Miller of Clear Creek, Idaho. And I am currently serving on the Nez Perce Tribal Executive Committee as the treasurer, and I am also the Natural Resource chairman. I also sit on Human Resources, Law and Order, and Land Commission. I want to tell you all thank you very much for your time today, and it is an honor to be here to testify on behalf of my Nez Perce people. Although I want to only summarize a few of the recommendations contained, you know, in this written testimony, I hope that you will fully respect the request of the subcommittee and the recommendations made by the Nez Perce Nation, and also those from the Columbia River Inter-Tribal Fish Commission during their deliberations for fiscal year 2024.

I want to also give a big testimony towards our Indian Health Services for the fiscal year 2024 and increased appropriations on a bipartisan basis to the multitude of programs under your jurisdiction, which tribal nations administer and benefit from, funding increases to tribal programs, including the fiscal year 2023 build on increases secured to Indian Country in fiscal year 2022. We want to say thank you.

The Nez Perce tribe does a tremendous amount of work administering programs with the Bureau of Indian Affairs, Indian Health Services, and Environmental Protection Agency under 638 programs and direct services. The Federal funding for this work benefits tribal and non-tribal citizens within the exterior boundaries of the Nez Perce Indian Reservation. It is very important to protecting the treaty-reserved resources to the Nez Perce Tribe, and the tribe urges you to continue the funding of these programs to the fullest extent.

The Nez Perce Tribe, we have our own law enforcement and social services are two of the larger departments that the tribe administers. Currently, the tribe, we have to subsidize our law enforcement program to ensure services are provided throughout the Nez Perce Indian Reservation. In addition, we have constructed our own jail facility and finance all this for the Nez Perce Tribe because of the lack of cooperation with some of the local jail facilities in the five counties that we have on the Nez Perce Indian Reserva-

tion. So we would greatly appreciate advocacy for work for more funding through the Bureau of Indian Affairs.

The Bureau of Indian Affairs, Natural Resource Tribal Priority Allocations, and Endangered Species Program funding. This funding is key for our work related to salmon, [Speaking native language] in our language, and the steelhead. And also the Bureau of Indian Affairs Rights Protection Implementation Account has also been critical in supporting our exercise of treaty-reserved rights on and off the reservation, and particularly, hunting and fishing and monitoring our fish harvest. In addition to the Bureau of Indian Affairs, the tribe operates a healthcare facility, which provides services to over 4,000 Nez Perce and non-Nez Perce. This computes to over 40,000 medical provider visits, and we have the main healthcare facilities in Lapwai, Idaho, with a satellite facility in Kamiah, to my people [Speaking native language] first, and then Kamiah second.

The tribe's funding through the Environmental Protection Agency comes from a variety of programs: the Clean Water Act, Indian General Assistance Program, the Clean Water Act, just to name a few. And remember, these programs have been funded at the same levels for several years, and the tribe would recommend and increase in fiscal year 2024. The Nimiipuu River, salmon people, and we also travel to buffalo country. Since time immemorial, we have fished in the Columbia, and the Snakes, and the Clear Water Rivers. The tribe requests that this subcommittee continue the EPA's Columbia River Basin Restoration Program. We recommend that no less than \$3 million provided for fiscal year 2023 be appropriated for 2024.

We also work with the U.S. Fish and Wildlife Service in operation of the Kooskia National Fish Hatchery, which is neighboring to where I grew up on the CERCLA area, which is a tributary to Clearwater River. The tribe manages the hatchery and the Snake River Rights Act of 2004. The hatchery is in dire need of new water supply. An extraordinary amount of sediment, it accumulates in the current water that is feeding Kooskia National Fish Hatchery. The U.S. Fish and Wildlife Service that service should be allocated adequate funding with operations and importance in the O&M of this hatchery facility. Also, the State and Tribal Wildlife Grant Program has enabled the tribe to monitor gray wolves, conduct research on bighorn and California condor habitat, and conserve rare plants. The tribe does a tremendous amount of work with the Forest Service, and we just recently signed a GNA, Good Neighbor Authority, and we work with 12 different national forests that we deal with in fishing, hunting, eating, and exercising our way of life, which is now considered the treaty.

In closing, thank you all for your time. It is an honor to be in your presence and also your attention to missing, murdered indigenous women. It needs more and more advocacy, and I stand with it, and I will do the best I can to always protect the givers and takers of life: our women folks. Thank you.

[The statement of Mr. Ellenwood follows:]

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

**WRITTEN TESTIMONY OF THE NEZ PERCE TRIBE**

**MARCH 8, 2023**

Thank you for the opportunity to provide this testimony on behalf of the Nez Perce Tribe (Tribe) as the Committee evaluates and prioritizes FY 2024 appropriations. This testimony covers funding for the needs of Tribal Nations regarding the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), Environmental Protection Agency (EPA), Forest Service, and the U.S. Fish and Wildlife Service (USFWS).

The *Nimiipuu* people 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. We are deeply grateful that the many funding increases to tribal programs in the final FY 2023 appropriations build on the increases Congress provided in FY 2022.

Like 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. The Tribe 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. Each of these programs is necessary and vital for the Tribe as a sovereign nation that preserves and protects the Treaty rights of the Nez Perce People and provides day-to-day governmental services to our 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 the Tribe's work is guided by this principle. 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. To accomplish this work, as members of this Subcommittee frequently note, the U.S. must affirm its trust responsibility to Indian tribes by properly funding programs. The impact of such underfunding was documented in the 2018 report of the U.S. Commission on Civil Rights, *Broken Promises*. This report was updated in 2020 to show how this chronic underfunding exacerbated the impact of the COVID-19 pandemic in Indian Country.

Bureau of Indian Affairs

The Tribe requests that overall funding of \$3.8 billion for the BIA and Bureau of Indian Education in FY 2023 be maintained in FY 2024. The Tribe also supports the indefinite appropriation for

contract support costs at \$328 million for BIA in FY 2024. The Tribe also recommends that these costs should be reclassified from discretionary to mandatory.

In relation to the BIA Public Safety and Justice (PS&J) account, the Tribe advocates for maintaining funding for law enforcement that was enacted for that account in FY 2023. 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 and recently completed construction of a jail facility. The Tribe has a fully trained and staffed police force, a fully staffed tribal court, a prosecutor, a public defender, and other personnel that perform related administrative functions. The Tribe received just over \$1,382,595 in BIA base funding and \$990,238 in BIA direct Contract Support Cost funds. Currently, the Tribe contributes \$1,179,941 to cover the shortfall in BIA funding for the Tribe's law enforcement and corrections, \$745,624 for judicial services/probation, \$480,040 for prosecutorial services, \$318,057 for public defender services, and \$486,046 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 tribal governmental services. Funding for these programs, including additional funding to operate the new jail facility, needs to be maintained and ultimately increased to account for shortfalls in funding the Tribe must absorb to continue the operation of these important services on the 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 the Nez Perce Tribe 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 account is critical to support the exercise of treaty-reserved, off-reservation hunting and fishing for tribes. The Tribe supports, at a minimum, the \$49.2 million in funding provided in FY 2023. These funds 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 Nez Perce Treaties of 1855 and 1863 and further delineated in court decisions regarding implementation of hunting and fishing Treaty rights. It is also important to understand that this funding is used for job creation.

The Tribe supports maintaining the FY 2023 funding for the BIA Fish, Wildlife and Parks account. The Tribe, through our fisheries programs, has invested a significant amount of personnel and resources into the restoration of salmon. 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 a \$4 million increase over FY 2023 funding for the Tribal Management and Development Program.

The Tribe recommends continued funding for the Columbia River In-Lieu Treaty Sites by supplementing the \$4.5 million provided in FY 2023 to implement the Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act

#### Indian Health Service

The Tribe operates Nimiipuu Health, a healthcare clinic on the Nez Perce Reservation in Lapwai, Idaho, and its satellite facility located 65 miles away in Kamiah, Idaho. Nimiipuu Health provides services to approximately 4,000 patients each year. Annually, this computes to at least 40,000 medical/dental provider visits which does not include pharmacy or laboratory visits.

The Tribe applauds the \$7 billion provided for FY 2023 and the advanced appropriations for FY 2024 of \$5 billion. We recommend maintaining these levels going forward, but it must be noted that this funding amount will not cover the costs the Nez Perce and other tribes have in order to maintain current services because we also have to ensure that programs and facilities keep pace with medical and non-medical inflation and with population growth. Recommendations of substantially increasing this funding to as high as \$9 billion has been supported by the Tribe.

The Tribe also supports an increase in funding for purchased/referred care (P/RC) since this funding has not adjusted with inflation. The Tribe recommends that this \$996.7 million allocation be substantially increased to continue to meet the P/RC spending needs of tribal health facilities caused by medical inflation.

The Tribe supports the funding for contract support costs for FY 2023 of \$969 million. However, this change in funding should not be accomplished or be offset by reducing other funding for these agencies that would adversely affect services or programs. This funding should not be reduced by excessive set-asides for administration.

The Tribe recommends permanent, mandatory funding of the Special Diabetes Program at no less than \$150 million per fiscal year. In that regard, similar levels of funding are recommended for mental health and substance abuse treatment. The current annual allocation for mental health and substance abuse, while very important, falls well below the financial needs to provide adequate care and treatment on reservations.

Finally, the Tribe would like to express our support for the budget recommendations of the Northwest Portland Area Indian Health Board including, but not limited to recommendations on increases to the \$111 million provided in FY 2023 for 105(l) lease costs and to make the funding mandatory.

#### U.S. Fish and Wildlife Service

The Tribe relies heavily on funding sources within the USFWS. First, the operations of Kooskia National Fish Hatchery are funded by the USFWS. The Tribe manages the hatchery pursuant to the terms of the Snake River Water Rights Act of 2004 (Act). The hatchery is in dire need of a new water supply to reduce the extraordinary amount of sediment that accumulates in the current

water at the facility so the Tribe can continue to meet its production goals. The USFWS should be allocated adequate funding for the operations of this important facility to ensure the United States meets its obligations under the Act.

Second, the USFWS-administered State and Tribal Wildlife Grants program is an important and cost-effective expenditure for the Federal Government and is one of the few sources of funds tribes can tap into for wildlife research. Over the last several years, the Tribe has received grants funding for work on diverse issues such as rare plant conservation and Condor habitat research. Continued funding for the State and Tribal Wildlife Grants program will allow recipient tribes to build capacity and maintain involvement in key conservation issues. The Tribe strongly urges this Subcommittee to not reduce, but instead increase, funding for these competitive grants to \$75 million and increase the tribal share to \$6.5 million.

#### Environmental Protection Agency

The Tribe works closely with EPA on many programs that are essential to the health and safety of the 18,000 tribal and non-tribal citizens residing within the Nez Perce Reservation. These programs also protect the Treaty-reserved resources of the Tribe that the United States has a trust obligation to preserve. These programs include: the Clean Water Act 106 Program; the Clean Water Act 319 Nonpoint Source (NPS) Pollution Prevention Program; the Indian General Assistance Program; the Tribal Brownfields Response 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.

The Tribe recommends that the Indian General Assistance Program be funded at \$75 million; the tribal allocation under the Clean Water Act 106 program be increased by 20 percent; Tribal Air Quality Management be funded at \$16 million; the Brownfields Program be maintained at \$100 million; and a funding amount be specifically allocated in lieu of the percent cap on tribal funding for NPS pollution control.

The Tribe requests the Columbia River Basin Restoration Program, authorized under the Water Infrastructure Improvements for the Nation Act of 2016, be funded at no less than the \$3 million provided to EPA in FY 2023 but recommends that number be substantially increased.

#### Forest Service

The Tribe does a tremendous amount of work with the Forest Service including landscape restoration and resource management. The Tribe entered into a Good Neighbor Authority agreement with the Forest Service in 2022 that will allow more collaboration on work that will help protect treaty-reserved resources on forest system land. It is important that these programs receive stable and consistent funding to allow this work to continue.

As you can see, the Tribe does a tremendous amount of work in a variety of areas. It is important that the United States continue to fund this work and uphold and honor its trust obligations to tribes. Thank you for the opportunity to testify today.

**Quintin “Quincy” Ellenwood**  
**Nez Perce Tribal Executive Committee (NPTEC)**

Quintin “Quincy” Ellenwood, an enrolled member of the Nez Perce Tribe, is the current Treasurer of the Nez Perce Tribal Executive Committee (NPTEC), the nine-member governing body of the Nez Perce Tribe. Mr. Ellenwood has served on the NPTEC for six years (2015–2018, 2020–current), and during that time has served as Treasurer, Land Enterprise Commission Subcommittee Chairman, Budget and Finance Subcommittee Chairman, and Natural Resources Subcommittee Chairman. Mr. Ellenwood has also served various terms on the Nez Perce Tribe General Council, more than ten years on the Nez Perce Tribe Fish and Wildlife Commission, and two years on the Tribe’s Resolutions Committee.

An advocate for the protection of natural resources sacred to the Nez Perce Tribe, including salmon in the Columbia River Basin—listed as threatened under the Endangered Species Act—Mr. Ellenwood served as Chairman for the Columbia River Inter-Tribal Fish Commission (CRITFC) (2021–2022) and is currently serving as CRITFC Treasurer.

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Committee: House Committee on Appropriations

Subcommittee: Interior, Environment and related Agencies

Hearing Date: 03/08/2023

Hearing Title :

American Indian/Alaska Native Public Witness Hearings

Witness Name: Quintin "Quincy" Ellenwood

Position/Title: Treasurer, Nez Perce Tribal Executive Committee

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Nez Perce Tribe

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3/1/2023  
Date

Mr. SIMPSON. Thank you. You say it is an honor to be here. You know, what an honor it is to have you, truthfully, so thank you all for being here.

I have really enjoyed working with the Nez Perce Tribe on trying to save the salmon in the Snake River. We are going to get it done. It is going to take some time, something you have been working on for years. I am a latecomer to it, but we have been working very hard with your tribe, and with the Shoshone-Bannock Tribe, and the tribes along the Snake River in Colombia to try to restore these salmon. And it is hard to do. It is controversial. It is going to take some changes to the way we are doing things right now, but I appreciate working with you on that and the other things that you have done on the Nez Perce Reservation, the tribes have done. So great work.

Donna, have any of those high walls come down yet?

Ms. THOMPSON. No.

Mr. SIMPSON. None? Zero? I told them, give me some dynamite, you know? [Laughter.]

Ms. THOMPSON [continuing]. Come back again.

Mr. SIMPSON. I enjoyed our tour up there, and it is such beautiful country—

Ms. THOMPSON. Right.

Mr. SIMPSON [continuing]. That it does need to get restored to its original state, and we have got to make that happen.

Ms. THOMPSON. Yes.

Mr. SIMPSON. And as I said at the time, I don't know what it is going to take, but it is going to take the cooperation of all sides. And I was hoping that the company, Simplot, and the tribes could get together and come to some resolution to start working on this because it has got to get done, and it is just getting more expensive as we wait. So I look forward to working with you on that.

You know, I didn't know that we were having trouble keeping teachers because of low pay on the reservation versus higher pay in Blackfoot and Pocatello, I suspect. I knew that that was a problem that I brought up earlier, in fact, in another panel with police officers and firemen. I didn't know that that was the case with teachers also. I don't have the answer to that, but it is something we got to work on. It is an issue that not just affects tribes, but I noticed when I was a city councilman in Blackfoot, we would train all the police officers and firemen for Pocatello and Idaho Falls, bigger cities, you know? And as soon as they got trained, they would go there where they get paid more. Well, tribes, it is the same problem with tribes. They are the training grounds for the police and firemen in the larger cities that really are on the borders of the Fort Hall Indian Reservation, but I find that that is true across the country.

I don't have the answer to that, but I brought it up with several individuals, and it is something that I think we need to work on very seriously. So I look forward to working with you on that and trying to address that problem. But as you know, I have always been thrilled to work with the Sho-Bans on issues that they have out there. I sat one day in a classroom where they were teaching Bannock language to bunch of youngsters, you know, and just listened to them. You know, we can't lose our languages of our Na-

tive-American tribes in this country. We have to find a way to maintain those languages and stuff. We have to find a way to maintain those cultures.

I got an award from American Rivers the other night, and I said, you know, I have been working with the tribes on saving salmon, and I told them, this was at the reception, I said, you know what? I said, there is a wisdom there that we don't take advantage of with our Native-American tribes. Sometimes we take it too lightly, something we need to listen to and learn from. So I appreciate all of you being here today. Where are you located?

Mr. GROESBECK. Central—

Mr. SIMPSON. Central. That is right. Okay. Yeah. Ms. Pingree.

Ms. PINGREE. Thank you, Mr. Chair, and thank you so much for your thoughts are, and also your commitment to restoring Salmon Rivers, also a main issue. And as you said, it is not easy. It is often controversial, and it takes a lot of dedication and a lot of time, but it is particularly important, I think. Where our tribal communities have the salmon rights, it is really extremely important, so thank you for that. And we have learned a little bit about the disappearance of native peyote today, and so I am interested to keep learning more about that and seeing what we need to do to help preserve those areas where it is growing.

And, Leslie, just tell me a little bit more, and I don't have to take up too much time about this, but so, how has it taken so long? If that was 1993 and there is still a company actively involved—you said, Simplot and FMC—and it is a potential or is a Superfund site, what is the barrier here? Like, how did they walk away in 1993 and not do any of the cleanup? And then I am pretty sure my calculations, it is 30 years now, right?

Mr. ELLENWOOD. Well, we could have a long discussion—

[Laughter.]

Ms. PINGREE. All right. I may have to just buy the chair a drink sometime and hear the whole story, but it just seems like we need to do more. And you are not the only cleanup site or Superfund site we have heard about from tribes today, just—

Ms. THOMPSON. We have two on our reservation, and, you know, that is—

Mr. SIMPSON. Yep.

Ms. THOMPSON. It is horrible because we cannot use the land because, you know, just like I said, they were going to restore it to its, you know, natural state, but that has not happened. I would love if any of you could come out and see what we have. I think you would be probably surprised. Unless you can see it, I don't know if we can explain it.

Ms. PINGREE. Mm-hmm. Mm-hmm.

Ms. THOMPSON. But thank you. Anything that can happen to help us, that would be very well received.

Ms. PINGREE. All right. I will try to learn more about it. Thank you so much.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. So, Ms. Thompson, is there a school shortage of teachers in Idaho that you are aware of, I mean, because I think there is a national problem with people not going into teaching.

Ms. THOMPSON. Yes, there is, but, however, because our pay scale is lower than the State—

Ms. MCCOLLUM. Yeah.

Ms. THOMPSON [continuing]. School, and we have a hard time—

Ms. MCCOLLUM. And then you have issues with housing and where people live.

Ms. THOMPSON. Right.

Ms. MCCOLLUM. And if you are married and you have a spouse that works, and that, but I think as we hear about this—I am a former teacher—there is going to be a real crunch—

Ms. THOMPSON. Mm-hmm.

Ms. MCCOLLUM [continuing]. For teachers in general. And if we don't get this fixed, you are always going to be behind, yeah.

Ms. THOMPSON. Absolutely.

Ms. MCCOLLUM. Councilmember Groesbeck, so I want to understand your journey. So you are in Wyoming now.

Mr. GROESBECK. Yeah.

Ms. MCCOLLUM. The peyote is in Texas.

Mr. GROESBECK. Yeah.

Ms. MCCOLLUM. So tell me your journey.

Mr. GROESBECK. We have the tribe, you could call it. You could call it enough to pick it, to gather it, you know? And what is going on now is the private landowners, you know, their land is being developed, so it is being lost. We go down there with the medicine, and when we bring it home, we use the sacrament.

Ms. MCCOLLUM. So were there also tribes that also went there? I mean, in Minnesota, we have Pipestone.

Mr. GROESBECK. Yeah.

Ms. MCCOLLUM. So tribes travel for Pipestone, so this is just not an issue for your tribe.

Mr. GROESBECK. It is an issue for all tribes in Indian Country, yeah, so that would be, like, a bona fide tragedy. It would be, like, the Kiowa, Comanche, Cheyenne, you know, and the Cheyenne-Arapahos in Oklahoma, and there are more other tribes that use it.

Ms. MCCOLLUM. Are there any, and I can find out more about this later, but are there any tribes where that was ancestral homeland where maybe the Federal Government and tribes together could work to, you know, purchase back some of the land or something like that?

Mr. GROESBECK. I think there are some other tribes that have done it. It can be, like, Comanche and Apache, you know—

Ms. MCCOLLUM. Okay.

Mr. GROESBECK [continuing]. Yeah, route through there. That is what we are asking is for dollars from habitat conservation demonstration project for fiscal year—

Ms. MCCOLLUM. Okay. So there would be many who would benefit from something like that.

Mr. GROESBECK. Yeah.

Ms. MCCOLLUM. And, Treasurer Ellenwood, I really appreciated the way that you talked about the whole of government, not just in the Interior bill. So, you know, when Forest Service isn't plussed up and Fish and Wildlife isn't plussed up on the right lines, and

you aren't plussed up. It is a multiplying effect of almost like a death by a thousand little cuts. You are not able to move forward. There are the lines that go directly to your tribe, but then there are all the other lines that go to other things that Mr. Simpson and Ms. Pingree will be funding that that your tribe draws from. Could you just expand on that a little more?

Mr. ELLENWOOD. So yeah, we do a lot of work through the Forest Service, you know, through the culverts replacement, salmon habitat, and particularly, it would be really beneficial hugely to everybody be on the same page to protect each other's work. You know, for instance, water quality, you know, we have water quality issues in the South Fork area, South Fork of the salmon, and so, you know, there is a huge site to be proposed there, to protect each other's work that ultimately come through the tribe, and to have the advocacy that we have. You know, above all, you know, it takes a team. Teamwork makes the dream work, and ultimately, we have a right to live our lives as God has created us, and as you said, Mr. Chairman, you know, there is a lot.

I urge you all to come out and visit Indian Country, Nez Perce country, any other tribe that is out there, because you said, Mr. Chairman, there is some huge wisdom that is there. We have a right to live our lives as the way God created us, and when we have pandemics like this, when people pass, sometimes that history is gone. So I urge you as the way it is taught to myself to teach it, to learn it, to observe it, to feel it, I urge you to come out and do the same along with us. It is a beautiful way of life, very, very beautiful way of life.

Ms. MCCOLLUM. Thank you, Mr. Chair [Audio malfunction.].

Mr. SIMPSON. Yeah, and we are going to do a little more traveling up around there, and I would like to get out of the Pacific Northwest, and, I think, down to the southern part of this country where we haven't really spent any time down in Mississippi, and Alabama, and those places. So we are going to be looking at some of these places that we can visit because I think, as I said earlier today, that it is important that we actually get out and see where you live and the challenges that you face and stuff.

So I thank all of you for being here today. Let me ask you one question, Keenan.

Mr. GROESBECK. Yes, sir.

Mr. SIMPSON. Is South Texas the only place that peyote grows?

Mr. GROESBECK. No, it grows across the border.

Mr. SIMPSON. Well, I am not sure I want to do that, but—

[Laughter.]

Mr. SIMPSON. Yeah, but its habitat is very small, huh?

Mr. GROESBECK. Right, so.

Mr. SIMPSON. So you couldn't take it up and say I am going to grow it in Wyoming or—

Mr. GROESBECK. I don't know. [Laughter.]

Mr. SIMPSON. Pretty rough, huh?

Mr. GROESBECK. Yeah.

Mr. SIMPSON. That would be like Maine trying to grow potatoes, huh?

Mr. GROESBECK. Yeah, that is right? [Laughter.]

Mr. SIMPSON. I just get a shot in every time—

Ms. PINGREE. You got my material—

Mr. SIMPSON. Yeah, that is right. Yeah. [Laughter.]

Thank you all for being here today, and thank you for your testimony. I appreciate it.

Okay. Stephen Roe Lewis, governor of the Gila River Indian Community; Tehassi Hill, chairman of the Oneida Nation, and John Johnson, president of the Lac du Flambeau Band of Lake Superior Chippewa Indians.

VOICE. They just called votes. Do you want to try to do one person?

Mr. SIMPSON. They just called votes.

VOICE. Yeah.

Mr. SIMPSON. Let's at least listen to one person before we go.

VOICE. Okay. Perfect. We will keep an eye on the time.

Mr. SIMPSON. We are going to be interrupted in the middle of this. We will hear the first testimony from Stephen Roe Lewis, and then we have got to go vote real quick. I think it is two votes.

VOICE. Two votes, yeah.

Mr. SIMPSON. We have two votes, and then we will be back and continue, okay?

So, Stephen, you are up.

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WEDNESDAY, MARCH 8, 2023.

## GILA RIVER COMMUNITY

### WITNESS

#### STEPHEN ROE LEWIS, GOVERNOR, GILA RIVER INDIAN COMMUNITY

Mr. LEWIS. Thank you. [Speaking native language.] I am Governor Stephen Roe Lewis of the Gila River Indian Community. Chairman Simpson and Ranking Member Pingree, Congresswoman McCollum, and the committee, thank you for the opportunity to provide testimony today, and also Congressman Elizay as well. Thank you for allowing me to provide testimony on behalf of the Gila River Indian Community.

Now, today I have two requests: first, funding to implement the surveying of Federal rights-of-way on our community's reservation, Chairman, which is required under legislation unique to the community; second, funding for the Indian Self-Determination Act Section 105 (l) Program, which will benefit Indian Country as a whole. And I want to thank the Congresswoman McCollum for being such a champion from the beginning on the 105(l).

In 2018, Congress approved the Gila River Indian Communities Federal Rights of Way Easement and Boundary Clarification Act. This act was necessary to enable the community to obtain the full benefits of the settlement that the community reached with the United States to resolve litigation that was filed in 2006. The act requires that all Federal rights-of-way on the community's reservation be surveyed within 6 years of enactment of the law, subject to appropriations. So at the time the act was passed, the estimated funding needed to complete these surveys was approximately \$15.5 million. Since the Act became law, the community has requested \$3 million annually to ensure the completion of this work within the

6-year time frame. Now, we are in the 5th year since enactment, and only \$1 million has been appropriated to date, and if annual appropriations continue in the \$1-million range, it will take another 14 years, Chairman, to fully implement a settlement that began with litigation in 2006.

Now, the community entered into this settlement in good faith with the United States, and Congress passed this act in good faith as well, but unless appropriations are consistently awarded in the amounts needed to complete implementation of the act, that good faith will be breached to all of the committee members and Chairman, leaving the community with an unresolved portion of its settlement. So today, I am asking this committee to allocate a minimum of \$3 million to implement this legislation so the community can begin the good work in earnest as intended when the act was passed in 2018.

Now, my second request addresses mandatory funding for sovereign tribal nation obligations under Section 105 (l) of the Indian Self-Determination Act. Today and tomorrow, you will hear from my fellow tribal leaders across Indian Country. You will hear a consistent theme: the need for improved or newly-constructed facilities for schools, law enforcement, healthcare, natural resources, and administrative functions. Now, Congress has already developed a solution to those infrastructure needs for a majority of Indian Country. In 2018, I sat in this chair before this committee and proposed a pilot construction program, a program that would allow the community to design and construct a new school, and then lease that school facility back to the Department of the Interior under Section 105 (l) authority. You took a chance on that program then, and we were able to construct that school less expensively and in half the time that it would have taken the Federal Government.

Now, since that time, the community has successfully utilized, moved this program forward to construct a second school, and last fall, we broke ground on a new police department. We have hosted tribes across Indian Country to learn about this program to show them that this program works. And with the support of this committee and the past two administrations, the program has indeed grown. The funding for the program has also grown an acknowledgement of this innovative approach to meet the needs of Indian Country. The funding has been elevated from pilot funding, to line item funding, to indefinite funding. Now, the next critical step to ensure that the program can be implemented to its full capacity and in compliance with the statutory mandates under the Indian Self-Determination Act and subsequent court cases is for the funding to become mandatory.

Now, I want to note that this mandatory funding will not necessarily help my community. Our construction program is well under way, and we have entered into leases on our eligible existing facilities, but with help with any rehabilitation and repair needed on those buildings, that will help definitely. But this funding will help Indian Country by allowing the program to reach the potential anticipated by this committee. Now, mandatory funding will provide the mechanism needed to encourage the public/private partnership, that component of this program, by providing the capital

needed for tribes to construct facilities, which is required before leases can be negotiated with the administration.

Now, this program that I am describing is the embodiment, I believe, of the intent of the Indian Self-Determination Act to empower tribes to make decisions regarding the scope and type of facilities needed to carry out our governmental responsibilities to our members. I ask you to finish the job and to make this funding mandatory in line with the sovereign tribal obligations under this act. And also, in addition, I echo my fellow tribal leaders on the need to provide resources to tribal nations to address the MMIP issue, the terrible scourge of fentanyl that is sweeping across not only this Nation, but Indian Country as well, and also the necessary behavioral health services that are needed throughout Indian Country as well.

Thank you, Mr. Chair, and Thank you, Members of the Committee.

[The statement of Mr. Lewis follows:]

HOUSE INTERIOR APPROPRIATIONS COMMITTEE  
 TESTIMONY OF GOVERNOR STEPHEN ROE LEWIS  
 GILA RIVER INDIAN COMMUNITY

March 8, 2023

Chairwoman Simpson and Ranking Member Pingree, thank you for the opportunity to submit testimony on behalf of the Gila River Indian Community (“Community”). The Community’s testimony includes two requests: 1) making funding for the section 105(l) leasing program mandatory; and 2) a minimum amount of \$3.0 million in the Department of the Interior’s fiscal year 2022 budget for the Bureau of Indian Affairs Trust – Real Estate Services program designated to carry out the implementation of Public Law 115-350 – the “Gila River Indian Community Federal Rights-of-Way, Easements and Boundary Clarification Act.”

**Mandatory Funding for the Indian Self-Determination and Education Assistance Act, Section 105(l) Lease Program**

**Background on 105(l) lease program**

The Indian Self-Determination Education and Assistance Act (ISDEAA), at 25 U.S.C. § 5324(l) mandates that the Secretary of the Interior or Health and Human Services enter into a lease, commonly referred to as a “105(l) lease”, with a Tribe or Tribal organization for a facility used for the administration and delivery of ISDEAA services and further mandates that the Secretary reasonably compensate the Tribe for the use of the facility.<sup>1</sup> Compensation for a 105(l) lease is calculated based on federal regulations that provide three different lease compensation methods: (1) fair market rental; (2) cost elements; or (3) a combination of fair market rental and the cost elements (as long as they are not duplicative).<sup>2</sup>

The Indian Health Service (“IHS”) has been entering into 105(l) leases with Tribes for a number of years while Interior only recently began receiving applications to enter into 105(l) leases with Tribes. In fact, the Gila River Indian Community (“Community”) was the first Tribe to enter into a 105(l) lease with Interior.

The Community was encouraged to pursue this statutory authority based on what all parties – the Administration, Congress, and Tribes agreed has been a long-term problem in Indian education – how to meet the school construction needs within the Bureau of Indian Education (“BIE”) system given federal budgetary constraints. For many years, Congress heard about the substandard conditions at many BIE schools, some initially built over 100 years ago, and the negative impact these school conditions have on the education of Native youth. Under current funding levels, it

<sup>1</sup> The statutory language specifically provides:

(1) Upon the request of an Indian tribe or tribal organization, the Secretary *shall* enter into a lease with the Indian tribe or tribal organization that holds title to, a leasehold interest in, or a trust interest in, a facility used by the Indian tribe or tribal organization for the administration and delivery of services under this chapter.

(2) The Secretary *shall* compensate each Indian tribe or tribal organization that enters into a lease under paragraph (1) for the use of the facility leased for the purposes specified in such paragraph. Such compensation may include rent, depreciation based on the useful life of the facility, principal and interest paid or accrued, operation and maintenance expenses, and such other reasonable expenses that the Secretary determines, by regulation, to be allowable. (emphasis added)

<sup>2</sup> 25 C.F.R. Part 900, Subpart H.

would take over 60 years, or another three generations of students before the current backlog could be eradicated.

While congressional appropriators responded by increasing school construction funding where possible, it was well-known that periodic funding increases alone would not be sufficient to address this long-standing issue. Several years ago, the House Interior Appropriations Subcommittee challenged the Administration and Indian Country to work together to bring innovative solutions to the school construction backlog. In 2019, Interior and the Community heeded that call and proposed a school construction/leaseback program.

#### Community's School Construction/105(l) Leaseback

The construction/leaseback program in the BIE school context worked as follows: the Community agreed to construct the school using its own funds and upon completion, leased the school facility back to Interior through a negotiated 105(l) lease, using the 25 C.F.R. Part 900 regulations to calculate the lease compensation. The Community was able to complete construction in a little over a year, under budget and for less than the amount Interior would have spent to replace the school had it gone through the school construction replacement process. Another added benefit is that schools like the Community's school that were on the BIE replacement list will no longer be vying for the school replacement list, creating space in the budget for other schools in the BIE system.

Since the successful completion of the first school, the Community has constructed a second school – the Casa Blanca Community School which opened in August of 2021. It should be noted, that the 105(l) program can be used for any type of infrastructure that houses programs that are subject to ISDEAA contracts or compacts, and the Community is now in the process of constructing a new law enforcement facility which is expected to be completed by the end of this year. This new facility will finally provide an adequate facility for our Gila River Police Department – a facility that has been needed for over thirty years.

#### Benefits of the 105(l) Lease Program

The 105(l) lease program has enormous potential for all Tribes that are in need of new government buildings and infrastructure. It would be of use for any self-governance function that a Tribe has taken on, allowing the Tribe to modernize its buildings and other infrastructure without any need for a massive new spending bill or authorization. For any Tribe that is not looking to construct a new building, the program is equally useful because the revenue from a 105(l) lease on existing facilities providing self-governance programs goes directly to the Tribe's general fund and can be used to fund any and all Tribal government services or functions which serves to address the historic underfunding of tribal programs.

#### Congressional Support for 105(l) Expansion

Recognizing the importance and need for 105(l) leases, the program has grown from funding for our pilot program to construct the first school, to programmatic funding, and then in the 2021 Omnibus Appropriations bill Congress passed statutory appropriations language that creates a new indefinite spending account, similar to Contract Support Costs, whereby "such sums as may be necessary" are authorized to be appropriated on an annual basis for Tribal Leases. This new budget line-item for Tribal Leases at both Interior and IHS established more secure funding for the program and ensures that IHS and Interior will not be forced to reprogram funding from other important Tribal programs in any given fiscal year.

Need for Mandatory Funding for Mandatory Authority

Congress and the Administration can and should go one step further to ensure that the full potential of this program can be reached by making the 105(l) leases mandatory funding. Given the Court cases<sup>3</sup> surrounding the 105(l) statutory mandatory authority, Congress views 105(l) leases as an “entitlement” program, however, it is an anomaly, in that the funding comes out of the Interior bill’s discretionary funding rather than mandatory funding. Moving the Tribal Leases to mandatory funding would enable more tribes to attract capital to undertake the construction of new facilities, and ensure that the program is treated as mandatory spending consistent with the statute.

We recommend that the Interior Appropriations Committee include the 105(l) in its FY 2022 budget request as a mandatory funding obligation, rather than as a program funded out of the Interior bill’s discretionary funding.

Need to Ensure 105(l) Lease Program Support as Priority Program at Interior

As the program has continued to grow, tribes from all across Indian Country have submitted requests to enter into the 105(l) lease program for existing tribal buildings and in anticipation of constructing new buildings. In the past year there has been a dramatic increase in the number of lease requests submitted. Tribes should be encouraged to pursue 105(l) leases with Interior and IHS as one means of fulfilling the intent of the Indian Self-Determination and Education Assistance Act and the funding mechanism for this program should reflect its mandatory nature.

**Implementation of the “Gila River Indian Community Federal Rights-of-Way, Easements and Boundary Clarification Act”**

Background

On December 21, 2018, the Gila River Indian Community Federal Rights-of-Way, Easements and Boundary Clarification Act (“Act”) was signed into law. The Act enabled the Community to obtain the full benefits of a settlement the Community reached with the United States resolving federal litigation that originated in 2006. Part of the 2006 litigation included, among other things, a reconciliation of the Community’s non-monetary trust assets for the alleged mismanagement of these resources by the United States.

Implementation of the Act

The Act mandates surveys and publication of all federal rights of all rights-of-way on the Community’s Reservation within six (6) years of date of enactment of the law. The Act also authorizes the Bureau of Indian Affairs to contract for the survey of all Federal rights-of-way to the Community or a third party.

## Sec. 8. Survey.

- (a) Completion and Publication. – Not later than 6 years after the date of enactment

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<sup>3</sup> See *Maniilaq Association v. Burwell* 72 F. Supp. 3d 227 (D.D.C. 2014) (“Maniilaq I”) (established that a 105(l) lease may be incorporated into an ISDEAA funding agreement and submitted as a final offer); see also: *Maniilaq Association v. Burwell*, 170 F. Supp. 3d 243 (D.D.C. 2016) (“Maniilaq II”) (ordering the Indian Health Service (IHS) to enter into a 105(l) and must compensate the tribe for reasonable facility expenses).

of this Act, the Bureau of Indian Affairs shall undertake and complete a survey of each of the Federal rights-of-way established under this Act....

- (b) Contract – The Bureau of Indian Affairs is authorized, subject to appropriations, to contract for the survey of all Federal rights-of-way established pursuant to this Act to the Community or a third party.

Since appropriations were awarded in fiscal year 2020, the Community amended its Multi-Year Funding Agreement (MFA) with the Bureau of Indian Affairs, pursuant to Title IV (Tribal Self-Governance) of the Indian Self Determination and Education Assistance Act (Public Law 93-638, as amended). The Amendment allows Community to perform the required surveying of all rights-of-ways across the Reservation including those related to roadways, canals, power lines, and other projects constructed for the benefit of the Community or its members. This is an important component of ensuring the work is completed in a timely and efficient manner because the Community has the capacity to complete the work within the timeframe allotted, is familiar with the roadways, canals, and utilities that need to be surveyed, and can devote the resources necessary to ensure completion within the timeframe dictated by Congress. However, funding to implement the Act has not followed.

#### Funding Justification:

Following the Settlement Agreement, and in anticipation of legislation being enacted, the Community had a Cost Assessment prepared to determine the overall cost of the surveying project to the Bureau of Indian Affairs. That Cost Assessment was completed in 2015 and envisioned surveying approximately 300 miles of roadways, nearly 200 canals and nearly 300 power lines to ensure all of the rights-of-ways are surveyed and recorded. Based on the 2015 estimate, adjusted for inflation, the anticipated total cost of the surveying project would be \$15,533,348 plus \$150,000 annually for support from the Bureau of Indian Affairs region in the form of documentation and processing of the Federal rights-of-ways.

To date, only \$1 million has been appropriated (in fiscal year 2020 and in fiscal year 2023) leaving approximately \$14.5 million of work to be conducted. While it is clear that the work will not be completed within the six years contemplated in the Act, unless full funding is provided, the Community requests \$3,000,000 in fiscal year 2024 in order to make serious progress on the surveying work. Alternatively, full funding could be provided which would allow the Community to perform the work and fulfill the mandates under the Trust Settlement Act.

#### Conclusion

The Community appreciates the efforts and support of Congress in funding the pilot project to show how the 105(l) program can benefit not only the Community but all of Indian Country. The next step is to make that program accessible for all tribes and break through the infrastructure backlogs throughout Indian Country by making the funding mandatory. We also hope this Committee will help to ensure that the last step in the Community's Trust Accounting settlement with the United States is funded so the program can be completed within the six-year timeframe contemplated by Congress when it passed the legislation.

GOVERNOR STEPHEN ROE LEWIS  
GILA RIVER INDIAN COMMUNITY  
BIOGRAPHY

Stephen Roe Lewis was raised in Sacaton, "Gu-u-Ki", on the Gila River Indian Community. His father is the late Rodney Lewis and mother Willardene Lewis. Mr. Lewis has a son, Daniel currently attending Arizona State University.

Mr. Lewis is in his third term serving as Governor of the Community, having previously served as Lt. Governor. Prior to serving in elected leadership, Governor Lewis served the Community as a member of the Board of Directors for the Gila River Healthcare Corporation, as a Gaming Commissioner for the Gila River Gaming Commission, and as a member of the Board of Directors for the Gila River Telecommunications, Inc..

Stephen Roe Lewis graduated from Arizona State University with a Bachelor's of Science and pursued graduate studies at John F. Kennedy School of Government at Harvard University.

Governor Lewis currently oversees the implementation of the Community's Water Settlement of 2004 (at that time the largest water settlement of its kind in United States history). Governor Lewis advocates for renewable and green technologies guided by O'odham agricultural history and cultural teachings. Governor Lewis's vision is to support a new generation of Community member agriculturalists with the goal of promoting and protecting the Community's shudag (water) and agricultural development.

During his tenure as Governor of the Gila River Indian Community, Governor Lewis has brought innovative solutions to long-standing issues that will create long-term gains for the Gila River Indian Community. One of these projects, Management Aquifer Recharge sites, brings together the need for access to water while restoring the return of the Community's riparian area which is vital for farming and the return of wildlife to the Community. Bringing back the Gila River, which is critical to the culture and identity of the Gila River Indian Community, has been a key milestone during Governor Lewis' Administration and one that will lay the foundation for future projects across the Community.

In addition, Governor Lewis' innovation can be seen in his approach to providing educational opportunities for the youth of the Gila River Indian Community. The Community was the first tribal community in the Nation to utilize the Indian Self-Determination and Education Assistance Act to create a program that revolutionized how infrastructure is constructed and maintained throughout Indian Country. This program, the Section 105(1) program was utilized for education construction in the Community, and the Community is working to expand the uses of the program to other infrastructure in the Community and throughout Indian Country.

Governor Lewis has also prioritized the Community's Veterans and youth by working to establish the Community's first Veteran's and Family Services Department and by committing more resources to protect the Community's children by advocating for the protection of the Indian Child Welfare Act both at home and nationally.

These projects illustrate the commitment that Governor Lewis has to respecting the history and culture of the community while providing for a brighter future for all of the Community's citizens.

Governor Lewis serves as the Secretary of the National Congress of American Indians, President of the Arizona State University's American Indian Policy Institute Board of Directors, on the Executive Board for the National Indian Gaming Association (NIGA), and on the Board of Trustees for the Heard Museum of Phoenix.

### Truth in Testimony Disclosure Form

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

Committee: House Appropriations

Subcommittee: Interior Appropriations Subcommittee

Hearing Date: 03/03/2023

Hearing Title :

American Indian and Alaska Native Public Witness Days

Witness Name: Stephen Roe Lewis

Position/Title: Governor - Gila River Indian Community

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Gila River Indian Community

#### **FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

Tribal Leader

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

The witness is the Governor of an Indian tribe with federal funding from Administrative agencies.

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

N/A

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

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

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

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—

(i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

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



Mr. SIMPSON. Thank you, Stephen. We are going to have to recess the committee to go vote, a couple of votes, and then we will be right back. So have a Coke and a Snickers, but I will tell you, Stephen, you mentioned in there that there was an agreement you signed with The Federal Government that was subject to appropriations. You always want to be really careful signing an agreement with the Federal Government that says, “subject to appropriations”, because sometimes it doesn’t come through. [Laughter.]

I appreciate it, but we will be back in just a few minutes.

The committee is in recess.

[Recess.]

Mr. SIMPSON. Tehassi, you are up.

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WEDNESDAY, MARCH 8, 2023.

**ONEIDA NATION**

**WITNESS**

**TEHASSI HILL, CHAIRMAN, ONEIDA NATION**

Mr. HILL. [Speaking native language.] Greetings, everyone. I am Tehassi Hill, chairman for Oneida Nation. It is the people that I come from. So [Speaking native language]. Thank you, Chairman Simpson, and Ranking Member Pingree, and members of the committee. On behalf of the Oneida Nation of Wisconsin, I submit the following testimony for the Subcommittee on Interior, Environment, and Related Agencies hearing on fiscal year 2024 annual appropriations bill. The agencies and programs involved in the Nation’s request are Indian Health Service, Bureau of Indian Affairs, and the Environmental Protection Agency.

Indian Health Service funding. I would like to begin my formal remarks by offering the subcommittee and those who serve on the full committee my gratitude from the Oneida Nation of Wisconsin for your efforts to provide advanced appropriations to cover Indian Health Services for fiscal year 2024. As you know, providing health security to our members has been a priority for our nation and all Indian Country for many years. Your efforts will likely save lives and bring calm to the many who depend on IHS for their services. This was a great step in ensuring the Federal Government meets its trust and treaty obligations.

The next step is full and mandatory funding for IHS. Access to healthcare is a core element of the Federal treaty and trust responsibility. Moving IHS funding from discretionary to mandatory will ensure that the health of our people will no longer be impacted by government shutdowns or delays in the appropriation process. Long-term care. Groundbreaking language giving IHS specific authorities for provisions of long-term care was authorized in Affordable Care Act. These authorities represented a major step forward for our communities. Unfortunately, while authorized, these services have not been funded. We request Congress fund long-term care in the fiscal year 2024 appropriations. The nation has operated a long-term care facility since 1978 and currently operates a 48-bed multipurpose building they include skilled nursing, congregate elder meal site, and physical therapy services. Currently

we do not receive IHS funding to provide our long-term care services.

Next item is BIA law enforcement. Our nation's law enforcement program is severely underfunded, even by Indian Country standards. We only receive about 4 percent of our operating budget for criminal investigations. That doesn't even cover payroll for 1 of our 22 officers. Our funding allocation for public safety is so low because the BIA has chosen not to fund police for tribes, and Public Law 280 States. The Bureau tells us that in Public Law 280 States, like Wisconsin, that the State, not our tribal government, has primary criminal jurisdiction, so we don't need the money, they say. That is wrong. If we don't provide emergency services for the 27,000 people living across our 102 square mile reservation, no one will. In 2021, our officers made a hundred 173 arrests, of which 133 were drug related. We cannot ignore these crimes and just say someone else will handle it. To that end, I ask that you set a minimum allocation of \$500,000 for each tribe within the BIA public safety line item.

Another item for BIA is the realty service funding. The nation asks appropriators to increase funding for equipment to assist and expedite our processes to acquire lands. The BIA's Division of Land Title and Records is to maintain timely, certified Federal land title ownership records. However, many of these details associated with the work of this office are carried out by tribes on their respective reservations. While the BIA employees are provided with new equipment on a regular basis, tribes, who are being asked to help carry out these programs, are failing to receive similar upgrades, or, in some instances, even enough computer hardware to carry out their responsibilities.

Beyond the lack of support for technology, BIA has an abysmal track record of completing realty transactions in a timely manner. FETA Trust applications for even clear-cut examples can take between 5 and 10 years to complete. Realty transactions on tribal, residential, agriculture, and commercially-leased properties can take 6 months to a year, if not longer. Individual trust probates can take at least 5 years, if not longer. It is clear that BIA's trust and realty offices are under resource and understaffed, and the nation asks Congress to provide funding to rectify these chronic issues.

The next section is the EPA funding. We would like the committee to know that Oneida Nation takes the protection of our lands and waterways seriously. To that end, we have partnered with the Environmental Protection Agency for many years. However, our resources are stressed, particularly since funding has not increased in 24 years. We also take advantage of Section 319 of the Clean Water Act, which partially funds our Non-Point Source Program. This program did recently see an increase after many years from \$30,000 to \$36,000 annually, so thank you.

[The statement of Mr. Hill follows:]



Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



WRITTEN TESTIMONY OF TEHASSI HILL, CHAIRMAN, ONEIDA NATION

March 9, 2023

*Submitted electronically to IN.Approp@mail.house.gov*

The Honorable Mike Simpson  
Chair  
Subcommittee on Interior, Environment  
and Related Agencies  
Committee on Appropriations  
House of Representatives  
Washington, DC 20515

The Honorable Chellie Pingree  
Ranking Member  
Subcommittee on Interior, Environment  
and Related Agencies  
Committee on Appropriations  
House of Representatives  
Washington, DC 20515

RE: FY24 Annual Appropriations

Dear Chair Simpson and Ranking Member Pingree,

On behalf of the Oneida Nation of Wisconsin ("the Nation"), I submit the following testimony for the Subcommittee on Interior, Environment and Related Agencies hearing on the fiscal year 2024 annual appropriations bill. The subcommittee has requested written testimony from tribal leaders on the issues and needs of Indian Country related to the Department of Interior, the Indian Health Services, and other Agencies. The agencies and programs involved in the Nation's requests are: the Indian Health Service, the Bureau of Indian Affairs, and the Environmental Protection Agency.

**Indian Health Service Funding**

I would like to begin my formal remarks by offering this subcommittee and those who serve on the full committee the gratitude of the Oneida Nation of Wisconsin for your efforts to provide advanced appropriations to cover the Indian Health Service for fiscal year 2024. As you know, providing health security to our members has been a priority for our Nation and all of Indian Country for many years. Your efforts will likely save lives and bring calm to many who depend on the IHS for their services. This was a great first step in ensuring the federal government meets trust and treaty obligations.

A good mind. A good heart. A strong fire.

The next step is full and mandatory funding for the IHS. Access to healthcare is a core element of the federal treaty and trust responsibility. Last year, for the first time ever, the President's budget proposed mandatory funding for the IHS. Moving IHS funding from discretionary to mandatory will ensure that the health of our people will no longer be impacted by government shutdowns or delays in the appropriations process. I am here to ask that you work with your colleagues on other committees to help us reach this goal.

#### **Long-Term Care**

Groundbreaking language giving the IHS specific authorities for provision of long term care was authorized under the Affordable Care Act. These authorities represented a major step forward for our communities. Unfortunately, while authorized, these services have not been funded. We request Congress fund long-term care in their FY 2024 appropriations.

The Nation has operated a long-term care facility since 1978 and currently operates a 48-bed multi-purpose building that includes skilled nursing, a congregate elder meal site, and physical therapy services. Currently, we do not receive IHS funding to provide our long-term care services.

#### **BIA Law Enforcement**

Our Nation's law enforcement program is severely underfunded, even by Indian Country standards. We only receive about 4% of our operating budget for criminal investigations. That doesn't even cover the payroll of one of our 22 officers.

We use our own tribal funds to make up the difference. We have no choice....we need to keep our people safe.

Our funding allocation for public safety is so low because the BIA has chosen not to fund police for tribes in Public Law 280 States. The Bureau tells us that in P.L. 280 states like Wisconsin, the state—not our tribal government—has primary criminal jurisdiction. So we don't need the money, they say.

A good mind. A good heart. A strong fire.



That is wrong. If we don't provide emergency services for the 27,000 people living across the 102 square miles of our Reservation, no one will. In 2021, our officers made 173 arrests, of which 133 were drug-related. We cannot ignore these crimes and just say someone else will handle it.

I appreciate that the Committee is already engaged on this issue. We supported the language included in the Fiscal Year 2023 omnibus. But I am here to tell you that you need to go further. Every tribe must receive some BIA law enforcement funding so that we can protect our people. If the BIA won't allocate the money to keep us safe, you need to force them to do it. To that end, I ask that you set a minimum allocation of \$500,000 for each tribe within the BIA public safety line item.

#### **Realty Services Funding**

The Nation asks appropriators to increase funding for equipment to assist and expedite our processes to acquire lands. The BIA's Division of Land Titles and Records is to maintain timely and certified Federal land title ownership records. However, many of the details associated with the work of this office are carried out by tribes on their respective reservations. Specifically, tribes are often responsible for carrying out duties associated with the management of the Trust Asset and Accounting Management System (TAAMS), the BIA's electronic trust land management system. While BIA employees are provided with new equipment on a regular basis, the tribes being asked to help carry out these programs are failing to receive similar upgrades, or in some instances, enough computer hardware to carry out their responsibilities.

Beyond the lack of support for technology, BIA has an abysmal track record of completing realty transactions in a timely manner. Fee to trust applications for even the clear-cut examples can take between five and ten years to complete. Realty transactions on Tribal residential, agriculture, and commercial leased properties can take six months to a year, if not longer. Individual trust probates take at least five years if not longer. It is clear that the BIA's trust and realty offices are under-resourced and understaffed, and the Nation asks that Congress provide funding to rectify these chronic issues.

**EPA Funding**

We would like the Committee to know the Oneida Nation takes the protection of our lands and waterways seriously. To this end, we have partnered with the Environmental Protection Agency for many years. For example, Section 106 of the Clean Water Act funds a major part of our Water Resources Program. However, our resources are stressed, particularly since funding has not increased in 24 years. We also take advantage of Section 319 of the Clean Water Act which partially funds our non-point source program. This program did recently see an increase after many years, from \$30,000 to \$36,000 annually - thank you.

With a Good Mind, a Good Heart and Strong Fire,

Tehassi Hill

Chairman

A good mind. A good heart. A strong fire.





Oneida Nation  
 Oneida Business Committee  
 PO Box 365 • Oneida, WI 54955-0365  
[oneida-nsn.gov](http://oneida-nsn.gov)



**Tehassi?tasi Hill**  
 Oneida Nation Chairman

Tehassi Hill is serving his second term as the Chairman for Oneida Nation. Prior to his current role, Chairman Hill served two terms as a Council Member for the Oneida Business Committee, who are the elected government officials for the Oneida Nation.

Through his service as an elected leader, Chairman Hill demonstrates a commitment to the preservation of the environment and Oneida's language, culture and traditions. He actively works to support the vision of sustainability and to exercise and protect the Nation's sovereignty. These guiding principles drive his work with the Oneida Nation and beyond.

On behalf of the Oneida Nation, Chairman Hill serves on the Board of Directors for the Great Lakes Inter-Tribal Council, which is a consortium of 11 Tribes in Wisconsin and Lac Vieux Desert of Michigan and is liaison for the National Congress of American Indians. Chairman Hill also serves on the Natural Resources Damage Trustee Council and is a designee to Environmental Protection Agency's Regional Tribal Operating Committee.

Chairman Hill was born and raised on the Oneida reservation and graduated from the Oneida Nation High school. He studied Business Administration at the University of Wisconsin at Green Bay and operated a successful industrial, commercial, and residential painting business for six years prior to working in government.

Chairman Hill and his wife, Kanatihah, have nine children and reside in Oneida, Wisconsin. He likes to spend his leisure time hunting, fishing and being actively engaged with his family and the greater community.

A good mind. A good heart. A strong fire.

### Truth in Testimony Disclosure Form

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

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 03/09/2023

Hearing Title :

Tribal Witness Hearing

Witness Name: Tehassi Tasi Hill

Position/Title: Oneida

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Oneida Nation of Wisconsin

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

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

Choctaw Nation is a Title IV and Title V Self-Governance Tribe under P.L. 93-438. The Nation has a compact and multi-year funding agreement with the Department of Interior and the Department of Health and Human Services - Indian Health Services.

Clean Water Act Section 106  
 - Funds a major part of our Water Resources Program  
 - Is divided up within US and Regions  
 - Other Tribes and States rely on the funding to partially or wholly fund base Water Resources Programs  
 - Has not increased significantly in 24 years  
 - Needs to be increased to cover developing and maintaining programs

Clean Water Act Section 319  
 - Funds a part of our Non-Point Program  
 - Is divided up within US and Regions  
 - Other Tribes and States rely on the funding to fund Non-Point staff and/or carry out non-point project  
 - We have to get other funds to run our non-point program as it is only \$36,000 per year  
 - Have cut 25% a year and recently  
 - Needs to be increased to cover developing and maintaining programs

Clean Water Act Section 504  
 - Used by some Tribes to treat their wastewater programs

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

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

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

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

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include—

(i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

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

 \_\_\_\_\_

3/2/23

Date

Mr. SIMPSON. Thank you. I appreciate it. John.

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WEDNESDAY, MARCH 8, 2023.

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

**WITNESS**

**JOHN JOHNSON, PRESIDENT, LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS**

Mr. JOHNSON. [Speaking native language.] Thank you, Chairman Simpson, Ranking member Pingree, subcommittee members, and staff. I am John Johnson, Senior, president-elect of Lac du Flambeau Band of Lake Superior Chippewa Indians. I am a second term right now as president and have served the tribal government for about a decade. I am also the current chairman of the Great Lakes Indian Fish and Wildlife Commission, GLIFWC. I strongly commend to you the work of GLIFWC to protect the treaty rights on behalf of the 11 Ojibwe tribes residing in Minnesota, Michigan, and Wisconsin. Thank you for your invitation to testify regarding the fiscal year 2024 budget. I will focus primarily on BIA and IHS.

Our small reservation is located North Central Wisconsin with lands in Southwestern Vilas and Iron Counties. Half of our reservation is lakes. The preservation and protection of our water, land, and air are critical to the health and well-being of all of our reservation residents. We have an enrollment of 4,141 tribal citizens. Roughly one-half of our members live on the reservation along with over 1,615 non-residents. Our tribe faces many challenges as a rural remote community that must be most governmental services ourselves. Drug misuse is high. We are fighting to maintain professional staff and provide them with affordable housing, which we lack on our reservation. That is why Federal appropriations to the tribe for the programs we carry out on behalf of the Federal Government are so important to us.

Despite the modest tribal casino, according to the latest data from HUD, we have nearly 700 Native American households that fall well below median family income in Vilas County, with a population of 25,000 residents'. Median household income was \$57,000 in 2021, according to the U.S. Census Bureau. Our median is \$17,100 for a family of 4. Seventeen thousand one hundred dollars is not a living income.

Many tribal leaders have come before you for decades to repeat a simple truth. In most instances, Federal appropriations for Indian tribes spell the difference between the success and failure of Federal programs enacted for the benefit of Indian tribes. If our tribal programs succeed, tribal members lives improve. Funds for scholarships, the Johnson-O'Malley Program, and social services, road maintenance, law enforcement healthcare help tribes provide a healthy and safe environment for our citizens. Since 1975, under the Indian Self-Determination And Education Assistance Act, Indian tribes have contracted BIE-funded and IHS-funded programs and receive funds and the authority to administer these programs.

First, we urge the subcommittee to direct the BIA and IHS to re-examine outdated funding formulas and direct these agencies to develop and implement more transparent formulas in consultation with tribes that consider the geographical challenges that each tribe faces. Second, please decrease Agency preference for competitive grants and annual appropriations. Instead, increase their recurring funding for tribal programs that we contract from BIA and IHS under the Indian Self-Determination Act. Third, please increase the funding line items for the BIA accounts, including BIA, Fish and Wildlife, and parks, public safety, and justice, and road maintenance as I highlight in my written testimony.

For example, our fish hatchery operation has a total budget of \$1.2 million annually. That supports 260 lakes with stock, including over 14 million fish, 212,000 fingerlings, including walleye, musky brown trout, and perch. The Federal funds we receive in our contract with BIA total \$503,000. This amount represents 46 percent of the total needs. Please increase the modest BIA fish, wildlife, and TMDP programs within the BIA budgets. Excuse me.

Our tribe alone requires an additional \$432,000 this year to address our current full-time employees for our law enforcement program staffing needs to hire and recruit two additional officers, one detective, one evidence technician, and two additional surveillance operators. That figure represents 95 percent of all BIA law enforcement funds, \$455,000 we receive annually. The BIA funding accounts for 17 percent of our \$2.7 million annual law enforcement budget. Narcotics and drug crimes are the most significant crimes and public safety problems we face. Meth, heroin, and fentanyl arrests have exploded in our community, along with drug-related overdose calls our officers are called upon to respond. We typically lose our officers when 3 years of employment due to an existing retirement plan, which cannot compete with outside jurisdictions. We need help.

Finally, please increase the BIA Road Maintenance Program to allow us to purchase and replace outdated heavy maintenance equipment and provide routine and emergency road maintenance services, like snow removal, sanding, and salting. It has been over 30 years, in 1990, since Congress included a significant one-time appropriation increase to the BIA Roads Maintenance Program Account to prevent BIA and contracting 638 tribes to upgrade outdated equipment.

Thank you again for affording me the time and my tribe for the testimony here today.

[The statement of Mr. Johnson follows:]

**Testimony of John D. Johnson, Sr., President  
Lac du Flambeau Band of Lake Superior Chippewa Indians  
to the House Appropriations Subcommittee  
on Interior, Environment and Related Agencies  
March 8, 2023**

On behalf of the Lac du Flambeau Band of Lake Superior Chippewa Indians, I am pleased to submit testimony concerning the Tribe's FY 2024 funding needs primarily in the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) accounts.

Our Tribe faces many challenges as we engage in activities designed to protect and preserve our culture, despite a long history of efforts to destroy it. As leaders, we have the role as protectors. We protect our natural resources which are the "backbone" of our culture, and have provided for our sustainability through the generations. We are protectors of our community which has struggled through a drug epidemic that has ravaged our families, through the loss of life, incarceration, and the removal of tribal children from their biological homes. We also protect, by keeping our roads safe and navigable, for our law enforcement and first responders, our bus drivers getting our children to and from school safely, our medical transport drivers helping our members make sure they have access to essential care, and our employees, so they can make it to work to provide essential services for our community members. We are protectors of our land despite efforts to further encroach upon and minimize our role as protectors. Finally, we are protectors of our legacy to preserve our Anishinaabe traditions by working to keep our families together so that they can pass on our traditions, our stories, and our resiliency to the next generation.

We urge the Subcommittee to direct the BIA and IHS to reexamine outdated funding formulas, and push these agencies to develop and implement more transparent formulas that consider the geographical challenges that each Tribe faces. These challenges have a direct impact on how far Federal appropriations cover our operating costs. One additional request would be to decrease agency preference for competitive grant funding opportunities in annual appropriations and focus more on providing more direct recurring funding to Tribal programs. Set-aside funding that has been directed to competitive grants too often does not reach rural communities. Increasing our recurring base funding would be a better use of the funds.

I will begin by requesting more BIA funding to support our fish hatcheries. Our current hatchery facility is 25 years old and supports 260 lakes within our reservation boundaries. The hatchery is responsible for fish production, stocking of various life stages (egg, fry, fingerling) of several different fish species (walleye, musky, brown trout, perch) and fish management, which includes the performance of many different annual fisheries management surveys throughout the year. In 2022, this cold/cool-water facility stocked over 14 million fry and 212,000 fingerling fish in an effort to support a growing sustenance and sport fishery program. While many non-natives fish our lakes for recreation, a majority of our tribal members fish for sustenance.

Despite this production, our hatchery is working with much of the equipment that was installed when it was originally opened. Facility upgrades and staffing increases are estimated to cost us an additional \$500,000 to improve our program. In recent years, we have experienced major equipment failures, leading to significant decreases in fish production, poor quality of collected

Testimony of President John Johnson, Sr.  
March 8, 2023  
Page 2

eggs and hatched fry numbers, and significant losses of fingerling fish. Many of the parts needing replacement are no longer in production and we find ourselves working to find creative ways to maintain, repair, and keep the hatchery equipment functioning. The hatchery also has significant infrastructure needs, in terms of repairs and replacements. Funding needs go beyond the hatchery's physical improvements, but also include monies to support additional staffing, to be able to properly manage all of the bodies of water within the reservation boundaries. Our staff handles egg collection, fish production, pond management, fisheries management, and fish culture all with only one crew when many other facilities have multiple crews assigned to only one of those aspects. This limits not only our production, but also our data collection, which is very important in fisheries management.

Please increase BIA public safety funds to support the expanding needs of our tribal law enforcement department. We alone require an additional \$432,000 this year to retain our current 24-FTE law enforcement program and hire and recruit two additional officers, one detective, one evidence technician, and two additional surveillance operators. Narcotic and drug crimes are the most significant crimes and public safety problems we face. Methamphetamine, Heroin, and Heroin/Fentanyl arrests have exploded in our community over the past six years, as well as the number of drug-related overdose calls our officers are called upon to respond. Our department is made up of eleven full and part-time officers, two administrative support staff, and three full-time surveillance staff. We average a 3-to-1 ratio in calls for service, when compared to the nine local area law enforcement agencies closest to Lac du Flambeau.

Our department struggles with officer retention as many of these local agencies can offer positions with better pay, better retirement benefits, and fewer service calls. We have increased our hourly salary adjustments for officers in our budget to remain competitive with the area law enforcement agencies but sacrificed one of our vacant officer positions to do so. The challenge with retirement benefits is that under the Tribe's plan it takes 10 years of employment to be fully vested. In comparison, under the State of Wisconsin's retirement plan, it only takes five years. We typically lose our officers within three years of employment, due to our existing retirement plan. Due to the high number of calls in our department's service area, along with the rural location of our reservation, it is imperative that our officers are well trained so that they remain safe and can capably respond to the needs of our community. In order to accomplish this, we need funds to make significant upgrades to the vehicles and equipment that our officers depend upon to meet this demand. Approximately 80% of our law enforcement vehicles have over 100,000 service miles, and are at risk of being deemed unsafe for patrol within our community. Our department has also struggled to replace equipment that has been deemed unserviceable due to wear and tear putting all of our officers at risk. Dependable vehicles and equipment can mean the difference between life or death for our officers as well as the community members they are sworn to protect.

We also need additional BIA Road Maintenance Program funding to support our Tribal Roads department. Our Roads inventory funding formula has been subjected to a freeze since FY 2013, impacting the available maintenance funding, regardless of how many miles we may add to our maintenance list. The Midwest Region has been stripped of its snow and ice funding, and

Testimony of President John Johnson, Sr.  
March 8, 2023  
Page 3

regardless of efforts to bring this matter to the attention of regional and federal contacts we have been largely ignored. Our efforts to maintain existing equipment, and replace outdated equipment, has never been higher. We are also faced with facility and equipment concerns as we perform much of our work in outdated and unsafe facilities. In addition to the wide range of services that our Tribal Roads department provides, the increasing weather-related events in northern Wisconsin have increased the reliance on our department to respond and to always be available to respond. While recent funding has increased the monies available to municipalities, it has not been enough to address the problems created by years of underfunding where Tribes have had to bridge the funding gap. Roads maintenance and construction funding allocations should not be determined by using a population-based formula, and should return to a mileage-based formula.

By significantly increasing funding for the BIA Road Maintenance Program, this Subcommittee can demonstrate its willingness to assist tribes and the BIA replace aging heavy road maintenance equipment. It has become even more challenging to find replacement parts for equipment. The time has come to provide additional funds to help tribes, such as ourselves, replace plow trucks, front end loaders, graders, sanders, and wings. In northern Wisconsin, this equipment helps to provide all-season road access. It is crucial to the health and welfare of every citizen residing on the Lac du Flambeau reservation.

We urge the Subcommittee and Congress to strengthen and support the Indian Child Welfare Act (ICWA). The ICWA has allowed our Tribe to keep the decision-making authority, as it enables the Tribe to maintain and protect the sanctity of the Anishinaabe family unit. The ICWA is one significant legislative action that provides the opportunity to protect the preservation of the tribal family unit and tribal culture, values, and norms.

The Tribe manages its on-reservation lands through its Land Management Program. This program oversees approximately 480 residential and business leases, researches and purchases fee simple lands for the Tribe, processes fee lands into trust status through the Department of the Interior's Bureau of Indian Affairs (BIA), processes all land use development applications and assists with everyday realty concerns on tribal land. The Department also identifies and researches right of way/easement issues for our Tribe. These efforts have been hampered due to a lack of timely assistance from the BIA Realty Services Program. It has been sporadic at best. We are requesting the BIA to take a more proactive role in responding to the concerns of the LDF Tribe in a timely manner. The frequent delays from the BIA in responding to time-sensitive issues negatively impact our ability to meet the critical needs of our Lac du Flambeau Tribal Members for past, present and future generations. We are also requesting significant improvements in the ability of the BIA personnel to provide us with timely assistance and support to process our leasing transactions, fee to trust applications, and right of way issues. The ongoing delays in each of these areas have created unnecessary hardships for our Tribe and our tribal membership. We urge the Subcommittee to direct the Assistant Secretary-Indian Affairs to assess the sufficiency and productivity of Agency and Regional office staffing arrangements and make changes to better respond to Tribal needs. Too many BIA personnel do not work in the office and access to their remote work numbers is difficult to obtain or calls to numbers go unanswered. This must change.

Testimony of President John Johnson, Sr.  
March 8, 2023  
Page 4

We have worked to increase our Tribal Land base for the purpose of addressing issues related to housing, economic development, protection of our cultural and historic resources, and sustainable hunting and gathering. These actions have allowed our Tribe to increase our jurisdictional authority, and strengthened our efforts to exercise our sovereignty over this ever-expanding land base within the exterior boundaries of the Lac du Flambeau Reservation.

As some of you may be aware, our Tribe has been the subject of state and national media attention over the past several weeks as we exercised our tribal authority to respond to a decades-long issue involving expired rights-of-way (ROW) easements on several roads that trespass across tribal property. For years, our tribal leaders have attempted to engage in good-faith negotiations with the Town of Lac du Flambeau and the Title companies that represent the property owners that had been trespassing daily since the ROWs expired. We requested assistance from the BIA, as part of their federal trust responsibility to the Tribe, and have been met with weak attempts to help resolve this miscarriage of justice. Our recent response, through the installation of road barricades on each of the expired ROW roads was a direct result of years of disrespect from the BIA Ashland Agency office, the Town of Lac du Flambeau, and the Title companies, and an unwillingness to treat our sovereign tribal nation with the respect it rightfully deserves.

Our Tribal leaders have been portrayed as villains, both through the press and social media, and through statements made by publicly elected officials representing this Congress, State government, and local officials. These statements have been made with little effort or regard for the truth, nor in reaching out to our leaders to engage in honest conversations. The first elected official to reach out to meet with the Tribe directly was Wisconsin Governor Tony Evers. He was respectful and listened to our concerns. BIA leadership representatives reached out to request time to speak with our tribal leaders, but when we jointly agreed to meet in person, they responded that they could not meet until the end of February. It was evident that they did not view this issue as a high priority.

Our Tribe signed treaties with the United States that are older than the State of Wisconsin. We honored the treaties that removed us from thousands of acres of land. We now reside on a 12- by-12 mile reservation. These treaties are valid contracts. We only ask that our treaty rights be honored by the United States with the same respect and reverence as we place upon the U.S. Constitution and its Bill of Rights.

We have spent decades educating federal officials to treat us as a sovereign Tribal nation. We have tried to teach them the importance of learning the differences and values of each tribal nation, as well as the importance of according each nation, and their leaders, with the respect that they deserve. Many of the problems that have led to our current situation in Lac du Flambeau could have been prevented if there had been mutual respect and "good faith" and offering room for discussion and honest negotiations when disagreements arose. Dramatic measures are often taken when a people are not heard. That should never occur between the Indian nations and the United States so long as there is a true government-to-government relationship that is honored by both parties.

Thank you for affording the Lac du Flambeau Band the opportunity to testify.

**BIOGRAPHY:     John D. Johnson, Sr., Tribal President, Lac du Flambeau Band of  
Lake Superior Chippewa Indians**

President Johnson is a long-time member of the Lac du Flambeau Tribal Council. He has served the tribal membership since 2013, with a one-year hiatus in 2018. He is currently in his second consecutive term as the Tribe's President. Previously, he worked for many years for the Tribe as a skilled mechanic before entering self-employment in the same role. He was also the Vice-Chairman during his years of service to the Tribe. President Johnson is a tireless advocate for tribal treaty rights on behalf of all tribal nations serving as the Chairman of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). GLIFWC is made up of 11 Ojibwe Tribes in Minnesota, Wisconsin, and Michigan that reserved hunting, fishing and gathering rights in the 1836, 1837, 1842, and 1854 Treaties between these Tribes and the United States government.

President Johnson is an avid hunter, fisherman and gatherer, and is a teacher of youth cultural activities, in his free time. He is currently raising two grandsons with his wife over the past twelve years. His passion is being available to attend ceremonies and taking an active role in serving his community of Waswaagoning, in any capacity, where he is needed.

### Truth in Testimony Disclosure Form

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

Committee: House Appropriations

Subcommittee: Interior, Environment, and Related Agencies (118th)

Hearing Date: March 8, 2023

Hearing Title :

American Indian and Alaska Native Public Witness Day 1

Witness Name: John D. Johnson, Sr.

Position/Title: Tribal President

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Lac du Flambeau Band of Lake Superior Chippewa Indians

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

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

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

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(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

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



3/2/23

Date

Mr. SIMPSON. Thank you all for being here today. I appreciate your testimony. And, you know, it seems like there is a common theme running through all the testimony that we are hearing from the various tribes about the need to increase law enforcement funding, and road maintenance, and other types of things. So I appreciate what you have to say, and we will certainly work with you as we try to put together a 2024 budget that isn't ridiculous. That might be hard to do, but we are going to try. Anyway, Ms. Pingree.

Ms. PINGREE. I am going to quote you on that, the not ridiculous part. Yeah, thank you. Thank you so much, Governor. I really appreciate your description of the 105(1). I have heard you talk about it before, and you are a great, real proponent and a good example to other tribes of how that can work, so we will try to continue to increase that funding. I thought that was very helpful to hear about the Public Law 280 States where you don't get a minimum for law enforcement. That sounds ridiculous really. Obviously, they are not going to come in and do the law enforcement if they don't have to, and hearing the representation of the family income of \$17,000 for 4, we all know that is not doable. So my maiden name is Johnson, so I am on your team.

Mr. JOHNSON. I just wanted to tell you, you know, a lot of things that are going on up on our neck of the woods also comes up with this heroin, and fentanyl, and stuff like that. There are a lot of grandparents raising their grandkids now, and you think about the money that they are getting. It was, like, \$3,200 a month, \$3,600 a month. It costs \$17,000 a year to raise a child, and I just wanted to bring that up. So thank you for letting me speak then.

Mr. SIMPSON. Ms. Pingree brings up a really interesting idea. Your idea about schools and an alternative way on how to build them and stuff. That is fascinating because I am all into looking at other ways that might be better to accomplish the same goal, so I appreciate your testimony. I am going to take a look at that. Ms. McCollum.

Ms. MCCOLLUM. Thank you. I think we started working on that when you became chair of Energy and Water.

Mr. SIMPSON. Yeah. Yeah.

Ms. MCCOLLUM. And it is a great solution for some tribes, but we also need to fund other lines for our other tribes. So thank you very much for your testimony, Governor. I still haven't gotten out to see the schools because of COVID, so you are on my bucket list to see the school, but the other thing that this committee helped do is the Bug School, which we are all very familiar with what we were able to do with looking at alternative ways to build, to build faster, to build cheaper. And I want to get back to the Bug School, you know, like about 6 years later and kind of see how it is all holding up. But if that works and a combination of that, I think we are well on our way to be creative for ways to get schools done faster.

Mr. SIMPSON. Really?

Ms. MCCOLLUM. So, you know, because even if you get the money, you can't let it sit there for year after year after year and just be on a list to keep getting knocked down. That was interesting with what you told me about the title records because I know we were working with the Bureau of Land Management with

some of the tribes with some of the expertise that was available to them for, whether it was oil, or coal, or natural resource development, but just the whole issue of not even having the right equipment. I hope you are not using DOS computers like the Indian Health Service told us one time. So I am going to look a little more into that.

And then, Mr. Johnson, GLIFWC, is near and dear to my heart, and we need to make sure that that we fund that because we are the flyaway for so much. I know you are feeling it in Maine and Idaho has well. We are all Northern tier States. People look at us and think climate resilience is not a big deal for our lumber, for our fish, for our land, for our water. It is. Our Lakes are suffering now because we don't get the same kind of freeze-thaw. You know, the ice flow effects so much to do with the fish and the walleye. And, you know, you have your salmon, we have our walleye, and perch is good eating, too, but thank you for all the work that you do with GLIFWC.

Mr. SIMPSON. Thank you. Mr. Kilmer.

Mr. KILMER. I am happy to yield so we can get back on schedule.

Mr. SIMPSON. Okay. Thank you. Thank you all for being here today, and I don't know what you do with a walleye. I know what you do with a salmon. Is a walleye a fish? [Laughter.]

So now I can tease Betty about walleyes and Chellie about potatoes, so we will sit down and have a walleye and potato dinner one day.

Ms. PINGREE. I don't know that you want to bring up walleye before the next three tribal—

[Laughter.]

Ms. MCCOLLUM. Yeah.

Mr. SIMPSON. I heard the moan out there.

Ms. MCCOLLUM. Not only that, Mr. Chair, I know who actually ate the buffalo tongue when we were on a reservation.

Mr. SIMPSON. Yes, she did. I didn't, but you did. Okay. Thank you all for being here today. We appreciate it very much. Kevin DuPuis, Michael Fairbanks, Darrell Seki?

Mr. SEKI. Seki.

Mr. SIMPSON. It looks like "seek," Senior. Kevin, you are up first.

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WEDNESDAY, MARCH 8, 2023.

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

**WITNESS**

**KEVIN DUPUIS, CHAIRMAN, FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA**

Mr. DUPUIS. [Speaking native language.] Good afternoon. My name is Chairman Kevin DuPuis from the Fond du Lac Band of Lake Superior Chippewa. I just want to say Meegwetch to Chair Simpson and the board for having the opportunity to come and testify on appropriations. You have the paperwork that we sent to you. I am not going to read from the paper. I am going to speak the way I was taught to speak and what my uncles told me always: talk from the heart the best that you possibly can.

With all the distinguished tribal leaders that came forward, there is a commonality between everybody that is here, and it is the lack of funding. I think with Fond du Lac and the other tribes, I think the biggest thing we need to look at is that direct funding that comes to the tribes. Direct funding allows us to take care of the people the way that we are taught and know how to take care of the people. When we take a look at funding itself in general, it was talked about the police departments, police staff. We talked about opiates. We talked about COVID. On Fond du Lac, in 2020 when COVID hit, we had 102 people pass away. We have 4,200 Band members and approximately 1,200 people that live within the confines of our reservation. This death rate that happened in Fond du Lac wasn't just COVID. It wasn't about the virus. It was the effects of the virus that hit, the acts of violence, the drugs, the alcohol, depression, the rates of suicide, mental health. These are the effects of COVID, and it is affecting any Indian Country in a manner that is running wild.

In the state of Minnesota, there is approximately 5.7 million people. We make up 1.1 percent of the population. Every formula that is put into place under the State level and in on the Federal level does not include the tribes. I know some are going to say that is crazy, but when you think about it mathematically, we are not part of the formula. We can't be part of the formula if we only make up 1.1 percent of the population in the State.

Our disparities are higher than any ethnic group in the United States—any ethnic group. Our people are dying, and they are dying at rates that we can't control. We have a job as tribal leaders. We are obligated to the ones who came before us to pick up for the fight that they left off, to do what we can do today for one simple purpose, and that is to ensure that we have a future of our unborn. And to have a future of our unborn means that we have to maintain our way of life and our belief systems, and to do that we have to be able to do that in a manner that carries it forward, and a lot of things that have been talked here today as simple as appropriation is meaning that to receive the revenue.

Tehassi Hill is a brother from Oneida talked about IHS. Region 5 is the least funded region in the country, and it is still the least-funded region. Even if we got full funding, which we hope, it is about addressing the need so we can eventually address the unmet need. The funding principles do not address the simple need, and the simple need allows us to look into the future to ensure that we have a future for our unborn, and that is to meet the unmet need. We do not know what the unmet need is yet because we haven't even addressed the need, and it is important that we do these things. It is important that we take a look at it. It is important that the United States, the States, see a people whose lands they sit on are dying at a rate that nobody else is dying in a State in the United States.

We are the first, and we should be the last. Our rates of passing away, our rates of dying, our rates of violence, our rates are suicide, our rates of homelessness, every disparity that you can think in your country, we are higher than everybody else in the country. COVID came. The first call with tribal leaders was to say we want to address the at-risk communities. It was never done, but the

tribes pulled together in the State of Minnesota. We got together. We talked to each other at 10:00 in the morning every day to see what one Band or what tribe was you doing so we could work together so we could ensure that we had a safety net for our people, but we always have to do it.

If anybody knows how to stretch the dollar, it is the tribes, and by giving us direct funding, it allows us to take care of what we need to take care of so we can possibly address the need to find out what the unmet need is. And, again, I appreciate the time. I am here representing people. I am here representing our past so we have a future for our people. Meegwetch.

[The statement of Mr. DuPuis follows:]

**TESTIMONY CONCERNING FISCAL YEAR 2024  
APPROPRIATIONS FOR THE BIA, BIE, EPA and IHS  
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA  
KEVIN R. DUPUIS, SR., CHAIRMAN  
BEFORE THE U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED  
AGENCIES**

**March 3, 2023**

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

As we talk about funding needs in Indian country, it is essential to keep in mind that the problems that face communities nationwide are far more severe for Indian communities, with tribes having far fewer resources to address problems like substance abuse, domestic violence, public safety, and homelessness. The Fond du Lac Band has worked, and will continue to work, to find solutions to problems of this kind. With seed money from federal funds, we provide health, education, social services, public safety and other governmental services to our 4,200 members and more than 7,300 Indian people who live on and near our Reservation. We are proud of what we have accomplished, but more remains to be done. 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 at least at the levels the President has requested.

**BIA: Trust-Natural Resources Management.** There is nothing more important than preserving and protecting the territories and resources that our ancestors reserved for our people when they signed our Treaties with the United States. The Fond du Lac Band is committed to the management, conservation, and sustainability of the natural resources of the Fond du Lac Reservation and within our Ceded Territory, where we have Treaty rights to hunt, fish and gather. We urge you to provide full funding for Trust-Natural Resources Management in FY 2024, including increased funding for Rights Protection and Implementation which will allow us to protect, enhance, and restore natural resources within our Reservation and Ceded Territory. Our Ceded Territory includes approximately 30 million acres in northeastern Minnesota and includes all of Lake Superior within the United States.

The Fond du Lac Reservation consists of 101,153 acres, including forests, lakes and rivers that must be managed and protected for the current and future generations. In addition, our Ceded Territory covers portions of Upper Michigan, Northern Wisconsin, and North Central Minnesota. The challenges to our natural resources across the region are diverse and complex, from species restoration and reintroduction to adaptation to climate change. But our members depend on our Treaty rights to put food on the table and for ceremonial practices that serve as the foundation for

our culture. The stewardship of those natural resources—through scientific study, resource management, and enforcement of Band laws that regulate Tribal members who hunt, fish and gather those resources—is critical and is also an important source of employment for members.

**Environmental Protection Agency (EPA).** We appreciate Congress' continued support to provide federal funds for EPA, but we ask that funding for EPA in FY 2024 be increased.

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

**Water Quality.** We have a robust federally-approved water quality standards program. Given the current threats to water resources in our region, we urge that Tribal Section 106 funding be doubled so that we can do the work needed to protect our waters. Additionally, Congress should continue to provide funding to EPA to support tribal training in AATAINS, the national water quality assessment database as well as training funding to assist tribes in conducting and reporting on water quality assessments.

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

**Climate Change.** Climate crisis is imminent and requires funding for planning, preparation and adaptation to deal with this existential threat. Planning preparation and strategies for adaptation takes time and resources. We request that additional funding be provided to assist Tribes in planning for climate change.

**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 thanks Congress for its continued support of this initiative. We ask that Congress maintain the current level of funding for this initiative. This initiative has broad-reaching benefits to resources of importance for all stakeholders (state, tribal and private) in the Great Lakes region. This funding helps support our wildlife programs, including our ongoing wild rice and fisheries stewardship and restoration efforts on the Reservation and in our Ceded Territories.

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

with the largest issues being related to opioids and other substance abuse problems.

We address law enforcement by a combination of tribal and available federal funds and cooperative agreements with local law enforcement agencies, but more funding is needed. To meet need, we should have 25 full-time peace officers to provide 24-hour coverage on the Fond du Lac Reservation, but currently we only have 20. Those 20 peace officers include the Chief of Police, Lieutenant Chief of Police, 3 Investigators (General Crimes, Sex Trafficking, Narcotics), 1 Victim Advocacy Officer, 4 Patrol Sergeants, 8 Patrol Officers, 1 Officer in Field Training Program, 1 K-9 Officer and 1 School Resource Officer. With additional funding we would be able to add another General Crimes Investigator and fill the Patrol division shifts to four officers per shift. This would allow us to better respond to calls and protect our Reservation community. We currently respond to over 6,000 calls per year in two counties.

Funding is also needed for training. Due to the COVID-19 pandemic and with an increase in the drug epidemic and related crimes, our officers need, but are not receiving, vital training, including for dealing with an increase of people with mental health issues. We have seen an increase in Heroin and Fentanyl overdoses, including an increase in fatal overdoses. We are also seeing that these incidents correlate with general crimes like burglary, theft and assaults. We need additional equipment including both marked and unmarked squad vehicles for narcotic investigations. We are currently using outdated equipment for narcotic investigations but budget constraints also restrict us from replacing and updating essential necessary equipment like tracking devices, cameras, and recorders.

We also need additional administrative staff to ensure our department can effectively operate, and we need funding to update crime tracking, case management systems, law enforcement equipment and uniforms. Lastly, we need additional commercial vehicle enforcement as we have two major highways on the north and south side borders of our Reservation and one major interstate along our eastern border.

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

More than 90% of our students come from very low-income households, and 96% receive free or reduced-price lunch. We are slowly making progress in improving the outcomes for our students. While the high school graduation rates for American Indians in Minnesota is at 51%, we are now at 59%, which is still far behind the state-wide rate of 81%. BIE funding has never kept pace with need, which prevents us from providing the educational services needed for our students. We urge Congress to significantly increase federal funding for Indian education.

**Indian Health Service.** We appreciate Congress's continued support to increase funding for IHS. However incremental increases do not begin to address substandard outcomes in Tribal communities because it only provides an increase for current services. We urge Congress to continue to provide full funding and advance appropriation for IHS as identified by our National Tribal Budget Formulation Workgroup. Indians at Fond du Lac, like Indians throughout the Nation,

continue to face severe disparities across a broad range of health issues, including due to the COVID-19 pandemic and the opioid epidemic. We serve over 7,300 Indian people at our clinics, but the current funding level meets only 33% of our health care funding needs.

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

We support the Administration’s proposal to provide advance appropriations for Indian Health Service starting in FY 2024. We also believe that Tribal programs should be permanently excluded from sequestration and rescissions. The Indian Health Service is the only federal health care system created as the result of treaty obligations, yet it is the most chronically underfunded federal healthcare system and the only federal healthcare system that is not exempt from government shutdowns or continuing resolutions. As many of my elders have said, we prepaid for our health care and this funding should not be subject to the discretionary appropriations process.

We also support the proposal to make both Contract Support Costs and the 105(l) leasing funding mandatory, including establishing a mandatory appropriations account that is funded every year. This is important because this funding, which is a non-discretionary funding obligation for the agency competes with discretionary funding that could be directed to other much needed program increases. Any Congressional increase in discretionary funding for IHS never truly results in the full amount of that funding reaching discretionary programs because a large part gets re-directed to cover IHS’ legal obligations to fund Contract Support Costs and 105(1) leasing requirements.

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

The COVID-19 pandemic exposed the lack of infrastructure funding and support for Tribes and Tribal organizations. As such we support an increase of \$627.5 million as well as recurring funding to support Public Health Infrastructure to address current and future public health emergencies. Congress should also fully fund Critical Infrastructure Investments, like EHR Monetization to include Tribal facilities, health care facilities construction, and demonstration projects. Lastly, Congress should authorize Federally-Operated health facilities and IHS headquarters to use federal dollars efficiently and adjust programmatic fund flexibility across accounts at the local level, in consultation with Tribes.

Miigwech. Thank you.

**Chairman Kevin Dupuis Sr.  
Biography**

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

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

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

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

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Committee: Appropriations

Subcommittee: Interior and Related Agencies

Hearing Date: 03/08/2023

Hearing Title :

American Indian and Alaska Native Public Witness Days

Witness Name: Kevin DuPuis

Position/Title: Chairman

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Fond du Lac Band of Lake Superior Chippewa

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.



**False Statements Certification**

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

 \_\_\_\_\_

Witness signature

3/03/2023

Date



WEDNESDAY, MARCH 8, 2023.

**WHITE EARTH NATION****WITNESS****MICHAEL FAIRBANKS, CHAIRMAN, WHITE EARTH NATION**

Mr. FAIRBANKS. [Speaking native language.] Meegwetch. Thank you, Chairman Simpson and the rest of the committee. You know, I know listening to our leadership today, and, you know, the panel before us, and I think all of us are on the same kind of tome that funding, and allocations, and, you know, the hardships that we have endured through the years of being underfunded. You know, I think this is a good day today that we testified with your group of representatives, that we come here with an open heart and trying to find common ground on how we can solve these issues.

You know, I know one thing that when I get back home tomorrow, that I will be going directly to my nephew's funeral who passed away from an overdose, so I know that these things hit hard, you know. Back home, it is like, you know, we are the biggest reservation in Minnesota, and I have a lot of members that I have to talk to and communicate back to, too, like every one of us in this room here that we have to address, and we have to give our condolences and ask them why, and ask them, you know, why aren't we helping as a nation to address these drug issues. And I think that is one thing that I didn't really put on my thing, but I think following this and listening to everyone's heavy heart that we talk about this opioid epidemic is something I really wanted to say today, too, that White Earth Nation is making a hard stance against this, and we all are, you know, declaring these emergencies for our people. So but I guess I will get back on track now, and thank you for that.

And, you know, the first thing I wanted to mention was our roads department. You know, back in 2003, I know White Earth Nation received over \$5 million for our 150 miles of roads, but since then, you know, I know the various acts that came along that they cut us by 70 percent. We receive \$1.4 million for our roads, and I think that is not enough. I mean, right now, we are struggling to tar our roads, to maintenance our dirt roads, you know. I think this is one issue I think that you heard today, too, is like, that is a huge part of why I am out here, too, is our roads department.

And the next issue I have is on our health, and I talked about the epidemic with the drugs, but I know the other one is the IHS funding. Like we talked earlier, 37 percent of funding that comes through our Midwest region is the lowest funding amount that we have here in the Midwest. And, you know, I think that is important that we are trying to pick it up, you know. You know, for ourselves here at White Earth, you know, we have clinics and we have suboxone clinics, and we are doing what we can to help our people. The money that we do generate through our billing, you know, does supplement and does help, and we can offer services to ones that are sick out there. So I know that is a huge part of this is to keep that funding mandatory, that we get that money, and include the contract support cost with that, too.

The next issue I have is, of course, what I think a lot of us in this room, we had a meeting today with all the tribal leaders across Minnesota, is the Four Walls, and I did talk to her some of our representatives from Minnesota about this. You know, after May 11th, we have 9 months to figure it out, so I think that is one thing that I think all the leadership from Minnesota here is. We were on the call today with that, with our health directors on how we are going to address this Four Walls issue, too, so I think that is something that I think that we are going to have to revisit and come back, and hopefully, you know, that Congress has a plan for us. And, you know, we are working with our State. Our State is really beneficial to us. They are helping us, you know, but, I mean, this is something I think that could be an easy, easy fix at the national level, too. So I am really, really addressing this to this committee that you take a look at Four Walls, too.

And I guess the last thing I want to talk about is one of the things that, you know, we brought up here not too long ago was getting back some of our Tamarac National Refuge back home. You know, there is a lot of history with Tamarac, and, you know, when we talk about the horrible acts that came through back in the 30s—the Nelson Act, these acts—that were behind it that we were stealing our land from us, and Tamarac kind of falls into that where there are our lands that were kind of desecrated and that also that were taken from us. And I know that as a nation, we are reaching out to Fish and Wildlife and Department of Interior to work with us.

You know, maybe it could be a fix at the Interior, but, I mean, we look at this, and, you know, if we look at history, and I gave you the handout on that, that is just a history of it. It is kind of like each President with the U.S. Forest Service when they are giving back 13.6 thousand acres. So it is something, hopefully, that you can look at, and we initiated those talks with the National Fish and Wildlife, with the local agency yesterday, so we are sharing those talks with them. And I know that one thing that when we get these parks back, I believe that us as stewards of the land, we know how to take care of our land because we do have Wild Rice Lake in that refuge that we take to heart, that we know how to take care of our water.

You know, I appreciate it, and I really appreciate the members of this committee for listening to me, and I appreciate that you can work with us. So Meegwetch.

[The statement of Mr. Fairbanks follows:]

**“WRITTEN TESTIMONY FROM WHITE EARTH BAND OF OJIBWE”**

March 3, 2023  
Michael Fairbanks  
Chairman of White Earth Band of Ojibwe

I will provide testimony on behalf of the White Earth Band of Ojibwe (“the Band”) regarding three areas: 1) White Earth Reservation roads program; 2) Tribal Management/Acquisition of the Tamarac National Wildlife Refuge; and 3) IHS appropriations and Four Walls.

**White Earth Reservation Roads**

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

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

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

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

**Potential Tribal Management/Acquisition of the Tamarac National Wildlife Refuge**

My second topic is the Tamarac National Wildlife Refuge. The Collier agreement of 1936 was an agreement between the Biological Service (now the US Fish & Wildlife Service) and the Bureau of Indian Affairs (BIA) to create the Tamarac National Wildlife Refuge within the White Earth Reservation. The White Earth Band of Ojibwe requests to have these lands returned to them, transitioning could include a co-stewardship and co-management agreement between the Band and the USFWS. On January 26, 2023, White Earth sent a letter on this topic to Secretary Deb Haaland and the congressional delegation was briefed. We believe that the White Earth Band of Ojibwe can better administer these lands, many of which contain important cultural and historical heritage areas and patrimony.

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

**IHS Appropriations/Four Walls**

White Earth Band of Ojibwe greatly appreciates the one-year advanced appropriations for Indian Health that occurred in the FY23 budget and we are supportive of the mandatory spending provisions. We would like to voice our appreciation for that, and our support for making IHS spending mandatory spending. The Band believes that funding for IHS is part of the Federal Government's trust responsibility and therefore should not be part of a discretionary budget.

Adequate and complete funding is needed to avoid any reduction or elimination of the Band's health services and programs. These services and programs are critical to health equity for White Earth tribal members. If funding is lacking, it creates uncertainty regarding the longevity of these services and programs while also challenging the Band's efforts to recruit and retain qualified health care workers, such as physicians and nurses. The health and welfare of the Band and its members is of paramount importance and is part of the Federal trust responsibility owed to all American Indians and Alaska Natives. Reliable and sufficient appropriations are needed to ensure this obligation is met.

Without full funding, the White Earth Band of Ojibwe faces significant challenges in eliminating health disparities, and is severely limited in our ability to be proactive and focused on long-term planning.

**Congressional Action:** Pass advance appropriations for a fully funded Indian Health Services' budget including all Contract Support Costs (CSC) and Section 105(l) lease agreements.

Regarding the “Four Walls” rule on health services reimbursement, White Earth views this as a major barrier to effective health care delivery to our many tribal citizens living in remote areas without adequate transportation to get to and from health facilities. Currently, IHS and Tribal facilities enrolled in Medicaid as clinic services providers are not permitted to claim Medicaid reimbursement under 42 C.F.R. § 440.90, including reimbursement at the IHS all-inclusive rate (AIR) for services provided outside of the four walls of the facility. It is unclear about which services (e.g. home health, behavioral health, etc.) are covered as Federally Qualified Health Center (FQHC) services under the state plan.

The Centers for Medicare and Medicaid Services (CMS) extended the grace period for enforcement of the “four walls” requirement which provided additional time to tribes and states to “make [any required] legislative or regulatory policy changes, provide public notice, define services, make system changes, and potentially make programmatic and staffing changes”. It has been suggested by CMS that a State Plan Amendment (SPA) that focuses on tribes “enrolling” as FQHC and adopt IHS’s all-inclusive rate (AIR) as an alternative payment methodology (APM) consistent with section 1902(bb)(6) of the Social Security Act. However, it is still unclear how states will work with tribal nations to identify the appropriate SPA needed to meet the wide variety of needs of the tribal nations within that state. This blurred area is detrimental to tribes with Title I and Title V Self-Determination contracts with the Indian Health Services that are facing uncertainty about the impact of selecting this provider type without broader federal assurances and commitment to Tribal consultation plans.

Home Care submits 3<sup>rd</sup>-party billing for services provided. That includes private insurance if available, which is not usually available. The billing of Medical Assistance if that is the pay source the client has, the fee for service rate from the state is \$75 per visit. As a Tribal agency White Earth is reimbursed the All-Inclusive Rate (AIR) which is presently \$640. Less than 50% of the population served under the Band’s programming have a pay source but services are still provided as needed, regardless of an individual’s ability to pay. All Home Care services must have a physician order and be renewed every 60 days. That is the huge concern with the “four walls” requirement as Tribal health services are requested and utilized in all villages of the Reservation, not just at brick-and-mortar facilities. If the proposed changes are adopted, the services will decrease and will have a disparate impact on the health and wellness of the people. Home and Community based models are effective in maintaining more stability of health issues for the people served at home.

**Congressional Action:** Permanently extend the grace period (or eliminate requirements) the “four walls” requirements for those facilities operated by Tribes and Tribal organizations under the Indian Self-Determination and Education Assistance Act (ISDEAA), Pub. L. No. 93-638.

Michael Fairbanks Bio

Michael Fairbanks is the duly elected Tribal Chairman of the White Earth Band of Ojibwe in north central Minnesota. He is currently serving his second term. His education consists of two Associate of Science degrees: Business Management & Nutrition, Bachelor of Arts in American Indian Studies & Post bachelor's in the Naadamaadiwin Special Education Program. He has also completed a Master of Arts in Education from Augsburg University.

Michael has worked in tribal administration in various capacities for the last 20 years, including the Deputy Director of the White Earth Band of Ojibwe. During this time, he was committed to an expansive overview and gained valuable knowledge of the diverse programming and services provided for the members on and off the White Earth Reservation. This experience gave him the opportunity to work alongside tribal, state, and national leaders, program management, and leading staff by proactively addressing issues and concerns of White Earth Band members. Michael was also employed as the coordinator of a nonprofit organization, which protects our water and air at a local level on the White Earth Reservation. Chairman Fairbanks sits on several Minnesota Tribal boards to represent the White Earth Band of Ojibwe.

Chairman Fairbank's responsibilities include to protect and manage the White Earth Reservation's resources and environment by efficient and effective leadership to allow maximum usage while yet maintaining a population at a level capable of regeneration. The White Earth Band of Ojibwe firmly believes that the health and sustainability of its people is directly tied to that of the land. This refers not only to physical health, but the spiritual, cultural, and societal health of the people of White Earth. Taking all these aspects into consideration, they place respect as a core value in considering the use and development of their lands. Decisions about land use must place as a key priority respect for the land and environment, respect for culture and traditions, respect for residents and Tribal members, respect among neighboring jurisdictions, and respect for future generations. These considerations seek to strike a balance between wise and sustainable development and the continuation of important Tribal traditions. Central to these values is the recognition that the earth is not a resource to be used and depleted, but the source of all life, the sustainability of which is essential for the people of White Earth. Chairman Fairbanks believes it is critical to maintain and cultivate the Ojibwe tribal culture, language, and traditional ways of life ways so that the Ojibwe people can preserve their unique tribal identity.

White Earth Band of Ojibwe would like to meet long-range transportation goals that promote safety and mobility, provides economic support and opportunities for orderly growth, improves connectivity of roads, trails, and transit routes, identifies funding sources, and produces an overall strategy for prioritizing investments.

Michael believes we need to move forward on a variety of initiatives to ensure that our futures are positive and healthy. White Earth would like to create a White Earth Tribal Health system, that will provide better healthcare services as well as allow for improvements and services to be developed and implement that the Tribe determines is best for our communities and people.

Mii-Gwech bizindawiyeg noogom / Thank you for listening to me today.

Michael A. Fairbanks nindizhinkaaz zhaaganaashiimong.

Mr. SIMPSON. Darrell.

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WEDNESDAY, MARCH 8, 2023.

**RED LAKE BAND OF CHIPPEWA INDIANS**

**WITNESS**

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

Mr. SEKI. [Speaking native language.] Now, I will speak in my second language. Good afternoon, Chair Simpson, and the rest of the staff, and our friend, Betty McCollum. Meegwetch for being here and listening to us, and it is an honor for me to be here to present our testimony. I am Darrell Seki, Senior, chairman of the Red Lake Nation. Meegwetch for this opportunity to testify today. This is my third term as chairman. I am proud to say this subcommittee has always worked in a bipartisan manner to do the best they can for the Indian Country, and I believe all of you to continue this tradition. Today, I want to talk about four appropriations requests. These funding requests would help improve the lives of Red Lakes' 16,650 members.

First, we request additional \$49 million for tribal law enforcement operations, \$22 million for detention operations, and \$4 million specifically for Red Lake law enforcement. Red Lake is in the midst of an opiate crisis, spurred by non-drug dealers. Red Lake law enforcement is doing their best, but they are hamstrung by two things. One, our BIA funding is way too low. Our BIA public safety expenditures were \$5 million more than BIA provided. Two, we have been hamstrung by the Supreme Court decision that tribal police cannot arrest and detain non-Indians. The drug dealers notice, and they keep coming back to this reservation. Congress needs to authorize tribal police to arrest and detain non-members, drug dealers because over 130 members of ours died from these fentanyl drugs that are brought by non-members. Something needs to be done. I keep saying that every time I talk to the feds or the State. We are not a 280 tribe, but yet we need help to get that fixed so we can prosecute these non-members that come to our reservations and do what you guys are supposed to be doing: saving lives of our people.

Second, we request that you fully fund, make permanent, and expand BIA's Tiwahe recidivism reduction initiatives. Tiwahe addresses many vital needs in our community. It helps strengthen youth suicide prevention efforts, made it possible for our children's healing center to implement a 24/7 youth residential treatment program for rehabilitative mental health, substance abuse services, and combat tribal member unemployment rates by providing classes, training, and workforce development programs. We ask that you provide that additional Tiwahe funding in fiscal year 2024, including \$8 million for healing and wellness courts. Third, we request that you direct BIA to ensure that self-governance tribes, including Red Lake, that operates natural resources tribal management development programs, known as TNDP, are included in any in-

creases. In fiscal year 2023, you provided a \$3 million increase to TMDP, but BIA left Red Lake out of this funding.

Fourth, you must direct the IHS to meet immediately include both depreciation principal and interest payments for eligible facilities, just as BIE does. The BIA correctly reached the Section 105(l) statute, which requires the payment of debt service obligation, both principal and interest, as well as depreciation. In 2021, the IHS would only allow depreciation, not principal and interest. Then in 2022, IHS reversed course and allowed principal and interest payments, but not depreciation. You need to help us hold IHS accountable to the law.

In my hand, I have the Red Lake Nation treaties and agreements outlining the Federal trust responsibility to the tribes. You must continue to enforce these agreements. And the United States Constitution in my hand states in Article VI the treaties were adopted under United States Constitution. The Federal Government and the States have trust responsibility to the tribes for the welfare, the safety, and health for the people of all tribes, not just Red Lake, but everyone. And I want to say [Speaking native language] for allowing me to speak for all the things I presented, but 5 minutes is not enough. We need more time to address this subcommittee, and I am glad that I was allowed to speak. Again, I didn't have enough time. I had to cut mine because the red light came on, but anyway, I am going to [Speaking native language], and thank you. [Speaking native language.] [Laughter.]

By the way, Chair Simpson, walleye is the best fish to eat, and we have the best walleye in the whole world.

[The statement of Mr. Seki follows:]



the President, the House, and Senate all recommended, something is wrong.

**Protect Tribal Program Funding from Across the Board Recissions.** Since FY 2000 there have been 20, across-the-board rescissions to Tribal programs totaling 9.5% to provide support for things like Hurricane Katrina recovery. While the needs of these rescissions were met long ago, the cuts continue. Since FY 2013 we lost another 5% from sequestration. These cuts greatly reduced our ability to serve our citizens. Worse yet, inflation since FY 2000 exceeded 57%. Pay Costs are the only increase many Tribal programs receive and are vital to maintain staff. Since FY 2001, Interior agencies lost more than \$2 billion from the partial funding of Pay Costs. This Subcommittee has previously called on the Administration to request full Pay Cost funding in all future budgets. We ask that you renew this call, **and we ask for \$3 million for Red Lake to partially restore what we have lost since FY 2000.**

**Fully Fund and Expand the Tiwahe Initiative.** The Tiwahe Initiative was established in 2015 to improve the health and wellbeing of families in Tribal communities by reducing poverty, substance abuse, domestic violence, and associated outcomes, such as youth suicide. Tiwahe includes two components: (1) a recurring funding increase for all tribes that operate Social Services and ICWA programs, and (2) additional funding for a demonstration program at six Tribal locations (representing 61 Tribes and Alaska Native villages). Tiwahe includes the BIA programs of Social Services, ICWA, Courts, Housing (HIP), Job Placement & Training, and Public Safety RRI.

Tiwahe has strengthened youth suicide prevention efforts at Red Lake. We have only lost two youth to suicide in the last five years. Although these losses hurt, we are well on our way to ending youth suicide. Tiwahe has been essential for us to continue to operate our Juvenile Wellness and Family Drug Courts, with funding to keep our judge and case workers employed, and the courts functioning, after our initial DOJ grant ran out. Tiwahe Job Placement/Training funds have allowed us to offer several training programs which directly create jobs and reduced reliance on TANF and other public assistance. Tiwahe and RRI enabled us to open and operate the Red Lake Children's Healing Center, a 24/7 youth residential treatment program which provides vital mental health, substance abuse, domestic abuse, and recidivism reduction services in a culturally-sensitive way. And, Tiwahe has benefitted our family reunification program, which has kept more children with their families and out of foster care, resulting in a 50% reduction in out of home placements.

We greatly appreciate your ongoing funding of the six Tiwahe sites, and request the same support in FY 2024. Additionally, having achieved significant benefits under Tiwahe, we were pleased to see Congress enact an additional \$2 million to add more pilot sites in FY 2022, and another \$2 million for yet more sites in FY 2023. The President requested \$45 million in Tiwahe increases in FY 2023, including more Tiwahe sites, Tiwahe support staff, expanded programming for Social Services, ICWA, Housing, and new funding for Economic Development and Healing to Wellness Courts (HWC). We know this Subcommittee has previously identified the need for BIA HWC funding. As you prepare the FY 2024 budget, we urge you to provide more funding to support these efforts. Tribes, Congress, and the Administration are united in their support for expansion of Tiwahe.

**Increase Funding for BIA Law Enforcement, Courts, and Community Fire Protection.** In 2017, Red Lake declared a Public Health Emergency due to a sharp increase in opioid overdoses.

Sadly, we are again in the midst of a horrific increase in the number of opioid and fentanyl related overdoses and deaths on our Reservation. Last year we had 162 overdoses and 13 deaths. We know that consequences of the Pandemic contributed to this increase. Part of the problem is non-Indians entering the Reservation to peddle drugs. We routinely banish these criminals and turn them over to other agencies, because years ago the Supreme Court ruled that Tribes lack the authority to arrest and detain non-Indians. The criminals know this, so they keep coming back here. Last December, I met with U.S. Senators Tina Smith (D-MN) and Amy Klobuchar (D-MN), Congresswoman Betty McCollum (D-MN), and Assistant Secretary for Indian Affairs Bryan Newland to highlight this problem. We agreed on the need for more meetings and cooperation with federal agencies, and for legislation to authorize Tribal police to arrest and detain non-Indian drug dealers.

While we advance those legislative efforts, we remain dedicated to increasing much needed funding for our law enforcement. The Tribal Law and Order Act (TLOA) intended to give Tribes the resources needed to fight crime, but since TLOA began, BIA public safety funding has shrunk. Last year, Red Lake had to spend \$5 million more than the BIA provided, which was taken from other critically underfunded Tribal programs, and we continue to be left out of general increases.

In FY 2022, Congress enacted a \$7.5 million general increase and provided \$4 million for body cameras for the Criminal Investigations/Police Services account. Red Lake's share of this increase was only \$25,000! There is no way our share of this funding could be so low unless BIA used bad data. When we asked BIA about our share, they said one factor they use is the service population in the 2013 BIA Labor Force Report, but Red Lake is not even listed in this report. A pro-rata distribution of the \$11.5 million would have resulted in Red Lake receiving \$131,000, but with our high crime rates including drug crimes, we should have received much more. We need to hold BIA accountable for the distribution of this funding.

The BIA's latest TLOA report to Congress says Tribal law enforcement needs \$1.3 billion per year for minimal public safety. That is more than four-times the current funding level. The report also says Tribal courts need \$1.2 billion per year to provide adequate justice for Tribal citizens. That is more than 23-times the current funding level. For this reason, we support TIBC recommendations for **an additional \$49 million for law enforcement, \$22 million more for detention, and an additional \$4 million for Red Lake Law Enforcement to combat our crisis.**

Tribal Courts are a top priority for Tribes but are severely underfunded. We appreciate recent Court increases you provided, and we ask that you **provide a \$35 million general increase in FY 2024**, the same as you recommended in FY 2023, but which was not enacted.

Community Fire Protection has been neglected for decades. We are responsible for fighting fires and protecting lives on our Reservation, on a yearly BIA-funded budget of only \$42,500. Our actual expenditures for this program exceeded \$1 million last year! We ask that you **provide \$10 million for Community Fire Protection in FY 2024, as well as \$1 million for Red Lake Community Fire Protection.**

**Trust Natural Resources.** Thank you for providing general increases for several important natural resource TPA programs in FY 2022 and 2023, including Water Resources, Wildlife and Parks, and

Forestry. Some of these programs had not been increased in 30 years, limiting our ability to adequately manage our resources (e.g., Red Lake manages the 6<sup>th</sup> largest freshwater lake in the U.S. on less than \$1 per acre). Congress also enacted a \$3 million general increase in the Tribal Management/Development program (TMDP) in FY 2023, with instructions to distribute the funds to all lines within BIA's funding allocation table. But there is a serious problem with the funding allocation table that you are not aware of. There are nine self-governance Tribes that operate TMDP programs, but are not listed in the table. These nine tribes operate the same type TMDP programs as the 638 tribes listed in the table. We have pointed out this error to BIA for years, but they continue to not include these self-governance Tribes despite being listed in the self-governance section of the BIA Budget Justification. As a result, they are not listed in the table and are unfairly excluded from general increases like you enacted in FY 2023. The Indian Self Determination and Education Assistance Act requires that self-governance Tribes be treated equally in any general funding increases. We ask that you direct BIA to fix this and to provide an equitable share of all funding increases to these Tribes. **At the Subcommittee's request, we can provide documentation on the history of BIA's failure to treat Self Governance tribes equitably with regard to TMDP.**

**Fully Fund IHS at \$51.4 Billion and Continue Support for Advanced Appropriations.** We greatly appreciate your actions in FY 2023 for advanced appropriations to ensure IHS can continue to provide uninterrupted services. We hope that you continue this important support. As you are aware, there is a tremendous unmet need for IHS and Tribal health programs, stemming from years of chronic under funding. Mandatory increases for inflation, population growth, pay costs, and CSC surpass enacted increases. Per capita expenditures for IHS healthcare in 2021 were only \$4,140 person, compared to \$10,680 for the general population, a huge disparity. For this reason, we support the IHS Tribal Budget Formulation Workgroup's request to fully fund IHS in FY 2024 at \$51.4 billion, and ask that you **provide no less than \$14 billion for IHS** to begin redressing long-standing health inequities in Indian Country.

**IHS Must Include both Depreciation and Principal and Interest Payments in Section 105(l) Leases.** At your direction, BIA and IHS held a Tribal consultation in 2021 on the deployment of a consistent and transparent process for payment of 105(l) leases. Red Lake and other Tribes pointed out a major difference in how BIA and IHS treat eligible principal and interest payments and depreciation. The BIA correctly reads the Section 105(l) statute to require the payment of debt service obligations (both principal and interest) of new construction, acquisition, or rehabilitation costs of leased facilities, as well as depreciation. But in 2021, the IHS refused to follow the law and would only pay depreciation, not principal and interest. Then, in 2022 IHS reversed course, and allowed principal and interest payments, but refused to allow depreciation. **IHS should be directed to immediately pay both depreciation and principal and interest payments for eligible facilities, just as BIA does to provide consistency for Indian Country.**

**EPA Programs.** Spanning a geographic area the size of West Virginia, our Tribe has 60% of the Indian trust land in EPA Region 5. Our water, wetlands, animals, and plants are vital to us. Vital EPA programs like Tribal GAP, Clean Water Act Sections 106 Pollution Control and 319 Nonpoint Source, Brownfields, and Clean Air Act Section 105, provide only 50% of the staff and support needed. We support the President's recent request for additional Tribal resources.

**Red Lake Chairman Darrell G. Seki Sr.**

Darrell G. Seki Sr was born in Red Lake, Minnesota. Raised by his grandparents, he has spent the majority of his life in the culturally rich village of Ponemah. He graduated from Red Lake High School with honors, and received an Associate's Degree in Junior Accounting from Rasmussen College, as well as two years of study at the University of Minnesota. Darrell is a veteran of the Vietnam War. Darrell has worked for the Red Lake Nation in various capacities for 46 years, including as Executive Administrator. Darrell was elected by the people of Red Lake as Treasurer of the Tribal Council in 2002, where he served three, 4-year terms, until his election as Chairman of the Tribe beginning in 2014 and continuing to the present. Darrell is also one of the longest-serving members of the Tribal Interior Budget Council (TIBC), and has represented Midwest Region Tribes on TIBC for more than 20 years.

### Truth in Testimony Disclosure Form

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

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 03/02/2023

Hearing Title :

American Indian And Alaska Native Public Witness Day 1

Witness Name: Darrell G. Seki Sr.

Position/Title: Chairman

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

The Red Lake Band of Chippewa Indians

#### **FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

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

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

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

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

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

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

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

 3-3-23

Witness Signature Date

VOICE. How big is the walleye?

Mr. SEKI. They get big.

VOICE. Twenty-some pounds.

Mr. SEKI. But we have the biggest. You want to buy some?

Mr. SIMPSON. I got a 31-pound chinook on my wall in my office. Anyway, thank you all for your testimony. We appreciate it. You know, Kevin, you said you have an obligation to carry out the wishes of your forefathers, something along those lines—

Mr. DUPUIS. Yes, we do.

Mr. SIMPSON [continuing]. Abide by the wishes of your forefathers, the obligations of your forefathers. We have that same obligation, and that is called meeting the treaty obligations that we have made in this country over the years that we haven't done.

Mr. DUPUIS. So are you guys going to start doing it tomorrow?

Mr. SIMPSON. Well, we have been working on it for a number of years, and it is moving toward meeting those obligations that we are interested in. So, you know, we wish we could do it tomorrow, as long as we are moving in the right direction. Somebody once told me it doesn't matter where you stand. What matters is what direction you are headed.

Mr. DUPUIS. Meegwetch for that, Chairman, but can I make a comment to that? And we do understand that, and we do know that.

Mr. SIMPSON. Yeah, I know.

Mr. DUPUIS. But 530 years is a long time, and we don't want it to have 530 years to reverse that.

Mr. SIMPSON. I agree fully.

Mr. DUPUIS. Meegwetch. Thank you.

Mr. SIMPSON. Ms. Pingree.

Ms. PINGREE. Thank you very much. Thank you all for your testimony, and I appreciate all of the comments that you made. I mentioned this earlier. Betty is the true Minnesotan, and we are so glad to have on the committee, but I was also born in Minnesota, spent a lot of my childhood growing up on a lake cabin around Brainerd. So very familiar with where all of you come from. And my family sends me a big bag of tribal wild rice every year, and I depend on that. So I am very interested in all the concerns that you brought up today, and hopefully sometime when I am home visiting my family, I will get to visit.

Mr. SEKI. Meegwetch.

Mr. SIMPSON. Now I know the challenge. We have got two Minnesotans here. [Laughter.]

Ms. McCollum.

Ms. MCCOLLUM. And the bright wild rice from every tribe in Minnesota tastes really good. I have never done a blind tasting test, but I love it all. So I don't have favorites when it comes to wild rice, but I do when it comes to fish walleye. To the chairman of Fond du Lac, one of the things that really has stayed with me the entire time last time I was at the reservation is when I was looking at the water bottle facility that is right outside of your tribal chambers, and so treaties matter. Get things right matter. So when you are in Fond du Lac's tribal facility, you walk right outside, and I won't mention the company because I am not going to give them any advertising, there is a company that that bottles

water, and they are denied access to a lake, a beautiful Lake, right by them. It is all privately held, and it goes back to the Nelson Act and some of the other things that that happened where lumber barons here came in and got Congress to allow subdivision of property. And Red Lake was the one tribal nation that didn't do that. I want you to know that that is a powerful memory with me, and thank you for sharing from the heart.

I would like you to, Chairman Fairbanks, to explain to the committee why it is important for wild rice beds in the Tamarac region, and how you have to get in a lottery basically to harvest wild rice that is in Minnesota's checkerboard in this. I was just shocked that Fish and Wildlife make you go in a lottery, and I hope Fish and Wildlife is listening.

Mr. FAIRBANKS. Yeah, I mean, I know that is one part of the lottery system is, I know that when we talked to him yesterday, that we talked about the maintenance, just the levels of the lakes themselves that we have to have a certain level. Otherwise, if we get too much water, it gets uprooted, and then don't have a crop. And I know all the leaders from Minnesota understand what I am talking about, but the lottery system itself, the racers themselves have to sign up to get into this lottery to be one of the few that get to race on the lakes in the refuge, so that is one thing, so.

Ms. PINGREE. Can non-tribal members sign up? Can they get into the levee?

Mr. FAIRBANKS. I don't believe, not so. No, I don't think so.

Ms. PINGREE. No, no, you have to be a tribal member.

Mr. FAIRBANKS. Yeah.

Ms. PINGREE. Okay.

Ms. MCCOLLUM. But it is still a lottery system, nail-biting—

Mr. FAIRBANKS. Yeah.

Ms. MCCOLLUM [continuing]. And everything else.

Mr. Fairbanks.

Ms. MCCOLLUM. Chairman, see, I always learn from you, and so now I have learned about depreciation, interest, all that other kind of stuff, so I am going to go to school on that. You always teach me something new, and I am so glad that you do every time I meet you. So thank you.

Mr. SEKI. Mm-hmm. Meegwetch.

Ms. MCCOLLUM. And I just want to put in a plug for the State of Minnesota. We are not perfect as a State, but the State has taken great strides—great strides—over several different governors. But right now, our lieutenant governor is a tribally-enrolled member, and we have tribally-enrolled members serving in our State legislature, and it has made a difference. It made a difference in how COVID was administered. I was on the phone calls with the State of Minnesota and the tribes. We still had work to do, still wasn't perfect, but we are learning from that. The State of Minnesota is discussing how to support schools right now because we know of the shortage, and we know that they are our future.

And I was just with the humanities folks from Minnesota, and they have a brochure called Why Treaties Matter, which you are part of. As a social studies teacher, it is going to teach why treaties matter, and it is going to teach dignity and respect, and the wrong that was done to the tribes there. So as things are different in dif-

ferent States, I am glad Minnesota is stepping forward, but I am here to say we need to do our tribal responsibility. Meegwetch.

Mr. SIMPSON. Mr. Kilmer.

Mr. KILMER. Thanks, Mr. Chairman. I will just say I appreciate your statement in terms of having the Federal Government step up and meet its treaty obligations. The U.S. Commission on Civil Rights did an update to its Quiet Crisis report called the Broken Promises report, and laid out stuff that Congress ought to do. We turned that into a bill called the Honoring Our Promises to Native Nations Act to step up with funding, and I would just commend it to you, and I commend it to my colleagues. With that, I yield back.

Mr. SIMPSON. You yield back? I called on you because you are a salmon person—

[Laughter.]

Mr. SIMPSON [continuing]. And we got a little debate going here about salmon and walleye, and I wanted some support. [Laughter.]

Mr. KILMER [continuing]. Last panel.

Mr. SIMPSON. Yeah. Thank you all for being here. I appreciate it very much.

Okay. Edward Johnstone, Ron Suppah, Ann McCammon Soltis, and Ron Allen.

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WEDNESDAY, MARCH 8, 2023.

## NORTHWEST INDIAN FISHERIES COMMISSION

### WITNESS

**EDWARD JOHNSTONE, CHAIRMAN, NORTHWEST INDIAN FISHERIES COMMISSION (NWIFC)**

Mr. JOHNSTONE. Thank you, Chairman Simpson and members of the committee. My name is Ed Johnstone. I am a Quinault tribal member, and I am the chair of the Northwest Indian Fish Commission. The Northwest Indian Fish Commission was formed shortly after the United States v. Washington court, commonly known, the Bolt decision. Our tribal leaders knew that in that court case, which affirmed our off-reservation fishing rights, was important, and we looked at the court case, and so we created the Northwest Indian Fish Commission in 1974. That decision was affirmed by the Supreme Court in 1979.

I am honored to be here and represent the Northwest Indian Fish Commission. The people that have done this work around this table before me are instrumental in working with Congress and working with you folks to tell our story about the Indian people of the Pacific Northwest who signed those treaties in 1854 and 1855, the Stevens treaties, and what it means to us, a salmon people, to our culture and way of life, that we view things in a different manner. We are holistic, that everything is connected.

And to listen to the tribal leaders before me, that is telling the story of us as Indian people as Billy Frank, Junior, would say. And we experience all of that when I hear the health and so forth, and what it is to COVID when I worked with a young man for 32 years, two doors down from me, that I walked in one night late, and he said, hey, boss, and scared me. I was after paperwork. So was he.

Within a week, he had died. He had visited his mother on the Muckle Shoot Reservation, caught COVID over Thanksgiving. She died a week before him. These are the stories of us Indian people and the needs that we have. We have that great need here in Indian Country in the Northwest and our salmon and our salmon story.

It is in our testimony, in our background, and a lot of what you are hearing here is cultural identity. Our salmon people, our young people are losing that cultural identity and the connection to who we are through our fishing rights, hunting and gathering, all those things that you see in the testimony. And the different areas talk about, you know, Fish and Wildlife, the parks, the Forest Service, national parks, anywhere that we are connected, and the story of our funding are important because that talks about our access and our availability.

And, you know, when a young lady that sits on Council for the Stillaguamish Tribe. For over 30 years, Stillaguamish have not finished. She fights every day for that right that she has never been able to do it herself, nor are those waiting, and the young ones don't really know or understand because they don't have the access. And so we are talking about Puget Sound, and listed stocks, and recovery, things like the Pacific salmon funds either through the PST, Pacific Salmon Treaty, and PSC, Puget Sound through the Puget Sound funding. All of these different funding sources that you see in our funding requests are key to us tribes and those rebuilding process to do the work. We know how to do that work. We put the data together. We own the Bible, and in the recovery plans on every watershed of the 20-member tribes, we have that. That is what everybody goes to. It describes how to rebuild those stocks or protect them, so it is all threaded in the information.

So I am here to bring that message, as short as it might be, to answer questions, but we are very appreciative of this committee. We have come a long ways in understanding. Some of you have been around this table for a long time, and that is my congressman from the 6th on the end, who I always appreciated working with and listening to who we are as Indian people. But we are losing our identity, and then you get the rest of what happens when that happens. I work often with the Alaskan natives, and that is very much evident up in Alaska. So with that, I will close and just wait for remarks.

[The statement of Mr. Johnstone follows:]



## Northwest Indian Fisheries Commission

6730 Martin Way E., Olympia, Washington 98516-5540  
 Phone (360) 438-1180 [www.nwifc.org](http://www.nwifc.org) FAX (360) 753-8659

**TESTIMONY OF ED JOHNSTONE, CHAIR OF THE  
 NORTHWEST INDIAN FISHERIES COMMISSION  
 BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,  
 ENVIRONMENT AND RELATED AGENCIES  
 ON THE FISCAL YEAR 2024 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS,  
 FISH & WILDLIFE SERVICE AND ENVIRONMENTAL PROTECTION AGENCY**

**March 8, 2023**

Chair Simpson, Ranking Member Pingree, and Honorable Members of the Subcommittee, for the record my name is Ed Johnstone, and I am Chair of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is composed of the twenty tribes in western Washington that are party to *United States v. Washington*, which upheld the tribes' treaty-reserved right to harvest and manage natural resources on and off-reservation, including salmon and shellfish. On behalf of the NWIFC, we are providing testimony for the record on our natural resource management and environmental program funding requests for the Bureau of Indian Affairs (BIA), Fish & Wildlife Service (FWS) and Environmental Protection Agency (EPA) Fiscal Year 2024 appropriations. These programs support tribes to carry out their natural resource management responsibilities including the management of Pacific salmon fisheries, which contribute to a robust natural resource-based economy and the exercise of our treaty rights.

**SUMMARY OF FISCAL YEAR 2024 (FY24) APPROPRIATIONS REQUESTS**

**Bureau of Indian Affairs**

- Provide \$66.0 million for Rights Protection Implementation (collective request)
  - Provide \$17.146 million for Western Washington Fisheries Management
  - Provide \$3.557 million for Washington State Timber-Fish-Wildlife
  - Provide \$6.495 million for U.S./Canada Pacific Salmon Treaty
  - Provide \$2.4 million for Salmon Marking
- Provide \$15.0 million for Fish, Wildlife & Parks Projects (non-TPA)
- Provide \$1.109 million for the Salmon and Steelhead Habitat Inventory and Assessment Program within the Tribal Management/Development Program Subactivity
- Fully Fund Contract Support Costs
- Provide \$2.0 million for Western Washington Treaty Tribes' Wildlife Management
- Provide \$60.991 million for Tribal 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 \$54.0 million for Puget Sound Geographic Program

**JUSTIFICATION OF REQUESTS****Bureau of Indian Affairs****• Provide \$66.0 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 \$66.0 million for the Rights Protection Implementation (RPI) subactivity is necessary to support essential tribal treaty-reserved resource management. This request is a \$16.8 million increase over the FY23 enacted level of \$49.2 million. The large disparity between our collective request and the enacted level demonstrates that the basic natural resource management functions of the treaty tribes continue to be underfunded. Faced with the difficult combination of increasing natural resource scarcity and cumulative environmental stressors, tribal natural resource management has become more complex and resource intensive. Considering this challenge, additional capacity is needed to manage treaty-reserved resources and protect tribal rights. Unfortunately, most of the programs under RPI, such as Western Washington Fisheries Management, have not received a meaningful increase since FY18. A summary of the subaccounts of importance to us within RPI are identified below, however, please note that neither FY22 nor FY23 enacted funding levels are available for these subaccounts.

**○ Provide \$17.146 million for BIA Western Washington Fisheries Management**

We respectfully request \$17.146 million, an increase of \$6.42 million over the FY21 enacted level of \$10.726 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 and groundfish, and other natural resource management needs. This funding is critical to support the day-to-day operations of essential fishery management. Reduced abundance and increased regulatory scrutiny of fisheries, coupled with ongoing salmon habitat loss, increased recreational pressures and climate change are greatly increasing the difficulty (and cost) of co-managing salmon and other resources.

**○ Provide \$3.557 million for BIA Washington State Timber-Fish-Wildlife (TFW)**

We respectfully request \$3.557 million, an increase of \$119,000 above the FY21 enacted level of \$3.438 million. 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 TFW Agreement – a collaborative intergovernmental and stakeholder process between the state, industry and tribes.

**○ Provide \$6.495 million for BIA U.S./Canada Pacific Salmon Treaty**

We respectfully request \$6.495 million, an increase of \$216,000 above the FY21 enacted level of \$6.279 million. This request is consistent with that of the Pacific Salmon Commission (PSC) and is necessary to implement the Annex chapters of the Pacific Salmon Treaty (PST). Tribes assist the U.S. government in meeting its obligations to implement the treaty by participating in fisheries management exercises, cooperative research and data gathering activities. This funding also supports participation in the PST process.

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

We respectfully request \$2.4 million, an increase of \$1.057 million over the FY21 enacted level of \$1.343 million. This request would support ongoing coded wire tagging and adipose fin clipping (marking) operations at tribal hatcheries. Marking is used to differentiate hatchery-origin salmon from natural spawning ones. Since 2003, Congress has required that all salmon released from federally funded hatcheries are marked for conservation management purposes. Coded Wire Tags are used to provide a unique identifier to a particular hatchery stock, which is then used in salmonid abundance assessments and catch rates. The NWIFC uses automated trailers to provide efficient centralized tagging and marking services to our 20-member tribes. This state-of-the-art equipment is very complex and requires expert technicians to operate and maintain. The operations and maintenance of the trailers, coupled with an increasing demand for these important services, continues to increase our costs to carry out this federal directive.

- **Provide \$15.0 million for BIA Fish, Wildlife & Parks Projects (Non-TPA) for Hatchery Operations and Maintenance**

We respectfully request \$15.0 million for Hatchery Operations and Maintenance within the Fish, Wildlife and Parks Projects account, an increase of \$2.055 million over the FY23 enacted level of \$12.945 million. More specifically, we request \$8.0 million for Hatchery Operations and \$7.0 million for Hatchery Maintenance. This 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. Without hatcheries, tribes would lose their most basic ceremonial and subsistence fisheries that are central to our tribal culture. We currently estimate that more than 80% of the salmon harvested are hatchery-origin fish. Yet despite the central importance of these facilities, tribes face millions of dollars in deferred maintenance costs and significant funding shortfalls in operations.

- **Provide \$1.109 million for BIA Salmon and Steelhead Habitat Inventory and Assessment Program (SSHIAP) (within the Tribal Management/Development Program)**

We respectfully request \$1.109 million, an increase of \$105,000 above the approximated FY 23 enacted level, within the Tribal Management/Development Program for SSHIAP. SSHIAP is vital to the western Washington tribes because it provides essential environmental data management, analysis, sharing and reporting to support tribal natural resource management. It also supports our tribes' ability to adequately participate in watershed resource assessments and salmon recovery work.

- **Fully Fund BIA Contract Support Costs**

We respectfully request that Congress fully fund Contract Support Costs (CSC) and reclassify CSC as mandatory. Funding for CSC ensures tribes and tribal organizations have the capacity to manage federal programs under self-determination contracts and self-governance compacts.

- **Provide \$2.0 million for Western Washington Treaty Tribes' Wildlife Management**

We respectfully request \$2.0 million for western Washington treaty tribes' wildlife management programs from an account within the Bureau of Indian Affairs Trust – Natural Resources Management Activity. The member tribes reserved the right to fish, hunt and gather natural resources throughout their ceded territories. Part and parcel with the tribes' reserved right to

hunt and gather outside of their reservation boundaries is the need to co-manage wildlife resources with the State of Washington. Requested funding will provide capacity to participate in state-tribal co-management forums, develop wildlife management plans, develop and enhance tribal hunting codes, and design and implement applied research projects. These capabilities are fundamental to the protection of our tribes' treaty rights and there is currently no dedicated account or funding to directly support this critical work.

- **Provide \$60.991 million for BIA Tribal Climate Resilience**

We request \$60.991 million for Tribal Climate Resilience, an increase of \$26.0 million over the FY23 enacted level of \$34.991. Climate change is one of the largest threats to tribal rights and resources. Funding from this competitive grant program will support tribal participation in critical issues that impact treaty-reserved resources, adaptation and promote climate resiliency.

**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 \$1.8 million over the FY23 enacted level of \$6.2 million. Funding from this competitive grant program supports the conservation of wildlife and their habitat, including species that are culturally or traditionally important to tribes.

**Environmental Protection Agency**

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

We request \$96.4 million for the nationwide GAP, an increase of \$21.65 million over the FY23 enacted level. We also respectfully request bill or report language that would improve flexibility in the GAP to ensure individual tribal priorities and implementation activities would be eligible and that newly proposed allocations will not result in a decreased proportion of funds for EPA Region 10 tribes and consortia. The GAP builds essential tribal program capacity to address environmental issues that impact tribes' health, safety and treaty-reserved resources. The GAP also provides critical funding to tribal consortia to support intertribal coordination on environmental issues.

- **Provide \$54.0 million for EPA Puget Sound Geographic Program**

We request \$54.0 million for Puget Sound consistent with the FY23 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 supports tribal participation in a broad range of collaborative Puget Sound recovery work, including scientific research, resource recovery planning and policy discussions that affect our treaty rights.

**CONCLUSION**

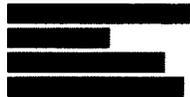
We respectfully request the subcommittee's support for these requests. We greatly appreciate your attention to these matters and thank you for your continued commitment to the tribes.



## Northwest Indian Fisheries Commission

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### Edward Johnstone



#### **Bio**

Ed Johnstone is a Quinault Tribal member born in Aberdeen Washington and raised on the Quinault Indian reservation. He currently serves as the Chair At-Large for the Northwest Indian Fisheries Commission – a governmental natural resource support organization composed of the 20 treaty tribes in western Washington. Prior to serving as the Chair, Mr. Johnstone was the treasurer for the Commission since 2009. He has worked in natural resource management most of his life, much of it spent in the timber and fishing industries of the Quinault Indian Nation. He has served as a two-term Councilman from 1996-2002, and represented the Quinault Tribal Council for fisheries, fisheries habitat, and marine governance issues as the Quinault Fisheries Policy Spokesperson for much of his career. Mr. Johnstone has also served his community in numerous ways including the Taholah School Board and the Quinault Planning Commission. In addition to his civic and Commission duties, he has also served on the Southern Panel of the Pacific Salmon Commission and the Intergovernmental Policy Council, a forum of tribal and state co-managers of the ocean area that includes the Olympic Coast National Marine Sanctuary.

#### **Summary of Experience**

- 1993-2007: Taholah School Board.
- 1999-2000: Chairman of the Transportation Committee of the Affiliated Tribes of the Northwest Indians.
- 1999-2004: Quinault Planning Commission.
- 2002-2004: Portland Area Representative for the Intertribal Transportation Association (ITA).
- 2002-2004: Co-chair of Transportation Infrastructure Sub-committee of the National Congress of American Indians (NCAI).
- 2002-2004: Co-Chair of the NCAI TEA-21 Re-authorization Taskforce
- 2002-Present: Washington Sea Grant Advisory Board.
- 2009- 2022: Chairman, Intergovernmental Policy Council, Olympic Coast National Marine Sanctuary.
- 2009-2021: Treasurer, Northwest Indian Fisheries Commission.
- 2011-2022 Pacific Salmon Commission, Southern Panel, Tribal Co-chair Alternate, U.S. Section.
- 2022-present: Chairman, Northwest Indian Fisheries Commission

### Truth in Testimony Disclosure Form

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

Committee: Appropriations

Subcommittee: Interior, Environment and Related Agencies

Hearing Date: March 8, 2023

Hearing Subject :

American Indian and Alaska Native Public Witness Days: Natural resource management and environmental program funding requests for the Bureau of Indian Affairs (BIA), Fish & Wildlife Service (FWS) and Environmental Protection Agency (EPA) Fiscal Year 2024 appropriations.

Witness Name: Ed Johnstone

Position/Title: Chairman of the Northwest Indian Fisheries Commission

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Northwest Indian Fisheries Commission

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3/2/2023

Witness signature

Date

Mr. SIMPSON. Thank you, Ed. Ron, you are next.

Mr. SUPPAH. Good afternoon. Long time since when we were wandering around in the backyard, and we ran into each other.

Mr. SIMPSON. A real long time ago, yeah.

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WEDNESDAY, MARCH 8, 2023.

## **COLUMBIA RIVER INTERTRIBAL FISH COMMISSION**

### **WITNESS**

**RON SUPPAH, CHAIR, COLUMBIA RIVER INTERTRIBAL FISH COMMISSION**

Mr. SUPPAH. First of all, I would like to thank you guys for allowing us to be here to testify today, and I appreciate my staff because they did an excellent job with preparing the written testimony that you guys each have, and they also did a good job with my oral testimony.

Good afternoon, Chairman Simpson, Ranking Member Pingree, and members of the subcommittee. My name is Ron Suppah, and I have the honor of serving as chair of the Columbia River Inter-Tribal Fish Commission, or CRITFC. I am a member of the Confederated Tribes of Warm Springs, Oregon. CRITFC was founded in 1977 by the four Columbia River treaty tribes, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs Reservation, Confederated Tribes and Bands of the Yakama, and the Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes. Our regional, national, and international efforts protect and restore our shared salmon steelhead, Pacific lamprey, and white sturgeon and resources, and the habitat upon which these species depend. CRITFC's work is critically important. That is why I appreciate the opportunity to share our funding priorities with you today. Collectively, the priorities ensure that we are able to continue exercising our treaty-reserved right to harvest fish on the Columbia River.

First, CRITFC requests \$5 million to fund implementation of the Columbia River In-Lieu and Treaty Fishing Access Site Improvement Act. This 2019 act recognized the failing conditions of fishing access sites, which Congress authorized \$11 million to refurbish the site so meet human health and safety standards. The assessment of the sites was completed in 2022. The additional funds will ensure architect design designed and initial construction continues to successfully implement the act. Second, CRITFC urges the subcommittee to provide funding for Columbia River fishing access site operation and maintenance. BIA contracts with CRITFC to provide these services beginning in fiscal year 2022. Congress provide \$1.7 million for this program. We ask that the subcommittee continue to fund these costs for tribal member health and safety.

Third, CRITFC asks the subcommittee to increase funding for law enforcement at Columbia River In-Lieu sites. CRITFC appreciates the additional appropriations that were provided previously to enhance public safety and law enforcement services. CRITFC conservation and criminal enforcement officers patrol 150 miles of the Columbia River in Oregon and Washington, providing policing

services at 31 fishing access sites. Continued annual increases are important for retention and long-term stability of public safety. Fourth, CRITFC requests the subcommittee provide \$624,000 in additional funding for Columbia River fisheries management. Funding shortfalls prohibit the achievement of tribal self-determination goals for fishing management, ESA, recovery efforts, protecting non-listed species, conservation enforcement, harvest monitoring, and increased funding will allow CRITFC to make core fishery efforts and maximize habitat management in the Columbia Basin.

Next, CRITFC urges the subcommittee to provide funding for youth program initiatives. CRITFC strives to build a tribal workforce of skilled Native-American scientists, policy analysis, technician managers who will serve tribes, fisheries, and natural resources management's needs. Without an increase, CRITFC and the member tribes may have to reduce youth programming that enhances career readiness and workforce development. Next, CRITFC encourages the subcommittee to increase funding for Columbia River treaty modernization. Rights protection implementation supports CRITFC participation in the negotiation to modernize the Columbia River Treaty. CRITFC urges ecosystem function as a third primary purpose of that treaty.

In closing, I would like to thank you for listening today, and we appreciate the opportunity to be able to participate in this forum. Thank you.

[The statement of Mr. Suppah follows:]

**Testimony of Chair Ron Suppah  
Columbia River Inter-Tribal Fish Commission  
House Appropriations Subcommittee on Interior, Environment, and Related Agencies  
American Indian and Alaska Native Public Witness Day  
March 3, 2023**

**Summary of Budget Requests**

- I. Increase Funding for Rights Protection Implementation
  - a. Columbia River Fisheries Management - \$6.241 million
  - b. Columbia River-In Lieu Sites Law Enforcement - \$1.575 million
  - c. Columbia River-Fishing Access Site Operations - \$1.7 million
  - d. U.S. Canada Pacific Salmon Treaty - \$6.792 million
  - e. Implementation of P.L. 116-99 - \$5 million
  - f. Youth Program Initiatives - \$500,000
  - g. Columbia River Treaty Modernization
- II. Provide Funding for Tribal Climate Resilience - \$5 million

Good afternoon, Chair Simpson, Ranking Member Pingree, and members of the Subcommittee. My name is Ron Suppah and I have the privilege of serving as Chair of the Columbia River Inter-Tribal Fish Commission (CRITFC). I also serve as Vice Chair of the Off-Reservation Fish and Wildlife Committee of the Warm Springs Tribes.

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, steelhead, Pacific lamprey, and white sturgeon resources and the habitat upon which these species depend.

Our collective ancestral homelands are an area the size of the State of Georgia and cover nearly one-third of the U.S. portion of the Columbia River basin. In 1855, the U.S. entered into treaties with the four tribes 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 stations. Unfortunately, a perilous history has brought the salmon, steelhead, and Pacific lamprey populations to the edge of extinction. Twelve Columbia Basin salmon and steelhead populations in the are listed under the Endangered Species Act (ESA), Pacific lamprey have declined 95% from historic numbers, and the white sturgeon population is struggling to maintain itself.

The CRITFC member tribes are internationally 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 economic needs. 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 restore these fish population, our actions emphasize 'gravel-to-gravel' management, including

supplementation of natural stocks, healthy watersheds, and collaboration with state, federal, and private entities.

For CRITFC to continue to do this critical work, we need adequate funding from Congress. Therefore, I thank you for the opportunity to testify regarding CRITFC's funding priorities. My testimony will focus on the appropriations necessary to continue the exercise of our treaty-reserved rights to harvest fish on the Columbia River.

#### **I. Increase Funding for Rights Protection Implementation**

##### **a. Columbia River Fisheries Management**

The tribes are leaders in one of the nation's largest fishery restoration efforts in response to the negative impacts of the Federal Columbia River Power System. Management is increasing in complexity and sophistication requiring greater data collection, collaboration, and enforcement. Funding shortfalls prohibit the achievement of tribal self-determination goals for fisheries management, ESA recovery efforts, protecting non-listed species, conservation enforcement, and harvest monitoring. The BIA's Columbia River Fisheries Management budget supports the core fishery program efforts of CRITFC and our member tribes and allows us to work across the bulk of current anadromous fish habitat in the Columbia Basin. We request an increase of \$624,000 over FY 2023 levels for a new program base of \$6.865 million.

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<sup>1</sup>, 2) continuing engagement in 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. These agreements establish regional and international commitments to 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 the tribes have committed to substantial on-the-ground projects through these agreements with 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, Congress recently enacted the Endangered Salmon Predation Control Act, P.L. 115-329, which recognizes that CRITFC and its member tribes are a part of the regional effort to manage sea lion predation in the Columbia River. The tribes are also addressing unmet mitigation obligations such as fish losses associated with the John Day and The Dalles dams and increasing avian and piscivorous fish predation. Rights Protection Implementation funding takes on even greater importance as funding for State co-management agencies has become inconsistent or decreased.

##### **b. Columbia River-In Lieu Sites Law Enforcement**

Public safety is a high priority for CRITFC and our member tribes. Our conservation and criminal enforcement officers are the cornerstone of public safety in the heavily used Columbia River Gorge area, patrolling 150 miles of the river and its shorelines in Oregon and Washington.

<sup>1</sup> The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory

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 fisheries. CRITFC's officers possess BIA Special Law Enforcement Commissions to enhance protection and service to tribal members and federal trust properties along the river. CRITFC entered a P.L. 93-638 contract with BIA in 2011 for enforcement services along the Columbia River. That contract provides funding for two positions. Additional appropriations were provided in FY2021 (\$1.5m), FY2022 (\$1.5m), and FY 2023 (\$1.575m) to enhance public safety and law enforcement services. Funding has become reoccurring, and this leads to the long-term stability of this public safety effort.

**c. Columbia River-Fishing Access Site Operations**

A federal commitment to provide O&M funding was established under a 1997 MOU between the U.S. Army Corps of Engineers and BIA and assigned to CRITFC in 2003. This O&M need was funded in FY 2022 and FY 2023 at \$1.7 million. This base O+M funding is very important to the health and safety of our treaty fishers as they access the Columbia River in exercise of their treaty reserved fishing rights.

**d. U.S. Canada Pacific Salmon Treaty**

In response to declining salmon populations and pending treaty fishing rights litigation, the U.S. and Canada forged the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions.

The Pacific Salmon 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 expired at the end of 2018, represented a step forward in ensuring the conservation and rebuilding of the shared salmon resource. The Parties recently completed revisions to the 2008 agreement. The revised agreement calls for the implementation of additional data requirements.

For tribal participation in the Pacific Salmon Treaty, the U.S. Section has identified a continuing program need of \$6.792 million for the 25 participating tribes to implement the revised agreement. 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 and ensures that our tribal fishers receive an equitable portion of the harvestable fish numbers. Our FY 2023 recommended level for this program is consistent with the FY 2022 level and correlates with the U.S. Section's recommendation.

**e. Implementation of P.L. 116-99**

Public Law 116-99 recognized the deteriorating condition of the sites due to age and significant use and Congress authorized \$11 million to refurbish the sites in order to meet human health and safety standards. We are requesting \$5 million in FY 2024, to continue implementation of the Act. The assessment of the sites was completed in 2022 and we are conducting architecture and design and beginning construction based on the assessment findings.

**f. Youth Program Initiatives**

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. 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 relevant experiences that expand their exposure to science, technology, engineering, and math (STEM). Except for a pandemic-related pause in 2020 and 2021, CRITFC has held a week-long Salmon Camp for middle school students in collaboration with our member tribes since 2010 using limited funding resources. Adequate funding would enable the tribes to continue this program. From 2014-2017, CRITFC was able to offer paid internships and research experiences for college students interested in fisheries and natural resources, but due to a lack of funding, those opportunities are not currently available. In 2020, CRITFC acquired an estuary and near coastal observation program which we hope can provide tribal workforce opportunities in the estuary and marine environments.

**g. Columbia River Treaty Modernization**

Rights Protection Implementation supports CRITFC's participation in the Columbia River Treaty re-negotiation. The treaty-reserved rights of CRITFC's member tribes, as well as management authorities and responsibilities, are substantially affected by 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 Regional Recommendation urges modernizations by incorporating ecosystem function as a third primary purpose of the treaty. This necessary amendment would enhance the Columbia River Treaty to provide built-in principles in a pro-active, comprehensive manner rather than reacting in a piecemeal approach to individual salmon listings under the Endangered Species Act. Increased RPI funds will allow the Columbia Basin tribes to continue collaborating with the states, federal agencies, and regional stakeholders to provide technical analyses in support of the negotiations with Canada being led by the State Department.

**II. Provide Funding for Tribal Climate Resilience**

The Columbia River treaty fishing tribes are a place-based people. We have lived thousands of years on our homelands. We walk in the footsteps of our ancestors. Our place is on the specific landscape of the Columbia River. Climate-related stress was evident in 2020 in the form of historic forest fires and in 2015 with the loss of up to 400,000 adult sockeye salmon, including 99% of the sockeye returning to Idaho, due to elevated water temperatures. There must be continued funding to help the tribes collaborate with public, private, and non-profit sectors to develop and implement adaptation strategies to protect species at risk. CRITFC requests \$5 million for our four constituent tribes and CRITFC for planning and coordination development needed to continue the work of addressing the myriad of issues climate change is creating for our natural resources.

On behalf of the Columbia River Inter-Tribal Fish Commission, thank you for the opportunity to provide the Subcommittee with our funding priorities for Fiscal Year 2024.



## COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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Ron Suppah, Sr  
Chair, Columbia River Inter-Tribal Fish Commission

Ron Suppah is a member of the Confederated Tribes of the Warm Springs Reservation of Oregon. He is from the Tyghpum band, whose traditional homelands lie between the Columbia River and Mt. Hood.

Mr. Suppah attended Eastern Oregon College for three years majoring in Social Services. He then returned home and attended Central Oregon Community College from 1977 to 1978. He served on the Warm Springs Tribal Council from 2001 to 2019 and served as the tribal Chair from 2004 to 2010. He currently serves on the Warm Springs Fish & Wildlife Committee establishing tribal fishing seasons and providing direction to enhancing and restoring the aquatic habitat and watersheds important to the tribe's culturally significant species.

He practices the traditional Washat religion and hunts and fishes for feasts and special spiritual ceremonies. He began ceremonial hunting when he was 9 years old and still regularly fishes for salmon for ceremonial harvests and family subsistence.

In addition to protecting the salmon resource, he is a passionate advocate for protecting Pacific lamprey and the treaty-reserved rights the four CRITFC member tribes have to harvest them.

### Truth in Testimony Disclosure Form

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

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies Subcommittee

Hearing Date: 03/02/2023

Hearing Title :

American indian and Alaska Native public witness hearing

Witness Name: Ron Suppah

Position/Title: Chair

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Columbia River Inter-Tribal Fish Commission

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

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

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

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

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

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

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.



**False Statements Certification**

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



Witness signature

3/2/23

Date



Mr. SIMPSON. Thanks, Ron. I appreciate it.

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WEDNESDAY, MARCH 8, 2023.

**GREAT LAKES INDIAN FISH AND WILDLIFE  
COMMISSION**

**WITNESS**

**ANN MCCAMMON SOLTIS, DIRECTOR, INTERGOVERNMENTAL AFFAIRS, GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION**

Ms. SOLTIS. [Speaking native language.] I am Ann McCammon Soltis. I am the director of intergovernmental affairs with the Great Lakes Indian Fish and Wildlife Commission, or GLIFWC as we call ourselves. The chair of our board, Jim Williams, who also is the chair of the Lac Vieux Desert Band of Chippewa, regrets that he could not be here today to speak to you, but I appreciate the opportunity to testify. So my testimony is going to focus on rights protection implementation within the BIA's budget and the Great Lakes restoration initiative within the EPA's budget, two very important line items to us.

As you might recall from our testimony in previous years, we are an inter-tribal natural resource agency of 11 tribes that have reservations in what is now Michigan, Minnesota, and Wisconsin. These tribes sold or ceded tens of millions of acres of land in those States through treaties with the Federal Government in the mid-1800s. In exchange, they reserved their right to continue to live their life way on those lands by hunting, fishing, and gathering within the ceded territory. Court cases in the late 20th century reaffirmed the right of our member tribes to govern their members in the exercise of their rights by passing their own laws and enforcing those laws against tribal members into tribal courts. Because the rights are shared by multiple tribes, they created GLIFWC in 1984 to help ensure that Federal court orders were being properly implemented through intertribal coordination, cooperation, and management. Our full-time staff numbers around 75, doubling with part-time help during the spring fishing season when they take all those very tasty walleye. [Laughter.]

Ms. SOLTIS. We have conservation officers that patrol the ceded territory and cite tribal members into tribal courts for violations of tribal law. We employ biologists, public information staff, and experts in language and traditional knowledge, and this traditional knowledge really embraces a world view in which all beings, humans and non-human, are interdependent, related, and deserving of our respect, and I think you have heard that from many of the panelists who have spoken today. GLIFWC appreciates the bipartisan support that our programs have received from this subcommittee over the past 30 years. We believe that our programs are a good use of taxpayer dollars, one that is efficient, effective, and takes place at the most local unit of government that is appropriate, which is the inter-tribal level.

We greatly appreciate the increase in RPI funding that we received in 2023, and as we committed to do in our testimony last year, we have used the increase to bring our pay scale up from the

2018 GS level to the 2023 GS level, which is wonderful. Unfortunately, we still can't afford to pay our employees at salaries commensurate with their State and Federal counterparts, and unfortunately, this led to us being able to not fill three conservation officer positions, which is 17 percent of our conservation officer workforce. We did not receive any qualified candidates, which was unfortunate, and we really attribute that to the fact that we just can't match the salaries that they can get at the DNR or at the Fish and Wildlife Service, but any increase that Congress might choose to provide for us would go toward remedying that situation. And I would just note we do not get any separate law enforcement funding. It all comes through our rights protection implementation budget, so that is really the only source that we have for law enforcement.

I worked with Federal agencies for, well, as you can see by the color of my hair, 30 years now, and, really, I think it is kind of an unprecedented time right now in many Federal agencies' commitment to listen to tribes, and to talk with tribes, and to consult with tribes, and to take things like traditional knowledge seriously. I think there are tremendous opportunities right now to advance tribal interests and really engage the Federal Government, but I keep saying to people it is a little bit like trying to drink from the proverbial fire hose. There are a lot of Federal agencies that have a lot of people working for them, and we have got 75.

We are very thankful that our RPI base budget has allowed us to embrace those opportunities as much as we can—we are doing our best—and expand on them by educating agencies about tribal culture, world view, and knowledge. And, you know, those perspectives benefit everybody, not just tribal members. The benefits of our programs go beyond just tribal membership in other ways. Our conservation enforcement staff are often called on as members of our local and very rural enforcement community to rescue stranded ice fisherman, and to search for missing people, and to do all those things that, you know, all law enforcement agencies are called upon to do when you don't have a lot of them, and they are spread pretty thin.

The other program I would like to briefly address, though, is the Great Lakes Restoration Initiative, which it would be hard to overstate the importance of that program to our member tribes that have treaty rights in the Great Lakes. This committee has been very supportive of, and we have worked with EPA staff to develop and implement a distinct tribal program, the DTP, as we call it, that directs funding to EPA for further distribution to the tribes through Self-Determination Act contracting mechanisms, which has been really huge. This increased the flexibility that our member tribes have and provided certainty. We would just like to ensure that as the GLRI receives increases, so does the DTP. EPA has been a very committed and willing partner that has provided those increases, and we just want to ensure that they are codified so that they are not at the whim of one particular person.

I see that my time has run out, so I will just say Meegwetch. Thank you for listening to me, and I appreciate the opportunity.

[The statement of Ms. Soltis follows:]

**GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION**

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[www.glifwc.org](http://www.glifwc.org)**• MEMBER TRIBES •**

MICHIGAN	WISCONSIN	MINNESOTA
Bay Mills Community	Bad River Band	Fond du Lac Band
Keweenaw Bay Community	Lac Courte Oreilles Band	Mille Lacs Band
Lac Vieux Desert Band	Lac du Flambeau Band	
	Red Cliff Band	
	St. Croix Chippewa	
	Sokaogon Chippewa	

**FY 2024 TESTIMONY – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY****HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES****JAMES G. THANNUM, ACTING EXECUTIVE ADMINISTRATOR****GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)****1. DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, OPERATION OF INDIAN PROGRAMS**

- a. **TRUST-NATURAL RESOURCES MANAGEMENT, RIGHTS PROTECTION IMPLEMENTATION (RPI)** No less than the **\$49,200,000** provided in FY 2023 and a proportionate share for **GREAT LAKES AREA RESOURCE MANAGEMENT**.
- b. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM (TM/DP):** At least the **\$18,544,000** provided in FY 2023 and the TM/DP requests of GLIFWC's member tribes.
- c. **TRUST-NATURAL RESOURCES MANAGEMENT, FISH/WILDLIFE/PARKS PROGRAM:** At least **\$23,699,000** the amount provided in FY 2023.

**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.<sup>1</sup>

**2. ENVIRONMENTAL PROTECTION AGENCY**

- a. **ENVIRONMENTAL PROGRAMS AND MANAGEMENT, GEOGRAPHIC PROGRAMS, GREAT LAKES RESTORATION:** At least **\$368,000,000**, including no less than **\$20,900,000** for the Distinct Tribal Program (DTP).
- b. **STATE AND TRIBAL ASSISTANCE GRANTS, CATEGORICAL GRANTS, TRIBAL GENERAL ASSISTANCE PROGRAM:** At least **\$74,750,000**, the amount provided in FY 2023.

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

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

<sup>1</sup> 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 2024 FUNDING REQUEST HIGHLIGHTS**

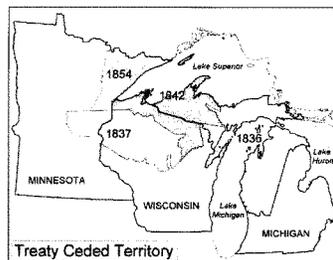
1. Should Congress provide an increase to the RPI line item, GLIFWC's top funding priority would be to adjust the overall grades/steps of current and incoming employees. With the increase provided in FY 2023, GLIFWC was able to match the FY 2023 GS scale, however GLIFWC is still unable to compensate its employees at rates similar to their state and federal counterparts, and this is hindering its ability to attract candidates for open positions. GLIFWC was recently unable to fill 17% of its conservation officer force due to this pay discrepancy. Annual RPI increases are needed to keep pace with the federal scale so that no such shortfall occurs again.
2. Great Lakes Restoration Initiative funding of no less than \$368,000,000, as provided in FY 2023, with an increase to the Distinct Tribal Program (DTP) to at least \$20,900,000, the amount EPA has committed to provide in FY 2023.
3. Full funding for contract support costs, as required by the ISDEA Act.
4. Sufficient funding in the Tribal Management and Development line item for GLIFWC's member tribes to fulfill their needs for reservation-based natural resource programs and to fund the Circle of Flight wetlands program.

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

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

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

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



<sup>2</sup> 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.

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

GLIFWC and its member tribes thank Congress, and particularly this Subcommittee, for its continuing support of these treaty obligations and its recognition of the ongoing success of these programs. GLIFWC's FY 2024 funding request includes two main elements:

**1. BIA RIGHTS PROTECTION IMPLEMENTATION/GREAT LAKES AREA MANAGEMENT (WITHIN THE RPI LINE ITEM):** No less than **\$49,200,000**, which was the amount provided for RPI in FY 2023. The five treaty commissions have estimated the cost of full implementation of the court orders governing their treaty-reserved rights at, collectively, no less than \$66,000,000. The overall FY 2023 increase of \$3,513,000 is greatly appreciated. GLIFWC continues to support allocating increases to the RPI line item among the treaty commissions in the historically proportionate amounts, regardless of additional directed funding. As we stated in our testimony before this Subcommittee last year, GLIFWC's top priority with any increase to RPI funding was to compensate its employees at a rate commensurate with colleagues in other agencies. With the FY 2023 increase, GLIFWC was able to adjust its pay to the FY 2023 pay scale. However, the funding discrepancy is still significant. GLIFWC estimates that it would need an increase of approximately \$963,000 to fully adjust its compensation structure.

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 governmental level most appropriate to most effectively implement federal court orders and to protect and restore the natural resources on which the treaty rights are based. GLIFWC continues to support allocating any increase to the RPI line item among the treaty commissions in the historically proportionate amounts.

GLIFWC's holistic approach to protecting treaty rights and the natural resources that support them requires that we undertake a variety of activities that promote tribal lifeways and inform natural resource management activities. These include scientific, technical and policy analyses, promotion of healthy foods, and language revitalization. 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.

**2. EPA GREAT LAKES RESTORATION INITIATIVE: \$368,000,000. DISTINCT TRIBAL PROGRAM (DTP): \$20,900,000.** GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) as an important non-regulatory program that enhances and ensures coordinated governance in the Great Lakes, fulfillment of international agreements, and substantive natural

resource protection and restoration projects. GLIFWC supports the continuation of GLRI funding at no less than \$368 million.

GLIFWC continues to appreciate the directive that EPA should follow the guidance in House Report 117-83, which directs the EPA and other federal agencies to fund tribal activities at not less than \$15 million. The DTP has proven to be a successful program, and an increasing number of tribes are participating. This is in part because the EPA and the BIA have proven to be engaged and cooperative partners with tribes throughout the implementation of the DTP. However, the DTP should include some insurance of predictability when funding is increased. We ask that Congress provide direction to the EPA to direct no less than 5% of total GLRI funding to the DTP, never to fall below the \$15 million base.

#### **RESULTS AND BENEFITS OF GLIFWC'S PROGRAMS**

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

Ann McCammon Soltis is an Attorney and the Director of the Division of Intergovernmental Affairs with the Great Lakes Indian Fish and Wildlife Commission in Odanah, Wisconsin. She has provided legal and policy analysis to GLIFWC and its member tribes for 30 years on treaty rights implementation and environmental protection issues. She received her undergraduate degree in Biology from Lawrence University and her law degree from the University of Minnesota Law School.

### Truth in Testimony Disclosure Form

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

Committee: Appropriations

Subcommittee: Interior, Environment, and Related Agencies

Hearing Date: 03/08/2023

Hearing Title :

American Indian/Alaska Native Public Witness Hearings

Witness Name: Ann McCammon Solits

Position/Title: Director, Division of Intergovernmental Affairs

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Great Lakes Indian Fish and Wildlife Commission

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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

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

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

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

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

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

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

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

**False Statements Certification**

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

\_\_\_\_\_

Witness signature

3/2/23

Date

Mr. SIMPSON. Thank you, Ann.

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WEDNESDAY, MARCH 8, 2023.

**JAMESTOWN S'KLALLAM TRIBE**

**WITNESS**

**W. RON ALLEN, CHAIRMAN AND CEO, JAMESTOWN S'KLALLAM TRIBE**

Mr. ALLEN. Thank you, Mr. Chairman, committee members, and thank you for the opportunity. So I am Ron Allen. I am the chair for the Jamestown S'Klallam Tribe, located about 60 miles west of Seattle. I come here carrying a couple of different hats that are critically important to us.

Mr. SIMPSON. One of those hats better be that salmon are great. [Laughter.]

Mr. ALLEN. I am a commissioner representing the 25 tribes that are part of the U.S.-Canada Pacific Salmon. Our charge is to manage the harvest management from Alaska through British Columbia, trying to get by a few dams up the Snake River. You might have heard about them.

Mr. SIMPSON. Yeah.

Mr. ALLEN. So it is a very challenging job for our tribes to engage with our State counterparts, our Federal counterparts, and, of course, our Canadian counterparts. It is a very complicated world for us in the models that we have to model, the way we have to analyze the status of the stocks, et cetera, to come up with who gets to catch what and how much, all up and down the coast. And so what we are asking for in that venue is that in the rights protection, there are about \$7.1 million for the 25 tribes to do our job with regard to that international forum. And so we are urging that that get bumped up to \$8 million to help us deal with the complicated issues, including, really, in the very near future, we will be re-negotiating these annexes in the chapters that oversee all the species, from chinook, coho chum, sockeye, et cetera. So that is a very challenging job for us.

I do want to say as the chairman, we fully support the National Congress of American Indians and National Indian Health Board, Affiliated Tribes. They all made strong recommendations to you categorically across the Indian programs for Interior and over in IHS. So we deeply appreciate their recommendations. I also am the chair of the BIA Interior TBIC Tribal Advisory Committee, so all these conversations that you heard from your previous panels, whether it is road maintenance, public safety issues, natural resource management, all the issues that the Bureau of Indian Affairs has to manage helping tribes elevate their sovereignty and their self-governing authority. So they are very important agendas for us.

One of them is an initiative that has been active now for 30 years. It is called the Self-Governance Movement, and self-government is about the tribes negotiating their fair share of Federal systems and taking over those Federal functions and moving out into our backyard so that we can manage those limited dollars that tribes receive from the Federal Government, from the Bureau of In-

dian Affairs, or Indian Health Service, and make them more successful. The monies that go into the program that manages that program is called the Self-Governance Office. It is inside the executive section of the budget. And so we would like to get a special line item for it because it covers a lot of responsibilities to administer the 388 tribes that are actually currently participating and growing every year. So that is a huge issue for us, and we urge you to seriously consider that.

We fight for those monies, you know, in terms of administering it. We are in the middle of negotiating the negotiated rulemaking for PROGRESS Act, which extends the Title IV to be consistent with Title V. Title V is IHS, and, unfortunately, when that was passed, COVID happened and we end up with this problem in terms of that the authorization in that act to negotiate rulemaking, and we are hopeful that you might be able to help us solve that problem. All we are looking for is an extension. It is very complicated, every one of those sections of the regulation, so that would be very helpful for us as we move that agenda forward. We are making decent progress, but April 21 is when the authorization of the administration ceases, and we need to fix that and move that agenda forward. But the self-governance line item is a critical issue for us as well.

The last thing I want to emphasize is Fish and Wildlife, and, you know, I listen to the Great Lakes tribes talking about, you know, the Fish and Wildlife and the challenges. My tribe happens to be currently negotiating a refuge from Fish and Wildlife, and it is becoming very successful. So it is actually in our backyard, right in front of our village, and we want to take it over because we feel that we are as good as a steward as anybody out there, including Fish and Wildlife. And so there are lots of examples of that. There is an example in Minnesota. There is an example in Kawerak up in Alaska, and my tribe is joining that effort, the Bison Range over in Montana with the Salish and Kootenai. And so that line item that administers those programs, the refugee, et cetera, we really do need some help so that we can, as we negotiate it, we also negotiate the share of administering and managing those refuges, and so it is a critical issue for us.

The administration currently is advancing this co-management, co-stewardship, which is consistent with our culture about, you know, we are as good as steward with the guards of nature and natural resources as anybody out there. You know, we feel that we understood conservation way before the word emerged in the Federal system, so it is a big deal to us. So looking for ways to get additional resources into that line item for that would be very helpful for us.

Outside of that, there is a long list, and you have been listening to it, you know, all day today and tomorrow. I always want to say thank you for continuing to have these hearings. We don't get these same opportunities over on the Senate side, so at least somebody is listening to us. I go back to the Sadie Yates days. I have been coming here for a lot of years, and so I just appreciate these opportunities. Thank you, Mr. Chairman.

[The statement of Mr. Allen follows:]



Written Testimony of  
**THE HONORABLE W. RON ALLEN, TRIBAL CHAIRMAN/CEO**  
**JAMESTOWN S'KLALLAM TRIBE** submitted to the  
 House Appropriations Subcommittee on Interior, Environment and Related Agencies  
**“2024 Appropriations Testimony for U.S. Fish and Wildlife Service, BIA, BIE, and IHS”**  
 March 8, 2023

On behalf of the Jamestown S'Klallam Tribe, I am pleased to submit this written testimony on our funding priorities and requests for Fiscal Year 2024 for U.S. Fish and Wildlife Service (FWS), Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and the Indian Health Service (IHS) budgets. We continue to urge Congress to provide robust investments in Tribal programs and services to ensure Tribes are empowered with the tools and resources needed for effective and efficient governmental operations; a critical prerequisite to achieving Tribal self-sufficiency.

Congress can further Tribal Self-Governance and support strong Tribal governments, economies, and communities by enacting measures that address the structural deficiencies across the Federal system. To include, providing mandatory funding for all Tribal programs and services, requiring the Administration to submit an annual estimate of the total cost to fully fund trust and treaty obligations, break down the funding silos and allow funding from all Federal agencies to be allocated through Self-Governance compacts and funding agreements, provide direct funding to Tribes, increase funding for base and recurring programs instead of grant programs, and empower Tribes with maximum flexibility to improve programmatic outcomes.

**Tribal Funding Priority for the U.S. Fish and Wildlife Service, DOI**

1. **\$712 Million Operations and Maintenance Funding for the National Wildlife Refuge**
2. **\$100 Million State and Tribal Wildlife Grants**

**1. \$712 Million - National Wildlife Refuge (NWR) Fund** - A significant investment of at least \$712 million in Operations and Maintenance funding for the NWR is needed to meet our shared mission and goals and to begin to address a range of critical services, including wildlife and habitat management, conservation planning, conservation law enforcement, infrastructure, maintenance and repairs, and visitor services. Encompassing over 850 million acres, the NWR is the largest and most diverse network of conservation lands and waters in the world. There are 568 NWR across the United States and these lands and waters are comprised of critical ecosystems that serve as habitat for hundreds of rare, threatened, and endangered species of fish, animals, and plants. However, chronic underfunding and understaffing has undermined the ability of the FWS to fulfill its core mission.

Our Tribe has a strong interest in ensuring the health and vitality of the NWR ecosystems. The Dungeness National Wildlife Refuge (DNWR) is part of the Jamestown S'Klallam Tribe's ancestral homelands. Our Tribal villages were located along the shoreline and we continue to

use and inhabit the Dungeness as we have done since time immemorial. Jamestown has significant historical, cultural, and spiritual connections to these lands and waters and this area is critical to the preservation of our oral history, creation stories, language, ceremonies, and culture. We have an obligation to protect these lands and waters for our future generations which is why we are partnering with the FWS by entering into a Co-stewardship Agreement. Tribal Nations have developed comprehensive approaches to implementing programs and services at the local level using holistic techniques, innovative solutions, and partnerships that have proven successful in leveraging the Federal dollar to yield a higher return on the investment.

**2. \$100 Million - State and Tribal Wildlife Grants Program** - The State and Tribal Wildlife Grant Program (STWGP) funds foster strong partnerships between Federal, State, and Tribal Governments as well as, Private and Non-Profit entities. These partnerships pool resources to enable wildlife professionals to implement conservation techniques that benefit over 12,000 at risk species. We request that Congress appropriate \$100 million to support this grant program.

**Tribal Top Three Priorities and Recommendations for the BIA/BIE and IHS:**

1. **Advanced Appropriations for Tribal Programs and Services**
2. **Mandatory Appropriations for Section 105(l) Leases and Contract Support Costs**
3. **Increase Funding for Tribal Base Budgets**

**Advance Appropriations for Tribal Programs and Services** – We are grateful that Congress enacted Advanced Appropriations for the Indian Health Service for FY2024; however, we now urge Congress to make Advanced Appropriations for the Indian Health Service permanent and to extend advanced appropriations to the Bureau of Indian Affairs and the Bureau of Indian Education. Providing appropriations one year in advance for the BIA, BIE and IHS will mitigate the adverse financial effects of Federal budgetary uncertainties and allow Tribes to engage in more effective strategic planning, spend funds more efficiently, grow our Tribal economies and businesses and increase the quality of care and well-being of our Tribal citizens and communities.

**Reclassify Discretionary Spending for Section 105(l) Leases and Contract Support Costs (CSC) to Mandatory** – Separate, indefinite accounts were established to support Section 105(l) leases and CSC but have resulted in the unintended reduction of funding for critical Tribal programs. Funding for 105(l) leases and CSC should be reclassified as mandatory funding to prevent programmatic decreases. In addition, we urge Congress to take legislative action to clarify its intent that space used to provide services within the scope of the ISDEAA to any patient is compensable under 105(l). Many Tribes are the only healthcare providers in their rural communities and the only ones who will accept Medicare and Medicaid patients. Tribes generate third party revenue by serving these individuals as authorized under Section 813 of the IHCA and this money in turn is used to provide healthcare to their own citizens. The IHS, however, has adopted a policy that denies compensation to Tribes for the portion of their healthcare facility that the agency decides serves non-beneficiaries even though Congress authorized such services under Section 813 of the IHCA.

**Increase Funding for Tribal Base Budgets** – Tribal Priority Allocations (TPA) and Recurring Programs are consistently identified as funding priorities by the Tribal Interior Budget Council (TIBC) because they provide core funding that supports critical government programs and services. Flexibility in the use of funds to support local needs is an important aspect of this funding. TPA and Recurring Program funding provides security and certainty for Tribes rather than funding provided through grant dollars. There has been a growing trend among agencies to fund Tribal programs and services with grant dollars rather than providing base and recurring funding. Grant funding is incongruent with the trust and treaty obligations.

**Tribal Priorities, National & Regional Requests and Recommendations for the BIA:**

- 1. Trust Natural Resources/Treaty Rights/Habitat Restoration/Climate Resiliency**
  - **\$60 million BIA Rights Protection Implementation**
  - **\$17.1 million Western Washington Fisheries Management**
  - **\$10 million Wildlife & Parks Program TPA**
  - **\$35 million BIA Climate Resilience**
- 2. Human Services**
  - **\$70 million Social Services**
  - **\$100 million Welfare Assistance**
  - **\$30 million Indian Child Welfare Act**

**\$60 million – BIA Rights Protection Implementation** – Rights Protection Implementation is essential to preserve our Tribal treaty rights through resource management activities. The Federal investment in our trust natural resources serves two primary purposes: (1) It allows us to fulfill our environmental stewardship responsibilities through the protection and restoration of the ecosystems and habitats of our Tribal homelands and waters through sustainable conservation policies and practices; and (2) it fosters Tribal self-sufficiency by allowing us to grow our economies and cultivate partnerships with state and local governments and other entities. It also allows us to create jobs for our Tribal citizens and community members and promotes and advances trade of our marine resources in local, regional, national, and international markets.

**\$17.1 million – Western Washington Fisheries Management** – This critical funding supports Tribal co-management activities of our treaty resources with the State of Washington. This funding is critical to support day to day activities and monitoring of endangered habitat and fish stocks. Increased commercial and recreational activities coupled with the severe consequences of climate change has increased the urgency and costs associated with protecting our treaty resources. The vitality and sustainability of our natural resources is integral to the health and welfare of our Tribal citizens, communities, culture and religious practices and economies.

**\$15 million - Wildlife and Parks-** Aquaculture allows us to demonstrate best practices in restoring our waterways, producing more seafood to alleviate food insecurity, combining our Tribal ecological knowledge with advanced technology in marine science to address endangered species concerns, and create economic opportunities while at the same time protecting the environment and preserving our cultural heritage and traditional practices. This funding supports our hatchery operations that harvest salmon, oysters and other fish and shellfish stocks. Our Tribal culture and traditions, ceremonies and subsistence are dependent on the survival of these species.

**\$35 million - BIA Climate Resilience** – Climate resilience funding is essential to restore ecological functions, healthy habitats, and protect our resources. Our Tribal Treaty Rights are at risk. Climate change is having a profound impact on Tribal communities, lands, resources and infrastructure and degradation of our natural environment is happening faster than we can restore it in the Northwest.

**\$200 million - Human Services/Social Services/Welfare Assistance/ICWA** – Funding for our social service programs is an investment in our most important resources, our elders, our children, and our Tribal families. American Indian/Alaska Native children have a unique legal status as citizens of Tribal governments and the Indian Child Welfare Act (ICWA) provides safeguards to maintain Tribal and family connections and relationships. We lead our citizens down the path of self-sufficiency by developing their leadership skills, educational skills, job skills, and fostering their health and well-being in a culturally appropriate way. The return on this investment is measured by the increased number of Tribal citizens and descendants entering higher education and earning degrees, the composition of our growing workforce with over 80% comprised of Tribal citizens, descendants, and other Natives, participation in cultural preservation classes that instill a sense of pride in our people to create marketable products that are sold through the Tribe's retail outlet.

**Tribal Priorities, National and Regional Requests and Recommendations for the IHS:**

1. **\$2.9 billion to Support Current Services**
2. **\$1 billion for Purchased and Referred Care**
3. **\$82 million for Behavioral Health Mental and Alcohol and Substance Abuse**

**\$2.9 billion - Support Current Services** – The Federal trust obligation requires significant investment in Tribal healthcare systems. To maintain current services, factors such as the inflationary rate, pay costs, contract support costs, population growth and staffing needs for recently constructed facilities all need to be fully funded. When these mandatory factors are not funded, Tribes must supplement programs with their own limited revenue, or chose between limiting services or shutting down services completely.

**\$1 billion - Purchased and Referred Care (PRC)** - PRC funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation, and medical support services, such as diagnostic imaging, physical therapy, laboratory, nutrition, and pharmacy services. PRC funds are extremely important to the Portland Area Tribes because the Portland Area lacks hospitals and specialty care centers, so Tribes in the Northwest are forced to turn to the private sector to fulfill this need.

**\$82 million - Behavioral Health Mental and Alcohol and Substance Abuse** –The Jamestown Healing Clinic will provide a holistic approach to treatment for those who suffer from opioid use disorders through the provision of wrap-around services, to include, primary care, dental services, transportation to and from the clinic, employment, housing, and other associated needs.

The Jamestown S'Klallam Tribes supports the National and Regional Tribal Organizations requests for FY 2024. Thank you.



**Bio for W. RON ALLEN,  
TRIBAL CHAIRMAN/CEO JAMESTOWN S'KLALLAM TRIBE**

As the Tribal Chairman, (serving 1977-present), Ron Allen is responsible for representing the Tribe as the elected leader and for addressing political and policy issues and/or positions at the national, state and local levels. As the Chief Executive Officer (CEO) (serving 1982-present), he is also responsible for the executive administration of all the Tribe's programs including education, career development, social services, housing, health, economic development, natural resource management, and cultural/traditional affairs.

As Tribal Chairman/CEO, he is responsible for leading the Tribe from a zero-resource base in 1982 to a current annual budget level of over \$150 million; and from a landless reservation base in 1982 to a land base of over 2,000 acres without Federal assistance. Additionally, he has grown the Tribal business portfolio through the establishment of several Tribal Enterprises, to include, Seven Cedars Resort Casino, The Cedars at Dungeness Golf Course, Northwest Native Expressions Art Gallery, Jamestown Family Health Clinic, Jamestown Family Dental Clinic, Jamestown Seafood, Inc., JKT Development Inc., Jamestown Excavating, Jamestown Networks, Longhouse Market and Deli; Cedar Greens Cannabis, and Carlsborg Self Storage.

Chairman Allen, throughout his amazing forty-six year term, has held numerous appointed and elected advisory positions under both White House party leaderships including the Departments of Interior, Health and Human Services, Treasury, Justice and State. In addition, he has received a plethora of awards and recognitions from his peers on the National and Regional Tribal platforms and organizations for his service and advocacy on treaty rights and trust obligations to American Indian and Alaska Native people by the United States.

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Committee: House Committee on Appropriations

Subcommittee: Interior, Environment and Related Agencies

Hearing Date: March 08 2023

Hearing Title:

American Indian and Alaska Native Public Witness Days: FY2024 Appropriations program funding requests for the Bureau of Indian Affairs (BIA), Bureau of Indian Education(BIE) and Indian Health Service(IHS)

Witness Name: W. Ron Allen

Position/Title: Chairman, Jamestown S'Klallam Tribe

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

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

Jamestown S'Klallam Tribe

**FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

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[Redacted Signature]

Witness signature

3/3/20 \_\_\_\_\_

Date

House Committee on Appropriations

Mr. SIMPSON. Thank you. I appreciate all your testimony. Ms. Pingree.

Ms. PINGREE. Thank you. I am sorry. I apologize for having to leave a little bit during your testimony but just want to reinforce that anything that has to do with salmon is important to us on the East Coast as well, and we understand really the cultural importance and economic importance of that to the tribe, and just want to say that you are extremely well represented by Mr. Kilmer, who keeps all of you in our minds as often as he possibly can.

Mr. SIMPSON. Mr. Kilmer.

Mr. KILMER. Thank you, Chairman. I just wanted to give an opportunity to Chairman Johnstone, or Chairman Allen, or both to speak a bit about two programs that get funded through this subcommittee that really matter, one the BIA Rights Protection Implementation, and two, the Puget Sound Geographic Program. I think it would just be helpful to share with the subcommittee how tribes use those dollars, why they are important, the impact that they have.

Mr. JOHNSTONE. Thank you, Congressman. I would definitely yield to Chairman Allen—

[Laughter.]

Mr. JOHNSTONE [continuing]. That is I work for, that is who we represent—

Mr. KILMER. Me, too, by the way. Me, too. [Laughter.]

Mr. JOHNSTONE. I will be happy, you know, to help, you know, that conversation, but it is hugely important. Number one is the salmon. We are salmon people, and I listened to the Great Lakes folks talk about walleye, how important walleye is to them. That is who they are, right? That is the fish that sustained them along with the other things that they always have had access to and lived off from. That was their subsistence as salmon is to us. That is who we are from the salmon in Puget Sound, out the Straits and the Pacific Coast, as well as what other resources they provide to us and for us.

So, you know, rights protection, Western Washington, Boldt fundamentally is the base that Congress came up with after the Boldt decision and the legislation that put us in the base. That is where we started. And back then, that was reflective of what we knew at that time in those court cases, which was U.S. v. Washington. So we built the structure around that to comply with what the judge ruled, and the conservation, and how to manage. And for years and years and years, until this committee took it up with 2010, that base had never been adjusted. We went for years and years, and for us on the Pacific Coast and Northwest, then you came along the Hoh v. Baldrige. Hoh v. Baldrige talked about river by river, run by run, and sustainability, but no funding.

And then you get the Pacific Salmon Treaty that is that recognition between Canada and the United States to bring our fish back to those rivers, run by run, accountability to catch all the methodologies as we have gone forward. What the Coded Wire Tagging Program means to us, all of that data collection identified where our fish are caught, by whom, and when, as Ron talks about. And then you come to Rafidi in 1992, another case for our shellfish but does not come with implementation dollars. In 2010, this com-

mittee upped it by—I can't remember—\$10 million? Ten million dollars. And then that goes to all the treaty areas and how that is applied, and we did what we did internally at Fish Commission with the member tribes to help step that up.

And you saw these duties and responsibilities in these graphs, and then you saw the inflationary dollars, you know, going this way, and so those lines went up. Well, they were going down, and so increases are over the long term. I heard what we are talking about. We can't just do this overnight, but with your help, we have been able to make some steady gains, so critically important, same way as in Puget Sound with the multiple amounts of funding that we connect to recovery of salmon in Puget Sound, the Geographic Program, and then through Puget Sound Partnership, all of these different cells that we work together with, moving towards recovery of salmon, recovery of the watersheds to support the recovery of the salmon.

You know, we are heavily embedded in climate scientists. We recognized that as an organization over a decade ago, hired a climate scientist. Then working through Congress and through, you know, even State legislative process to put together climate adaptation plans, and they thread all the way into this management. They thread all the way into the recovery plans. I mean, they are very vital and very important. And as we go more in that direction of trying to figure out the work that we were doing under the old before climate really became apparent and really is pressing on us now to do more to react, and so much is required in data. I mean, it is all embedded in our written testimony. Most all of them intersect. I mean, harmful algae bloom in the oceans. Ocean is too warm, can't harvest. You know, you have to test all the time. They all are threaded together.

Mr. KILMER. Thank you. Thanks.

Mr. SIMPSON. Thank you. I didn't ask any questions because I didn't want to get off on salmon. [Laughter.]

That is something I have been obviously interested in the last several years, and those of you from the Pacific Northwest know that we put out, oh, about 3 years ago, a Columbia Basin Initiative to try to restore salmon runs. Idaho salmon runs particularly interest me because I am from Idaho obviously, but they are going to go extinct if we don't do something. And we started off by saying, you know, there has got to be a way to save these dams on the Columbia River and are on the Lower Snake River and still save the salmon. We couldn't find one. We couldn't find anything that we had not tried, you know? We have tried everything in the world to try to save these dams and still save these salmon runs, and they continue to decline. And we came to conclusion the only way, as many fish biologists, as all the tribes have, as have many other people, that the only way you are going to save these salmons is to remove these dams. That gets a little controversial.

And we took a political risk and put out our plan, and said, you know, let people look at it, and it started a conversation, and it has got to continue, in the Pacific Northwest about how we are going to save them, because some of the tribes are looking at it as, well, you are talking only about the Idaho salmon runs. Well, we expanded it that we have got to improve salmon runs throughout the

Pacific Northwest. We had money in there and programs in there for Puget Sound. We had, you know, for different river basins, whether they were the John Day or the Yakima, and that kind of stuff. We got to improve them always, but everybody says to me, well, we got to improve the habitat. We are not only taking on dams. We just got to improve the habitat.

Idaho has some of the best pure habitat for salmon in the world, in the lower 48 for sure. It is high elevation, cool waters, and all that kind of stuff. Could we improve the habitat at some point? Probably. That is not what we need because you can have the best habitat in the world. If the fish can't get there, it doesn't matter. I actually had a guy say to me, this guy worked for the Army Corps of Engineers, say to me that, well, do you know it is the dams that are causing these salmon to go extinct. I said because if you look at the recovery rates of the John Day or the Yakima, the fish that go to Idaho then have to go over four more dams. The only difference is they go over four more dams, and their SARRS rate drops to squat, to extinction levels. And he says, well, maybe it is not the dams. I said what else is it? He said, it could be the distance they have to swim, and I said to him, so what you are telling me is, like, in 1940 or 1950 when they had hundreds of thousands of fish coming back, somehow those fish knew a secret path that they had to swim less distance than these do now. Well, maybe that wasn't smart. [Laughter.]

Everybody is looking for an excuse, but some time we are going to have to face it, and if nothing else, we started a discussion in Pacific Northwest about what are we going to do about this. So I appreciate all of your work on it. To me, it is the most important issue that I have been working on in Congress in the 24 years I have been here, so I look forward to working with you.

Mr. ALLEN. If I might, Mr. Chairman, yes, we agree with you. It is the four H's.

Mr. SIMPSON. Yeah.

Mr. ALLEN. It is the hydro. It is the habitat.

Mr. SIMPSON. Yep.

Mr. ALLEN. It is the harvest management. It is the hatcheries.

Mr. SIMPSON. Yep.

Mr. ALLEN. They have to be advanced in balance——

Mr. SIMPSON. Yep.

Mr. ALLEN [continuing]. In order to save this particular set of species for the Northwest, from Idaho, all the way north to Alaska.

Mr. SIMPSON. Yep.

Mr. ALLEN. And we agree with you.

Mr. SIMPSON. But if you look at Puget Sound, it is not dams that are challenged for salmon in the Puget Sound.

Mr. KILMER. Habitat.

Mr. SIMPSON. It is other things. It is habitat and stuff. So, you know, you are right. It is all of them——

Mr. ALLEN. Yes.

Mr. SIMPSON [continuing]. That we got to address.

Mr. ALLEN. Imbalance, and your initiative is a very aggressive one, but it can be done.

Mr. SIMPSON. Yeah, appreciate it. Thank you all for being here today. I look forward to working with you on walleye and salmon. [Laughter.]

That concludes our testimony for today, so we will restart tomorrow morning at—

VOICE. Nine a.m.

Mr. SIMPSON [continuing]. 9:00 a.m. with the second day. So thank you all for being here.

The committee is adjourned.

## WITNESSES

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	Page
Assiniboine and Sioux Rural Water Supply System (Ashleigh Weeks) .....	128
Assiniboine and Sioux Tribes of the Fort Peck Reservation (Floyd Azure) .....	137
Association Of Community Tribal Schools (ACTS) (Tom Miller) .....	36
Columbia River Intertribal Fish Commission (Ron Suppah) .....	320
Confederated Salish and Kootenai Tribes of the Flathead Reservation (CSKT) (Carole Lankford) .....	118
Fond du Lac Band of Lake Superior Chippewa (Kevin DuPuis) .....	281
Fort Belknap Indian Community (Jeffrey Stiffarm) .....	107
Fort Hall Business Council of the Shoshone-Bannock Tribes (Donna Thompson) .	215
Gila River Indian Community (Stephen Roe Lewis) .....	248
Great Lakes Indian Fish and Wildlife Commission (Ann McCammon Soltis) ...	330
Jamestown S'Klallam Tribe (W. Ron Allen) .....	340
Lac du Flambeau Band of Lake Superior Chippewa Indians (John Johnson) ...	270
Metlakatla Indian Community (David Boxley, Jr.) .....	159
Muscogee Creek Nation (Jonodev Chaudhuri) .....	52
National Congress of American Indians (NCAI) (Larry Wright Jr.) .....	1
National Indian Child Welfare Association (Aurene Martin) .....	200
National Indian Education Association (NIEA) (Tesia Zientek) .....	13
Navajo Nation (Buu Nygren) .....	69
Nez Perce Tribal Executive Committee (Quincy Ellenwood) .....	234
Northern Arapaho Business Council (Keenan Groesbeck) .....	225
Northwest Indian Fisheries Commission (Edward Johnstone) .....	310
Oglala Lakota Education Coalition (OLNEC) (Cecilia Firethunder) .....	170
Oglala Sioux Tribe (Frank Star Comes Out) .....	94
Oneida Nation (Tehassi Hill) .....	260
Ponca Tribe (Oliver Littlecook) .....	60
Red Lake Band of Chippewa Indians (Darrell Seki, Sr.) .....	298
Tribal Education Departments National Assembly (TEDNA) (Laurie Harper) .	26
Ukpeagvik Inupiat Corporation (UIC) (Dr. Pearl K. Brower) .....	148
United South and Eastern Tribes (USET) Sovereignty Protection Fund (Kirk Francis) .....	80
Urban Indian Health Institute (Abigail Echo-Hawk) .....	182
White Earth Nation (Michael Fairbanks) .....	292

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