

TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS
COUNCILMAN DAVID Z. BEAN
BEFORE THE U.S. HOUSE
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
BIA AND IHS
FISCAL YEAR 2014
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Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the FY 2014 appropriations for American Indian and Alaskan Native programs. My name is David Z. Bean, Tribal Council Member for the Puyallup Tribe of Indians. The Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations including the United States in the Medicine Creek Treaty of 1854. This relationship is rooted in Article I, Section 8, of the United States Constitution, federal laws and numerous Executive Orders. The governing body of the Puyallup Tribe of Indians is the Puyallup Tribal Council, which upholds the Tribe's sovereign responsibility of self-determination and self-governance for the benefit of the 4,416 Puyallup tribal members and the 25,000 plus members from approximately 355 federally recognized Tribes who utilize our services. The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061-acre reservation is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way).

The following written testimony being submitted to the U.S. House Appropriations Subcommittee documents the Puyallup Tribe's views on the President's FY 2014 Federal Budget. On April 10, 2013, President Obama delivered his delayed FY 2014 Budget to Congress. The Budget proposal focuses on job creation and the beginning steps to reducing the nations projected deficits. Within the budget, *\$2.183 billion is provided for the Operation of Indian Programs. This represents an overall increase of \$37.2 million over the FY 2012 enacted level. For the Indian Health Services, \$5.5 billion is provided, an increase of \$116 million over the FY 2012 enacted level.* We appreciate the increased funding provided for the operation of Indian programs within the Bureau of Indian Affairs and the Indian Health Services. However, the years of inadequate funding, negative effects of inflation and the impacts of sequestration on the FY 2013 and FY 2014 funding levels will impact the Tribe's ability to fully exercise self-determination and self-governance. As negotiations proceed on the FY 2014 budget and future appropriations, efforts to ensure adequate funding is provided for the operation of Indian programs will be paramount. To preserve increased funding levels realized in recent years and contained in the proposed FY 2014 budget for the Bureau of Indian Affairs and the Indian Health Service, Congress and the Administration should view these increases as new "base funding" and be held harmless from across the board cuts to programs that have been historically underfunded. Specific issues and needs are:

Department of Interior – Bureau of Indian Affairs

Public Safety & Justice: *The FY 2014 Budget request includes \$363.4 million for BIA Public Safety & Justice. This represents a \$19.9 million increase over the FY 2012 enacted level, which is fully supported by the Puyallup Tribe. The \$96.9 million for Tribal and BIA detention and corrections funding is of great importance to the Puyallup Tribe. Within this amount, \$13.4 million increase will be directed to fund staffing, training, operations and O&M costs at newly-*

constructed tribally operated detention facilities. While this increase is supported by the Puyallup Tribe, it is of concern that current and ARRA funded facilities will remain understaffed and underfunded. The Department of Justice funded 13 tribes for the construction and/or expansion of detention facilities. According to the BIA Greenbook, five new or expanded facilities will become operational by the end of FY 2013, with additional facilities coming on-line in FY 2014. It is estimated that 291 additional staff will be needed to operate these facilities. In FY 2009, the Puyallup Tribe received a Department of Justice ARRA grant, in the amount of \$7.9 million to construct a 28 bed adult corrections facility. The Tribe has addressed all special Terms and Conditions of the Grant Award, completed facility environmental documentation, design, executed final construction contracts and performed the Groundbreaking Ceremony on March 28th, 2013. The Project will be completed and be coming on-line by the end of the 2nd Quarter of Fiscal Year 2014. Over the past four (4) years the Puyallup Tribe has been working closely with national and regional staff of the BIA-Office of Justice Services on identifying the future operating and staffing costs associated with the Puyallup Tribe's new adult corrections facility. We have submitted a P.L. 93-638 contract request to the BIA for Operations and Maintenance funding for the new facility, including Pre-Award, Start-up, Transitional funding, Staffing and O&M funding. *We are requesting support from the Subcommittee on our contract request to the BIA for O & M funding for the Tribe's Adult Corrections facility, estimated at \$3.2 million annually. Further, the Puyallup Tribe requests the Subcommittee support increasing funding for BIA Detention/Corrections by \$32.2 million to reflect actual funding need.* In addition, we have submitted a P.L. 93-638 contract request to the BIA for Tribal Court funding, including pre-award and start-up funding. In FY 2012, the BIA was able to fund only one-third of actual need of pre-award and start-up funding requests. *We continue to request support from the Subcommittee to increase Tribal Court funding at \$73.2 million, approximately an increase of three times the FY 2012 base funding. Increased funding would be used for judges, prosecutors, public defenders, probation officers, court staff and development of diversion programs designed to reduce recidivism within the tribal judicial system.*

Natural Resources Management: The Puyallup Tribe as stewards for land and marine waters in the Usual and Accustomed fish, shellfish and wildlife areas has treaty and governmental obligations and responsibilities to manage natural resources for uses beneficial to the tribal membership and the regional communities. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Native and non-Native fishermen and surrounding communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington with an obligation to manage production of anadromous, non-anadromous fish, shellfish and wildlife resources. Existing levels of support are inadequate to reverse the trend of resource/habitat degradation. For FY 2014, *\$9.613 million is provided for BIA Western Washington Fisheries Management, a small increase over the FY 2012 enacted level of \$8.256 million.* As the aboriginal owners and guardians of our lands and waters it is essential that adequate funding is provided to allow Tribes to carry-out our inherent stewardship of these resources. The Puyallup Tribe will continue to secure increased funding for Hatchery Operations and Maintenance. The President's FY 2014 budget contains \$6.842 million for Tribal Hatchery Maintenance, compared to the FY 2012 enacted budget of \$4.83 million and \$1.85 million for Tribal Hatchery Operations, compared to the FY 2012 enacted budget of \$1.6 million. *The Puyallup Tribe supports the President's FY 2014 funding requests for Tribal Hatchery Operations and Maintenance.* The Timber, Fish and Wildlife (TFW) Supplemental and U.S./Canada Pacific Salmon Treaty programs has allowed for

the expansion of tribal participation in the state forest practice rules and regulations and participation in inter-tribal organizations to address specific treaties and legal cases, which relate to multi-national fishing rights, harvest allocations and resource management practices. *We request the Subcommittee to support providing funding for the T.F.W. at the President's FY 2014 request of \$3.082 million and U.S./Canada Pacific Salmon Treaty program funding at \$4.844 million, an increase of \$640,000 above the FY 2012 enacted level.* The Puyallup Wildlife Management program has been the lead agency in management activities to benefit the South Rainier elk herd since 2004. The South Rainier elk herd is the primary stock of elk harvested by the Puyallup Tribe. The Tribe has not only established more reliable methods for population monitoring, but has also been proactive in initiating habitat enhancement projects, research and land acquisition to ensure sustainable populations of elk for future generations. Funds that are available to the Tribe have been on a very competitive basis with a limited amount per program via USFWS Tribal Wildlife grants and the BIA Unresolved Hunting and Fishing Rights grant program. *We request the Subcommittee to support providing base funding to the Tribes Wildlife Management Program in the amount of \$100,000 through the BIA Unresolved Hunting and Fishing Rights program in FY 2014 Appropriations.*

Education: The FY 2014 Budget requests funding of \$802.7 million for the Education program, an increase of \$7.2 million, less than a 1% increase above the FY 2012 enacted level. We operate the pre-K to 12 Chief Leschi Schools which include a verified 2011-2012 School student enrollment of 910 + students, including ECEAP and FACE programs. With an increasing number of pre-kindergarten enrollment, Chief Leschi Schools will exceed design capacity in the near future. Additional education facility space will be required. The Puyallup Tribe is concerned and strongly disagrees with the proposed elimination of funding for the Replacement School Construction line item. We do not believe that the underfunded Facilities Improvement and Repair program will be able to address the growing need for new education facilities. Additional, the cost of operation and maintenance of the Chief Leschi School facilities continues to increase in the areas of supplies, energy and student transportation costs. The Tribe will work with Congress and the BIE to increase funding in FY 2014, including; *Tribal Grant Support Cost for Tribally Operated Schools - \$23 million above the FY 2012 enacted level; Replacement School Construction - \$17.8 million; Student Transportation - \$52.796 million; and Elementary and Secondary Programs - \$526.4 million.*

Operations of Indian Programs & Tribal Priority Allocations: The President's FY 2014 budget is in drastic need for increased funding for the BIA Operations of Indian Programs. Within the Operations of Indian Programs is the Tribal Priority Allocations (TPA). The TPA budget functions include the majority of funding used to support on-going services at the "local tribal" level, including natural resources management, child welfare, other education, housing and other tribal government services. These functions have not received adequate and consistent funding to allow tribes the resources to fully exercise self-determination and self-governance. Further, the small increases "TPA" has received over the past few years has not been adequate to keep pace with inflation. *The Puyallup Tribe is requesting support from the Subcommittee to fund the Operation of Indian Programs at the FY 2014 request of \$2.183 billion and Tribal Priority Allocations at a minimum of \$894 million, an increase of \$15.5 million above the FY 2012 enacted level.* We further request support from the Subcommittee to increase funding for Indian Child Welfare (TPA) by \$45 million; Increase Urban Indian Child Welfare programs by \$15 million; and increase BIA Child Welfare Assistance by \$55 million.

Department of Health and Human Services – Indian Health Service

The inadequate funding of the Indian Health Service is the most substantial impediment to the current Indian Health system. The Puyallup Tribe has been operating healthcare programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to the Native American population in Pierce County, Washington. The current patient load exceeds 9,000, of which approximately 1,700 are Puyallup Tribal members. There are no Indian Health Service hospitals in the Portland Area so all specialties and hospital care have to be paid for out of our contract care allocation. The contract care allocation to PTHA has been significantly inadequate to meet actual need since FY 2004 when the Puyallup Tribe subsidized Contract Health with a \$2.8 million contribution. For FY 2013 the tribal subsidy had reached a staggering \$6 million. Given that the PTHA service population is only comprised of 17% Puyallup Tribal members, Tribal budget priorities in FYs 2012 and 2013 have made continued subsidies to the PTHA financially difficult for the Puyallup Tribe. *The FY 2014 Budget requests \$5.5 billion in discretionary budget authority for the Indian Health Service. This represents a \$116 million increase over the FY 2012 enacted level. For Health Services programs the FY 2014 budget request is \$4.43 billion, an increase of \$112 million over the FY 2012 enacted level.* Included within the increases are funding for Contract Support Costs (\$477.2 million - \$100 million short of actual need), Purchase/Referred Care (\$878.5 million), IHS Facilities (\$448.1 million) and Alcohol and Substance Abuse funding (\$196.4 million). The Puyallup Tribe fully supports funding increases for existing IHS programs and will work with Congress to increase funding for IHS and the critical programs administered by this Agency. However, if the Congress and the President do not agree to an alternative to the existing sequestration, any increases to IHS funding in the FY 2014 budget will be eliminated.

Sequestration

Finally, it is the Tribe's sincere hope that the FY 2014 bill language remedy the drastic cuts to FY 2013 appropriations implemented under the sequester. As we have already stated, tribal programs have been historically underfunded-and this is in spite of the fact that the federal government maintains a sacred trust responsibility over Indian affairs. Should sequestration go into effect October 1, 2013, the proposed FY 2014 Interior Department could be reduced to \$10.966 billion, a \$467.6 million decrease below the FY 2012 enacted level for the Interior Department, taking Indian Country and the Nation in the wrong direction. The across the board 5% cuts to already underfunded tribal programs will have devastating impacts on Indian Country and reverse or delay tribal efforts, such as my Tribe's, to improve our economies and the health and well-being of our Tribal members.