

**Testimony of Aaron Hines, Chairman of the General Council
Confederated Tribes of the Umatilla Indian Reservation
Before the House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
Hearing on FY 2014 Appropriations
American Indian/Alaska Native Programs
April 24, 2013**

Chairman Simpson, and Ranking Member Moran: I am Aaron Hines, Chairman of the General Council of the Confederated Tribes of the Umatilla Indian Reservation of Oregon.

Summary

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The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) consist of 2,926 members who primarily live on our Reservation in northeast Oregon. In 1855, our tribes signed a treaty with the U.S. government ceding over 6.4 million acres to the United States. We reserved rights to fish, hunt, and gather foods and medicines within the ceded lands, which today is northeastern Oregon and southeastern Washington. These lands are in the congressional districts of Congressmen Greg Walden and Doc Hastings and Congresswoman Cathy McMorris Rodgers.

Before I get into specific requests, I want to request that the Committee recognize the federal government's earliest Treaty commitments when it takes action on the BIA and IHS budgets. We recognize that our country and this Congress confront a difficult budget climate, but that climate does not justify a breach of the government's Treaty and trust obligations to Tribes.

1) Support the President's budget request for the BIA and IHS

Generally the CTUIR is pleased that the President's FY14 budget request for BIA and IHS and

tribal related programs has held its ground from 2012 enacted level. Subject to our more specific comments below, we support the \$31 million increase in the BIA budget, and the \$234 million increase in IHS budget over FY12 enacted levels.

2) BIA and IHS Contract Support Costs: Support for Budget Increase and Opposition to the Individual Tribe Contract Support Cost Caps

The CTUIR has compacted nearly all available BIA and IHS functions under the Indian Self-Determination and Education Assistance Act. Our receipt of full contract support costs (CSC) is essential to administering these programs. We have recently filed claims against both the BIA and IHS for the underpayment of contract support costs. Our claims are based on the U.S. Supreme Court ruling in the Salazar v. Ramah Navajo Chapter case. While the CTUIR supports the CSC budget increases of \$9.8 million for the BIA, \$1 million of which is for the Indian Self-Determination Fund, and \$5.8 million for the IHS, we urge the Subcommittee to ensure that CSC appropriations fully fund tribal contract support costs.

We request that an additional \$1 million be added to the proposed \$1 million for the Indian Self-Determination Fund making the total for this fund \$2 million. These funds are used to pay contract support for new and expanded compacting/contracting of programs.

We object to the Administration's proposal to impose CSC funding caps on each tribal contractor as set forth in a table that we have not seen nor been consulted about. In our view, this issue is simple: federal law authorizes tribes to take over BIA and IHS programs pursuant to the statutory federal government obligation to pay associated CSC. The CSC shortfall reports submitted by the BIA and IHS to Congress document the deficiencies Tribes have experienced. We simply ask that this statutory obligation be honored – and funded

3) BIA Budget Comments

a. Support for BIA Water Rights Negotiation/Litigation Funding

The CTUIR is actively engaged in negotiations for a water rights settlement for our tribal homeland in the Umatilla Basin, where agricultural diversion have seriously impacted once-abundant salmon runs. A federal Indian water rights negotiation team has been appointed and our negotiations have been ongoing for over a year and are making real progress.

The CTUIR supports the \$1.5 million budget for litigation support/attorneys' fees to support our water rights negotiations. There has been no funding under this budget category for the past two years. Because of the significant backlog of requests for this funding, the CTUIR urges that this funding line item be increased to \$3 million.

The CTUIR also supports the \$8.6 million budget for water rights negotiation/litigation line item, which is the same as the 2012 enacted level. This technical funding is critical to the technical work needed to achieve a Tribal water rights settlement.

b. Support for Increase in Budget for Trust Natural Resource Management: \$32.4 million

The CTUIR strongly supports the \$32.4 million budget increase for Trust Natural Resource Management which includes increases of \$9.8 million to cooperative landscape conservation, \$7.7 million to Rights Protection Implementation, \$5.1 million to Forestry, \$3 million to Fish, Wildlife and Parks, and \$2 million to Tribal Management and Development.

c. Support for Public Safety and Justice: \$19 million

The CTUIR supports the \$19 million increase in the Public Safety and Justice budget. The CTUIR played a leading role in addressing public safety issues in Indian Country by advocating for and implementing the Sex Offender Registration and Notification Act and the Tribal Law and Order Act on our reservation and advocating for the tribal provisions in the reauthorization of the Violence Against Women Act. The provision of effective law enforcement, fire protection, tribal court services are essential for our tribal government and community.

d. Opposition to Proposed Reductions in Administrative Cap Savings

The CTUIR is opposed to the proposed reductions for unexplained and undefined Administrative Cost Savings. Last year the BIA held a series of consultation meetings on their Streamlining Initiative. Since the consultations concluded, Tribes have heard nothing regarding the consultation results. The 2014 proposed budget includes \$19.7 million of BIA reductions that are a result of streamlining and improved oversight. Additionally the budget proposes \$13.9 million reduction as a result of invoking management efficiencies. While the BIA proposes to engage in continuous consultation with tribes, the BIA has not carried through on its promise in 2012 to make no changes until tribal consultations had been completed. The CTUIR objects to these budget elements until such time as we understand what improvements in streamlining, oversight and management efficiencies are involved and how Tribes will be affected.

4) IHS Budget Comments

a. Support for Increased Purchased/Referred Care Program: \$35 million

The CTUIR supports the \$35 million increase in the Purchased/Referred Care Program (PRC), formerly known as Contract Health Care Services. Our Yellowhawk Tribal Health Center (Yellowhawk), located on our Reservation, operates under a self-governance compact with the IHS. Yellowhawk provides outpatient health care, as well as alcohol/drug treatment, nutrition programs, senior meals and caregiver services. Due to shortfalls in our previous PRC funding, there have been times when we have had to ration medical care that we do not provide in-house or put off such care until the new fiscal year. Increased funding will help Yellowhawk address our tribal communities' health care issues including diabetes, mental health, substance abuse, women's health and aging issues.

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b. Support for Reimbursement Increase: \$119.5 million

The CTUIR supports the \$119.5 million reimbursement increase in the IHS budget, which includes an increase of \$95 million as a result of the expansion of Medicaid eligibility under the Affordable Care Act. 21% of Yellowhawk patients are Medicaid eligible, this third party funding will enable Yellowhawk to provide needed health care services to that vulnerable patient population.

c. Support for NPAIHB Testimony

The CTUIR, as a member of the Northwest Portland Area Indian Health Board (NPAIHB), supports the testimony on the IHS budget being provided today before the Subcommittee by NPAIHB Chair, Andy Joseph.

5) Treaty Fisheries Management: Support for CRITFC Testimony

Perhaps the most cherished of our reserved Treaty Rights and first foods is our salmon fishery. To assert and protect that Treaty Right, the CTUIR was a founding member of the Columbia River Inter-Tribal Fish Commission (CRITFC), our policy and technical coordinating agency for treaty fisheries management for Columbia River and International Fisheries. We support the testimony you will hear today from CRITFC Chairwoman N. Kathryn Brigham, an enrolled CTUIR member.

6) Department of Interior Land Buy Back Program: Support for Tribal Cooperative Agreements

The Department of Interior has initiated the implementation of the \$1.9 billion land consolidation element of the Cobell Settlement by the release of its Initial Implementation Plan (Implementation Plan) last December. The Umatilla Indian Reservation is 29th on the list of the 40 most fractionated reservations under the Implementation Plan. For that reason we have a strong interest in the success of the land buy-back program. We believe that affected Tribe participation is essential to the success of the program. We encourage the Subcommittee to direct the Department to enter cooperative agreements with those affected Tribes who are interested in, and capable of, assisting the Department in its implementation of the land buy-back program. The CTUIR stands prepared to do so.

In conclusion, I want to again thank the Committee for your commitment to funding these important programs to the Confederated Tribes of the Umatilla Indian Reservation. Your work here continues the solemn trust obligations of the United States.