

**WRITTEN TESTIMONY OF  
BUD LANE, TRIBAL COUNCIL VICE-CHAIRMAN  
FOR THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON  
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
FY 2014 BUDGET -- April 24, 2013**

My name is Bud Lane and I serve as Vice-Chairman of the Tribal Council. On behalf of the Confederated Tribes of Siletz Indians, I offer the following funding recommendations:

- 1) Contract Health Services: Support the proposed \$35 million increase**
- 2) Contract Support Costs: Support \$9.8 million increase for BIA; \$5.8 million increase for IHS**
- 3) Tribal Courts: Recommend an increase from \$24 million to \$50 million**
- 4) BIA Law Enforcement: Support the BIA's request for \$328.4 million**
- 5) Indian Child Welfare: Recommend \$70 million for BIA Indian Child Welfare funding with a \$5 million set aside for Tribes to meet the non-federal match requirements for direct Title IV-E programs and \$10 million for child abuse treatment and \$30 million for child abuse and family violence prevention programs**
- 6) Endangered Species: Support increase of \$1.5 million**
- 7) BIA Forestry: Support \$5 million increase**
- 8) Education: JOM at \$36 million and \$100 million for Adult Education, Adult Vocational Training and Higher Education Scholarships.**

**Siletz Background**

The Siletz Tribe is a Self-Governance Tribe, with a tribal membership scattered across 11 counties in western Oregon. We negotiate with the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) for our share of BIA/IHS programs funding which we receive annually in one lump sum.

Currently, we are experiencing our first year of increased tribal revenue, after four straight years of declining resources. Revenues to cover governmental services and programs are still down 35% from where we started. Combined with mandatory sequestration and rescissions to federal funding to Tribes, the resulting impacts are deeper each year. Our multi-funding source strategy and the flexibility of Self-Governance are no longer sufficient to maintain our previous service levels. The Tribe has had to leave vacated positions unfilled, freeze staff salaries and step increases from 2010 to present; and provide no COLA in 2010, a 1% COLA in 2011 and no COLA in 2012. Compare that to the federal agencies who, while freezing salaries, still receive step increases and bonuses and had a 3.6% COLA for 2012.

I thank the Committee for giving me this opportunity to explain some of our specific funding requests:

**1) Contract Health Services:** This program is the most important budget line item in the IHS budget for the Siletz Tribe. IHS areas like the Portland Area --with no IHS or tribal hospitals-- are 100% dependent on CHS resources to pay hospitalizations and hospital services, including

specialty care. Access to Medicare-Like Rates beginning in July 2007 helped alleviate some of the backlog of cases and relax priorities for a short period, but funding sufficient to address inflation and population growth is critical to maintain current levels of care. Current funding does not begin to address the tremendous backlog of deferred care. Deferred services are those services that, while medically necessary, do not meet current priorities for funding.

Our CHS program accumulated a Deferred Services List of 278 medical, dental and mental health requests in 2011 and 230 for 2012. Surgeries such as carpal tunnel release, rotator cuff repair, knee surgeries, gastric bypass, inpatient psychological treatment, herniated disc repair and hysterectomies are deferred because CHS cannot afford this level of care. Treatment of orthopedic injuries is one of our greatest challenges: thirty-three requests for MRIs for knees, backs, and shoulders have been deferred. Because CHS cannot afford to pay for surgeries if indicated by the MRI, they are deferred. The unfortunate reality is that it is less expensive to purchase a cane, walker, crutches, back or neck brace than surgically repair orthopedic injuries. We support distribution of CHS dollars with a formula that recognizes that some areas are strongly dependent on this funding source.

**We support the proposed \$35 million increase in Contract Health Services, bringing the total to \$878.5 million.**

**2. Contract Support Costs.** An increase in contract support costs (CSC) is needed for tribal governments to assume control of new programs, services, functions, and activities under Self-Determination and Self-Governance. Each year insufficient contract support funds lead to shortfalls, resulting in reduced services to tribal members. Tribes have increased the quality and level of services to members under these policies, but failure to adequately fund CSC undermines the programs that are helping improve conditions for American Indians and Alaska Natives.

**I urge you to support the Administration's request for a \$9.8 million increase in CSC for BIA. This increase to \$231 million is still far below the target of \$242 million required in Fiscal Year 2014.**

**For IHS, I also urge support for the Administration's proposed increase of \$5.8 million for CSC. The increase to \$477 million is still far below the target of \$617 million needed in FY2014.**

**3. Tribal Courts.** The Siletz Tribal Court was established in 1984. It exercises civil jurisdiction, with an average annual caseload of 500. The Court is staffed by a part-time Chief Judge, a full-time Court Administrator, a part-time deputy court administrator, four on-call judges—two Appellate Court, one District Court and one Gaming Court. The 2012 Court budget is \$197,000 but only receives \$36, 271 from BIA funds. A BIA review of the Siletz Tribal court reported that this federal contribution was the lowest of 50 courts reviewed. Tribal Courts are underfunded. The BIA request is for \$24.3 million for 2014, an increase of \$1 million from the 2012 enacted level.

**We recommend that Tribal Courts be funded at \$50 million so Tribes can fully exercise their jurisdiction to protect tribal members and create safe communities.**

**4. BIA Law Enforcement.** The Siletz Tribe is a Public Law 280 tribe. Historically the BIA has not allocated adequate funding to meet the public safety needs of these tribes. The high incident rates for crime and violence on Indian reservations—especially against women—have received a lot of attention the past few years. The Tribal Law and Order Act (TLOA) was passed in 2010 to strengthen tribal law enforcement authority and address reservation conditions that impact crime and violence. For this law to have meaning there must be adequate funding. The Siletz Tribe established a tribal police force in 1998 with one Police Chief using a COPS grant and tribal funds. By 2005 the department included the Chief, two officers, four reservists, a part-time clerk and a security guard, but funding could not keep pace. In 2006, the Tribe had to suspend independent law enforcement operations and contract for limited services from a nearby city police department, which continues to this day. In 2010/11 the Tribe paid \$399,970, with only 22% or \$95,582 covered by BIA funding. The cost has risen each year and in 2012 the Tribe had to reduce patrol coverage from 120 hours a week down to 80 hours a week. Even so, the Tribe was hard-pressed to allocate enough resources to continue services through 2013. If additional resources are not found, the Tribe may be forced to end all law enforcement services.

**We support the BIA's request for an additional \$5 million, for a total of \$339.7 million, so tribes can implement the TLOA and urge that there be a set-aside of \$5 million for P.L.280 Tribes' law enforcement needs.**

**5. Indian Child Welfare.** When Congress enacted the Indian Child Welfare Act (ICWA) in 1978, it estimated that \$35 million was needed to adequately fund tribal child welfare programs. However, it has never been funded above \$17 million. The Siletz Tribe receives just \$55,000 from the BIA to run our ICW program. That is not enough to fund even one caseworker position. The actual cost for our modest program is \$406,050. To pay for it, the Tribe takes funds away from other self-governance programs, directing them to this priority area. We also access other funding through five agreements with the state of Oregon. We enthusiastically undertook a plan to directly administer the Title IV-E foster care reimbursement program, but a major barrier will be the match requirements (even though federal law allows Tribes to use BIA funding as non-federal match) and the limits on reimbursements. Unlike states, we do not have the tax base to generate revenues to cover federal match requirements.

In 1990 Congress passed the Indian Child Protection and Family Violence Protection Act, P.L. 101-630 to provide programs for treatment for child abuse victims and for child protection and family violence prevention, but the grant programs have not been funded in over ten years. Adequate ICWA and P.L. 101-630 funding will enable Tribes to ensure safe placements where children remain connected to their families and their heritage.

**We recommend increasing the BIA Indian Child Welfare Act funding to \$70 million with \$5 million of this set aside as non-federal matching funds for Tribes implementing direct Title IV-E programs; funding the Indian Child Abuse Treatment grant program at \$10 million; and funding the Indian Child Protection and Family Violence Prevention grant program at \$30 million.**

**6. Endangered Species.** Tribal lands include habitat for three species listed as threatened under the Endangered Species Act: marbled murrelet, northern spotted owl, and Oregon Coast coho salmon. Before we can begin any ground disturbing activities on Tribal trust land, surveys for each of these species must be conducted and evaluated. We must then consult with one of two federal wildlife agencies (U.S. Fish and Wildlife Service for the murrelet and owl or National Marine Fisheries Service for the coho), providing extensive information prior to consultation and then ongoing monitoring.

No money is provided to the Tribe by either of the federal wildlife agencies or the BIA to carry out these activities. Yet we are not allowed to harvest timber, build houses, or conduct any other major ground disturbing activities on Tribal trust lands without performing those functions. It is an unfunded mandate that directly impacts the Tribe's ability to govern its own affairs. The total annual cost to employ a Tribal biologist for the needed endangered species functions is \$115,000.

\$1.248 million was budgeted for Endangered Species in 2011 and this was reduced to \$1.245 million in 2012. The BIA is requesting \$2.737 million for 2014 – an increase of nearly \$1.5 million. **We support this restoration of funding to assist Tribes with complying with the Endangered Species Act.**

**7. Pre-commercial Thinning.** The Tribe currently receives approximately \$23,000 a year in BIA Forest Development funds. This money must be used for timber stand improvement activities such as reforestation and pre-commercial thinning. If contracted out, it will pay for approximately 80 acres of treatment annually, but our current backlog of pre-commercial thinning needs exceeds 1,000 acres. Many other tribes face a similar situation, with extensive backlogs of unfunded projects. Failing to complete these projects endangers future timber revenues with forest overcrowding, insect attack vulnerability and fire hazard.

This has a direct impact on Tribal self sufficiency. Despite attempts to include funding for these types of projects in the economic stimulus packages, no additional money has been allocated to the BIA or to Tribes to address the backlog of timber stand improvement needs. For the Siletz Tribe, \$250,000 would be needed to erase the current pre-commercial thinning backlog.

**Therefore, we support the proposed increase in \$5 million for BIA Forestry.**

**8. Education.** Education is the best investment we can make for the future of individual tribal members and the tribe as a whole. This is a trust responsibility that the federal government does not fulfill. BIA funding for education is woefully inadequate: k-12 services through the Johnson O'Malley Act have been frozen at the 1995 level or \$89,900. This does not cover a full staff position, let alone services to children; Adult Education was funded just under \$3,000; Adult Vocational Training was \$83,691; and Higher Education received \$116,147. Actual Tribal costs to cover all these services were \$1,082,346. BIA funds only 27% of our need.

**The Tribe strongly urges funding JOM at \$36 million and allocating \$100 million for Adult Education, Adult Vocational Training and Higher Education Scholarships.**