

**Nathan Small, Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes
House Interior Appropriations and Related Agencies Subcommittee (4/24/2013)**

The Shoshone-Bannock Tribes (Tribes) deeply appreciate the Committee's commitment to Indian country and its tremendous efforts to ensure that there is sufficient funding for critical programs and services at the BIA and IHS. We especially thank our Congressman, Rep. Mike Simpson, for being our champion in Congress but also Indian country's champion.

My name is Nathan Small. I serve as Chairman of the Ft. Hall Business Council, the governing body of the Shoshone-Bannock Tribes on the Ft. Hall Indian Reservation in southeastern Idaho. My testimony focuses on the following priorities: (1) our IHS health care needs; (2) opposition to the Administration's proposed changes for BIA and IHS contract support cost payments; (3) need to allow BIE funds to be used for our 6th grade at the Shoshone-Bannock Jr./Sr. High School (School); (4) designation of our BIA-funded juvenile detention center as a regional juvenile detention center and funding from BIA and IHS for educational and mental health care services for juveniles; (5) clean up of EPA Superfund sites on the Reservation; and (6) funding increase for BIA road maintenance.

Health Care Needs of the Shoshone-Bannock People

We thank the Committee for working to reduce the health disparities between Indians and the general population by increasing funding for IHS from 2000-2012 from \$2.4 billion to nearly \$4.4 billion prior to sequestration. As Chairman Simpson expressed at the Committee's March 19th hearing on Indian health, we too worry about the impacts on Indian health care in this constrained fiscal environment given that, even with the increases over the past 12 years, urgent health care needs of Indians are still unmet due to past severe chronic underfunding. Sequestration of 5.1% and a rescission of .189% will harm our ability to retain health professionals and force us to reduce health care services to our community.

We are relieved that the Administration's FY14 budget requests an increase of \$124 million over FY12 enacted levels for IHS. Given fiscal pressures, this increase is significant. However, from our perspective, the Administration's FY14 request is a starting point. Given rising costs, stringent requirements, and the avalanche of health care needs, we face dwindling dollars to provide health care. Today, the Ft. Hall Indian Health Clinic (Clinic) is expected to fund 54% of personnel and operating costs through 3rd party sources. Current federal funding to our Tribal Health and Human Service Department only covers 75% of need. Part of the shortfall is due to the fact that federal funding levels are based on the service unit population even though many people outside the service unit utilize the programs. Last fiscal year (Oct. 1-Sept. 30, 2012), 6,292 patients (3,699 Shoshone-Bannock) made 78,549 visits (53,317 Shoshone-Bannock) to the Clinic. *We request that the Subcommittee consider additional increases to support and expand health care services to address unmet health needs so that we can actually provide preventive and primary health care services in addition to emergency health care.*

Oppose Administration's Proposed Individual Statutory Caps on Contract Support Costs

In its FY14 budget request, the Administration proposes implementing individual statutory tribal caps on contract support cost payments (CSC). CSC is essential to us in paying for indirect costs incurred in operating programs for which we have contracted with the IHS and BIA. This

proposal would be a complete overhaul of the current system. Rather than an aggregate funding arrangement for CSC, the President recommends that the government enter into individual contracts with each tribe for the CSC that each tribe will receive. Neither IHS nor BIA have consulted with us before proposing this drastic change despite its obligation under Executive Order 13175 confirmed by the President's Memo to federal agencies dated November 5, 2009, on implementation of Executive Order 13175. *We request meaningful government-to-governmental consultation with IHS and BIA prior to any changes to CSC and that the Subcommittee hold oversight hearings on CSC.*

Need for BIE Funds for 6th Grade at Shoshone-Bannock Jr./Sr. High School

The stated mission of the School is to educate Native American students in their heritage, their rights and responsibilities, and to prepare them for a lifetime of learning and achievement. The vision of the School is to inspire our people "to travel through the circle of life productively and proudly, with respect and humility, in light of the blessings that the Creator has given to all Native people." Strengthening Shoshone-Bannock culture is important to our people. In spite of past federal policies that outlawed the practice of Native religion and culture, the Shoshone-Bannock culture remains strong. We have made it a priority to ensure that our children know their history and know themselves. The School is vital to meeting these goals.

The majority of Shoshone-Bannock children attend school for K-5th grade at the sole school on the Reservation -- a public school -- providing these grade levels. Many students then transfer out of the public school system to attend the School for which the BIE currently provides funding for grades 7-12. However, for years, our children had to attend an off-reservation 6th grade in other schools for one year prior to returning to the Reservation to attend grades 7-12 due to the lack of a 6th grade. This inconsistency in academic programming on the Reservation resulted in widespread variation in student academic achievement.

To address this critical gap in consecutive grade levels, the Fort Hall Business Council approved the addition of a 6th grade program to the School in 2011 to improve student academic performance. Offering a sixth grade program will prevent students from having to catch up in their first semester as 7th graders and will increase graduation rates.

However, due to an existing moratorium on grade expansion in past Interior appropriations legislation, including the FY12 Omnibus Appropriations Act, the School has been prohibited from using BIE funds for its 6th grade. As a result, the tribal government has had to cover 100% of these funds. The federal government through the BIE should be paying for the costs to operate the 6th grade at the School. *We urge the Subcommittee to include language in the FY14 Interior Appropriations bill to allow the use of BIE funds for the Shoshone-Bannock Jr./Sr. High School's 6th grade.*

For our remaining BIE/BIA priorities for education, we request that the Committee refer to our written testimony dated 2/27/13 submitted for the Committee's oversight hearing on Indian education for a more complete discussion of the Tribes' educational priorities on the need for a new dorm for homeless students attending the school and the need to increase funding for the BIE Indian Student Equalization Program and the BIE Student Transportation Program.

Needs of Shoshone-Bannock Tribes' Juvenile Detention Program

The Fort Hall Reservation faces many of the public safety challenges common to Indian country. Public Law 83-280 adds to these challenges. The State of Idaho has neglected the responsibilities for juvenile delinquency matters that it assumed, without tribal consent, under Public Law 280, leaving the needs of troubled youth on our Reservation unaddressed for far too long. Faced with dilapidated public safety facilities and after many years of unsuccessfully seeking federal and state funding assistance, we took out a loan to construct a state-of-the-art Tribal Justice Center to house all of our law enforcement services. The Center has been operational for nearly three years and has allowed us to provide dramatically improved law enforcement services.

Request for Designation by BIA as Regional Juvenile Detention Center

We designed our Justice Center so that our juvenile detention center could serve as a leading model for a regional center concept. The juvenile detention center has sufficient bed space, and we have the support from nearby tribes – including the Goshute and Blackfoot Tribes – to house juvenile offenders adjudicated in their court systems. Also, Fort Duchesne and Fort Washakie have approached us about their interest in utilizing our juvenile facility for their juveniles.

The concept for a regional approach was supported in the Interior Department's June 2008 study titled "Master Plan for Justice Services in Indian Country." The authors of the Master Plan concluded that a regional corrections approach should be part of a comprehensive plan to address Indian country detention. ***We ask the Subcommittee to direct the Administration to designate and foster the development of the Shoshone-Bannock Juvenile Center as a regional juvenile detention facility.***

Need for Educational, Mental Health, and Rehabilitation Services for Juveniles

Our goal is to rehabilitate our juvenile detainees. A juvenile's placement in a detention facility is often a last opportunity at rehabilitation to prevent youth from becoming career criminals. We seek to develop educational, behavioral health, and other programs to help our juveniles turn their lives around. Our juvenile detention center incorporates space for treatment and education components. However, funding for these essential services is non-existent. We are seeing a 33% increase in youth crime since our juvenile detention facility opened, primarily stemming from gang-related activities. 75% of our juveniles are repeat offenders.

The BIA used to provide funding for juvenile education under a program called Juvenile Detention Education; however, BIA juvenile education funding was a mere \$619,000 in FY11 for all juvenile detention centers in the BIA detention system and then was zeroed out in FY12 and FY13. For FY14, the Administration again does not request any funding for juvenile education. There are 24 BIA-funded detention facilities across the country and there is no other federal program that assists our juveniles. The Department of Education has consistently rejected requests by the BIA for education funding for juveniles in BIA-funded corrections facilities even though the Department of Ed provides funding for juveniles in non-BIA facilities. ***We urge the Committee to fund juvenile education at BIA-funded detention facilities and to meet 100% of need. We also urge the inclusion of report language that directs the Department of Ed and BIA to work together to provide educational services to juveniles and other at-risk youth in BIA-funded facilities.***

In addition to critical funding needs for juvenile education, we also are in dire need of funding for juvenile mental health and substance abuse services. Juvenile detention must include these programs to provide a chance at rehabilitation. In past years, the BIA has denied requests from the Tribes to use BIA corrections funding to provide education, health, and mental health services to our juvenile population. There is no statutory barrier to using corrections funds for this reasonable purpose. Instead, the BIA is making an administrative decision that we believe is now overruled by Congress through enactment of the TLOA. *We ask the Subcommittee to provide report language allowing tribes to use BIA corrections funding for education, health, and mental health services to youth in custody at tribally operated detention centers. We also ask that the Committee direct the BIA, BIE and IHS to meet their statutory obligation to work with the Shoshone-Bannock Tribes to provide these essential services to juveniles.*

EPA Support to Clean Up Eastern Michaud Flats Superfund Site on Ft. Hall Reservation

For more than 50 years, the health, environment, and safety of our residents have been subjected to hazardous pollution caused by the FMC Corporation, which began phosphate mining operations on and near our Reservation lands in 1940. For decades, hazardous waste from the operation was stored or disposed of in unlined holding ponds with unknown damage and contamination done to the earth and ground water. In the late 1980s, the EPA detected arsenic, cadmium, and selenium in monitoring wells at the plant. In 1990, the EPA listed the FMC site on the National Priority List as the Eastern Michaud Flats Superfund Site. FMC lined the ponds that held the hazardous waste, but it severely mismanaged the ponds, which caught fire on a number of occasions. FMC shut down operations in 2001 and dismantled the then-existing treatment system. The extent of the contamination is significant and longstanding. Decades of poison continue to pollute the air and seep into the groundwater west of Pocatello. Thousands of mammals and birds that have come into contact with the site have died. The site has also affected the Bottoms area, our sacred hunting grounds. The contamination of our groundwater remains a significant concern. All of this leads to the obvious concerns for the health of our people. *We respectfully request that the Committee urge the EPA to require actual clean up of Eastern Michaud Flats, instead of just covering it up, which is what the EPA has proposed, or allow for a pilot treatment study to see if the hazardous waste can be treated or safely removed.*

Need for Funding Increase for BIA Road Maintenance

Funding for the BIA Road Maintenance Program (Program) has remained stagnant for the last 30 years. As tribes construct roads and bridges on our reservations with Indian Reservation Roads Program “tribal shares,” these facilities are not enjoying their full useful life of 20+ years due to inadequate routine and preventive maintenance. This lack of funding is also a public safety issue that contributes to the unacceptable levels of highway fatalities and serious injuries among Native Americans, well above the national average. In 1992, Congress made a one-time appropriation of \$41 million for the BIA Road Maintenance Program for the purchase of new equipment to replace antiquated equipment that tribes and BIA Regions were using for routine and emergency road maintenance needs. Funding for the program the following year then dropped \$14 million to \$27 million, where it has essentially remained for the last two decades. *If there cannot be a sustained funding increase, then we request at least a one-time appropriation of \$50 million for the purchase of heavy equipment and supplies, materials and fuel to address the growing deferred road maintenance needs throughout Indian country.*