

**Testimony of Lester J. Randall
Vice-Chairman, Kickapoo Tribe in Kansas**

**Before the House of Representatives
Committee on Appropriations, Subcommittee on Interior
and Related Agencies
Hearing on FY 2014 Appropriations**

April 25, 2013

Good afternoon Chairman and Members of the Committee. My name is Lester Randall and I am Vice-Chairman of the Kickapoo Tribe in Kansas. I am extremely grateful for the opportunity to provide testimony today. Our Tribe is located in Horton, Kansas. We have a total population of 1,634 members of which approximately 600 reside on or near our reservation. We operate a variety of Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs including the Kickapoo Health Clinic and the Kickapoo Tribal Police Department, under P.L. 93-638. The Tribe also operates the Kickapoo Nation School, a K thru 12 educational institution under a P.L. 100-297 contract with the Bureau of Education and the Kickapoo Housing Authority under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA).

I am honored to also serve on the Tribal/Interior Budget Council (TIBC). Through those meetings and the tribal budgeting process, I have developed a greater understanding of the critical needs facing different tribes and regions throughout the country. Putting our people to work, ensuring they have access to affordable healthcare and providing quality education to the Kickapoo membership are our most important priorities. These are the ugliest and worst times I've faced as a tribal leader, yet these federal priorities reflect the challenges that face Kickapoo tribal members daily and I deeply appreciate your invitation to speak here today.

Today I would like to take this opportunity to offer the following comments for FY 2014 Appropriations:

1) Increase overall funding for Indian Health Services

a) The Kickapoo Tribe is in desperate need of an updated tribal health clinic. A conservative estimate for a new Kickapoo Health Clinic will cost \$20 million. Our current facility is operating in a renovated daycare center that is poorly designed and equipped with outdated technology and inadequate and deficient equipment. The unsuitable layout of the clinic creates confusing procedures, concerns over patient privacy and an overall distrust in clinic processes. We are further plagued with staff shortages which create training gaps, delays in referral documentation and a lack of effectively delivering care. This is devastating considering the tribal health clinic serves a low-income to poverty level population that is already at high risk for diabetes, high blood pressure, dialysis and other ailments that afflict our people on a daily basis. A new

clinic is essential to build confidence in our tribal healthcare program and maximize patient outcomes. Although the proposed IHS budget for FY 2014 has a small increase, there is no real increase to the services budget beyond staffing and facility costs even though costs of healthcare have risen significantly. We need a more considerable increase in funding to maintain existing services at our facility.

b) Appropriations for Contract Health Services (CHS) are crucial to the welfare of our tribal membership. While CHS has been historically underfunded, the cuts occurring at the present time create a devastating trend where tribal members who were at one time examined routinely for preventative healthcare are now being seen only in instances of critical care and treatment. We need a major increase in Contract Health Care beyond that currently proposed in the preliminary IHS FY 2014 requests. The lack of funding for Contract Health are non-discriminate and affect all tribal members-from elders in our community to unborn children. Furthermore, the economic downturn has significantly impacted the ability of our tribal members to afford vehicles and/or gasoline for transportation to their requisite appointments. CHS monies are critical in providing funds appropriate and necessary for transportation to healthcare appointments and for specialty vehicles that are vital for medical transportation. Another unfortunate consequence of reduced CHS funding is that tribal members whose medical expenses are no longer being covered are frequently being sued in state and/or tribal courts for medical bills. In some cases, creditors have levied liens against our members, tried to withhold per capita payments to satisfy these charges and as a result their overall credit worthiness suffers dramatically.

2) Indian Education

Education promotes critical thought and throughout our lives increases self-esteem and an overall greater understanding of our world. Education is not simply what is taught in the classroom, but includes all aspects of what makes up a child's life as a student: tutorial services, laboratory time, athletic equipment, post-secondary entrance exams, preparation courses, and the simple ability to participate in graduation ceremonies. Those expenses continue to be a hardship on our often poverty level students and their families.

The JOM program has long been a tangible resource that we have relied on in Indian County to address the basic educational needs of our children. Currently, an increase is needed from current underfunded FY 2014 budget levels. This is of significant importance as the JOM Indian student count used to calculate funding was frozen in 1995. While the number of students who qualify for JOM funds has increased due to the economic factors faced by most of the county, the actual funding that reaches each qualifying child has actually decreased. As such, many students go without the basic educational tools that most students take for granted.

The direct services provided under the JOM program create the resources that allow for our students to be successful in school and beyond. JOM serves as a bridge to Indian Children from what they lack in economic resources to what they can achieve through education.

The Kickapoo Tribe in Kansas operates Kickapoo Nation School (KNS)-the only Native American K-12 educational institution in Kansas. KNS operates under a contract

with the BIE, which the Tribe supplements. The Tribe supports an increase of \$537,000 for BIE elementary and secondary schools.

Many of our tribal members attend the region's tribal post-secondary institutions- Haskell Indian Nations University and Southwestern Indian Polytechnic Institute. In recent years, costs for tuition, books and other school expenses have increased dramatically. We support the proposed increase of \$6.2 million for BIE post-secondary schools and the increase of \$3,710,000 for postgraduate study in science, other scholarships and adult education.

3) Appropriations for Bureau of Indian Affairs (BIA) technical support

The Tribe would ask for an increase in the appropriations that provide for the adequate Bureau of Indian Affairs (BIA) technical assistance to tribal governments to enhance their ability to successfully and efficiently contract bureau programs. Self-Determination and Self-Governance are the keystone of many Indian policies, however, we are often slighted when dealing with our Trustee, the federal government. We as Indian Tribes and Tribal governments are often hindered in dealing with the enormous set of regulations and rules that the federal government imposes on us. Often times, when we reach out to the federal government and ask for the legally required technical assistance, we are given hollow promises for support or referred to other agencies and/or departments for help.

True Self Determination under Treaty Obligations should mean an equal footing to tailoring contracted programs and services to meet the needs of our people, not a hamstrung program that is on its face designed to either fail and return those programs to the federal agencies from which they arose or to place additional burdens on our already stretched tribal budgets where in essence we are worse off than we were before. In the preliminary BIA budget request, aid to tribal governments is slashed by \$4.4 million even though the Southern Plains Region itself needs an increase of over \$350,000 from the current underfunded levels. Appropriations for technical assistance empower tribes and promote true Self-Determination at a time when the sovereignty and strength of tribal governments continue to be more fully exercised.

4) Public Safety and Justice

Tribes cannot exercise true sovereignty if its membership does not feel safe. With the passage of the Tribal Law and Order Act (TLOA) and the renewal of the Violence Against Women Act (VAWA), tribes are hopeful that there will be increased justice on tribal lands. But while the federal government has increased its involvement and responsibility for public safety in tribal communities, providing public safety in tribal communities still rests foremost on the underfunded shoulders of tribal governments. We are concerned that in the proposed FY 2014 BIA budget requests, \$2.6 million of the Operation of Indian Program cuts are from law enforcement special initiatives. Funding is necessary to assist tribal law enforcement agencies and tribal governments in their efforts to curtail criminal activity and to engage competent judges, prosecutors and ancillary court staff to administer justice.

5) Human Services

As leaders we must acknowledge and honor the past of our elders as well as the future of our children by ensuring they remain safe and protected in their homes and on their homelands. Adequate appropriations for human services will help improve the quality of life of individuals who live on or near Indian reservations by providing direct assistance in the protection of children, the elderly and the disabled. We ask for \$100,000 in funding for our human service programs. These monies will also assist the tribe in providing basic needs to our most disadvantaged tribal members—food, clothing, shelter and supplemental assistance for utilities.

6) Kickapoo Water Settlement Negotiations

The Kickapoo Tribe has been involved in a decades-long struggle to secure its federally reserved water rights and to turn those rights into “wet water,” in the form of a surface storage project and reservoir. Over the past 6+ years this has necessitated the bringing of a lawsuit to enforce contractual promises made to the Tribe 20 years ago by a local watershed district with which we had partnered. The Tribe requires the continued assistance of the BIA in the form of financial resources to support our litigation and settlement efforts, and then will require the appropriations necessary to construct the project once the litigation reaches a successful resolution. As such, the Tribe supports the BIA’s FY 2014 increase of \$1.5 million for rights protection litigation and support.

7) Impacts of Sequester

The sequestration has had a significant impact in Indian Country and on the Kickapoo Tribe in Kansas. These cuts create an already strained burden on our tribal government as we are searching for ways to stretch dollars between equally critical tribal programs. Currently, these cuts have reduced healthcare funding, higher education monies for tribal members and money to effectively operate our Kickapoo Nation School. We have also been forced to restrict housing energy assistance, money for vocational assistance and training programs, funding for social service programs, and have made cuts to our tribal Head Start program. Other tribal programs and departments have also been adversely affected and we have delayed prospective economic development endeavors indefinitely.

The cuts to our community are a major violation of the trust responsibility of the federal government and a breach of treaty obligations. The federal responsibility to tribal governments is not the catalyst creating the deficit yet tribal governments are “bearing the brunt” of these reductions. These cuts do not only impact programs at the federal level but are felt deepest in our already depressed rural population. The federal trust obligations have been significantly and historically underfunded and the result of further cuts will be severe destruction to the operation of tribal governments across the country and the communities which they serve. I respectfully request Congress pass the FY 2014 appropriations bill.

