



Miami Tribe of Oklahoma

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U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies

Chief Tom Gamble, Miami Tribe of Oklahoma Testimony on American Indian/Alaska Native Programs

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Mr. Chairman, Ranking Member and Members of the Committee, thank you for inviting me to testify today on federal appropriations for American Indian and Alaska Native Programs. My name is Tom Gamble. I am the Chief of the Miami Tribe of Oklahoma.

Introduction

The Miami Tribe's ancestral homelands encompassed lands in Illinois, Indiana, Ohio, Michigan and Wisconsin. After the United States forcibly removed the Tribe from its homelands, the Tribe finally settled in what would become northeastern Oklahoma. Despite the hardships inflicted upon our Tribe, we now have a population that is 4,166 strong. The Miami Tribe is a federally-recognized Indian tribe organized under the Oklahoma Indian Welfare Act of 1936.

The removal of the Miami Tribe from our ancestral homelands and the displacement of the Tribe's traditional economic resources resulted in a number of challenges for the Tribe. Our current land base in northeastern Oklahoma is far from major metropolitan areas. The nearest major city, Tulsa, is 90 miles away. The area where the Tribe is currently located includes a forty square mile environmental superfund site and has been designated by the United States Small Business Administration as a "Historically Underutilized Business Zone" or "HUB Zone." Due to the Tribe's geographic isolation, displacement of traditional economic resources, lack of economic opportunities, and ever shrinking federal funds, the Tribe has been compelled to develop creative tribally-owned economic ventures in order to fund essential tribal government programs and services for its members.

It is important to emphasize that the Tribe provides services to its members and our communities the same as any other sovereign government. However, unlike federal and state governments, the Tribe does not have a tax base as a revenue source to fund these essential services. As a result, in addition to federal appropriations, the Tribe must rely on earnings from our economic development activities to fund our government.

General Comments on the Budget and Impacts from Sequestration

The Tribe's economic development earnings are far from sufficient to fund all of the governmental services that must be provided to our members. The Tribe therefore must rely on its long-standing treaty and trust relationship with the federal government to fund the services our members and communities need. However, in the last decade, without any consideration for these treaty and trust obligations, federal support for our programs has been in steady--and sometimes precipitous--decline. Most recently, the forced cuts under the budget sequestration threaten the trust relationship between our governments.

Under budget sequestration, the Department of the Interior reports that its budget will be cut by \$800 million for the remainder of the year. This will have a dramatic impact on the more than \$2 billion in annual contracts that Interior has with tribes to operate programs and deliver services to tribal members. I cannot say it better than the Assistant Secretary for Indian Affairs said in his letter to tribal leaders, "For tribal communities in particular, these programs and contracts make a significant difference in employment and economic development." The Assistant Secretary is right and tribal programs should have been exempted from sequestration.

Because the services provided in these contracts and programs are critical to Indian tribes and their members, and because these vital services are matters of solemn treaty obligations and fiduciary obligations that the United States owes to Indian nations, Interior and Indian Health Service funding should have been exempt from the budget sequestration. We should have been spared the same as other programs that received exemptions, including: Congressional salaries and many social safety net programs. Tribal governments are the providers of social safety net programs to our members. We provide health care, elder care, nutrition assistance, child welfare, housing assistance and much more. I repeat: we should have been exempt from sequestration.

The across-the-board cuts will have a dramatic impact on the Miami Tribe's ability to provide essential services to our members and community. For example, we currently provide 450 to 500 nutritious meals to our elders every day at our Nutrition Center and Longhouse. This includes delivering meals to 120 homebound elders. We also administer and fund child development programs, heating assistance, housing rehabilitation, substance abuse programs, job training and many more vital services. These services should have been spared from sequestration, the same as other social safety net programs. We ask that this Subcommittee and the Congress act quickly to pass a fiscal year 2014 budget that restores funding for Interior and Indian Health Service to levels that are adequate for our members and which fulfill the United States' solemn trust and treaty obligations to Indian tribes.

As a self-governance tribe, these funding cuts affect the Miami Tribe a little differently than other tribes you may be familiar with. Self-governance is an extension of the concept of Indian self-determination. First enacted in 1988, the Self-Governance Demonstration Project (Pub. L. No. 100-472), amended the Indian Self-Determination and Education Assistance Act (Pub. L. No. 93-638) to provide greater autonomy for Indian tribes in administering programs to serve their members. The Indian Health Amendments of 1992 (Pub. L. No. 102-573) extended

the self-governance concept to IHS. While self-governance increases the Tribe's autonomy, it forces the Tribe to take up the responsibility when federal funding runs short.

This is different than most budget situations because when funding for self-governance tribes is cut, the federal government does not see or feel the loss of federal staff or resources. Instead, the Tribe simply receives a smaller amount of funding and we must find ways to make ends meet. There are no federal bureaucrats in Washington, D.C., with an interest in preserving their staff or programs, who can pick up the phone and ask Congressional Appropriators to restore the Tribe's self-governance funding before we must cut services or layoff our staff.

The federal government must stop shifting the burden for implementing federal tribal programs to Indian tribes. To avoid further impacts from sequestration we ask that Congress pass a fiscal year 2014 budget. The President's fiscal year 2014 budget proposes a \$9.8 million increase over fiscal year 2012 for self-governance funding. While the federal government has never fully budgeted to support tribal implementation of federal programs, the President's proposal to modestly increase funding is a far better alternative than additional cuts under sequestration.

In fact, the Miami Tribe has long been picking up shortfalls in federal funding for implementation of tribal self-governance programs. As the United States Supreme Court recently determined in the *Salazar v. Ramah Navajo Chapter* case, the federal government must pay the entire amount when it enters into a contract with an Indian tribe to provide services. The same as any other contract.

In particular, the federal government has never fully paid for all the contract support costs the Miami Tribe incurs in implementing federal programs—including utility bills, insurance, vehicle costs and a number of other administrative and management costs. We ask that Congress follow the direction of the Court and fully fund these federal obligations.

The Tribe is opposed to the Department of the Interior's proposal in its fiscal year 2014 budget documents to effectively overrule the Court by incorporating a contract-by-contract funding table in appropriations language in the short-term, and then develop a longer-term solution that Interior says will streamline and simplify the contract support costs process. It is unclear what Interior will eventually propose, but funding tables, streamlining and simplifying sound like attempts to fund contract support costs through fixed formulas. Congress should not adopt a formula approach. Each tribe administering federal programs should simply get their actual contract support costs paid. This is what the Court ordered and we oppose any attempt to legislatively overrule the Court on this issue.

To fully fund self-governance programs and address the impacts budget sequestration will have on our programs for the remainder of the year, I ask that this Subcommittee and the Congress act quickly to pass a fiscal year 2014 budget that restores funding for Interior and Indian Health Service to adequate levels.

Specific Budget Concerns

First, Congress should not eliminate funding for the Housing Improvement Program (HIP) run by the BIA. The President's fiscal year 2014 budget proposes cutting \$12.6 million from the BIA budget by cutting funding for HIP. The President claims that the same funding is available through the Department of Housing and Native American Housing Block Grant. These are in fact two different programs serving different needs. Even BIA's website explains "Why is HIP Different?"

In brief, HIP is different because it provides homes and home rehabilitation to needy tribal members. HIP is not used to construct large new housing projects and developments like the Block Grant program. While housing rehabilitation is one of many functions that can be performed with Block Grant funds, in order to obtain those Block Grant funds, the Tribe would have to fill out a formula grant application and hope that funds would be provided. Under HIP, tribal members in need can simply access funding to provide for their basic housing needs.

Second, additional funding should be provided in fiscal year 2014 for the Environmental Protection Agency's (EPA) General Assistant Program (GAP). EPA recently distributed information that its GAP funding would be cut for the coming year due to sequestration. This is another one of those vital tribal government programs that should have been spared from cuts. Now additional funding will be needed to make up for the effects of sequester and historical funding levels that have never met the demand. This funding is necessary for the Tribe to ensure water quality on the lands where we graze cattle and raise food.

Even worse, homes in our area have to be monitored for contamination from the Tar Creek Superfund site which is in close proximity to our lands. Many studies have been done that show the harmful effects of lead in all those areas and the EPA funding should be maintained so that the Tribe can monitor water quality and protect its members. Congress should more than double the President's modest request for an increase in GAP funding.

Third, federal appropriations have never provided the funding needed for Tribal Courts that are an essential part of our communities and constitutional structures. The Miami Tribe's Tribal Court system is funded solely by the Tribe. With the recent passing of the Violence Against Women Act (VAWA), our Tribal Court needs to provide important safeguards including hiring licensed attorneys to serve as prosecutors, judges and defense attorneys. Given these significant new responsibilities, now is the time to provide federal funding for tribal courts.

Finally, the Miami Tribe's Police Department is funded entirely by Department of Justice grants. This funding provides vehicles, salaries and basic equipment, but our office facilities are inadequate. In addition, the Police Department must be available 24/7, but limited funding for officers results in long hours and only a minimum of officers per shift. In any police force, officers need back up and modern equipment. Congress needs to ensure that funding is available for tribes to fulfill the significant new responsibilities under the recent Tribal Law and Order Act and VAWA.

Thank you for your consideration of these important issues the Miami Tribe faces as it provides governmental and social services to its members and community.