

American Indian/Alaska Native Programs

Introduction

Mr. Chairman and Members of the Subcommittee, my name is Joseph Socobasin. I serve as the Tribal Chief for the Passamaquoddy Tribe at Indian Township. Thank you for inviting me here today to provide testimony regarding American Indian/Alaska Native Programs. My comments today will reference the Indian Health Service, Bureau of Indian Affairs, Tribal Historic Preservation, and Climate Change

The Passamaquoddy Tribe of Indian Township is located in Washington County, Maine, the northeastern part of the state, bordering Canada. Our county covers 2,568 square miles with fewer than 34,000 residents. Approximately 2000 residents are Passamaquoddy. We are known as “People of the Dawn”. As a smaller Tribe, our needs are often overlooked. Limited economic development and restrictions of our Maine Indian Land Claims Settlement have resulted in inadequate employment opportunities for the Passamaquoddy people. With unemployment rates reaching 65% (compared to 10.7% for Washington County) and 29% of adults making less than \$10,000 per year ¹ the Indian Township community is one of most impoverished communities in Maine. Economic deprivation and lack of access to programs and resources have taken their toll on our population. American Indian/Alaska Natives have a life expectancy of 4.1 years less than the U.S. all races population (73.6 years compared to 77.7 years). The majority of Passamaquoddy people do not live that long. Only 11% of Passamaquoddy Tribal members are 60 years or older and 65% is under the age of 35, reflecting the mortality rates in my community. The average age of death for the Passamaquoddy Tribal members is 50 years of age. It is unacceptable for the Passamaquoddy Tribe to have the health status similar to a third world country. I am surrounded daily by those in my community who are dying way too young, and who feel hopeless and tired from the struggle of trying meet their basic needs. I am here today to advocate on behalf of the Passamaquoddy Tribe and other AI/AN people that have similar challenges.

Indian Health

In order to address these disparities, the Indian Health Service (IHS) is a key partner in providing access to health care. The President’s FY 2015 Budget request reflects an increase of \$228 million but it does not adequately address how severely underfunded the IHS has been historically. The IHS remains funded at 56% level of need. I would be remiss not to request additional funding for the IHS to support direct patient care. The National IHS Tribal Budget Formulation Team requested \$5.3 billion for FY 2015 in an attempt to bring Indian Country slightly closer to the actual cost of delivering adequate health care to Tribal citizens. In addition to increased funding, there is a need to manage appropriations more efficiently for the Indian Health care delivery system. Advance Appropriations for the Indian Health Service would allow Indian Health programs to effectively and efficiently

¹ Waponahki Health Assessment was a comprehensive behavioral health risk assessment of random adult members of the four Maine Tribes in 2010. The assessment results were analyzed by the University of Nebraska and the University of New England.

coordinate health care for AI/ANs. Any delay in enacting a final budget makes it difficult to adequately address the health needs of the AI/ANs we serve. Advance appropriations will allow the IHS and Tribal Health Programs time, improving access to care through continuity, staff recruitment, and retention while decreasing administrative costs.

An additional cost saving measure that would extend the limited funding that IHS and Tribal Programs receive, would be to establish a Medicare-Like Rate cap for all purchased and referred care, formerly known as Contract Health Services. Medicare-participating hospitals are reimbursed by Indian Health Services, Tribal and Urban health programs using a “Medicare-like rate” that correspond generally to the applicable Medicare payment methodology. Tribal Advocates are working on draft legislation that would amend Section 1866 of the Social Security Act to expand the application of the Medicare-like rate cap to all Medicare-participating providers and supplies. The Government Accountability Office recently examined the Purchased and Referred Care (formerly called CHS) program and found payments for care were 2.5 times higher than the Medicare rate and had they been capped at the Medicare rate, would have resulted in a savings of \$62.8 million for services provided by tribal health programs. I ask that you support the expansion of the Medicare-like Rate to all Medicare providers and suppliers.

The Passamaquoddy Tribe joins other Tribes and Tribal Organizations in calling for a fix to inconsistencies in the definition of “Indian” in the Affordable Care Act (ACA). While we believe the intent of Congress was to allow all IHS beneficiaries access to the special benefits and protections reserved for AI/ANs in the ACA, the ACA has been interpreted to limit access to only enrolled Tribal members and Alaska Native Claims Settlement Act Shareholders. The result is an uneven and unfair application of the law to IHS’ patients, including those served by facilities in the Nashville Area – our service area—and confusion across Indian Country. In addition to a fix through regulation, we support the streamlining the definitions of Indian in the ACA to reflect the statutory definition of Indian used to determine eligibility for IHS services. We ask that Congress clarify its intent to the Department of Health and Human Services (HHS) that the special benefits and protections for AI/ANs in the ACA are intended to apply to all IHS beneficiaries. As millions of Americans begin to experience the benefits of the ACA, the Committee should use all methods at its disposal to ensure that all AI/AN receive the same and equal benefits Congress intended for them.

Bureau of Indian Affairs

The President’s FY 2015 budget request for Indian Affairs is \$2.6 billion—a \$33.6 million increase over the FY 2014 enacted level. The request includes support for increases to the Tribal Priority Allocation (TPA) of \$19.3 million over the 2014 enacted level. This provision is of critical importance to the Passamaquoddy Tribe. Over the last several years, the Bureau of Indian Affairs has absorbed reductions in funding and has resulted in the decrease and/or loss of vital services to AI/AN communities. In 2000, the Passamaquoddy Indian Township TPA funding amount was \$714,000, this year our FY 2014 funding amount is \$742,000 reflecting a \$28,000 increase in fourteen years (which actually reflects

a reduction in funding). TPA funds are critical to tribal operations including administration of crucial programs such as social services, adult education, natural resources, etc.

In addition, an \$11.6 million increase is slated to support BIA's Social Services and Indian Child Welfare programs, evaluate outcomes in meeting social service needs in Indian Country and expand job placement and training programs. Funding for Social Services and Child Welfare are received through our TPA contract. Although there are other specific increases to the BIA budget, the TPA increases will have the greatest impact to the Passamaquoddy community. I ask that you support the additional funding to the Bureau of Indian Affairs.

Bureau of Indian Education

Also included in the FY 2015 Presidents Budget request for Indian Affairs is a \$5.6 million increase over the FY 2014 enacted amounts. This funding increase includes \$2.3 million to fund the site development at the Beatrice Rafferty School located on the Passamaquoddy Pleasant Point Reservation. Design funding for the new school was provided in FY 2014. We ask that you support the increase to BIE funding as part of the Indian Affairs Budget.

Climate Change

Indian tribes are exceedingly vulnerable to and disproportionately impacted by climate change. Climate change is threatening continued access to the natural and cultural resources that are central to tribal cultures and economies, sovereignty, security, and ability to exercise reserved rights. In 2009, the Department of Interior (DOI) initiated the Cooperative Landscape Conservation Initiative (formerly called the Climate Adaptation Initiative). In the first several years of the Initiative, no money was allocated to the Bureau of Indian Affairs (BIA) to assist tribes with addressing and adapting to the impacts of climate change. In last two fiscal years, BIA has received several hundred thousand dollars to assist tribes with climate adaptation planning and engagement in federal climate adaptation programs. Nevertheless, the amount allocated to BIA has been paltry and has not come close to meeting the most basic needs related to assessment, research, and planning that tribes have to confront climate change. We are pleased to note that for Fiscal Year 2014 BIA has been allocated \$9.947 million for climate adaptation and that a similar amount has been included in the President's budget proposal for Fiscal Year 2015. We request that you support the FY 2015 funding request.

Historic Preservation

In the Historic Preservation Fund, the President's Budget Requests a slight increase from \$8 million to \$9 million in funding to the Tribal Historic Preservation Fund. The National Association of Tribal Historic Preservation Officers (THPO) is advocating for a \$15 million dollar increase. Preserving AI/AN history is a priority for the Passamaquoddy Tribe. History is also the foundation of our future. It is important to remember where we came from in order to map where we need to go in the future. With the THPO funding, the Passamaquoddy Tribe has launched several efforts including the establishment of a tribal museum, the repatriation of Passamaquoddy remains, and language preservation strategies that document the struggles and amazing resiliency of the Passamaquoddy Tribe that has

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To the House Interior Appropriations Subcommittee

allowed our survival in the northeast for more than 12,000 years. I ask that you join the Passamaquoddy Tribe in supporting this request.

Support for all AI/AN programs is critical to the future of the Passamaquoddy Tribe and Tribes across the nation. I would also request that, unless specifically prohibited by federal law, all legislation enacted for the benefit of Indians generally must be implemented equally for all federally recognized Indian Tribes. This is of particular importance to Tribes with restrictive settlement acts where States, particularly Maine, has opposed the applicability of federal law to the Passamaquoddy Tribe. It seems logical that every bill enacted for the benefit of Indians generally should apply equally to all federally recognized Indian Tribes. With the implementation of every law for the benefit of Indians comes a message of "big wins for Indian country" as a whole. However, that has not been true. New federal laws intended to strengthen sovereignty, encourage self-determination, and improve the quality of life for tribal members does not exist for all Tribes and that is having serious and dangerous consequences for tribal members and the states in which they live.. Congress' intention was for Indian Tribes to take advantage of all beneficial laws meant to improve the health, general welfare, and safety of their tribal members. The manner in which Tribes manage disaster relief, health, general welfare, or other issues pursuant to federal law for tribal members, on tribal lands, is generally an "internal tribal matter" – a matter that is not subject to State law or oversight. I ask that you support that all legislation enacted for the benefit of Indian people be implemented equally to all federally recognized Tribes including the Passamaquoddy. Each of these matters impact the lives of our tribal members and effects the next generation. Support for legislation for Indian People helps to begin to address huge disparities.

In closing, I ask that you give careful consideration to the issues I have highlighted. The Passamaquoddy Tribe respectfully asks that this Committee support funding increases for Federal Indian programs that consistently exceed the relevant rate of inflation in order to achieve real progress in closing the services gap for AI/AN. This support translates into the changes in the quality of life and the health of our Passamaquoddy community. It is crucial and essential. I hop that you will recognize the importance and act accordingly to allow fair access for the Passamaquoddy Tribe to resources it desperately needs. I thank you for this opportunity.

Respectfully submitted,
Joseph M. Socobasin