

TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR.
CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS

Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2016 BIA, IHS, and EPA Budgets, March 24, 2015

Mr. Chairman, I thank you and the other distinguished members of the Committee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians. We the people of Red Lake, who reside on our reservation in northern Minnesota, respectfully submit that the budget appropriation process represents the major avenue through which the United States fulfills its trust responsibility and honors its obligations to Indian tribes. We must depend on you to uphold the trust responsibility which forms the basis of the government to government relationship between our tribe and the federal government. The Red Lake Band of Chippewa Indians requests \$5.6 million in additional FY 2016 funding for programs described herein.

Red Lake is a fairly large tribe with 12,000 members. Our 840,000 acre reservation is held in trust for the tribe by the United States. While it has been diminished in size, our reservation has never been broken apart or allotted to individuals. Nor has it been subjected to the criminal or civil jurisdiction of the State of Minnesota. Thus, we have a large land area over which we exercise full governmental authority and control, in conjunction with the United States. At the same time, due in part to our remote location, we have few jobs available on our reservation. While the unemployment rate in Minnesota is 3.7%, ours remains at an outrageously high level of about 50%. The lack of good roads, communications, and other necessary infrastructure continues to hold back economic development and job opportunities.

Sequestration Dealt a Harsh Blow to Red Lake

Sequestration has undermined Indian treaties which were ratified under the Constitution and considered the “supreme law of the land.” Tribal governments deliver core government services that were previously administered by federal agencies, based on federal treaty and trust responsibilities owed to Indians. They are a continuing financial obligation of the United States, similar to payments of principal and interest on the massive land transfers by tribes to the United States confirmed in treaties, case law, and statutes. In FY 2013-2015, sequestration and rescissions took more than \$900,000 each year from our Tribe’s BIA base programs. We pleaded with the Administration to restore the sequestration cuts to tribal base programs in the BIA’s FY 2014 Spending Plan, but our pleas were ignored and so they continue today. We incurred additional sequestration cuts to formula-based programs like Welfare Assistance, HIP, Road Maintenance, and Natural Resources.

We cannot absorb the cuts that sequestration imposed. For example, under self-governance we operate four BIA Justice Services programs: Law Enforcement, Detention, Courts, and Community Fire Protection. The BIA is obligated to provide adequate funding to meet basic public safety needs on our Reservation. But the BIA does not provide adequate funding - far from it. All of Red Lake’s public safety programs are understaffed and undersupplied relative to BIA safety standards. In order to provide minimal public safety, and even with budget cuts demanded by sequestration, last year these programs had to spend \$6,544,439. But BIA provided only \$4,569,024, leaving the Tribe with a shortfall of \$1,975,415. We did not have the money to cover this shortfall. We instead had to take funds from other BIA service programs which were also sequestered. The impacts of sequestration at Red Lake are too numerous to describe here, but include staff cutbacks and reduced hours in law enforcement and other public safety areas.

Medical services at Red Lake are provided by both the IHS and the Tribe. In FY 2013 sequestration took more than \$750,000 from these programs. Because IHS failed to restore the cuts in its FY 2014 Spending Plan, they continue today. This cost the Tribe a family practice physician, longer patient wait times, delays in follow-up care, and service cutbacks including reduced medical transportation, fewer supplies, and outdated equipment. This year, IHS cut-off funding to the Tribe for two dentists and two dental technicians, threatening our dental program. As sequestration continues, additional staff reductions will further erode patient care.

Sequestration hurts our kids. Our Tribal Health program funds the Red Lake Schools' Wellness Program, which provides counselors to support students when they have problems in school, home or in the community, and are thinking of harming themselves. It was initiated after the Red Lake School shooting in 2005, with help from SAMHSA grants, after President Bush promised the government would help us and we would not be forgotten. Sadly, this promise did not endure. The SAMHSA grants ended years ago so the Tribe picked up the tab. Because of sequestration we had to cut Wellness Counselors from 8 to 5, not nearly enough to assist hundreds of students in four schools. We were unable to fill two vacant counselor positions at our Middle School because of sequestration, so now there are none. Last year we had four youth suicides - two girls and two boys, including Middle School students, and there were 63 cases of suicide ideation. Due to counselor interventions, 34 students were placed under protective watch and sent to appropriate medical facilities for further care. The counselors initiated dozens of Safety Plans involving agreements with students to seek assistance when needed. This proves the Wellness Counselors are doing their job, and they can and do save lives. But under sequestration, the program is unable to reach all who need help, and further staff reductions are anticipated.

Anyone who thinks sequestration is not so bad is dead wrong – for tribes, who must rely on federal funding for government services, sequestration has been a nightmare. The sequestration cuts imposed in FY 2013-2015 must be restored in FY 2016, and only you can do this! We specifically ask for restoration of Red Lake's base sequestration of \$1,650,000 for BIA and IHS programs in FY 2016, as well as \$1,975,415 to meet our BIA public safety shortfall.

FY 2016 Interior Budget Overview

We have pointed out that for at least a decade, BIA and Tribes have fared poorly when it comes to budget advances at Interior. The Department's and OMB's recent stepped-up promotion of the Native American Crosscut Budget has not allayed tribes' concerns that our critical government services programs and staff, which are financed by the BIA, are dangerously underfunded yet continued to be cut through sequestration, rescissions, and inflation.

We do appreciate your help by providing BIA funding increases in FY 2014-2015, after three years of significant decreases in FY 2011-2013. The President's FY 2016 budget request is \$2.9 billion, an increase of \$323 million (12.4%) over the FY 2015 enacted level. Although it does not restore the FY 2013-2015 sequestration cuts to tribal base programs, we strongly support the President's request, and we ask that you fully fund the request.

Tribal Government Funding (Formerly Tribal Priority Allocations (TPA))

Tribes have suffered terrible cuts in funding for most government service programs. These cuts have caused a crisis for most tribes and include: A crippling 16% TPA cut in 1996; With the exception of law enforcement, most tribes' base programs were either flat-funded or further reduced for 20 years; Since 2000, tribes' base programs were cut an additional 8% from *14 different permanent, across-the-board rescissions* to fund everything from federal deficit reduction, tax cuts, wars, and hurricanes; and, during the last 15 years, pay costs were only partially funded. As a result, tribes' core service funding is far less, in real terms, than 20 years Ago. Our ability to provide safety and security for people who already struggle to survive under some of the worst living standards in America has been undermined. Federal agencies may be able to absorb these cuts, but tribes like Red Lake cannot - we have reached the breaking point.

Fully Fund Pay Costs and Fixed Costs in FY 2016 and Beyond

Pay Costs represent the only increase most tribal programs receive. Since FY 2001, the Department, BIA, and tribes, lost more than \$800 million from only partial funding of Pay Costs and other Fixed Costs, and along with it literally thousands of jobs. The President's FY 2016 budget includes only \$18.3 million for BIA Fixed Costs and Pay Costs. They were inaccurately described as "Fully Funded". We ask that you provide \$8 million specifically for tribes' Pay Costs in FY 2016, and that you continue to express your concerns to the Administration that Pay Costs must be fully funded in all future budgets. We also ask for \$2 million in FY 2016, which is the amount Red Lake is shorted each year from the failure to fully fund Pay Costs.

Contract Support Costs (CSC)

Thank you for directing BIA and IHS to provide full funding for CSC, we commend your leadership on this. However, despite the increases you provided in FY 2014-2015, they came at the expense of tribal program dollars, which were slashed under sequestration, and not restored because BIA (and IHS) told tribes they were required to fully fund CSC and other priorities, leaving no funding available to restore sequestration cuts.

The President's FY 2016 budget includes a strategy that in the future could address concerns like the above. The proposal is to reclassify CSC to mandatory funding in FY 2017. It appears the reclassification would allow CSC to be calculated and added separately from discretionary budget caps, and be treated as a PAYGO cost in the authorizing legislation. We look forward to consultation with BIA over the coming year to learn more about this, and to provide comments.

BIA Justice Services Programs: Law Enforcement, Courts, Community Fire Protection

The President's FY 2016 budget requests an increase of \$6.7 million for Law Enforcement services, including \$4 million for Tiwahe Initiative funding to implement a strategy to provide alternatives to incarceration and to reduce recidivism in Indian Country. We strongly support the BIA in its mission to change the focus from the old lock-up model, to one which addresses the underlying causes of incarceration, such as alcohol, drugs, and mental illness. Red Lake is a participant tribe in this initiative. We have been working the last two years with BIA and other federal partners to develop a program to reduce juvenile recidivism at Red Lake. The plan includes opening a juvenile facility which was built under DOJ's Correctional Facilities Grants program, but which sadly has sat vacant for a decade, as funds were never appropriated to staff and operate it. The DOJ recently completed a report which recommends the utilization of this facility at Red Lake. With seed money from this BIA initiative, we're excited to report that we just hired a juvenile facility/recidivism program director and a youth intervention specialist, and we're making real progress towards hands-on intervention with court-adjudicated youth to help turn their lives around and reduce recidivism. We need you to fund this initiative in FY 2016.

Funding for Tribal Courts is terribly inadequate, and remains a top priority of tribes. While increases in law enforcement have had a positive impact on tribes' abilities to combat crime, tribal court systems have not fared so well. We support the President's FY 2016 requested increase of \$5 million for Tribal Courts as part of the Tiwahe Initiative, and we ask that you provide an additional \$10 million for Courts in FY 2016. Community Fire Protection has been neglected for decades. We are responsible for fighting fires on our Reservation and protecting peoples' lives, *on a yearly BIA-funded budget of \$42,500*. We ask that you provide an additional \$10 million for Community Fire Protection in FY 2016.

Housing Improvement Program (HIP)

In recent years HIP funding was cut from \$19 million to \$8 million. Housing is a basic need of every American. Past funding for HIP has been terribly inadequate. Recently, we were able to build 8 new HIP homes for the poorest elderly and disabled members, who were ineligible for assistance from other agencies. The HIP program should be restored in FY 2016 to \$19 million.

Trust Natural Resources

The President's FY 2016 budget request includes an increase of \$48 million over FY 2015 for Natural Resources. Most of the increases are to support tribal communities in sustainable resource management and in preparing and responding to the impacts of climate change, such as drought, wildfires, and changes in the plants and animals important to subsistence and culture. We strongly support the President's request, and we ask that you fully fund the request.

We have said for years that tribal base programs, which fund tribes' day-to-day conservation responsibilities, have been flat for many years, while other resource categories have enjoyed several funding increases. This has resulted in tribes being unable to adequately manage their reservation resources. At the tribal level, most resource management activities, and the staff that perform them, are funded under the BIA budget categories of Tribal Management/Development;

Natural Resources TPA; Wildlife and Parks TPA; and Forestry TPA. And this is where additional attention needs to be focused. We again urge you to provide an increase to these programs of at least \$5 million each in FY 2016, above the President's request.

Indian Health Service (IHS)

The President's FY 2016 request for IHS is \$5.103 billion, an increase of \$460.6 million (9.9%) over FY 2015. We appreciate the additional funds you provided in FY 2014-2015, which included a commitment to restore some of the FY 2013 sequestration cuts. However, after fully funding CSC, and meeting other Administration budget priorities, IHS was unable to restore the sequestration cuts at the tribal program level. This represents a serious setback in Indian healthcare spending, which per capita is only 1/3 of the national average.

There is a tremendous unmet need for IHS and Tribal health programs, which stems from years of chronic under funding. IHS mandatory increases for inflation, population growth, pay costs, and CSC surpass the requested increase. The needs based budget for IHS is \$29 Billion, phased-in over 12 years. We ask that in FY 2016, you provide at least \$6 Billion, which would accommodate mandatory cost increases outlined in the President's request, and also restore most of the sequestration cuts imposed in FY 2013, and which were retained in FY 2014-2015.

EPA Programs

Water, wetlands, and the animals and plants that rely on them are precious to us. Red Lake is home to the 6th largest natural, freshwater lake in the United States and it is truly a national treasure. We possess 60% of the federal Indian trust land in EPA Region 5. Vital EPA programs include the General Assistance program (GAP), Clean Water Act Sections 106 Pollution Control and 319 Nonpoint Source, Brownfields, and Clean Air Act Section 105. Due to Red Lake's unique jurisdictional status, assistance from state and other agencies is non-existent, so there is a disproportionate impact on our resource management capacity relative to other tribes when federal funds are cut. Most EPA program funding levels have not increased, but the number of tribes accessing these programs has increased, so our funding has decreased. The GAP program has been flat for years, and actually decreased by \$2.8 million in FY 2015. We strongly urge you to fully fund the President's FY 2016 request of \$96.4 million for GAP. Under Section 106, tribes' funding levels have decreased sharply. At Red Lake, we've seen a reduction of \$50,000 (14%) since FY 2003. We ask that in FY 2016, you increase the Section 106 allocation to tribes from 12% to 20%. Red Lake manages 60% of the region's trust lands, but only receives 9% of the funding. The National Pollutant Discharge Elimination System (NPDES) program is funded at \$48.5 million. There is a great need to dedicate a portion of this to tribes, to enable us to ensure point sources are complying with pollution control measures to protect water quality. Red Lake has stretched EPA dollars to their limit. Increases for EPA tribal programs are needed for tribes to perform just a fraction of the functions that States have been enabled to perform.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake Band of Chippewa Indians in FY 2016, and for your consideration of these needs.