

TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS
COUNCILMAN DAVID Z. BEAN
BEFORE THE U.S. HOUSE
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
BIA AND IHS
FISCAL YEAR 2016
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Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the FY 2016 appropriations for American Indian and Alaskan Native programs. My name is David Z. Bean, Tribal Council Member for the Puyallup Tribe of Indians. The Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations including the United States in the Medicine Creek Treaty of 1854. This relationship is rooted in Article I, Section 8, of the United States Constitution, federal laws and numerous Executive Orders. The governing body of the Puyallup Tribe of Indians is the Puyallup Tribal Council which upholds the Tribe's sovereign responsibility of self-determination and self-governance for the benefit of the 4,875 Puyallup tribal members and the 25,000 plus members from approximately 355 federally recognized Tribes who utilize our services. The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way).

The following written testimony documents the Puyallup Tribe's views concerning the President's FY 2016 Federal Budget. My written testimony will focus on the proposed budget for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). Within the BIA budget, *\$2.7 billion is proposed for FY 2016, an increase of \$231.4 million above the FY 2015 levels.* For the IHS, *\$5.1 billion is proposed, an increase of \$460.6 million over the FY 2015 enacted level.* Included in both budgets the President proposes to fully fund Contract Support Costs (CSC) in FY 2016. The budget provides \$277 million for BIA CSC and \$718 million for IHS CSCs. We appreciate the increased funding being proposed for the BIA and IHS, and funding CSCs at 100%. However, the years of inadequate funding and the effects of inflation have impacted the Tribe's ability to fully exercise self-determination and self-governance. As negotiations proceed on the FY 2016 budget and future appropriations, efforts to insure adequate funding is provided for Indian programs will be paramount. To preserve the increased funding levels realized in recent years and contained in the proposed FY 2016 budget for the BIA and IHS, the increases should be viewed by Congress and the Administration as new "*base funding*" amounts with annual increases to meet actual need. Specific issues and needs are:

Department of Interior – Bureau of Indian Affairs

Public Safety & Justice: The *FY 2016 Budget request includes \$364.4 million for BIA Public Safety & Justice.* This represents a *\$11.5 million increase* over the FY 2015 enacted level which is fully supported by the Puyallup Tribe. The *\$93.3 million for Tribal and BIA detention and corrections funding is of great importance to the Puyallup Tribe.* While this increase is

supported by the Puyallup Tribe, it is of concern that there is no requested increase for the operation of tribal detention facilities that came online last year and that were not fully funded by FY 2015 appropriations. In FY 2009, the Puyallup Tribe received a Department of Justice ARRA grant, in the amount of \$7.9 million to construct a 28 bed adult corrections facility. Construction on the facility was completed in February 2014 and came online in May 2014. Over the past three (3) years the Puyallup Tribe has worked closely with the BIA-Office of Justice Services National and Regional staff on identifying the operating and staffing costs associated with the Puyallup Tribe's new adult corrections facility. The Puyallup Tribe submitted a P.L. 93-638 contract request to the BIA for Operations and Maintenance funding for the new facility, including Pre-Award, Start-up, Transitional funding, Staffing and O&M funding. The agreed upon estimated cost of operating the facility was set at \$2.6 million annually. The BIA base funding offered to the Tribe in FY 2015 was \$704,198 or 27% of actual need. *Due to current budget realities, we support the President's proposed FY 2016 funding of \$95.3 million, for Detention & Corrections. However, we are requesting support from the Subcommittee to fund the Tribe's Adult Corrections facility at the established true cost of operations, estimated at \$2.6 million annually. Further, the Puyallup Tribe requests the Subcommittee's support to increase funding for BIA Detention/Corrections by \$32.2 million to reflect actual funding need.*

In addition, we operate a Tribal Court program through a P.L. 93-638 contract with the BIA. In FY 2015, our base funding was increased from \$45,000 to \$194,996 and remains at this amount for FY 2016. While this increase to our Tribal Court Base funding is appreciated, it does not equal the amount of tribal funds necessary to fully operate the Tribal Court program. In FY 2015, the Tribe has allocated \$1.172 million of tribal funds for the Tribal Court budget. Since its enactment in 1993, the Indian Tribal Justice Act has remained unfunded. Originally authorized to provide \$50 million for base funding increases to assist with expanding judicial systems, Tribes are left with no option than to utilize tribal revenues to fully implement legislative acts, such as the Tribal Law and Order Act and the Violence Against Women Act. *We are requesting support from the Subcommittee to fund the Indian Tribal Justice Act at \$82 million.*

Natural Resources Management: The Puyallup Tribe, as stewards for land and marine waters in the Usual and Accustomed fish, shellfish, and wildlife areas, has treaty and governmental obligations and responsibilities to manage natural resources for uses beneficial to the tribal membership and the regional communities. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Native and Non-native fishermen and surrounding communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington with an obligation to manage production of anadromous and non-anadromous fish, shellfish and wildlife resources. Existing levels of support are inadequate to reverse the trend of resource/habitat degradation. *For FY 2016, a minimum funding level of \$8.562 million is necessary for BIA Western Washington (Bolt Decision) Fisheries Management program, and we agree with the Northwest Indian Fisheries Commission (NWIFC) that increased funding is needed.* The increase in funding would provide new monies for shellfish, groundfish, enforcement, habitat, wildlife and other natural resource management needs. As the aboriginal owners and guardians of our lands and waters, it is essential that adequate funding is provided to allow Tribes to carry-out our inherent stewardship duties.

The Puyallup Tribe continues to operate a number of salmon hatcheries that benefit Indian and non-Indian commercial and sport fisheries in the Pacific Northwest/Puget Sound. We work cooperatively with the Northwest Indian Fisheries Commission, neighboring tribes, Federal agencies, and state fishery managers to insure the success and sustainability of our hatchery programs. The Puyallup Tribe will continue to advocate and secure increased funding for Fish Hatchery Operations and Maintenance funding. *We are in agreement with the NWIFC recommendation that additional funding is necessary for the Fish Hatchery Operations and Maintenance programs, and request the Subcommittee's support to fund FY 2016 Fish Hatcheries Operations and Fish Hatchery Maintenance at \$3.35 million and \$6.582 million, respectively.*

The Timber, Fish and Wildlife (TFW) Supplemental and U.S./Canada Pacific Salmon Treaty programs have allowed for the expansion of tribal participation in the state forest practice rules and regulations and participation in inter-tribal organizations to address specific treaties and legal cases which relate to multi-national fishing rights, harvest allocations and resource management practices. *We request Subcommittee support for the funding recommendations of the NWIFC for the FY 2016 TFW Supplemental program and the U.S./Canada Pacific Salmon Treaty program.*

The Puyallup Wildlife Management program has been the lead agency in management activities to benefit the South Rainier elk herd since 2004. The South Rainier elk herd is the primary stock of elk harvested by the Puyallup Tribe. The Tribe has not only established more reliable methods for population monitoring, but has also been proactive in initiating habitat enhancement projects, research and land acquisition to ensure sustainable populations of elk for future generations. Funds that are available to the Tribe have been on a very competitive basis with a limited amount per program via USFWS Tribal Wildlife grants and the BIA Unresolved Hunting and Fishing Rights grant program. *We request Subcommittee support to provide base funding to the Tribe's Wildlife Management Program in the amount of \$150,000 through the BIA Unresolved Hunting and Fishing Rights program in FY 2016.*

Education: The Puyallup Tribe operates the pre-K to 12 Chief Leschi Schools which included a verified 2014-2015 School student enrollment of 910 + students, including ECEAP and FACE programs. With an increasing number of pre-kindergarten enrollment, Chief Leschi Schools will soon exceed design capacity. Additional education facility space will be necessary to provide quality educational services to the students and tribal community. In addition, the cost of operation and maintenance of the Chief Leschi Schools' facilities continues to increase in the areas of supplies, energy and student transportation costs. The FY 2016 Budget request for the Bureau of Indian Education (BIE) is \$904 million, an increase of \$93.9 million over the FY 2015 enacted level. While this increase is appreciated, once again the funding level does not meet the actual operational needs of tribal education programs. The Tribe will continue to work with Congress, BIE and the National Congress of American Indians to increase funding in FY 2016, including; *Tribal Grant Support Cost for Tribally Operated Schools - \$73 million; Student Transportation - \$73 million; School Facilities Accounts - \$109 million in facilities operations and \$76 million in facilities maintenance; and Indian School Equalization Formula (ISEF) - \$431 million.*

Operations of Indian Programs & Tribal Priority Allocations: The BIA Operations of Indian Programs budget is in drastic need for increased funding. Within the Operations of Indian Programs is the Tribal Priority Allocations (TPA). The TPA budget functions include the majority of funding used to support on-going services at the “local tribal” level, including; natural resources management, child welfare, other education, housing and other tribal government services. These functions have not received adequate and consistent funding to allow tribes the resources to fully exercise self-determination and self-governance. Further, the small increases “TPA” has received over the past few years have not been adequate to keep pace with inflation. *The Puyallup Tribe is requesting support from the Subcommittee to fund the Operation of Indian Programs at the FY 2016 request of \$2.7 billion, an increase of \$231.4 million over the FY 2015 enacted level, and TPA at \$982.6 million for FY 2016, an increase of \$56.2 million over the FY 2015 level.* We further request support from the Subcommittee to increase funding for Indian Child Welfare (TPA) by \$45 million; Increase Urban Indian Child Welfare programs by \$15 million; and increase BIA Child Welfare Assistance by \$55 million.

Department of Health and Human Services – Indian Health Service

The inadequate funding of the Indian Health Service is the most substantial impediment to the current Indian Health system. The Puyallup Tribe has been operating healthcare programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to the Native American population in Pierce County, Washington. The current patient load exceeds 9,000, of which approximately 1,700 are Tribal members. There are no IHS hospitals in the Portland Area, so all specialties and hospital care have been paid for out of our contract care allocation. The Purchased/Referred Care (PRC) allocation to PTHA remains inadequate to meet the actual need. In FY 2004, the Puyallup Tribe subsidized PRC with a \$2.8 million dollar contribution. In FY 2015, the tribal subsidy has grown to \$6.2 million. Given that the PTHA service population is only comprised of 17% Puyallup Tribal members, tribal budget priorities in F.Y. 2011-2015 have made continued subsidies to the PTHA financially difficult for the Puyallup Tribe. *The FY 2016 Budget requests \$5.1 billion in discretionary budget authority for the IHS. This represents a \$460.6 million increase over the FY 2015 enacted level. For Health Services programs, the FY 2016 budget requests funding for Clinical Services (\$4.4 billion), Purchased/Referred Care (\$984.4 million), Medicaid/Medicare (\$1 billion) and Contract Support (\$718 million).* The Puyallup Tribe fully supports funding increases for existing IHS programs and will work Congress to continue efforts to increase funding for IHS and the critical programs administered by this Agency.

Thank you for affording the Puyallup Tribe the opportunity to testify.