

**Testimony of Gary Burke, Chairman, Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation
Before the House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
Hearing on FY 2016 Appropriations
American Indian/Alaska Native Programs
March 24, 2015**

Chairman Calvert and Ranking Member McCollum: I am Gary Burke, Chairman of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation of Oregon.

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The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) consist of 2,986 members who primarily live on our Reservation in northeast Oregon. In 1855, we signed a Treaty with the U.S. government ceding over 6.4 million acres to the United States. We reserved rights to fish, hunt, and gather foods and medicines within our aboriginal lands in northeastern Oregon and southeastern Washington.

Before I get into specific requests, I urge the Subcommittee to recognize the federal government's earliest treaty commitments when it takes action on the BIA and IHS budgets. We recognize that our country and this Congress confront a difficult budget climate, but that climate does not diminish the government's treaty and trust obligations to Tribes.

1) Support the President's budget request for the BIA and IHS

Generally the CTUIR is pleased that the President's FY16 budget request for BIA and IHS has held its ground with, or includes much needed increases over, 2015 enacted levels. Subject to our more specific comments below, we support the \$231.4 million increase in the BIA budget,

and the \$460.6 million increase in IHS budget over FY15 enacted levels. The President's FY 2016 budget request includes \$5.1 billion to Indian Health Service (IHS) programs. This represents a much needed increase of 9.9% over FY 2015. The CTUIR urges the subcommittee support the Administration's budget increases and commitment to addressing the significant unmet health needs throughout Indian Country.

2)BIA and IHS Contract Support Costs: Support for Full Contract Support Cost Funding

The CTUIR has compacted nearly all available BIA and IHS functions under the Indian Self-Determination and Education Assistance Act. Our receipt of full contract support costs (CSC) is essential to administering these programs and is required by the ruling of the U.S. Supreme Court in Salazar v. Ramah Navajo Chapter. The CTUIR supports the CSC budget increases of \$26 million for the BIA, and \$55 million for the IHS. We urge the Subcommittee to ensure that the BIA and IHS appropriations fully fund tribal contract support costs. We also urge support for the reclassification of CSC as permanent funding beginning in FY 2017.

3)BIA Budget Comments

a. Support for BIA Water Rights Litigation Support/Attorney's Fees and Negotiation/Litigation Funding

The CTUIR is actively engaged in negotiations for a water rights settlement for our tribal homeland in the Umatilla Basin, where agricultural diversion have seriously impacted once-abundant salmon runs. A federal Indian water rights negotiation team was appointed in 2012 and our negotiations have been ongoing since then and are making real progress.

The CTUIR supports the \$2.5 million budget for litigation support/attorneys' fees to support our water rights negotiations. The \$1.5 million in funding under this line item in previous years has clearly been insufficient to meet the needs of the CTUIR and the other tribes actively involved in water rights negotiations. Because of the complicated water rights and other legal issues associated with our water rights settlement, federal support for the payment of tribal legal costs to achieve our settlement is critical. In fact, the recent letter from House Natural Resources Chairman Rob Bishop to the Attorney General and Secretary of Interior regarding the prerequisites for Committee consideration of a tribal water rights settlement make the funding under this budget line item even more important.

The CTUIR also supports the \$16.53 million budget for water rights negotiation/litigation line item, which is a much needed increase over the 2015 enacted level of \$8.5 million. This funding is critical to the technical work on instream flows required to support the Treaty reserved fishing rights and the consumptive use water rights required to satisfy the Tribal homeland. The CTUIR's technical work on its water rights settlement is complicated by the over-appropriation of water in the Umatilla River, the listing of steelhead and bull trout as endangered under the Endangered Species Act and the CTUIR commitment to achieve a water rights settlement without harm to existing water rights holders and the agricultural economy in the Umatilla Basin.

b. Support for Increase in Budget for Trust – Natural Resource Management: \$48 million

The CTUIR strongly supports the \$48 million budget increase for Trust - Natural Resource Management which adds \$20.4 million to Tribal Climate Resilience and includes increases of \$4.7 million to Rights Protection Implementation, \$4.1 million to Forestry, \$2 million to Fish, Wildlife and Parks, and \$5 million to Tribal Management and Development.

c. Support for Increase in Budget for Trust – Real Estate Services: \$16.6 million

The CTUIR supports the \$16.6 million increase in the Trust – Real Estate Services which includes a \$9 million increase in the Rights Protection line item. The CTUIR relies upon rights protection funding to protect fishery, wildlife and water resources reserved in our Treaty.

d. Support for Public Safety and Justice: \$11.5 million

The CTUIR supports the \$11.5 million increase in the Public Safety and Justice budget, which includes a much needed increase of \$4.9 million in funding for tribal courts. As a result of the CTUIR implementation of Sex Offender Registration and Notification Act, Tribal Law and Order Act, and the Violence Against Women Act, we have seen an increase in the use of our tribal court for law enforcement purposes. The provision of effective law enforcement, fire protection, and tribal court services are essential for effective law enforcement in our community.

4)IHS Budget Comments

a. Support for IHS Small Ambulatory Program Funding

The development of a new clinic has been a priority of the CTUIR for several years. The CTUIR has owned and operated the Yellowhawk Tribal Health Center (Yellowhawk) since the Tribe contracted, and later compacted, the IHS function in 1995. Yellowhawk provides a full range of outpatient medical, dental, pharmaceutical, laboratory, and behavioral and community health services to our tribal community. Part of assuming Yellowhawk management functions includes strategies to expand health care services and to address health care disparities to tribal members and other IHS eligible patients. To meet this responsibility, the CTUIR needs to expand health services in a manner that requires a new health facility. The growth of our patient population, increasing health needs, and lack of space for adding programs and services, have led to the need to replace the current Yellowhawk facility. The new Yellowhawk health center is the number one capital improvement priority of the CTUIR.

The Administration's proposed IHS Facilities budget includes \$185 million for Health Care Facilities Construction, which includes a \$100 million increase over the 2015 budget for new facilities construction. This increased budget for new facilities is not available to tribes, including the CTUIR, because the funds are directed to 4 identified projects on the IHS facilities priority list. In addition, the CTUIR application for new facility funding under the Joint Venture

Construction Program was rejected. As a result, the only form of IHS financial assistance for the new CTUIR health clinic is the IHS Small Ambulatory Program (SAP).

The SAP was developed to assist Tribes with construction funding if they were willing to utilize their own resources for staffing a new Tribal health clinic. However, the program has not been funded since 2006. The SAP program leverages federal tax payer dollars with tribal resources to build new health facilities. It is a win/win proposition where federal clinic construction funds are matched with tribal funding for clinic staffing to build new tribal health facilities. Tribes who rise to the challenge of constructing their own facilities should be able to rely on the IHS for some level of assistance. That assistance can be provided by appropriating funds under the Small Ambulatory Program.

We urge Congress to reallocate \$20 million of the Health Care Facilities Construction budget to the SAP to assist the CTUIR and other tribes who are developing ambulatory health centers.

b. Support for NPAIHB Testimony

The CTUIR, as a member of the Northwest Portland Area Indian Health Board (NPAIHB), supports the testimony on the IHS budget being provided today before the Subcommittee by NPAIHB Chair, Andy Joseph.

5)Treaty Fisheries Management: Support for CRITFC Testimony

Perhaps the most cherished of our reserved Treaty rights and first foods is our salmon fishery. To assert and protect that Treaty right, the CTUIR is one of the four member tribes of the Columbia River Inter-Tribal Fish Commission (CRITFC). CRITFC serves as our policy and technical coordinating agency for Treaty fisheries management for Columbia River and international fisheries. We support the testimony you will hear today from CRITFC Treasurer Brooklyn Baptiste of the Nez Perce Tribe.

In conclusion, I want to again thank the Subcommittee for your commitment to funding these important programs to the Confederated Tribes of the Umatilla Indian Reservation. Your work here continues the solemn trust obligations of the United States.