

**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 2018 BIA, IHS, and EPA Budgets, May 16-17, 2017**

Chairman Calvert and Ranking Member McCollum, thank you and the other distinguished members of the Subcommittee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians (“Red Lake”). Red Lake is a large tribe with 12,000 members. Our 840,000-acre Reservation is held in trust by the United States. While it has been diminished in size over time, our Reservation was never broken apart or allotted, nor subjected to the criminal or civil jurisdiction of the State of Minnesota. Thus, we are responsible for a large land area over which we exercise full governmental authority and control, in conjunction with the United States. Due in part to our remote location, there are few job opportunities available for tribal members. While unemployment in Minnesota is only 3.9 percent, ours remains close to 50 percent. The lack of good roads, reliable communications systems, and other necessary infrastructure continues to impede economic development and job creation at Red Lake. The budget appropriation process is a major avenue through which the United States fulfills its trust responsibility and honors its obligations to Indian tribes. To that end, we request that your Subcommittee provide \$6.7 million in additional FY 2018 funding for Red Lake programs as described below.

Protect and Restore BIA and IHS Funding From Sequestration. Sequestration has undermined specific Red Lake treaties that the United States Constitution considers the “supreme law of the land.” Our tribal government delivers core government services that were previously administered by federal agencies, based on federal treaty and trust responsibilities owed to Red Lake. Because it would be unthinkable for the United States to fail to fully comply with contractual obligations to other treaty parties without consequence, the United States must likewise fully honor its obligations to Indian nations, like Red Lake.

In FY 2013-2017, sequestration cut Red Lake’s BIA annual funding levels by more than \$900,000 each year forcing Red Lake’s already underfunded BIA programs to suffer from huge reductions. The BIA is obligated to provide adequate funding to meet basic public safety needs on our Reservation, but the BIA has repeatedly failed to do so. Each of our public safety programs is understaffed and undersupplied relative to the BIA’s own safety standards. In order to provide minimal public safety in FY 2016, Red Lake had to spend \$2.9 million more than BIA provided. To cover this shortfall, we had to shift funds from other critical BIA programs, which were also impacted by sequestration, cutback on staff, and reduce hours for law enforcement and other public safety services. This resulted in noticeable and dramatic cuts in service delivery.

Sequestration has additionally taken over \$750,000 each year from IHS-funded medical services at Red Lake. This has cost the Tribe several medical positions, made patients wait even longer for treatment, delayed patient follow-up care, reduced medical transportation, diminished supply stocks, and delayed replacement of outdated equipment.

For tribes like Red Lake who must rely on federal funding for essential government services, sequestration has been a nightmare. Funding taken away by the draconian sequestration cuts of recent years should be restored in FY 2018. We specifically ask for an addition of \$1,650,000 to

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Red Lake's BIA and IHS base program funding in FY 2018 to restore funds taken away by previous sequestration cuts, and we ask for another \$2,957,850 to be added to our BIA law enforcement budget to help Red Lake finally meet our BIA public safety shortfall.

Protect Indian Country Funding from Proposed 12 Percent Cut. Although only limited details of the President's FY 2018 budget have been released, we are very concerned about a proposed 12 percent across the board cut to Interior. For at least a decade, BIA has fared poorly when Interior has internally allocated its budgeted funds among various agencies.

Tribes have suffered terrible funding cuts to most government service programs. The cuts have caused a crisis for many tribes. The cuts include a crippling 16 percent to Tribal Government Funding (formerly referred to as "Tribal Priority Allocations" or "TPA") in 1996, most tribes' base programs other than law enforcement have not increased in 20 years, tribal programs were cut an additional 8 percent from the 14 separate, permanent rescissions enacted since 2000 to fund federal deficit reduction, tax cuts, wars, and hurricanes. Tribal employee pay costs were only partially funded most of those years. As a result, tribes' core service funding is far less, in real terms, than 20 years ago. This has undermined the ability of tribes to provide safety and security for people who struggle to survive under some of the worst living standards in America.

Red Lake's critical government services programs are dangerously underfunded, and the BIA through which we receive our funding continues to be impacted by sequestration, rescissions, and inflation, despite the able work of this Subcommittee to provide BIA funding increases in FY 2014-2017 after three years of significant decreases in FY 2011-2013.

Fully Fund Pay Costs and Fixed Costs in FY 2018 and Beyond. Pay costs represent the only increase most tribal programs receive. Since FY 2001, the Interior Department, BIA, and tribes, lost more than \$800 million from the partial funding of Pay Costs and other Fixed Costs. This has resulted in the loss of thousands of jobs. The FY 2017 budget request included \$5.3 million for BIA Fixed Costs and Pay Costs – the lowest request in history (in FY 2008 BIA Fixed Costs were \$41.3 million). Red Lake requests that you provide \$8 million specifically for tribes' Pay Costs in FY 2018, and that you continue to tell OMB that Pay Costs must be fully funded in all future budget requests. We also ask that you fund \$2.1 million in FY 2018, the total cumulative amount Red Lake has been shorted from the failure to fully fund Pay Costs since FY 2001.

Protect and Fully Fund Tiwahe and Recidivism Reduction Initiatives (RRI). Tiwahe and RRI are positively impacting tribes. The Tiwahe Initiative provides resources to assist tribes in addressing the inter-related problems of poverty, violence, substance abuse, and associated outcomes like youth suicide. Tiwahe encompasses several BIA programs including Social Services, ICWA, Courts, Job Placement and Training, and Housing. These programs historically have seen few funding increases. The RRI is a BIA Public Safety and Justice program within its Law Enforcement Special Initiatives line, and which is now part of the broader Tiwahe Initiative. Through Tiwahe and RRI, Red Lake was able to finally open a juvenile facility that sat vacant

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for a decade due to lack of funding. We are now providing vital services to youth who truly need them. Troubled youth are screened for a variety of issues including mental health, substance abuse, domestic abuse, crime, and recidivism. A host of services are provided including mental health, trauma, and substance abuse treatment. We have recently established a juvenile healing to wellness court, and in conjunction with Red Lake Schools, we established a “last chance” school for youth who are on the verge of expulsion because of societal problems affecting them. Additionally, Our Tribal Health Wellness Program works in concert with IHS Behavioral Health staff and the schools. To date, they have provided over 8,631 inpatient visits. Because of these initiatives, we are proud to report that, in the last 16 months, for the first time in years, we have had zero youth suicides. This is an outcome we want to maintain.

We are concerned about the 2nd sentence of the FY 2018 Budget Blueprint for BIA: “The Budget reduces funding for more recent demonstration projects and initiatives that only serve a few Tribes.” Tiwahe actually impacts 61 tribes in its current pilot phase, and it will eventually expand to positively impact all tribes. On top of that, an additional \$24 million in Tiwahe Social Services and IWCA funds were distributed to tribes across the country. Red Lake has made real progress to address the needs of our youth and families, thanks to Tiwahe and RRI. We greatly appreciated your support for these initiatives in FY 2015 and 2016, and for the additional \$16 million you provided in FY 2017. You are helping our children and families to have better lives and safer communities. We ask that you continue to fully fund and consider increases for Tiwahe and RRI in FY 2018.

BIA Justice Services Programs: Law Enforcement, Courts, and Community Fire Protection. The Tribal Law and Order Act (“TLOA”) was intended to empower tribal law enforcement with resources needed to combat crime. However since TLOA’s implementation, BIA funding for tribal law enforcement has decreased thus hindering the ability of tribal law enforcement to reduce crime and protect tribal members. Recent administration budget requests have furthermore failed to include any increases for tribal law enforcement operations. We thank you for providing an additional \$5.6 million for tribal law enforcement in FY 2017, this increase is sorely needed. We request an additional \$10 million in FY 2018 for tribal law enforcement operations. Funding for Tribal Courts is grossly inadequate and remains a top priority of tribes. We thank you for providing an additional \$2.6 million in FY 2017 for Tribal Courts in support of the Tiwahe Initiative, and we ask that you provide an additional \$10 million in FY 2018 for Tribal Courts. Community Fire Protection has also 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 2017.

Housing Improvement Program. The Housing Improvement Program (“HIP”) has provided Red Lake with many successes. Recently, we were able to build 8 new HIP homes for our poorest elderly and disabled members who were ineligible for assistance from other federal agencies. However, we remain concerned about the future of this program as HIP funding

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was cut from \$19 million to \$8 million in recent years. We thank you for providing \$1.7 million in FY 2017 for Housing under the Tiwahe Initiative. To continue funding our initiatives, we request an additional investment of \$10 million in FY 2018.

Trust Natural Resources – Additional \$5 Million. Thank you for providing an additional \$9 million for Trust Natural Resources programs in FY 2017. Many natural resources recurring base programs, which fund tribes’ day-to-day conservation responsibilities, have not been increased for years. As a result, tribes have been unable to adequately manage their resources. On our Reservation, most resource management activities are funded under the BIA budget categories of Tribal Management Development, Natural Resources TPA, Wildlife and Parks TPA, and Forestry TPA. We urge you to increase funding for each of these programs by at least \$5 million above the FY 2017 enacted levels.

Indian Health Service (IHS) - \$7.1 Billion. Thank you for providing \$5.040 billion in FY 2017 for IHS, an increase of \$232.3 million over FY 2016. There is a tremendous unmet need for IHS and tribal health programs, stemming from years of chronic under funding. IHS mandatory increases for inflation, population growth, pay costs, and CSC surpass the requested increase. Per capita expenditures for IHS in 2015 were only \$3,688 person, compared to \$9,523 for the general population, a great disparity. For FY 2018, the IHS Tribal Budget Formulation Workgroup requested \$7.1 billion for IHS, and we ask that you provide this amount.

EPA Programs. As Red Lake is home to the 6th largest natural, freshwater lake in the United States and approximately 60 percent of the Indian trust land in EPA Region 5, spanning a geographic area the size of West Virginia, water, wetlands, animals, and plants are vital to our Tribe. While we utilize various vital EPA programs, including: General Assistance (“GAP”), Clean Water Act Sections 106 Pollution Control and 319 Nonpoint Source, Brownfields, and Clean Air Act Section 105, Red Lake only has funding to support 50 percent of the staff needed. To better support our environmental needs, Red Lake requests increases in funding for these programs. If funding is not at least maintained at current levels we will be forced to let staff go and the vital natural resource protection programs they manage will be eliminated.

Dissuade the President’s Signing Statement. With respect to President Trump’s signing statement, the language suggests the Trump Administration is improperly applying an Equal Protection Clause analysis to funds for Native American housing and perhaps other funds. Tribes have a government-to-government relationship with the United States and, in the context of the federal trust responsibility, the federal courts have declared that tribes are to be treated as a political class, not as a racial class, thus precluding any Equal Protection Clause analysis. Red Lake asks that this Subcommittee help Indian Country dissuade the Administration from its errant views on this issue.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake in FY 2018, and for your consideration of these needs.