

**WRITTEN TESTIMONY OF
DELORES PIGSLEY, TRIBAL COUNCIL CHAIRMAN
FOR THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
FY 2018 BUDGET – May 10, 2017**

My name is Dee Pigsley and I have served as a Siletz Tribal Council Member for 35 years, 29 of those as Tribal Chairman. The Siletz Tribe is a Self-Governance Tribe, with an 11-county Service Area in western Oregon. We rely on a multiple funding sources and the flexibility of Self-Governance to adequately fund services to our membership. We are entering the era of a new administration proposing many changes; some which could present challenges for Tribes. We look to Congress to assist us in navigating these changes and I thank the Committee for giving me this opportunity to explain some of our specific funding requests:

- **BIA & IHS Contract Support Costs – fully fund contract support costs**
- **IHS Purchased/Referred Care – \$1.3 billion**
- **BIA Tribal Courts - \$106 million**
- **BIA Law Enforcement – \$548 million**
- **BIA Indian Child Welfare Act - \$80 million**
- **BIA Endangered Species - \$3 million**
- **BIA Forestry - \$73 million**
- **BIA Hatchery Operations - \$3.8 million**
- **BIA Hatchery Maintenance - \$6.6 million**
- **Environmental Protection Agency Indian General Assistance Program - \$98 million**
- **BIA Scholarships and Adult Education - \$68.9 million**
- **BIA Johnson-O'Malley Assistance Grants - \$42 million**
- **Department of Commerce Economic Development Administration –retain program**
- **Department of the Treasury Community Development Financial Institutions – retain program**
- **Department of Agriculture, RDA, Water and Wastewater loan and grant program – retain program**
- **HUD Indian Housing Block Grant and Training/Technical Assistance– IHBG at \$700 million and T/TA at \$3.5**

Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) - Contract Support Costs.

Sufficient contract support costs are essential for tribal governments to carry out new and existing programs, services, functions, and activities under Self-Determination and Self-Governance. **We urge Congress to continue to adequately fund CSC.**

IHS - Purchased/Referred Care Program. This program is the most important budget line item in the IHS budget for the Siletz Tribe. With no IHS or tribal hospital in our entire region, Oregon tribes are 100% dependent on this program to pay hospitalizations and hospital services, including specialty care. Historically insufficient resources for this program resulted in unfunded, deferred health care requests such as CT scans, hernia repair, knee or hip surgeries,

psychological counseling, back surgeries and other treatments that do not meet current funded priority levels. This results in only “Priority Level I” patients receiving care, and even then care may be delayed. Health care rationing causes tribal members to be diagnosed only when their disease is advanced and cost of treatment is prohibitive. Passage of the Affordable Care Act allowed many tribal members to receive health coverage under the Oregon Health Plan (OHP). This coverage allowed the Tribe to bill for the care that OHP Patients received at our Tribal Clinic, providing revenue to meet what would otherwise be deferred requests and other medical needs. Between 2012 and 2014 our Tribal Clinic experienced a 39% increase in OHP patients—from 1842 to 2709. In 2016, OHP billing accounted for 36% or \$1.5 million of the clinic’s billing. That same year there was an 80% decrease—from 302 to 61—in the deferred services list. If the American Health Care Act passed by the House becomes law, projections are that 19 to 24 million Americans, including tribal people, will lose their coverage. Clinic revenue will decline as costs to cover tribal members health care will increase. We will likely return to Priority Level I and the deferred services list will grow. **We support funding Purchased/Referred Care at \$1,352,284, an increase of \$422,244,388 over the FY 2017 budget.**

BIA - Tribal Courts. The Siletz Tribal Court exercises only civil jurisdiction, handling 552 cases in 2016. It is staffed by a part-time Chief Judge, a full-time Court Administrator, a part-time Deputy Court Administrator, and four on-call Judges. The Court’s 2017 budget is \$249,302 with only \$21,271 provided by BIA funds. The BIA methodology for calculating tribal court program costs shows a minimum budget at \$717,000 for a part-time court serving a tribal population of less than 600. Our tribal enrollment is 5119 with 1222 members residing in the central office service area where our Tribal Court is located. **We recommend funding tribal courts at \$106 million to provide functioning justice systems**

BIA - Tribal Law Enforcement. The Siletz Tribe is a Public Law 280 tribe and has struggled to create and maintain a sufficient public safety program. We operated our own police department but funding was not sufficient to maintain a program. We then contracted for reduced hours from a local city police department but had to terminate the contract in 2014 due to increasing costs and declining revenue. In 2016, the Tribe and City of Siletz were successful in forming a special district and passing a levy to help pay the costs to purchased enhance law enforcement services from the Lincoln County Sheriff’s office. The Tribe pays the other half or \$220,184. Enhance services began in November 2016, at 80 hours a week. The Tribe receives \$93,080 of BIA funds for law enforcement—less than one-half of the Tribe’s current law enforcement costs. The BIA methodology for estimating law enforcement costs shows that the most minimal program should be \$666,000 for a population of 600 or less.

In 2016, BIA law enforcement was funded at \$348 million. Recently, the BIA determined that the total need for basic law enforcement and detention services in Indian Country is \$1 billion. This disparity is exacerbated by the BIA’s long-term policy of generally providing law enforcement and detention funding only to non-P.L.280 tribes. We were encouraged to see that the 2017 Omnibus Appropriations bill included a \$10,000,000 set aside to address the needs of P.L.280 tribes and look forward to learning how that assistance will be provided. However this one time assistance needs to increase and be recurring. **We support funding law enforcement and detention at \$548 million, taking into account the needs of P.L.280 tribes.**

BIA - Indian Child Welfare. When Congress enacted the Indian Child Welfare Act (ICWA) in 1978, it estimated that \$35 million was needed to adequately fund tribal child welfare programs. However, it has never been funded above \$17 million. The Siletz Tribe receives just \$55,000 from the BIA to run our ICW program. That is not enough to fund even one caseworker position. The actual cost for our modest program is \$483,000 annually. To pay for it, the Tribe takes funds away from other self-governance programs, directing them to this priority area and we access other funding through four agreements with the state of Oregon and two other agreements with the Administration for Children and Families. We enthusiastically undertook a plan to directly administer the Title IV-E foster care reimbursement program, but a major barrier will be the match requirements (even though federal law allows Tribes to use BIA funding as non-federal match) and the limits on reimbursements. A conservative estimate, considering no increases in current child welfare caseloads, would require \$225,000 per year in matching funds from the Tribe that could not be utilized from other Federal funding sources. Unlike states, we do not have the tax base to generate revenues to cover federal match requirements. **We recommend increasing the BIA Indian Child Welfare Act funding to \$80 million.**

BIA - Endangered Species. Tribal lands include habitat for three endangered species—marbled murrelet, northern spotted owl, and Oregon Coast coho salmon. Surveys for these species are required prior to consultation with the US Fish and Wildlife Service and/or National Marine Fisheries Service in order to harvest timber (a critical source of tribal operating funds). In FY16, the BIA budgeted \$2.6 million for the Endangered Species Program, an insufficient amount. **We support a \$3 million funding level to assist Tribes with complying with the Endangered Species Act.**

BIA - Forestry TPA. Increasing personnel costs and sequestration cuts have reduced Forestry program funding to a barely functioning level. The recently completed Indian Forest Management Assessment Team's third decadal report on the status of Indian forest management in the U.S. found that current forestry funding for tribes is \$100 million below the minimum base level of funding needed to be on par with the per acre funding levels of other federal and state forest management agencies. **We support increasing Forestry TPA funding to \$73 million.**

BIA - Hatchery Operations and Maintenance. The Tribe operates its fish hatchery on a shoestring using our own funds and a minimal amount of BIA Hatchery Maintenance funding. The hatchery is important to the continuance of the Tribe's subsistence salmon fishing resource. To operate the hatchery properly we would need to invest several hundred thousand dollars, but the Tribe cannot tap into the BIA Hatchery Operations funding because there is not enough funding in that pot to sustain the operations of the existing hatcheries of other tribes. **We support increasing the Hatchery Operations budget to \$3.8 million and the Hatchery Maintenance budget to \$6.6 million.**

Environmental Protection Agency IGAP. EPA's Indian General Assistance Program (IGAP) provides a much needed base of funding for tribes to maintain a minimal environmental protection program. The Siletz Tribe receives \$125,000 in annual IGPA funding. To create a viable program the Tribe has leveraged IGAP funds for a total of \$1,317,000 to support six staff positions—an environmental specialist, a biological programs director, two field technicians and a finfish biologist who provide the expertise needed to represent tribal interests in many complex

areas, including: the Portland Harbor Superfund site cleanup; the Federal Energy Regulatory Commissions process to re-license six Pacific northwest dams; managing fish, wildlife and clean water on tribal lands; development of state pollutions laws to reduce toxics in fish tissue; and restoring degraded habitats for culturally important species and clean water. The administration's proposed 31% funding decrease for EPA will devastate these gains we have made. **We urge you to fund this essential resource at \$98 million.**

BIA – Scholarships and Adult Education. The Tribe's education grant programs include adult education, vocational training and higher education. BIA funding to the Tribe for these programs totaled \$201,301. To make our dollars stretch we require all students to timely apply for federal and tribal financial aid and we cap the amount of tuition and fees to the costs of in-state tuition. In 2016, we funded 125 for higher education and 18 for vocational training. Actual costs to cover these students totaled \$1,085,292. BIA funded only 19% of our need. **We recommend funding scholarships and adult education at \$68.9 million.**

Johnson O'Malley (JOM) Assistance Grants (TPA). JOM is intended to provide grants to supplement basic student needs. In 1995, this was budgeted at \$125 per student based on a student count that has remained frozen in time; currently the allocation is less than \$64 per student. The student count needs to be updated and the allocation increased at least to the initial \$125.00. **The Tribe recommends funding JOM at \$42 million.**

Department of Commerce - Economic Development Administration (EDA): The EDA is targeted for elimination. The Tribe has received EDA grants that have provided the core capacity of the Siletz Tribal Economic Development Corporation to create economic development plans, seize business opportunities and facilitate Tribal member owned businesses. **We urge that you retain this needed and valuable tool for tribal economic development.**

Dept. of Agriculture - USDA RDA. The Water and Wastewater loan and grant program is slated for elimination. The Tribe must leverage many financial resources to make necessary and required improvements to the aging local water and waste water systems. USDA Rural Development funding provides critical financial assistance to enable us to provide safe, affordable, and environmentally responsible water and wastewater utility services. System needs include treatment and storage, transmission system upgrades, and security. **We urge retaining the Water and Wastewater loan and grant program which supports tribal efforts to ensure safe drinking water and basic sanitation for our communities.**

Indian Housing Block Grant (IHBG). The IHBG is the primary funding mechanism of the Native American Housing Assistance and Self-Determination Act (NAHASDA), supporting a variety of activities including new construction, rehabilitation, modernization, weatherization and energy efficiency improvement, and crime prevention, among others. The IHBG program has been flat funded since FY 2011 and has not kept pace with the rate of inflation. Increasing IHBG funding is needed to meet the tremendous unmet housing needs. Training and Technical Assistance (TTA) funds provide tribes with up-to-date information on compliance with statutory requirements and HUD regulations and on best practices and development of model housing policies. **We recommend funding the IHBG at \$700 million and funding TTA at \$3.5 million to support adequate, affordable housing.**