

**Written Testimony of William Harris
Chief, Catawba Indian Nation, South Carolina**

**“Public Witness Hearing for Fiscal Year 2018: American Indian/Alaska Native Programs”
House Appropriations Subcommittee on Interior, Environment, and Related Agencies**

May 17, 2017

Requests:

1. Provide necessary funding to support tribal self-determination and economic development.
2. Establish avenues for increased capital investment in Indian Country.
3. Maintain the \$1 million allocation for NAGPRA-related law enforcement in FY 2018 and beyond.
4. Expand funding for effective natural resource management and conservation.
5. Increase funding for tribal historic preservation efforts to protect sacred sites.
6. Support the Johnson O’Malley program at the Bureau of Indian Education for Native student resiliency and long-term success.

Introduction. Thank you Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for the opportunity to testify on critical funding needs for American Indian and Alaska Native programs in the Department of the Interior. The people of the Catawba Indian Nation thank you for your hard work on behalf of Indian Country and for inviting tribal leaders to speak on their communities’ behalf. As you are aware, the programs at issue today are founded on the political relationship that exists between the federal government and tribal nations, which frames our government-to-government relationship and the trust responsibility to protect the interests and well-being of tribal members.¹

My name is William Harris and I am the Chief of the Catawba Indian Nation, the only federally recognized tribe in the state of South Carolina. Since before recorded history, the Catawba have lived in the Piedmont area of South Carolina, east of the Nantahala National Forest and along the life-giving waters of the river bearing our name. Like our traditional pottery, the Catawba have been created from southern soil, to be shaped and fired over time by unimaginable hardship, and now stand tall as a living testament to our ancestors and to the land we call home. To advance the socioeconomic development and well-being of my Tribe and other Native communities, I offer the following budget recommendations for fiscal year 2018.

¹ Recently, there have been suggestions that Federal Indian programs and associated funding might somehow be unconstitutional. This is absolutely wrong. The Supreme Court has rejected equal protection challenges against federal Indian laws, holding that the “[T]he Constitution itself provides support for legislation directed specifically at the Indian tribes...[T]he Constitution therefore ‘singles Indians out as a proper subject for separate legislation.’” *United States v. Antelope*, 430 U.S. 641, 649 n. 11 (quoting *Morton v. Mancari*, 417 U.S. 535, 552 (1974)). If this were not true, a whole title of the U.S. Code (Title 25) would be in jeopardy in total contradiction to thousands of judicial decisions and dozens if not hundreds of laws passed by both houses of Congress and signed by every president.

I. Sustainable Economic Development for Smaller Tribes

Unique Hardships of the Catawba Indian Nation. As a sovereign nation and industrious people, we are committed to achieving economic self-sufficiency. The ability to provide a safe, vibrant, and fully functioning range of services to one's community is the aspiration of all tribal governments. For the Catawba Indian Nation, this goal is immeasurably complicated by the terms of our 1993 Settlement Act with the state that inhibit meaningful tribal economic development. For example, the Tribe was required to pay an out-of-county rate for tribal students enrolled at public schools within the local Rock Hill School District based on an extremely unfair formula that would effectively impose a \$500,000 annual fee on the Tribe. The justification for the fee was that the Tribe would be taking 3,500 acres of land into trust that could no longer be taxed, but in reality the Tribe has only taken about 300 acres into trust. As a result of legal action brought by the local school district following our inability to pay this exorbitant amount, there is a judgment against the Tribe exceeding the amount of our total assets. **We urgently request Congressional support to promote our tribal self-determination and sustainable economic development.**

Increased Support for Non-Gaming Tribes. Our Tribe is currently prohibited from establishing gaming operations on tribal lands under the terms of our Settlement Act. Instead, we are allowed to operate just two bingo halls—neither of which ever turned even a marginal profit for the Tribe due to the mandatory 10% fee on gross bingo revenue that must be first transmitted to the state. It is our hope to come back to the Congress and ask for amendments to our Settlement Act that would restore some of our lost sovereignty and free-up our economic potential. In the interim, we continue to explore innovative avenues for economic development. **We urge Congress to invest in programs that support economic development for non-gaming tribes with limited resources to further the federal government's policy of promoting tribal self-determination and economic self-sufficiency.**

Expanded Access to Investment Opportunities in Indian Country. Given adequate support and the appropriate resources, the majority of tribes would likely become—assuming they are not already—significant contributors to their local and regional economies. Tribes are economic engines of the tourism industry, renewable energies, small business development, commercial services, among many others. However, limited access to capital and investment financing remain substantial barriers to economic development in Indian Country. We struggle with uniquely burdensome federal restrictions and regulations, poor infrastructure, and other challenges that limit their economies from flourishing. It is important to create avenues for investment funds, financial resources, and business models that are mutually advantageous to tribes and potential partners for economic advancement, stability, and diversification. **We encourage Congress to provide increased support for investment opportunities in Indian Country in the FY 2018 budget.**

II. Protection for Tribal Cultural Patrimony

Continued Support for the Protection of Cultural Patrimony; Thank You for Supporting Efforts to Cure Illegal Trafficking in Tribal Cultural Materials. As an artist and traditional potter, I am intimately familiar with the press of cool clay beneath my fingers and the process of creating a new form from the South Carolina earth. Such vessels transmit not only the impressions of the artists who created them, but also the cultural heritage and worldviews of all those individuals who

came before. When these items are removed from Native communities through illegal trafficking, theft, or disruptions in the transmission of traditional practices, an irreplaceable aspect of our cultural expression and identity is lost as well.

We would like to take this opportunity to provide a heartfelt thank you to Congress for providing expanded funding for NAGPRA-related law enforcement activities in the 2017 Omnibus. With a secure and dedicated funding stream, BIA and tribal officials will have an enhanced capacity to combat and deter the trafficking of tribal cultural patrimony. When aligned with the federal protections of the PROTECT Patrimony Resolution, passed by the Congress last year, the Catawba Indian Nation can see a positive path forward in ensuring that the next generation will have access to these important cultural resources. **We strongly encourage Congress to continue to support programs that protect our cultural heritage and work to bring these irreplaceable objects home and to maintain the \$1 million NAGPRA-related funding for FY 2018 and beyond.**

Natural Resource Protection to Safeguard Tribal Cultures. We often think of the destruction of cultural heritage in terms of monuments or great works of art. However, it is also possible to conceptualize the destruction of cultural heritage in terms of living natural resources. When natural resources are contaminated or destroyed, such alterations necessarily impact the cultures that depend on those resources for physical, spiritual, and cultural sustenance. Our cultural heritage as the Catawba Indian Nation is intertwined with the natural resources that surround and define us, particularly in regards to our sovereign lands and the currents of the Catawba River. **We urge Congress to safeguard tribal cultures by providing increased funding for natural resource protections in the FY 2018 Interior budget.**

Tribal Historic Preservation Offices (THPOs). The landscapes and features that qualify as tribal sacred sites are as diverse as the 567 tribal nations currently recognized by the federal government. Each individual tribe must decide for itself what does or does not constitute a sacred site. In recent years, an increasing number of tribes have established THPOs equivalent to state programs under the National Historic Preservation Act. Federal funding, however, has not kept up with the expansion of THPO programs and, as a result, it is difficult for tribes to meet their preservation compliance duties and responsibilities. **We request an increase in THPO funding as part of the Interior budget to better protect tribal sacred sites for future generations.**

III. Increased Support for Education

Increased Funding for the Johnson-O'Malley Program (JOM). The JOM Program provides supplementary educational services to meet the unique needs of Native children attending public schools. These services include academic counseling, dropout prevention assistance, Native language incorporation, and culturally based education activities in the classroom. The implementation of culturally and linguistically appropriate instruction and program design has proven to contribute to Native student resiliency and long-term success. To ensure that Native students are receiving appropriate forms of support, the JOM Program authorizes parent committees to design and implement their own programs. Through this critical program we are able to better support our children as they reach for their educational goals. **We urge an increase in funding for per student allocations under the JOM to account for future student growth.**

Thank you for holding this important public witness hearing on federal funding for American Indian and Alaska Native programs. I appreciate the opportunity to testify on behalf of the Catawba People. We look forward to working with you on addressing these complex needs.