

**TESTIMONY CONCERNING FISCAL YEAR 2020 APPROPRIATIONS
FOR THE IHS, BIE, BIA, NPS and EPA
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
KEVIN R. DUPUIS, SR., CHAIRMAN
BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
March 6, 2019**

On behalf of the Fond du Lac Band of Lake Superior Chippewa, I would like to thank you for inviting me to testify on FY 2020 appropriations for Indian programs funded through the Interior Department, Indian Health Service, and Environmental Protection Agency. We submit this testimony to urge Congress to increase, or, at the very least preserve, the federal funding levels for Indians programs that are provided through these federal agencies.

As we talk about funding needs in Indian country, it is essential to keep in mind that the problems that face communities nationwide are far more severe for Indian communities, with tribes having far fewer resources to address those problems. An example is the opioid epidemic. Native Americans in Minnesota are far more likely to die from an overdose than white Minnesotans. For example, “[f]rom 2010 to 2016, the American Indian mortality rate more than doubled from 29.0 per 100,000 to 64.6 per 100,000 (123% increase), and was almost six times as high as the white mortality rate.”¹ The opioid epidemic creates other adverse impacts for Indian communities. It means that our children are “7.4 times more likely to be born with neonatal abstinence syndrome” which requires specialized treatment and care.² It increases demands on our social service programs for addiction treatment and counseling, and assistance to growing numbers of at-risk families, with more children in foster care or the subject of CHIPS (Child in Need of Protection or Services) proceedings—(an increase of 65% since 2015). It increases demands on our school to address the unique needs of children living in at-risk homes. And it increases the demands on our law enforcement who respond to ever-growing numbers of incidents that are drug related.

We have worked, and continue to work, to find solutions for problems of this kind. With seed money from federal funds, we have implemented innovative programs and measures to provide health, education, social services, public safety and other governmental services to our 4,200 members and the more than 7,300 Indian people who live on and near our Reservation. For example, Fond du Lac built the first-of-its-kind supportive housing programs in Indian country, and the first such supportive housing for Veterans. We have undertaken to implement best practices in health care, using a range of programs and services to aid our people. In so doing, we have found that an important element to the success of these programs is building on our traditional cultural practices. Because of the importance of these practices, we are active in natural resource management and environmental protection so our water is safe to drink, fish are safe to eat, wild rice re-generates, game is plentiful, and natural resources remain available for cultural and religious practices that are central to our identity.

We are proud of what we have accomplished, but more remains to be done. The investment of federal funds is key to that effort. It allows us to use Band resources and attract private partners so we can provide jobs, grow the local economy, educate our children, prevent crime, and care for our elders and infirm. We urge Congress to continue to fund these programs.

Indian Health Service. We appreciate Congress’s decision to increase funding for IHS in FY2019, which is essential to address the substantial unmet need for health care among Indian

¹ <https://www.health.state.mn.us/communities/opioids/documents/raceratedisparity.pdf>.

² “Minnesota State Targeted Response to the Opioid Crisis” at 6 (2017), found at <https://mn.gov>.

people and the increasing costs of medical care due to high rates of medical inflation. Indians at Fond du Lac, like Indians throughout the Nation, continue to face severe disparities across a broad range of health issues. In addition to the extraordinarily high mortality rates due to the opioid epidemic, Indians in Minnesota are far more likely to die prematurely than all others in the state, and suffer from the highest mortality rates for causes of death due to cancer, heart disease, diabetes, suicide, and unintentional injury.³

We are working to address these issues every day. We serve over 7,300 Indian people at our clinics, but the current funding level meets only 33% of our health care funding needs. To make progress in reducing the disparities in Indian health, we urge Congress to continue to increase funding for IHS. We urge an increase for FY 2020 in order to fully fund IHS programs, with the top priorities given to Hospitals & Health Clinics; Purchased/Referred Care; Mental Health; Alcohol & Substance Abuse; and Dental Health. Expanded resources for treatment and community education capacity are especially needed to combat the epidemic of drug abuse.

We also ask that Congress continue to increase funding for IHS Facilities, including Sanitation Facilities Construction. We rely on wells for drinking water, but the quality of the source water on our Reservation is very poor. It generally cannot be used unless treated, and where the source water is really poor quality, treatment may leave an unacceptable level of by-products that also fail to meet water quality standards. We face this problem now in one of our communities, affecting 54 homes and a community center. As a short-term solution, we are providing point-of-use filters. But to eliminate the problem, we need to drill several new wells to access better quality source water, but which will still need to be treated. We will also need to build a new water treatment facility, along with a water tower and new pipelines to establish redundancy in the system to protect users and to aid in fire protection. The cost is expected to be \$2.5 million, but the very limited funds for capital work provided to IHS is not sufficient to meet the need. In our region, IHS has \$1.7 million to serve 37 tribes. Federal appropriations for other potential funding sources for drinking water infrastructure, like EPA and USDA Rural Development, should also be increased to aid us and other tribes to build the infrastructure needed for safe drinking water.

Bureau of Indian Education. With funding from the BIE and the Department of Education, we operate the Fond du Lac Ojibwe School serving an average of 230 children from pre-K through 12th grade. More than 90% of our students come from very low-income households, as 96% receive free or reduced-price lunch. We are slowly making progress in improving the outcomes for our students. For example, high school graduation rates for American Indians in Minnesota have improved from 37.9% in 2003 to 52.6% in 2016, but are still well-below the 2016 state-wide rate of 82.2%. We are handicapped by limited resources. BIE funding has never kept pace with need, which prevents us from providing the educational services needed for our students.

We appreciate Congress's decision to increase overall BIE funding for FY 2019 and to continue to fund the Johnson O'Malley (JOM) grant program. Because education is so critical to success later in life, we urge Congress to continue to increase federal funding for Indian education. We especially ask that increases be made to each of the following because of the important role these play in Indian education:

- **ISEP** which is the primary source of school funding provided through Interior. It covers salaries for teachers, teacher aides, and administrative personnel and is essential to our ability to recruit and retain qualified teachers.

³ See Minnesota Department of Health, Center for Health Equity, *Populations of Color Health Update: Birth and Death Statistics* (December, 2015). <https://seedsofnativehealth.org/wp-content/uploads/2017/05/Populations-of-Color-Health-Update-Birth-and-Death-Statistics.pdf>

- Tribal Grant Support Costs which helps pay for accounting, insurance, background checks, legal and record-keeping.
- Student Transportation which allow us to maintain, repair, and replace buses.
- Early Childhood Development funds (FACE), which is critical to providing preschoolers with skills to be school-ready.
- JOM, which assists Indian children in public schools.
- School Facility Operations and Maintenance which keeps the building safe, pays for preventative maintenance, and covers insurance and utility costs.

BIA: Public Safety and Justice. We appreciate Congress’s decision to increase funding for BIA’s Public Safety and Justice, including increased funding for criminal investigations and police services and to help people affected by opioid addiction. The largest law enforcement problems we face are due to opioids and other drugs including methamphetamines and prescription drugs. The large drug problem has also increased thefts, burglaries, and assaults. In addition, we find (and the federal government has also recognized)⁴, that a disproportionately large number of Native American women are the victims of sex trafficking. This is a very serious problem for our community and we are working now to establish a Tribal Task Force to help combat it. Our law enforcement also responds to many other matters, including domestic disputes, disturbances, disorderly conduct, property damage, trespass, suspicious activity, unwanted persons, medical emergencies, fire, neglected children, missing persons, suicide threats, and traffic offenses. The demand on law enforcement increases each year.

We address law enforcement by a combination of tribal and available federal funds and cooperative agreements with local law enforcement agencies. We currently have 20 officers, which, in addition to the Chief Law Enforcement Officer, includes a Lieutenant, one investigator and 17 officers assigned to patrol or similar duties. To meet need, we should have 25 full time officers. Five of those officers would be assigned to investigations, with two investigators dedicated to narcotics enforcement. We currently have 3 administrative staff, but should have one more person to gather Intel and manage an intelligence page linked to other tribal agencies.

Funding is also needed for training. With an increase in the drug epidemic and related crimes, our officers need, but are not receiving, vital training for undercover work, narcotics detection, investigative procedures, interview and interrogation, use of force, de-escalation, firearms, and community policing. Budget restraints also restrict us from buying patrol vehicles and proper equipment to combat the drug problems on our Reservation. Uniform costs increase due to contamination from drugs and blood-borne pathogens from drug users. That includes duty gear and equipment, and patrol vehicles, which need to be decontaminated more frequently. There is also need for personal protective gear and other basic equipment (e.g., binoculars, video cameras and digital recorders).

Federal funding is essential to meet these needs. We urge Congress to increase funding for tribal law enforcement.

BIA: Trust-Natural Resources Management. We appreciate Congress’s decision to increase funding for BIA Trust-Natural Resources by \$2.6 million. We urge Congress to further increase funding for this program in FY 2020, as past funding levels have never met need. Natural resource

⁴ U.S. GAO, *Human Trafficking: Investigations in Indian Country or Involving Native Americans and Actions Needed to Better Report on Victims Served* (Sept 2017) <https://www.indian.senate.gov/sites/default/files/upload/Gretta%20Goodwin%20Testimony.pdf>.

management is vital in Indian country where the basic subsistence needs of many Indian people—especially those living in poverty—depend on natural resources. This is certainly true at Fond du Lac. By Treaties in 1837, 1842 and 1854, the United States acquired our aboriginal territory, but to ensure that we could sustain ourselves, expressly promised that we retained rights to hunt, fish and gather natural resources within and outside our Reservation. Our members depend on and exercise these treaty-protected rights to put food on the table and for ceremonial practices that serve as the foundation for our culture. The stewardship of those natural resources—through scientific study, resource management, and enforcement of Band laws that regulate Tribal members who hunt, fish and gather those resources—are an important source of employment for many of our members. Full funding for Trust-Natural Resources Management, including, in particular, increased funding for Rights, Protection and Implementation, is essential in allowing us to protect, enhance, and restore natural resources.

Forest resources are an important asset to the Fond du Lac Band, and the Interior Department has recognized the importance of protecting forests from wildfire. Fire preparedness funding is still below the most efficient level. Fire preparedness provides jobs in Indian forestry and protects Indian and non-Indian lands.

National Park Service: Historic Preservation Funds – Tribal Grants. We urge Congress to increase funding, as the work of Tribal Historic Preservation Officers has grown. We have seen this firsthand at Fond du Lac. Failures on the part of federal and state officials to properly review existing records of known sites of historic and cultural importance to the Band resulted in substantial inadvertent discoveries of human remains in a known Indian cemetery. This has, in turn, placed substantial demands on our THPO to ensure proper delineation of the site to protect the undisturbed portions, and ensure proper reburial of the remains.

Environmental Protection Agency (EPA). We appreciate that Congress has continued to provide federal funds for EPA, but we ask that funding for EPA in FY 2020 be increased. We rely on EPA grants to clean up brownfields and administer clean water and clean air programs. These enable us to protect the health of our community, so that we have safe water to drink and can continue to rely on fish, wild rice, and game to put food on the table.

- **State and Tribal Assurances Grants (STAG).** We thank for Congress providing STAG funding in FY19 and strongly urge that support for this program continue.

- **Water Quality.** We have a federally-approved water quality standards program that has seen annual funding declines while the need and Band's responsibilities have increased. Given the current threats to water resources in our region, we urge that Tribal section 106 funding be doubled so that we can do the work needed to protect the water we drink, which is critical to the fish and game that are central to our and the state's economy.

- **Air.** We also have a long-standing air monitoring program that has faced a steady decline in federal funding. We request that air quality program funding for tribes be increased.

- **Wetlands.** One-half of our reservation is made up of wetlands. Proper management and restoration of this valuable resource is impossible without adequate and consistent federal funding. We request sustained wetland monitoring and protection program funding.

- **Great Lakes Restoration Initiative.** The Band fully supports this initiative, and asks that Congress increase funding by \$200 million to restore the original funding level suggested for this initiative to \$500 million. This initiative has broad-reaching benefits to resources of importance for all stakeholders (state, tribal and private) in the Great Lakes region.

Miigwech. Thank you.