

**TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS
VICE-CHAIRMAN DAVID Z. BEAN
BEFORE THE HOUSE
APPROPRIATIONS SUBCOMMITTEE ON
FY 2020 INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
March 7, 2019**

Chairwoman McCollum and members of the Subcommittee, thank you for the opportunity to provide testimony on the FY 2020 appropriations for American Indian and Alaskan Native programs. My name is David Z. Bean, Vice Chairman of the Tribal Council for the Puyallup Tribe of Indians. The Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations, including the United States in the Medicine Creek Treaty of 1854. This relationship is rooted in Article I, Section 8, of the United States Constitution, federal laws and numerous Executive Orders. The governing body of the Puyallup Tribe of Indians is the Puyallup Tribal Council which upholds the Tribe's sovereign responsibility of self-determination and self-governance for the benefit of the 5,427 Puyallup tribal members and the 25,000 plus members from approximately 355 federally recognized Tribes who utilize our services. The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061-acre reservation is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way).

The Puyallup Tribe operates healthcare, social services, law enforcement and corrections, education, and myriad other programs and services for its Tribal citizens and individuals within its program and service areas. These programs depend on continued resources and support through federal appropriations – which reflect the Federal trust and treaty obligations with American Indian and Alaska Native people and our Tribes. This Subcommittee is well aware of how years of chronically-inadequate funding for Indian program and the effects of inflation have impacted Tribes' ability to fully exercise self-determination and self-governance. We are certainly feeling those effects at the Puyallup Tribe. We therefore appreciate this Subcommittee's continued rejection of worrying statements and budget requests from the Administration to reduce or zero-out critical Indian programs. We also urge the Subcommittee to build on the increases included in the recent Consolidated Appropriations Act of 2019 to help close the gap between available funding and Tribes' actual needs.

We also applaud Congress' use of indefinite appropriations for contract support costs and support the continued use of this practice.

SPECIFIC CONCERNS

Department of Interior – Bureau of Indian Affairs

Public Safety & Justice: Tribal and BIA detention and corrections funding is of critical importance to the Puyallup Tribe. In FY 2009, the Puyallup Tribe received a \$7.9 million Department of Justice ARRA grant to construct a 28-bed adult corrections facility. Construction on the facility was completed in February 2014 and came online in May 2014. Since then, the Puyallup Tribe has worked closely with the BIA-Office of Justice Services National and Regional staff on identifying the operating and staffing costs associated with the Puyallup Tribe's new adult corrections facility. When the Tribe submitted its initial P.L. 93-638 contract request to the BIA, the agreed upon estimated cost of operating the facility (including Pre-

Award, Start-up, Transitional funding, Staffing, and O&M) was set at \$2.6 million annually. However, the BIA only offered approximately \$715,136 to the Tribe in FY 2018 base funding. This represents only 27% of the Tribe's actual need for running the facility. The Tribe is currently in the process of submitting an updated contract request to continue with the program, and we expect that the BIA will still only pay a small fraction of our actual need.

In this context, we are concerned with the Administration's repeated requests to reduce appropriations for BIA Public Safety & Justice, including Detention & Corrections – this funding already is not sufficient to allow the BIA to fund programs at true need. We appreciate the Subcommittee's increase of \$2.5 million above the FY 2018 enacted level for FY 2019, rather than accepting the Administration's requested cuts, and urge the Subcommittee to build on this increase in FY 2020.

In addition, we operate a Tribal Court program through a P.L. 93-638 contract with the BIA. Our base BIA funding for this program has remained at \$194,996 since FY 2015. Like the Detention & Corrections funding, this amount represents only a small amount of the Tribe's needs to fully operate the Tribal Court program. For FY 2019, the Tribe has allocated \$1.923 million of tribal funds for the Tribal Court budget. We therefore commend the Subcommittee on its effort to reject the Administration's request to reduce appropriations for this important program by \$8 million and instead increase it by \$1.6 million for the FY 2019 appropriations, and suggest that the Subcommittee continue to support increased appropriations for Tribal Courts.

Natural Resources Management: The Puyallup Tribe is the steward for the land and marine waters of our homeland, including our usual and accustomed fishing places and shellfish and wildlife areas. The United States has treaty, trust, and governmental obligations and responsibilities to manage natural resources for uses that are beneficial to the tribal membership and the regional communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington with an obligation to manage production of anadromous, non-anadromous fish, shellfish and wildlife resources. Unfortunately, despite our diligent program efforts, the fisheries resource is degrading, causing economic losses on Native and Non-native fishermen, as well as the surrounding communities.

Existing levels of appropriations are simply inadequate to reverse the trend of resource/habitat degradation in Puget Sound and in other areas. A minimum funding level of \$17.146 million is necessary for BIA Western Washington (Bolt) Fisheries Management program, and we urge the Subcommittee to meet or exceed this amount for FY 2020 appropriations. Any increase in funding would provide new monies for shellfish, groundfish, enforcement, habitat, wildlife and other natural resource management needs. As the aboriginal owners and guardians of our lands and waters it is essential that adequate funding is provided to allow Tribes to carry out our inherent stewardship of these resources.

The Puyallup Tribe also continues to operate a several salmon hatcheries in the Pacific Northwest/Puget Sound. These hatcheries benefit both Indian and non-Indian commercial and sport fisheries. We work cooperatively with the Northwest Indian Fisheries Commission, neighboring tribes, Federal agencies and state fishery managers to insure the success and sustainability of our hatchery programs. We are confident that the Subcommittee will continue

to reject the Administration's requests for cuts to the Fish Hatcheries Operations and Fish Hatchery Maintenance budgets, and urge the Subcommittee to fund these programs at or above \$10.3 million for FY 2020.

And finally, the Timber, Fish and Wildlife (TFW) Supplemental and U.S./Canada Pacific Salmon Treaty programs have allowed for the expansion of Tribal participation in the state forest practice rules and regulations, as well as allowed Tribes to participate in inter-tribal organizations to address specific treaties and legal cases which relate to multi-national fishing rights, harvest allocations, and resource management practices. We appreciate the \$65 million FY 2019 appropriation for Pacific Salmon recovery programs, and support continued and additional appropriations to implement the TFW Supplemental and Pacifica Salmon Treaty programs.

Education: The Puyallup Tribe operates the pre-K to 12 Chief Leschi Schools which included a verified 2018-2019 School student enrollment of 640 + students, including the ECEAP and FACE programs. With an increasing number of pre-kindergarten enrollment, Chief Leschi Schools will exceed design capacity in the near future and additional education facility space will be necessary to provide quality educational services to the students and tribal community. And in the meantime, the costs of operation and maintenance – including supplies, energy, structural, and student transportation – continue to increase. In FY 2018, the Puyallup Tribe provided a \$2.6 million subsidy for the operations and maintenance of Chief Leschi Schools. We are pleased that the Subcommittee rejected the Administration's proposed FY 2019 \$741 million budget request for the Bureau of Indian Education (BIE), which would have represented a decrease of \$173 million from the FY 2018 enacted level. However, the FY 2019 enacted level of \$904.5 million will not meet the actual operational needs of tribal education programs. The Puyallup Tribe strongly supports additional funding for the BIE, including at least \$78 million for Tribal Grant Support Costs for Tribally Operated Schools; \$109 million in facilities operations and \$76 million in facilities maintenance for the School Facilities Account; \$73 million for Student Transportation; and \$431 million for Indian School Equalization Program formula funds.

Operations of Indian Programs & Tribal Priority Allocations: We are pleased that the Subcommittee did not accept the Administration's request to cut the BIA Operation of Indian Programs budget by \$26.5 million and instead increased the appropriation to \$2.414 billion, an increase of \$3.3 million above the FY 2018 enacted level. This funding is critical to the Puyallup Tribe and Tribes across the country. Tribal Priority Allocations (TPA) within the Operations of Indian Programs include the majority of funding used to support ongoing services at the "local tribal" level, including; natural resources management, child welfare, other education, housing, and other tribal government services. These functions have not received adequate and consistent funding to allow Tribes the resources to fully exercise self-determination and self-governance. Further, the small increases TPA has received over the past few years have not been adequate to keep pace with inflation. The Puyallup Tribe requests that the Subcommittee increase funding for the Operation of Indian Programs and TPA at levels that reflect the increasing fixed costs, as well as inflation, and reject any requests to make cuts to the BIA budget.

Department of Health and Human Services – Indian Health Service

Inadequate funding of the Indian Health Service is the most substantial impediment to the current Indian Health system. The Puyallup Tribe has been operating healthcare programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to the Native American population in Pierce County, Washington. The current patient load exceeds 9,000, of which approximately 1,700 are Tribal members. There are no Indian Health Service hospitals in the Portland Area, so all specialties and hospital care have been paid for out of our contract care allocation. The Purchased/Referred Care (PRC) allocation to PTHA remains inadequate to meet the actual need. In FY 2018, the Puyallup Tribe subsidized PRC with a \$6.2 million contribution. In FY 2019, the tribal subsidy has grown to \$10.9 million. Given that the PTHA service population is only comprised of 17% Puyallup Tribal members, tribal budget priorities in FY 2011 through 2018 has made continued subsidies to the PTHA financially difficult for the Puyallup Tribe.

Given the importance of the PRC allocation, we urge the Subcommittee to continue providing increased funding above and beyond the \$2.1 million increase included in the recent FY 2019 appropriations measure. IHS funding, both PRC and otherwise, continues to lag far behind actual need; according to the National Indian Health Board (NIHB), IHS funding provides only about 1/5 of the total tribal needs budget of \$30 billion. The enacted FY 2019 budget of \$5.804 billion is another step in the right direction, and we urge the Subcommittee to continue on that path.