

**Testimony of the Affiliated Tribes of Northwest Indians
House Appropriations Committee
Subcommittee on Interior, Environment, & Related Agencies
Hearing on FY2023 Regional Tribal Organizations
Public Witness Day
April 6, 2022**

Introduction & ATNI Overview

Chairwoman Pingree, Ranking Member Joyce, and Members of House Interior, Environment, and Related Agencies Subcommittee, thank you for the opportunity to testify at today's hearing on the Fiscal Year 2023 Budget. My name is Melvin Sheldon Jr. and I have the honor of serving as the First Vice President of the Affiliated Tribes of Northwest Indians.

Founded in 1953, the Affiliated Tribes of Northwest Indians ("ATNI") is a nonprofit organization representing 57 Northwest tribal governments from Oregon, Idaho, Washington, southeast Alaska, northern California and western Montana. The primary goals and objectives of ATNI are to advocate for health, safety, welfare, education, economic, employment opportunities, and preservation of cultural and natural resources.

Carrying out our mission often begins with advocating for the federal government to live up to its obligations by providing the necessary funding for tribal programs. That is why I am grateful for the opportunity to share some of ATNI's priorities for Fiscal Year 2023.

Fiscal Year 2022 Tribal Funding

I would like to begin my testimony by thanking the Subcommittee for the substantial increases in tribal funding for Fiscal Year 2022 that were included in the Consolidated Appropriations Act of 2022 ("Act"). The Act increased funding for the Bureau of Indian Affairs, including increases to Tribal Government, Natural Resources Management, and Public Safety and Justice programs.

President Biden's Fiscal Year 2023 Budget Request

ATNI is pleased that President Biden's Fiscal Year 2023 Budget Request builds on the gains Indian Country made in Fiscal Year 2022. The President's request calls for \$4.5 billion for the Department of the Interior's Tribal programs, which would be the largest annual investment in Tribal Nations in history. It includes the continued prioritization of many programs that are particularly important to ATNI, including programming to strengthen tribal communities, improve natural resource management, advance trust management, and address public safety.

Strengthening Tribal Communities

Aid to Tribal Government (TPA)

Funding under the Aid to Tribal Government program is vital to ATNI's member tribes. Tribes have the ability to utilize these funds through Indian self-determination contracts to focus the

funding to provide numerous tribal government services and functions. This funding provides tribal governments with the necessary funds to ensure tribal programming is stable and operational.

However, funding for Aid to Tribal Government programming is underfunded leaving tribes without the tools necessary to offer core tribal government services. ATNI requests that the Subcommittee increase funding for Aid to Tribal Government programming by \$25,639,080 for a total funding level of \$53,451,080.

Indian Child Welfare Act (TPA)

The health and well-being of our Native children is a top priority for ATNI. The Indian Child Welfare Act (“ICWA”) was enacted to protect Native children in state custody proceedings. ICWA also established a competitive grant funding for Tribes to operate child welfare services. This grant funding is routinely used to ensure proper placement of Native children in foster or adoptive homes; sustain tribal services to intervene in court proceedings; strengthen tribal families; and increase Native foster homes.

Funding for this grant has not met the need of tribal programming. ATNI strongly urges an increase of \$17,343,160.00 for the ICWA programming for a total funding amount of \$36,156,160.00.

Trust – Natural Resources Management

Tribal natural resources are at the core of our way of life and culture. The member tribes of ATNI are dedicated to the protection and management of our natural resources and environment. ATNI’s Natural Resource/Land Committee was created support the efforts of our ATNI member tribes in environmental protection and restoration efforts in Oregon, Washington, Idaho, and Montana.

Natural Resources (TPA)

The Natural Resources program provides much needed funding for tribal management, protection, and development of Indian land and natural resources. ATNI supports a \$9,650,540 increase to this program for a total funding level of \$27,900,540.

Forestry Program (TPA)

The Forestry Program provides important funding for forest land management activities on Indian land to develop, maintain, and enhance forest resources. ATNI encourages an increase of \$14,839,100, which would provide for a total of \$42,901,100 for this program.

Tribal Climate Resilience

Many member tribes of ATNI are on the front lines of the impacts of climate change on their communities and natural resources. The Tribal Climate Resilience program funding aids tribal

governments with planning and preparedness, monitoring, training, and project development. ATNI urges the Subcommittee to increase funding for this program by at least \$19,721,790 for a total of \$80,692,790.

Trust – Land/Water Rights Management

The federal government has a trust responsibility to advance and maintain Indian trust ownership and trust-related activities. This trust obligation is important to ATNI member tribes as it touches on land ownership, ownership rights, probate, mortgages, leasing, and real estate transactions. Ensuring that these programs are properly funded will in turn provide tribes and individual tribal members with needed services to protect, develop, and utilize Indian trust properties.

Real Estate Services (RES) (TPA)

The Real Estate Services Program provides funding for activities related to the management and administration of land held in trust for individual tribal members and tribes. Activities include proper land ownership record-keeping, land use planning, addressing highly fractionated ownerships, and real property management. ATNI supports an increase of \$23,797,540, which would provide for a total of \$60,731,540 for this program.

Real Estate Services (RES) Projects

The Real Estate Services Projects is vital to the determination of legal boundaries of trust lands. Ensuring boundary lines and information are correct is important to many facets of trust land management, including fire management, right of ways, building construction, and law enforcement. ATNI supports an increase of \$1,230,050, which would provide for a total of \$4,032,050 for this program.

Trust Services (TPA)

The Trust Services program provides funding for important operations of trust management including probate, real estate services, approval of rights-of-way, processing mortgage and lease documents, and the review and approval of mineral contracts. ATNI encourages an increase of \$6,123,030, which would provide for a total of \$15,626,030 for this program.

Public Safety & Justice

Missing and Murdered Indigenous People

ATNI applauds President Biden's request to increase support to address the Missing and Murdered Indigenous People ("MMIP") epidemic by providing \$632 million in Tribal Public Safety and Justice funding at the Department of the Interior. Collaboration is key to address the MMIP crisis, therefore ATNI encourages continued and improved collaboration between the Department of the Interior and the Department of Justice. In addition to addressing the MMIP epidemic, Public Safety and Justice funding is also crucial in helping ATNI member tribes fund law enforcement activities that help maintain safe Tribal communities.

Criminal Investigations & Police Services

ATNI applauds the Subcommittee's efforts that led to major increases, +\$76.6 million, for the Criminal Investigations & Police Services account for FY2022. ATNI encourages the Subcommittee to continue to prioritize this account.

Tribal Courts (TPA)

Tribal Court funding is essential to maintain the operations and maintenance of the nearly 200 Tribal courts under Pub. L. 93-638 contracts and self-governance compacts. ATNI is encouraged by the recent increases in funding for Tribal Courts and encourages the Subcommittee to continue to increase this vital funding.

Bureau of Trust Funds Administration

As the Committee is aware, ATNI has opposed the Department of the Interior's ongoing attempts to formalize the so-called "Bureau of Trust Funds Administration" (BTFA) to house the existing Office of the Special Trustee functions in the appropriations process. The FY 2023 budget request again seeks to formalize the BTFA into the Department's budget structure despite the explicit rejection of this proposal and multiple admonitions from your Committee.

ATNI appreciate the Committee directing the Government Accountability Office (GAO) to prepare a report that examines, among other things, whether BTFA functions are duplicative, overlap, or result in fragmentation with duties, activities, or functions performed by Indian Affairs. The explanatory statement also directed GAO to provide a report that summarizes and examines tribal perspectives on these issues. ATNI and its member tribes have engaged with the GAO in two separate meetings this year and both were very productive.

ATNI remains concerned that the creation of a new BTFA will administratively memorialize duplicative and redundant OST functions and make it more difficult, if not impossible, for those functions to be transferred to other Indian programs where those resources can be better utilized by Indian country, such as Bureau of Indian Affairs Trust Service programs. At its 2022 Winter Conference, ATNI passed resolution #2022-09, which reaffirmed ATNI's position that any discussion of the BTFA is premature until (a) the Department finalizes all reports Congress has ordered it to provide; and (b) the Department meaningfully consults with Indian country on duplicative and unnecessary OST FTEs and provides a plan to implement Indian country recommendations for transferring those FTEs to the appropriate Indian Affairs programs where those positions would be better utilized for Indian country.

ATNI appreciates the Committee's continued attention to this issue and again asks that the Committee reject the proposed establishment of the BTFA in the FY 2023 request when it drafts its spending bill.