

**HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

WRITTEN TESTIMONY OF THE NEZ PERCE TRIBE

MARCH 8, 2023

Thank you for the opportunity to provide this testimony on behalf of the Nez Perce Tribe (Tribe) as the Committee evaluates and prioritizes FY 2024 appropriations. This testimony covers funding for the needs of Tribal Nations regarding the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), Environmental Protection Agency (EPA), Forest Service, and the U.S. Fish and Wildlife Service (USFWS).

The *Nimiipuu* people want to acknowledge and thank this Subcommittee for your efforts, on a longstanding, bipartisan basis, to understand the needs of Indian Country and advocate for increased appropriations to the many programs in your jurisdiction that benefit our citizens, our tribal governments, and all members of our communities. We are deeply grateful that the many funding increases to tribal programs in the final FY 2023 appropriations build on the increases Congress provided in FY 2022.

Like any government, the Tribe performs a wide array of work and provides a multitude of services to its tribal membership as well as the community at large. The Tribe has a health clinic; a tribal police force; a social services department; and a comprehensive natural resources program that does work related to forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service. The Tribe also operates one of the largest fisheries departments of any tribe in the nation working on the recovery of listed species under the Endangered Species Act. Each of these programs is necessary and vital for the Tribe as a sovereign nation that preserves and protects the Treaty rights of the Nez Perce People and provides day-to-day governmental services to our members and surrounding communities.

The Tribe has long been a proponent of self-determination for tribes and believes our primary obligation is to protect the Treaty-reserved rights of the Tribe and our members. All the Tribe's work is guided by this principle. The Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for, and through tribes is of vital importance. To accomplish this work, as members of this Subcommittee frequently note, the U.S. must affirm its trust responsibility to Indian tribes by properly funding programs. The impact of such underfunding was documented in the 2018 report of the U.S. Commission on Civil Rights, *Broken Promises*. This report was updated in 2020 to show how this chronic underfunding exacerbated the impact of the COVID-19 pandemic in Indian Country.

Bureau of Indian Affairs

The Tribe requests that overall funding of \$3.8 billion for the BIA and Bureau of Indian Education in FY 2023 be maintained in FY 2024. The Tribe also supports the indefinite appropriation for

contract support costs at \$328 million for BIA in FY 2024. The Tribe also recommends that these costs should be reclassified from discretionary to mandatory.

In relation to the BIA Public Safety and Justice (PS&J) account, the Tribe advocates for maintaining funding for law enforcement that was enacted for that account in FY 2023. The Nez Perce Reservation spans 1,200 square miles, covering five counties, and has a mixture of tribal and non-tribal residents. The Tribe provides a full-service law and justice program and recently completed construction of a jail facility. The Tribe has a fully trained and staffed police force, a fully staffed tribal court, a prosecutor, a public defender, and other personnel that perform related administrative functions. The Tribe received just over \$1,382,595 in BIA base funding and \$990,238 in BIA direct Contract Support Cost funds. Currently, the Tribe contributes \$1,179,941 to cover the shortfall in BIA funding for the Tribe's law enforcement and corrections, \$745,624 for judicial services/probation, \$480,040 for prosecutorial services, \$318,057 for public defender services, and \$486,046 for prisoner boarding. This supplemental funding is derived from tribal taxes on goods and fuel and tribal gaming revenues that would otherwise be used for tribal governmental services. Funding for these programs, including additional funding to operate the new jail facility, needs to be maintained and ultimately increased to account for shortfalls in funding the Tribe must absorb to continue the operation of these important services on the Reservation.

The Tribe also relies on the BIA for funding for our work related to endangered species and protection of the Tribe's Treaty resources, including Chinook and steelhead salmon. The funding is used to supplement research efforts of the Tribe relative to other sensitive species. The Tribe recommends a \$1 million increase for the BIA Endangered Species Program. This account provides the Nez Perce Tribe with technical and financial assistance to protect endangered species on trust lands. Also, the Tribe recommends an increase of \$2.8 million for BIA Natural Resource Tribal Priority Allocations which will help increase tribal land and management capabilities.

In addition, the funding provided under the BIA Rights Protection Implementation account is critical to support the exercise of treaty-reserved, off-reservation hunting and fishing for tribes. The Tribe supports, at a minimum, the \$49.2 million in funding provided in FY 2023. These funds provide the foundation for core program administration and treaty rights protection activities, such as harvest monitoring. These efforts are central to the Tribe's fisheries management responsibilities as established by the Nez Perce Treaties of 1855 and 1863 and further delineated in court decisions regarding implementation of hunting and fishing Treaty rights. It is also important to understand that this funding is used for job creation.

The Tribe supports maintaining the FY 2023 funding for the BIA Fish, Wildlife and Parks account. The Tribe, through our fisheries programs, has invested a significant amount of personnel and resources into the restoration of salmon. The states of Oregon, Washington, and Idaho, as well as sports fisheries, directly benefit from this work. These programs have been successful with funding under the Tribal Management and Development Program which is critical for the Tribe's management of fish and wildlife. We recommend funding a \$4 million increase over FY 2023 funding for the Tribal Management and Development Program.

The Tribe recommends continued funding for the Columbia River In-Lieu Treaty Sites by supplementing the \$4.5 million provided in FY 2023 to implement the Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act

Indian Health Service

The Tribe operates Nimiipuu Health, a healthcare clinic on the Nez Perce Reservation in Lapwai, Idaho, and its satellite facility located 65 miles away in Kamiah, Idaho. Nimiipuu Health provides services to approximately 4,000 patients each year. Annually, this computes to at least 40,000 medical/dental provider visits which does not include pharmacy or laboratory visits.

The Tribe applauds the \$7 billion provided for FY 2023 and the advanced appropriations for FY 2024 of \$5 billion. We recommend maintaining these levels going forward, but it must be noted that this funding amount will not cover the costs the Nez Perce and other tribes have in order to maintain current services because we also have to ensure that programs and facilities keep pace with medical and non-medical inflation and with population growth. Recommendations of substantially increasing this funding to as high as \$9 billion has been supported by the Tribe.

The Tribe also supports an increase in funding for purchased/referred care (P/RC) since this funding has not adjusted with inflation. The Tribe recommends that this \$996.7 million allocation be substantially increased to continue to meet the P/RC spending needs of tribal health facilities caused by medical inflation.

The Tribe supports the funding for contract support costs for FY 2023 of \$969 million. However, this change in funding should not be accomplished or be offset by reducing other funding for these agencies that would adversely affect services or programs. This funding should not be reduced by excessive set-asides for administration.

The Tribe recommends permanent, mandatory funding of the Special Diabetes Program at no less than \$150 million per fiscal year. In that regard, similar levels of funding are recommended for mental health and substance abuse treatment. The current annual allocation for mental health and substance abuse, while very important, falls well below the financial needs to provide adequate care and treatment on reservations.

Finally, the Tribe would like to express our support for the budget recommendations of the Northwest Portland Area Indian Health Board including, but not limited to recommendations on increases to the \$111 million provided in FY 2023 for 105(l) lease costs and to make the funding mandatory.

U.S. Fish and Wildlife Service

The Tribe relies heavily on funding sources within the USFWS. First, the operations of Kooskia National Fish Hatchery are funded by the USFWS. The Tribe manages the hatchery pursuant to the terms of the Snake River Water Rights Act of 2004 (Act). The hatchery is in dire need of a new water supply to reduce the extraordinary amount of sediment that accumulates in the current

water at the facility so the Tribe can continue to meet its production goals. The USFWS should be allocated adequate funding for the operations of this important facility to ensure the United States meets its obligations under the Act.

Second, the USFWS-administered State and Tribal Wildlife Grants program is an important and cost-effective expenditure for the Federal Government and is one of the few sources of funds tribes can tap into for wildlife research. Over the last several years, the Tribe has received grants funding for work on diverse issues such as rare plant conservation and Condor habitat research. Continued funding for the State and Tribal Wildlife Grants program will allow recipient tribes to build capacity and maintain involvement in key conservation issues. The Tribe strongly urges this Subcommittee to not reduce, but instead increase, funding for these competitive grants to \$75 million and increase the tribal share to \$6.5 million.

Environmental Protection Agency

The Tribe works closely with EPA on many programs that are essential to the health and safety of the 18,000 tribal and non-tribal citizens residing within the Nez Perce Reservation. These programs also protect the Treaty-reserved resources of the Tribe that the United States has a trust obligation to preserve. These programs include: the Clean Water Act 106 Program; the Clean Water Act 319 Nonpoint Source (NPS) Pollution Prevention Program; the Indian General Assistance Program; the Tribal Brownfields Response Program; the Underground Storage Tank Program; the Delegation of Nez Perce Federal Implementation Plan; the Clean Air Act 103 Grant-Nez Perce Tribe Air Quality Project; and the EPA Region 10 Pesticide Circuit Rider Program.

The Tribe recommends that the Indian General Assistance Program be funded at \$75 million; the tribal allocation under the Clean Water Act 106 program be increased by 20 percent; Tribal Air Quality Management be funded at \$16 million; the Brownfields Program be maintained at \$100 million; and a funding amount be specifically allocated in lieu of the percent cap on tribal funding for NPS pollution control.

The Tribe requests the Columbia River Basin Restoration Program, authorized under the Water Infrastructure Improvements for the Nation Act of 2016, be funded at no less than the \$3 million provided to EPA in FY 2023 but recommends that number be substantially increased.

Forest Service

The Tribe does a tremendous amount of work with the Forest Service including landscape restoration and resource management. The Tribe entered into a Good Neighbor Authority agreement with the Forest Service in 2022 that will allow more collaboration on work that will help protect treaty-reserved resources on forest system land. It is important that these programs receive stable and consistent funding to allow this work to continue.

As you can see, the Tribe does a tremendous amount of work in a variety of areas. It is important that the United States continue to fund this work and uphold and honor its trust obligations to tribes. Thank you for the opportunity to testify today.