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of **CHIPPEWA INDIANS**  
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**TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR.**  
**CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS**

**Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies**

**Regarding the FY 2024 Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), Indian Health Service (IHS), and Environmental Protection Agency (EPA) Budgets  
March 8, 2023**

Chair Simpson, Ranking Member Pingree, chi miigwetch (thank you) and the other distinguished Subcommittee members for this opportunity to testify on behalf of the Red Lake Band of Chippewa Indians (Red Lake). Red Lake has 16,650 members, and a 840,000 acre Reservation held in trust by the United States. While diminished in size over time, our Reservation was never broken apart or allotted, and we are exempt from P.L. 83-280. Thus, we are responsible for a large area over which we exercise full governmental authority and control, in conjunction with the United States. Due to our remote location, there are few job opportunities available. While unemployment in Minnesota is 2.9%, ours remains close to 40%. The lack of good roads, communications, and other critical infrastructure impedes economic development and job creation. Federal appropriations are the primary way in which the United States fulfills its trust responsibility and honors its obligations to Tribes. As we write this, the President has not yet released his FY 2024 budget, which makes preparing this testimony more difficult. **That being said, Red Lake requests an additional \$8 million in FY 2024 funding for our programs as described in more detail below.**

**Lessons from the COVID-19 Pandemic.** Red Lake appreciates the resources Congress provided to respond to the Pandemic. However, Tribes are overwhelmed by trying to manage the myriad of grants established, navigating burdensome applications, and complying with complicated reporting requirements. Through hundreds of Tribal consultations, all Tribes agree there are too many grants, and we lack the staff to apply for and manage them. As such, **Congress and federal agencies should administer funding for Indian Country by formulas which are based on certified Tribal enrollment data.**

**Provide Robust Funding for BIA, BIE, and IHS in FY 2024.** We were very disappointed with the FY 2023 enacted levels for BIA/BIE and IHS. The funding level for BIA and BIE combined was \$474 million less than the President requested, \$488 million less than your Subcommittee recommended, and \$181 million less than the Senate Interior Subcommittee recommended. For IHS the funding level was \$2.1 billion less than the President requested, \$1.1 billion less than your Subcommittee recommended, and \$400 million less than the Senate Interior Subcommittee recommended. We cannot recall a time when the final appropriation levels did not fall somewhere between the House and Senate recommendations. We do want to commend this Subcommittee for your strong recommendations, you have always understood the importance and the need for more funding. But when the enacted levels for BIA/BIE and IHS fall hundreds of millions below what

the President, the House, and Senate all recommended, something is wrong.

**Protect Tribal Program Funding from Across the Board Recessions.** Since FY 2000 there have been 20, across-the-board rescissions to Tribal programs totaling 9.5% to provide support for things like Hurricane Katrina recovery. While the needs of these rescissions were met long ago, the cuts continue. Since FY 2013 we lost another 5% from sequestration. These cuts greatly reduced our ability to serve our citizens. Worse yet, inflation since FY 2000 exceeded 57%. Pay Costs are the only increase many Tribal programs receive and are vital to maintain staff. Since FY 2001, Interior agencies lost more than \$2 billion from the partial funding of Pay Costs. This Subcommittee has previously called on the Administration to request full Pay Cost funding in all future budgets. We ask that you renew this call, **and we ask for \$3 million for Red Lake to partially restore what we have lost since FY 2000.**

**Fully Fund and Expand the Tiwahe Initiative.** The Tiwahe Initiative was established in 2015 to improve the health and wellbeing of families in Tribal communities by reducing poverty, substance abuse, domestic violence, and associated outcomes, such as youth suicide. Tiwahe includes two components: (1) a recurring funding increase for all tribes that operate Social Services and ICWA programs, and (2) additional funding for a demonstration program at six Tribal locations (representing 61 Tribes and Alaska Native villages). Tiwahe includes the BIA programs of Social Services, ICWA, Courts, Housing (HIP), Job Placement & Training, and Public Safety RRI.

Tiwahe has strengthened youth suicide prevention efforts at Red Lake. We have only lost two youth to suicide in the last five years. Although these losses hurt, we are well on our way to ending youth suicide. Tiwahe has been essential for us to continue to operate our Juvenile Wellness and Family Drug Courts, with funding to keep our judge and case workers employed, and the courts functioning, after our initial DOJ grant ran out. Tiwahe Job Placement/Training funds have allowed us to offer several training programs which directly create jobs and reduced reliance on TANF and other public assistance. Tiwahe and RRI enabled us to open and operate the Red Lake Children's Healing Center, a 24/7 youth residential treatment program which provides vital mental health, substance abuse, domestic abuse, and recidivism reduction services in a culturally-sensitive way. And, Tiwahe has benefitted our family reunification program, which has kept more children with their families and out of foster care, resulting in a 50% reduction in out of home placements.

We greatly appreciate your ongoing funding of the six Tiwahe sites, and request the same support in FY 2024. Additionally, having achieved significant benefits under Tiwahe, we were pleased to see Congress enact an additional \$2 million to add more pilot sites in FY 2022, and another \$2 million for yet more sites in FY 2023. The President requested \$45 million in Tiwahe increases in FY 2023, including more Tiwahe sites, Tiwahe support staff, expanded programming for Social Services, ICWA, Housing, and new funding for Economic Development and Healing to Wellness Courts (HWC). We know this Subcommittee has previously identified the need for BIA HWC funding. As you prepare the FY 2024 budget, we urge you to provide more funding to support these efforts. Tribes, Congress, and the Administration are united in their support for expansion of Tiwahe.

**Increase Funding for BIA Law Enforcement, Courts, and Community Fire Protection.** In 2017, Red Lake declared a Public Health Emergency due to a sharp increase in opioid overdoses.

Sadly, we are again in the midst of a horrific increase in the number of opioid and fentanyl related overdoses and deaths on our Reservation. Last year we had 162 overdoses and 13 deaths. We know that consequences of the Pandemic contributed to this increase. Part of the problem is non-Indians entering the Reservation to peddle drugs. We routinely banish these criminals and turn them over to other agencies, because years ago the Supreme Court ruled that Tribes lack the authority to arrest and detain non-Indians. The criminals know this, so they keep coming back here. Last December, I met with U.S. Senators Tina Smith (D-MN) and Amy Klobuchar (D-MN), Congresswoman Betty McCollum (D-MN), and Assistant Secretary for Indian Affairs Bryan Newland to highlight this problem. We agreed on the need for more meetings and cooperation with federal agencies, and for legislation to authorize Tribal police to arrest and detain non-Indian drug dealers.

While we advance those legislative efforts, we remain dedicated to increasing much needed funding for our law enforcement. The Tribal Law and Order Act (TLOA) intended to give Tribes the resources needed to fight crime, but since TLOA began, BIA public safety funding has shrunk. Last year, Red Lake had to spend \$5 million more than the BIA provided, which was taken from other critically underfunded Tribal programs, and we continue to be left out of general increases.

In FY 2022, Congress enacted a \$7.5 million general increase and provided \$4 million for body cameras for the Criminal Investigations/Police Services account. Red Lake's share of this increase was only \$25,000! There is no way our share of this funding could be so low unless BIA used bad data. When we asked BIA about our share, they said one factor they use is the service population in the 2013 BIA Labor Force Report, but Red Lake is not even listed in this report. A pro-rata distribution of the \$11.5 million would have resulted in Red Lake receiving \$131,000, but with our high crime rates including drug crimes, we should have received much more. We need to hold BIA accountable for the distribution of this funding.

The BIA's latest TLOA report to Congress says Tribal law enforcement needs \$1.3 billion per year for minimal public safety. That is more than four-times the current funding level. The report also says Tribal courts need \$1.2 billion per year to provide adequate justice for Tribal citizens. That is more than 23-times the current funding level. For this reason, we support TIBC recommendations for **an additional \$49 million for law enforcement, \$22 million more for detention, and an additional \$4 million for Red Lake Law Enforcement to combat our crisis.**

Tribal Courts are a top priority for Tribes but are severely underfunded. We appreciate recent Court increases you provided, and we ask that you **provide a \$35 million general increase in FY 2024**, the same as you recommended in FY 2023, but which was not enacted.

Community Fire Protection has been neglected for decades. We are responsible for fighting fires and protecting lives on our Reservation, on a yearly BIA-funded budget of only \$42,500. Our actual expenditures for this program exceeded \$1 million last year! We ask that you **provide \$10 million for Community Fire Protection in FY 2024, as well as \$1 million for Red Lake Community Fire Protection.**

**Trust Natural Resources.** Thank you for providing general increases for several important natural resource TPA programs in FY 2022 and 2023, including Water Resources, Wildlife and Parks, and

Forestry. Some of these programs had not been increased in 30 years, limiting our ability to adequately manage our resources (e.g., Red Lake manages the 6<sup>th</sup> largest freshwater lake in the U.S. on less than \$1 per acre). Congress also enacted a \$3 million general increase in the Tribal Management/Development program (TMDP) in FY 2023, with instructions to distribute the funds to all lines within BIA's funding allocation table. But there is a serious problem with the funding allocation table that you are not aware of. There are nine self-governance Tribes that operate TMDP programs, but are not listed in the table. These nine tribes operate the same type TMDP programs as the 638 tribes listed in the table. We have pointed out this error to BIA for years, but they continue to not include these self-governance Tribes despite being listed in the self-governance section of the BIA Budget Justification. As a result, they are not listed in the table and are unfairly excluded from general increases like you enacted in FY 2023. The Indian Self Determination and Education Assistance Act requires that self-governance Tribes be treated equally in any general funding increases. We ask that you direct BIA to fix this and to provide an equitable share of all funding increases to these Tribes. **At the Subcommittee's request, we can provide documentation on the history of BIA's failure to treat Self Governance tribes equitably with regard to TMDP.**

**Fully Fund IHS at \$51.4 Billion and Continue Support for Advanced Appropriations.** We greatly appreciate your actions in FY 2023 for advanced appropriations to ensure IHS can continue to provide uninterrupted services. We hope that you continue this important support. As you are aware, there is a tremendous unmet need for IHS and Tribal health programs, stemming from years of chronic under funding. Mandatory increases for inflation, population growth, pay costs, and CSC surpass enacted increases. Per capita expenditures for IHS healthcare in 2021 were only \$4,140 person, compared to \$10,680 for the general population, a huge disparity. For this reason, we support the IHS Tribal Budget Formulation Workgroup's request to fully fund IHS in FY 2024 at \$51.4 billion, and ask that you **provide no less than \$14 billion for IHS** to begin redressing long-standing health inequities in Indian Country.

**IHS Must Include both Depreciation and Principal and Interest Payments in Section 105(l) Leases.** At your direction, BIA and IHS held a Tribal consultation in 2021 on the deployment of a consistent and transparent process for payment of 105(l) leases. Red Lake and other Tribes pointed out a major difference in how BIA and IHS treat eligible principal and interest payments and depreciation. The BIA correctly reads the Section 105(l) statute to require the payment of debt service obligations (both principal and interest) of new construction, acquisition, or rehabilitation costs of leased facilities, as well as depreciation. But in 2021, the IHS refused to follow the law and would only pay depreciation, not principal and interest. Then, in 2022 IHS reversed course, and allowed principal and interest payments, but refused to allow depreciation. **IHS should be directed to immediately pay both depreciation and principal and interest payments for eligible facilities, just as BIA does to provide consistency for Indian Country.**

**EPA Programs.** Spanning a geographic area the size of West Virginia, our Tribe has 60% of the Indian trust land in EPA Region 5. Our water, wetlands, animals, and plants are vital to us. Vital EPA programs like Tribal GAP, Clean Water Act Sections 106 Pollution Control and 319 Nonpoint Source, Brownfields, and Clean Air Act Section 105, provide only 50% of the staff and support needed. We support the President's recent request for additional Tribal resources.