

**TESTIMONY OF BENIAKEM CROMWELL
CHAIRMAN, ROBINSON RANCHERIA BAND OF POMO INDIANS
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
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Chairman Simpson, Ranking Member Pingree, and members of the House Subcommittee on Interior, Environment, and Related Agencies thank you for the opportunity to testify today regarding issues of importance to our Tribe. My name is Beniakem Cromwell, and I am the Chairman of the Robinson Rancheria Band of Pomo Indians, a federally recognized Indian tribe located in the Lake County region of California.

Background

The United States has not been kind to our people. Our ancestors signed an August 20, 1851, Treaty at Camp Lu-pi-yu-ma with the United States and the eight Pomo bands. In that treaty, the bands agreed to cede to the United States a substantial area of land between Clear Lake and the San Pablo Bay. In return, the United States agreed to secure land as a reservation for the bands. Unfortunately, the Senate never ratified the Treaties. The Senate not only refused to sign the 18 treaties that had been negotiated, but they took the extraordinary step to keep the unratified treaties secret, placing them under a seal only to be revealed to the signatory tribes and the public in 1905. As a result, the reservation contemplated by the treaty was never established even though the tribes complied on their part of the negotiation. To make matters worse, Robinson was among 41 Northern California tribes who were unlawfully “terminated” under the California Rancheria Act of 1958. Between 1965, our unlawful termination, and 1977, when we were finally restored federal recognition, nearly all our lands passed to non-Indian ownership.

Today, our communities still struggle with safe, stable economic independence traditionally developed on tribal homelands. While the Tribe has made great strides over the last 40 years, some of our individual brethren still struggle.

Tribal Temporary Assistance for Needy Families

Temporary Assistance for Needy Families (TANF), enacted in 1996, is a block grant designed to play a critical role in supporting poverty-stricken families with children in times of need. According to the Congressional Research Service, from FY1997-FY2016, Congress funded TANF at \$16.6 billion without a single adjustment for inflation, caseload, poverty level, or population change. Congress actually cut TANF to \$16.5 billion from FY2017 until today. During that time, TANF has seen a real decline (inflation-adjusted) of 44.7%, meaning Congress would need to fund TANF at \$31.5 billion just to restore TANF’s 1996 purchasing power. Under TANF, Indian Tribes, like states, are authorized to administer their own TANF program and eligibility requirements. As of June 2022, there are 75 Tribal TANF programs serving 285 federally recognized Indian tribes and Alaska Native.

Tribal TANF programs have four purposes: 1) Provide assistance to needy families so that children can be cared for in their own homes or the homes of relatives, 2) End the dependency of needy parents by promoting job preparation, work, and marriage, 3) Prevent and reduce the

incidence of out-of-wedlock pregnancies, 4) Encourage the formation and maintenance of two-parent families.

Indian tribes are required to submit a three-year Tribal TANF plan to the Secretary of the Department of Health and Human Services (HHS) through the Administration for Children and Families (ACF) for review and approval, unlike states who only require a certification from ACF. The approved Tribal TANF programs then receive a portion of the state TANF block grant from the state where the tribe is located.

However, Tribes experience more barriers maintaining TANF programs because we lack a tax base to draw funding from, lack adequate facilities to operate programs, and often exist in rural areas with fewer available jobs. But more importantly, because Tribes cannot plan for long-term TANF planning and goals.

Over the past 26 years since TANF's authorization, Congress has never reauthorized TANF long term, often only extending temporary authorizations from a few months to a couple of years without any changes or funding increases. This stagnant funding and archaic technical requirements, like requiring ACF approvals for any expenditure over \$5k, attribute to the constant delays in implementing TANF assistance to tribal communities. This wreaks havoc in our Tribal communities.

-Reauthorize and enact Long-Term Tribal TANF funding

Congress last reauthorized TANF in the Deficit Reduction Act of 2005 (P.L. 109-171) and has renewed the program through a series of short-term extensions since its expiration in 2010. Unfortunately, the continued short-term extensions have failed to address several technical difficulties with the program, making it difficult for tribal nations and TANF program directors to make informed long-term planning decisions.

-Authorize Tribes to 638 Contract Tribal TANF under ISDEAA

The Indian Self-Determination and Education Assistance Act (ISDEAA) is the gold standard for supporting the successful transfer of governance from the Federal Government to tribal nations. Tribal TANF should be brought in line with other federal programs and made operable via 638 compacts and contracts under ISDEAA.

-Authorize Tribal Access to the TANF Contingency Fund

Congress has appropriated \$608 million annually to the TANF Contingency Fund (TCF) to assist states in meeting the need for welfare assistance during periods of the economic fund. Tribes cannot access these funds under the statute, nor were tribal nations considered in creating the TFC. Allow tribes to access the TFC, and grant them waivers from state criteria of economic need, including, but not limited to, increases in the state's unemployment rate formula and the state's SNAP caseload.

-Authorize Tribes to Recoup Fair Market Value for administering TANF Services

Many tribal nations utilize tribal buildings and facilities to administer TANF programs on reservations. Tribal nations are reimbursed for using these facilities based on a depreciation

formula that significantly undervalues the property. However, we cannot establish fair-market lease agreements – similar to tribal health facilities through the Indian Health Service – due to technical issues in the TANF law. This issue incentivizes housing facilities off the reservation and away from the population in need, contrary to the intent and needs of the TANF program.

Bureau of Indian Affairs (BIA) Division of Fee-to-Trust (Division)

Fee-to-trust land acquisitions transfer land title to the United States to be held in trust for the benefit of Indian Tribes. The reason the Division exists can be attributed to Indian tribes themselves. In 1998, California-based tribes decided to launch a proactive effort to overcome a 20-year fee-to-trust deadlock, forming the California Fee-to-Trust Consortium (Consortium). The Consortium accelerates the land review process by hiring and training dedicated BIA to work exclusively on fee-to-trust acquisitions for Indian tribes. The funding for the dedicated staff comes from tribes who allocate a portion of their TPA funding directly to the BIA Real Estate office.

Each of these Divisions is funded by tribes who also divert a portion of their TPA funding to hire and train federal staff to execute the federal treaty and trust responsibility. and grow. We need Congress to finally fund the BIA Division of fee-to-trust. The return of lands has brought families back together; provided a foundation upon which to build the structures of governance, commerce, and cultural importance; and given citizens a place to put down roots.

Tribal Priority Allocations Small Tribal Supplement

The Tribal Priority Allocation (TPA) is intended to support tribal government implementation of the ISDEAA by providing stable funding for tribal governments to exercise their tribal sovereignty. In addition, TPA allocations often fund law enforcement, social services, adult vocational training, child welfare, natural resource management, and administrative costs. The TPA Small Tribal Supplement (STS) was created by a BIA/Tribal working group in 1994 to provide a stable minimum funding level of \$160,000 for small tribes like the Scotts Valley Band of Pomo Indians.

Unfortunately, since its inception in 1994, this base funding has never been increased. Today, due to inflation, the same item that would have cost \$160,000 in 1994 dollars costs over \$320,000 in today's dollars. The President's FY2023 Budget Request proposed an increase of \$16 million, which would increase the base funding for the TPA to \$300,000, which would have finally given parity to the 1994 purchasing power for the base STS, but it was denied.

Since 1994, Tribes have lost over 50% of the purchasing power of the base STS funding while inflation has continued to drive up the cost of goods and items necessary to administer federal program requirements. Please support a minimum \$16 million increase in the STS TPA, including an automatic inflation adjustment.

Robinson Rancheria appreciates the opportunity to present this testimony to the Committee today on these important matters. I am happy to answer your questions. Aho'. (Thank you)