

**HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
WRITTEN TESTIMONY OF THE NEZ PERCE TRIBE, MAY 8, 2024**

Thank you for the opportunity to provide this testimony on behalf of the Nez Perce Tribe (Tribe) as the Committee evaluates and prioritizes FY 2025 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), U.S. Forest Service, and the U.S. Fish and Wildlife Service (USFWS).

The *Nimlipuu* (Nez Perce People) want to acknowledge and thank this Committee 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 2024 Consolidated Appropriations Act build on the increases Congress provided in FY 2023.

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 care 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 Committee frequently note, the United States must affirm its trust responsibility to Indian tribes by properly funding programs. Overall, for FY 2025, the Tribe supports an increase of three percent over FY 2024.

Bureau of Indian Affairs

The Tribe requests that overall funding for the BIA and Bureau of Indian Education be maintained at FY 2024 levels or increased as recommended below for FY 2025. The Tribe also supports the indefinite appropriation, recommended in the President's budget request, for contract support costs at \$426 million for BIA in FY 2025. The Tribe also recommends that these costs be reclassified from discretionary to mandatory.

In relation to the BIA Public Safety and Justice account, the Tribe supports a \$75.5 million increase to funding for law enforcement over what was enacted for that account in FY 2024. 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 detention 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. Currently, the Tribe contributes \$3,785,480 to cover the shortfall in BIA funding for the Tribe's law enforcement/prison boarding and corrections, \$743,997 for judicial services/probation, \$480,040 for prosecutorial services, and \$318,057 for public defender services. 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. For the Tribe to fulfill its law enforcement services obligation to the Reservation, an overall increase of \$1,623,554 is needed. Funding for these programs, including operational costs for 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 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 and items such as the Pacific Salmon Treaty. The Tribe supports the \$6.9 million in funding proposed for FY 2025 for the Pacific Salmon Treaty. 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 2024 funding level in FY 2025 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 a \$4 million increase over FY 2024 funding for the Tribal Management and Development Program.

The Tribe recommends continued funding for the Columbia River In-Lieu Treaty Sites by providing at least the total of \$4.6 million requested for FY 2025 to implement the Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act.

The Tribe supports the proposal of \$2.8 billion in permanent funding over ten years for the Indian Water Rights Settlement Completion Fund to support the work of tribes such as our work on the Palouse River Basin Adjudication.

### Indian Health Service

The Tribe operates Nimiipuu Health, a health care 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 \$12.2 billion provided for IHS in FY 2024, which included \$5.2 billion in advanced appropriations. We recommend maintaining these levels going forward, but it must be noted that this funding must be appropriated to keep pace with medical and non-medical inflation and with population growth. Recommendations of substantially increasing this funding have been supported by the Tribe.

The Tribe also supports a substantial increase in funding for Purchased/Referred Care (P/RC) from the FY 2024 enacted level of \$996.8 to continue to meet the P/RC spending needs of tribal health facilities caused by medical inflation.

The Tribe supports funding for contract support costs for FY 2025 at \$979 million, a \$10 million increase, as contained in the President's budget request. 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 either.

The Tribe recommends permanent, mandatory funding of the Special Diabetes Program for Indians, as proposed in the President's budget, recognizing that the proposed increase to \$260 million is an important step forward. 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 President's budget recommendation for 105(l) lease costs and to make the funding mandatory beginning in FY 2026.

### U.S. Fish and Wildlife Service

Additional resources are needed to implement beneficial actions across the Columbia River Basin, including salmon propagation at national fish hatcheries, studies on conditions impacting fish, and habitat restoration efforts. The Tribe supports the President's Budget Request of \$3 million for the U.S. Fish and Wildlife Service's (USFWS) National Fish Hatchery Operations Program — Columbia River Basin Sub-Activity in FY 2025. These funds are important for the operations of Kooskia National Fish Hatchery. The Tribe manages the hatchery pursuant to the terms of the Snake River Water Rights Act of 2004. The hatchery is in dire need of a new water

supply system 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.

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 Committee to not reduce, but instead increase, funding for these competitive grants to \$75 million for formula grants 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 maintained at \$16.3 million, the Brownfields Program be funded 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 that, within Geographic Programs, 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 that was previously enacted, but recommends that number be substantially increased.

### U.S. Forest Service

The Tribe does a tremendous amount of work with the U.S. Forest Service, including landscape restoration and resource management. The Tribe entered into a Good Neighbor Authority agreement with the U.S. Forest Service in 2022 that will allow more collaboration on work that will help protect Treaty-reserved resources on forest system land. Receiving stable and consistent funding is important for this work to continue. In fact, we would recommend expansion of Good Neighbor Authority and stewardship contracting authority to include USFWS and the U.S. National Park Service as proposed in the FY 2025 budget request. Thank you.