



Written Testimony of Charles Martin, Chairman, Morongo Band of Mission Indians

House Appropriations Subcommittee on Interior, Environment, and Related Agencies
American Indian/Alaska Native Public Witness Hearings

On behalf of the Morongo Band of Mission Indians, I submit the following testimony for the Subcommittee on Interior, Environment and Related Agencies. My testimony will focus on programs serving tribal governments including the Indian Health Service, Bureau of Indian Affairs, and grant programs that support tribal child welfare services.

Differentiating Tribal Governments from DEI Initiatives

To begin, I want to discuss the difference between tribal programs and preferences from DEI initiatives. The federal government has a legal obligation to fulfill its treaty and trust responsibilities to tribal governments. Furthermore, tribal preference programs must recognize that they are preference programs in the exact same manner that rural or local governments can receive preference on certain grants due to historic lack of funding and service.

The recent federal funding freeze threatened to jeopardize these obligations, and while we are thankful that Secretary Burgum made clear that tribal programs are exempt from the freeze, many of our programs were none-the-less impacted for a short time. I ask that the Committee include future language that requires any Administration to faithfully obligate and utilize the resources provided by Congress to serve tribal nations.

Indian Child Welfare

Tribal communities have faced and survived countless attempts to erase our culture and our governments, and the consequences of these actions are still being felt today. Congress passed the Indian Child Welfare Act to stabilize our communities and keep

native children within their culture. Today it is the gold standard for child welfare laws and we ask that Congress continue to fund the Indian Child Welfare Act and social services grants surrounding foster care placements and adoptions. There are a number of critical programs at the BIA that support these efforts, and we encourage Congress to fully and robustly fund the following priorities:

- Indian Child Welfare Act grant program
- BIA Welfare Assistance program
- BIA Social Services program

These programs directly prevent the separation of Indian families and provide assistance to families so that they can be reunified when appropriate. Tribal ICWA directors have become central contact points for Tribes and Indian families in seeking assistance for temporary and permanent placement of Indian children. The work of ICWA staff has resulted in improved coordination and compliance with the Indian Child Welfare Act, which has been proven to provide better outcomes for kids.

Supporting Tribal Self-Governance

The Morongo Tribe is proud to be a Self-Governance tribe, either compacting or contracting nearly every aspect of the federal government's services to the tribe. Tribal Priority Allocations (TPA) represent the share of programmatic funding that each tribe is eligible to receive under self-governance compacts. TPA funds are critically important funds that allow the Morongo Tribe to direct the resources that would be spent by the BIA on the tribe based on need within our own government. Unfortunately, the funding the Tribe receives through the TPA program funds less than 1% of our governmental budget. This is woefully inadequate.

Congress needs to significantly increase baseline tribal program funding, including TPA, to both meet its treaty and trust obligations and allow more tribes to utilize the self-governance program.

Tribal Law Enforcement and Justice Support

As the Committee knows, the United States has a checkered past with its Indian Nations. Between boarding schools, the allotment era and termination era, much has been done to diminish tribal governments. Public Law 280 (PL-280) is another example of this. Although the goal of the bill was to improve public safety on tribal lands by transferring criminal and civil jurisdiction on tribal lands from the federal government to state government in several states, including California, P.L. 280 only exacerbated the problem.

As PL-280 was implemented, BIA chose to defund tribal police. This has resulted in a patchwork of public safety services on tribal reservations, depending solely on the relationship between the tribe and its local law enforcement agencies.

That is wrong. If we don't provide emergency services for our citizens and the many people visiting our reservation annually, no one will. We cannot ignore public safety and just say someone else will handle it.

Morongo appreciates that the Committee is already engaged on this issue. We supported the language included in the Fiscal Year 2023 omnibus that seeks to provide funds to tribes the BIA has forgotten. But I am here to tell you that you need to go further. Every tribe must receive some BIA law enforcement funding so that we can protect our people. If the BIA won't allocate the money to keep us safe, you need to force them to do it. To that end, I ask that you set a minimum allocation of \$500,000 for each tribe within the BIA public safety line item.

BIA Realty Services & TAAMS System Modernization

Despite being able to process the vast majority of realty services requests through our self-governance program, the Morongo Tribe continues to struggle with significant delays because the BIA realty services still must approve the transaction. This problem is exacerbated by archaic rules that prevent Morongo from accessing the records of other tribes, which we need to do regularly because they contract with us to provide realty services for them.

The impacts of these delays are felt by tribal members who need to get Section 184 housing title certified, and as well our ability to approve business leases. BIA needs significantly more resources to process realty requests and improve the Trust Asset and Accounting Management System (TAAMS).

Transition 105 (I) Leases and Contract Support Costs (CSC) to Mandatory Funding

Lastly, I call on Congress and this Committee to fully fund Contract Support Costs and 105 (L) leases, and move them out of the discretionary budget to mandatory. The courts have already ruled that Congress is required to fully fund CSC and 105 (L) leases, and together these line items have eaten up 85 to 90% of funding increases provided to tribal programming over the past decade. That means that while Congress can brag about increasing funding for tribes, the reality is that we're not even keeping up with inflation. Shifting these payments to the mandatory budget would alleviate this perennial issue, and allow Congress to do what they clearly intend to: provide sufficient funding to meet the U.S. government's treaty and trust obligations to tribal governments.

Thank you for the opportunity to provide testimony today on behalf of the Morongo Band of Mission Indians, and for your steadfast work to support all tribes across the nation.