

**Testimony of Chairwoman Erica M. Pinto, Jamul Indian Village of California
U.S. House of Representatives - Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies**

February 25, 2025

Chairman Simpson and distinguished Members of the House Subcommittee on Interior, Environment, and Related Agencies, my name is Erica M. Pinto, and I have the honor to serve as Chairwoman of the Jamul Indian Village of California (the "Tribe" or "JIV"). Thank you for the opportunity to provide testimony on the importance of the Tribe's sovereign-to-sovereign relationship with the United States and the critical role of federal funding in supporting our Tribe and Tribal Members.

History of the Jamul Indian Village

The Tribe is one of thirteen tribes of the Kumeyaay Nation, who have lived on and stewarded the land across present-day Southern California since time immemorial.

Until two months ago, JIV had one of the smallest reservations in the United States, at just six acres, located in a rural area east of downtown San Diego. The Tribe's lands lacked basic utilities like running water and electricity until the early 1980s. Although our culture survived, living conditions for the Tribe were dire, and we severely lacked economic resources to improve our standard of living.

The Tribe was formally organized under the Indian Reorganization Act in 1981. In 1982, the Department approved a 1.372-acre fee-to-trust transfer under a grant deed naming the Jamul Indian Village as beneficiary. Combined with an earlier acquisition, two parcels - collectively about six acres - comprised the Tribe's entire trust land base for forty-two years.

Beginning in 2005, Tribal Members made the difficult decision to move off the Tribe's six acre Reservation as a sacrifice to ensure that the Tribe would become economically self-sufficient. Since this time, the Tribe's small Reservation has been fully and completely developed by the Tribe's economic endeavors, which include a gaming facility.

The Tribe's economic development allowed the Tribe to incrementally acquire 172.1 acres of land in the area surrounding its 6-acre Reservation with the hope that it would be taken into trust by the federal government and Tribal Members could return to their ancestral territory. On December 23, 2024, the Jamul Indian Village Land Transfer Act was signed into law, directing the Secretary of the Interior to take the 170.1 acres into trust for the Tribe.

Recognize and Reinforce the Sovereign Status of Tribal Nations

Tribal Nations are and always have been inherently sovereign governments, a status that predates the establishment of the United States.¹ U.S. Supreme Court decisions, congressional acts, and

¹ See *Michigan v. Bay Mills Indian Cmty.*, 572 U.S. 782, 788 (2014); *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 55–56 (1978); *Haaland v. Brackeen*, 599 U.S. 255, 308 (2023) (Gorsuch, J., concurring) (explaining that, before colonization, Tribal Nations

presidential orders have consistently reaffirmed the legal status of Tribal Nations as sovereign governments. The U.S. Constitution singles out Tribal Nations in recognition and furtherance of Tribal Nations' sovereignty, the government relationship Tribal Nations share with our people, and the sovereign-to-sovereign relationship we have with the United States. This includes through direct reference in the Indian commerce clause² and "the Constitution's adoption of pre-constitutional powers."³

The unique sovereign-to-sovereign relationship between Tribal Nations and the United States entrusts the federal government with responsibility for a variety of services and benefits to Tribal Nations and our people based on our political status as Indians. This relationship has been defined repeatedly as a political relationship that further distinguishes Indians from racial classification for purposes of federal statutes that establish federally funded programs. Our relationship with the United States is not race-based.

President Trump's first Administration recognized the political status of Tribal Nations during the Covid-19 pandemic when the Administration supported set-asides for Tribal Nations to directly address the needs of tribal governments and our citizens. The Tribe was a direct beneficiary of these efforts. Given the previous support, we believe that President Trump's second Administration will continue these efforts by recognizing and reinforcing tribal sovereignty. Your Subcommittee can support the continuation of this effort is by ensuring direct, unobstructed, and adequate funding for Tribal Nations.

The Tribe has always taken pride in our heritage and culture as a sovereign Tribal Nation, and we are especially proud of our development from a Tribe with just a six-acre land base and no running water or electricity less than fifty years ago, to a Tribe with a 178-acre land based and a thriving economic enterprise. We want to recognize, however, that we continue to face barriers to achieving self-sufficiency both as a government and for our Tribal Members. We stress that the sovereign-to-sovereign relationship between the United States and Tribal Nations is continuing obligation to work together as partners to alleviate these barriers.

The Kumeyaay People have occupied Southern California since time immemorial and the Tribe plans to steward these lands for generations to come. As a government, we are planning now for the increased impact of unique challenges facing the Tribe due to our location in Southern California. The Tribe is using federal funds to investigate our current infrastructure and significantly improve the resilience of our electric grid, allowing us to better withstand natural disasters like wildfires and extreme weather, leading to more reliable power access, reduced outage duration, and potential economic benefits by mitigating disruption to critical services within our community. Federal funds are also going towards water management projects to make sure water is conserved and used efficiently and to reduce the risk of drought and flooding.

"existed as 'self-governing sovereign political communities'" and that "such entities do not 'cease to be sovereign and independent'" (quoting *United States v. Wheeler*, 435 U.S. 313, 322–23 (1978), and *Worcester v. Georgia*, 31 U.S. 515, 561 (1832))).

² U.S. Const., art. I, § 8, cl. 3.

³ *United States v. Lara*, 541 U.S. 193, 201 (2004); see also *McClanahan v. State Tax Comm'n of Arizona*, 411 U.S. 164, 172 n.7 (1973); *United States v. Holliday*, 70 U.S. 407, 418 (1865); *Brackeen*, 599 U.S. at 307, 310 (Gorsuch, J., concurring) (referring to the "Indian-law bargain struck in our Constitution," the terms of which include that "Indian Tribes remain independent sovereigns").

Federally funded programs, such as the ones described above, help deliver services to Tribal Members and facilitate the sovereignty and self-determination of the Tribe. These programs are created by federal laws and policies that reinforce the obligation of the federal government to fulfill its trust responsibility and partnership with Tribal Nations, our citizens, and our institutions.

Make Whole and Maintain the Trust Responsibility

The relationship between the United States and Tribal Nations is more than that of contracting parties, the United States has "charged itself with moral obligations [to Tribal Nations] of the highest responsibility and trust."⁴

In 1974, the U.S. Supreme Court in *Morton v. Mancari* unanimously affirmed the principle that the United States may lawfully deliver on its trust and treaty obligations to Tribal Nations and Tribal citizens without running afoul of the U.S. Constitution's equal protection requirements.⁵ Courts have continuously upheld this principle,⁶ based on the governmental relationships between Tribal Nations and our people and the political relationship between the United States and Tribal Nations - recognized within the U.S. Constitution itself.

Many of the statutes authorizing or appropriating funds for Tribal programs acknowledge that they were passed with the intent of carrying out trust obligations, making those statutes an independent legal mandate for these programs as well.⁷ Thus, funding for Tribal programs is legally mandated even as the Administration implements its other priorities, as recently recognized by the Department of the Interior in a Secretarial Order.⁸ This includes the federal funding and federal employees necessary for the provision of critical services the federal government and Tribal Nations deliver to Tribal communities, such as healthcare.

The average American Indian life expectancy at birth is sixty-five (65) years, compared to seventy-six (76) years for White Americans.⁹ In 2023, twenty-two percent (22%) of American Indians reported being in fair or poor health - the highest rate among all groups.¹⁰

⁴ *Seminole Nation v. United States*, 316 U.S. 286, 296–97 (1942).

⁵ *Morton v. Mancari*, 417 U.S. 535, 554–55 (1974).

⁶ See, e.g., *Washington v. Washington State Com. Passenger Fishing Vessel Ass'n*, 443 U.S. 658 (1979); *United States v. Antelope*, 430 U.S. 641 (1977); *Del. Tribal Bus. Comm. v. Weeks*, 430 U.S. 73 (1977); *W. Flagler Assocs., Ltd. v. Haaland*, 71 F.4th 1059 (D.C. Cir. 2023); *United States v. Wilgus*, 638 F.3d 1274 (10th Cir. 2011); *Means v. Navajo Nation*, 432 F.3d 924 (9th Cir. 2005).

⁷ See, e.g., 25 U.S.C. § 1602(1) ("[I]t is the policy of this nation, in fulfillment of its special trust responsibilities and legal obligations to Indians . . . to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy."); 25 U.S.C. § 5301; see also *Antelope*, 430 U.S. at 647 n.8 (1977) ("[L]egislation directed toward Indian tribes is a necessary and appropriate consequence of federal guardianship under the Constitution.").

⁸ Ending DEI Programs and Gender Ideology Extremism, Sec. Order 3416, § 6(d) (Jan. 30, 2025) ("Nothing in this Order shall be construed to eliminate, rescind, hinder, impair, or otherwise affect activities that implement legal requirements . . . , including but not limited to . . . the statutory authorities, treaty, and/or trust obligations of the Department and its Bureaus/Offices to Tribal nations and the Native Hawaiian Community.").

⁹ Nahla Holland, *Life Expectancy Rates for American Indian and Alaska Native People Dropped Drastically During the COVID-19 Pandemic*, NATIONAL COUNCIL OF URBAN INDIAN HEALTH, <https://ncuih.org/2024/06/07/life-expectancy-rates-for-american-indian-and-alaska-native-people-dropped-drastically-during-the-covid-19-pandemic/> (June 7, 2024).

¹⁰ American Indian/Alaska Native Health Profile, OFFICE OF MINORITY HEALTH, <https://minorityhealth.hhs.gov/american-indianalaska-native->

The Tribe is part of a seven-member tribal consortium, the Southern Indian Health Council ("SIHC"), that provides holistic care to Tribal Members and the surrounding community to advance physical, mental, and spiritual well-being and to alleviate the disparate health outcomes impacting American Indians. Federal resources that SIHC receives are critically important. We use funding and technical support diligently to reduce the morbidity and mortality rates of the communities we serve. Any pause or elimination in funds for American Indian healthcare would cripple our ability to provide essential healthcare services, thereby exacerbating the already poor health outcomes of American Indians.

Engage and Involve Tribal Nations

Meaningful consultation is foundational to a true sovereign-to-sovereign relationship and necessary for the United States to uphold its trust responsibility to Tribal Nations. Executive Orders, statutes, and other United States legal mandates require the United States to engage in formal Tribal consultation with Tribal Nations on any policy or action that may affect us.

The State of California has the fifth largest caseload of Missing and Murdered Indigenous Persons ("MMIP") of any state in the country. It is imperative that Tribal Nations have adequate tools and resources to protect our own people, including through the enforcement of Tribal laws. Due to our Reservation's close proximity to the U.S.-Mexican border, we have a heightened awareness of how significant and impactful this issue is to our community and how critical it is to urgently respond to incidents that may occur. We are diligent in our commitment to prevent human trafficking and end the MMIP epidemic. We recognize that every minute counts, so we take a proactive approach.

Responding to the MMIP epidemic requires meaningful consultation and collaboration between federal and tribal agencies. Adequately funding federal agencies who provide support in the fight against the MMIP epidemic is essential to the safety and well-being of Tribal Nations. This includes ensuring that Tribal law enforcement, social services, and governments have not only the resources to proactively educate the public on the risk of abduction and human trafficking and respond to instances of missing persons, but also the tools to ensure that the family of MMIP receive the support they need and that individuals that have suffered these harms are properly rehabilitated.

Thank you for your time and the opportunity to provide testimony about the importance of the sovereign-to-sovereign relationship and its role in bringing federal funding to Indian Country. I have provided just a few examples of how federal funding supports my Tribe, though the impact is profound. I am happy to answer any questions you may have.

[health#:~:text=According%20to%20ACS%20estimates%2C%20in%202023%20%2C,insurance%2C%20compared%20to%2073.8%%20of%20non%2DHispanic%20whites.&text=In%202023%2C%2021.8%%20of%20people%20who%20identify,the%20highest%20rate%20among%20all%20racial%20groups](#) (last updated Jan. 16, 2025).