

**Leonard Fineday, Secretary/Treasurer, Leech Lake Band of Ojibwe**  
**FY'26 House Interior, Environment, and Related Agencies Appropriations**  
**February 25, 2025**

Chair Simpson, Ranking Member Pingree, and Members of the Subcommittee, my name is Lenny Fineday, and I am honored to serve as Secretary/Treasurer of the Leech Lake Band of Ojibwe (“Band” or “Tribe”). My testimony today will focus on the need for full advance appropriations for Indian Health Service (“IHS”) programs; funding of the Bureau of Indian Affairs (“BIA”) Tiwahe Initiative; and funding for tribal programs within the Environmental Protection Agency (“EPA”), including the need to protect existing grants awarded by the Agency.

**Background: The Leech Lake Reservation.** The Leech Lake Reservation was established through a series of treaties and executive orders dating from 1855 to 1874. As this Subcommittee knows, the United States did not give us our Reservation. Instead, through these treaties we ceded millions of acres of our homelands to help establish what is now the State of Minnesota. In return, the United States promised that the Leech Lake Reservation, which included more than 550,000 acres of surface lands and more than 300,000 acres of lakes, would serve as our permanent home, among other promises.

However, shortly after the last executive order was signed to finalize the boundaries of the Leech Lake Reservation, Congress enacted a series of laws designed to take our lands, dismantle our government, and destroy our way of life. Through the Nelson Act of 1889, the Morris Act of 1902 – which established the Minnesota Forest Reserve, and establishment of the Minnesota National Forest in 1908 (later renamed the Chippewa National Forest (“CNF”)) – which was essentially superimposed upon the boundaries of the Leech Lake Reservation, the United States usurped nearly 500,000 acres of our Treaty-promised Reservation. While the size of the CNF has increased over the past century, to this day, the Leech Lake Indian Reservation makes up 75 percent of the Forest. Our Reservation was subjected to additional federal takings through a series of illegal administrative actions termed “Secretarial Transfers” that occurred in the 1940s and 50s.

As a result of these takings, only approximately 40,000 of the original 550,000 acres remain in trust – approximately seven percent of the Reservation that treaties promised would be our permanent home. Leech Lake has lost more land via government action and policy than any other tribe in Minnesota.<sup>1</sup> Much of our remaining trust/allotted lands are swamplands not suitable for housing, infrastructure, or economic development. The Forest Service and the State of Minnesota now hold most of the usable lands within the boundaries of the Leech Lake Indian Reservation.

Every federally recognized Indian tribe suffers from this tragic legacy. The loss of land from the Leech Lake Reservation was massive, intentional, targeted, and – like other Tribes – continues to blunt the progress of our people to this day.

**Full Advance Appropriations for Indian Health Care: Include Contract Support Costs and 105(l) Leasing Funding to the Advance Appropriations for Indian Health Care**

These land cessions, related Treaty promises, and takings form the basis of the federal government’s trust obligation to Indian tribes. As acknowledged in the Indian Health Care Improvement Act, “Federal health services to maintain and improve the health of the Indians are

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<sup>1</sup> Congress passed the Leech Lake Reservation Restoration Act in the 119<sup>th</sup> Congress. It was signed into law as P.L. 116-255 on December 23, 2020. The Act restored approximately 11,700 acres of illegal Secretarial Transfer lands to the Reservation. This is the first, and to date only, significant restoration of lands to the Leech Lake Reservation.

consonant with and required by the Federal Government’s historical and unique legal relationship with, and resulting responsibility to, the American Indian people.” 25 U.S.C. 1601(a).

While federal appropriations to meet this most basic obligation to Tribal governments has increased over the past decade, Indian health care remains the most chronically underfunded federal health care program meeting approximately 50% of overall need. In addition to ongoing concerns with underfunding, Indian health care faces an annual risk of impacts from government shutdowns and related funding interruptions, because Indian health care is the only major federal healthcare provider subject to annual discretionary appropriations.

Indian Country suffered the impacts of this risk most recently during the 35-day government shutdown that lasted from December 22, 2018 to January 25, 2019. IHS was the only federal healthcare entity to not receive funding during this shutdown. During the shutdown, Tribal and IHS hospitals and clinics were forced to ration health services. Many employees worked without pay. Administrative and technical support staff – responsible for scheduling patient visits, conducting referrals, and processing health records – were furloughed. Many Tribes lost physicians to other hospitals and clinics not impacted by the shutdown.

Due in large part to these impacts, this Subcommittee led the effort to include advance appropriations for many IHS programs in the FY’23 omnibus spending package. This enactment marks a historic improvement in the Tribal-Federal government-to-government relationship. With advance appropriations, our Tribal citizens will no longer be uniquely at risk of death or serious harm caused by delays in the annual appropriations process. However, the inclusion of advance appropriations each year is not guaranteed and does not apply to all IHS budget accounts.

The FY’25 House Interior, Environment, and Related Agencies bill expands advance appropriations for IHS to include the Indian Health Facilities Sanitation Facilities Construction and Health Care Facilities Construction accounts.

**However, to fully protect Indian health programs from the devastating impacts of a government shutdown, we urge you to add contract support costs and 105(l) leasing funding to the advance appropriations account for Indian health care.** Contract support costs are the necessary and reasonable costs associated with administering the contracts and compacts through which Tribes assume direct responsibility for IHS programs and services. Likewise, the 105(l)-leasing program is the compensation to Tribes for reasonable operating costs associated with facilities leased or owned by Tribes and Tribal organizations to carry out health programs.

### **Bureau of Indian Affairs – Tiwahe Initiative.**

#### **Request for FY’2026 = \$83.6 million (\$39 million increase over FY’24)**

The Leech Lake Band of Ojibwe extends our thanks to this Subcommittee for helping establish and continuing to fund the BIA’s Tiwahe Initiative. The Initiative empowers tribal governments, fosters self-governance, and acknowledges that Indian tribes – as local decisionmakers – are best suited to develop plans to resolve problems that have long-plagued our communities. The Tiwahe Initiative promotes a comprehensive approach to supporting family stability and strengthening tribal communities by addressing interrelated issues associated with child welfare, domestic violence, substance abuse, poverty, and incarceration. The Initiative leverages BIA programs in concert with other federal programs to support family and community stability. Pilot Tribes in the Tiwahe Initiative have demonstrated the value of empowering Tribes to develop programs that

meet the unique needs of their communities. These unique approaches address community health and safety while improving local economies through job training and employment.

Your investments in the Tiwahe Initiative are working. The Interior Department’s “Tiwahe: Final Report to Congress” documents significant achievements, including reductions in suicides, recidivism, and removal of children from the community. It also notes parent/child reunifications, language revitalization, improvements to housing and homelessness, and job creation.

At Leech Lake, we have taken meaningful steps to ensure that this funding directly addresses the needs of our community. Leech Lake is developing a strategic five-year plan that reflects the voices of our people. The Tiwahe Initiative has enabled Leech Lake to break down long-standing barriers in our foster care system, ensuring more Native children can remain in our community. Families often face obstacles like inadequate housing, financial burdens, background check restrictions, and training or transportation challenges, preventing them from becoming licensed. We are removing licensing barriers, supporting families in meeting certification requirements, and expanding foster home availability. With increased Social Services and Indian Child Welfare Act (“ICWA”) funding, we are hiring a mental health practitioner dedicated to ICWA programming, ensuring Native youth receive culturally responsive care while expanding services to provide community-based support. Additionally, we are renovating modular homes to provide safe, stable housing for foster families. These investments go beyond housing—they offer security, cultural connection, and a sense of belonging for Native children. Through Tiwahe, Leech Lake is complementing these services with vocational training, financial literacy sessions, homeownership seminars, job search strategy, and leadership development workshops. The overall program is a significant step towards meeting the government’s solemn treaty and trust obligations to the Tribe.

**Leech Lake supports the Tribal/Interior Budget Council’s Tribal Budget Submission request that the Tiwahe Initiative be funded at \$83.6 million in FY’2026.**

### **Environmental Protect Agency (“EPA”) Tribal Environmental Programs.**

#### **Protect Funding Awarded Pursuant to the EPA Environmental Block Grant.**

Tribal governments nationwide are concerned that federal programs and grant awards have been either frozen or are under review due to White House executive orders relating to diversity and environmental justice. We urge the Subcommittee to include bill language to clarify that all federal programs and services, including grants that have been awarded, that are designed to meet the government’s treaty and trust obligations to Tribes, as well as programs that acknowledge the status of Indian Tribes as separate governments are not affected by implementation of the President’s executive orders and policies.

The Department of the Interior and the Department of Health and Human Services issued memos acknowledging that the recent executive orders will not impact existing federal grants and programs that are offered to Indian tribes. The HHS Memo, dated February 6, 2025, states that “the Order, by its plain terms, does not apply to such programs. Second, it would be imprudent to read it as so applying given that the Tribes are separate sovereigns. Third, the Supreme Court has consistently applied the Indian canon of construction in favor of funding toward Indian Tribes; application of that canon here counsels against reading the EO as applying to AI/ANs.” Including similar language in the FY’2026 appropriations bill will help further clarify that the executive orders similarly apply to all agencies and programs.

Before contact with European Nations, Indian tribes were independent self-governing entities vested with full authority and control over their lands. The Nations of England, France, and Spain all acknowledged the sovereign status Indian Tribes, engaging in treaties with the Native Nations.

Upon its formation, the United States acknowledged the sovereign authority of Indian tribes, entering hundreds of treaties to establish commerce and trade agreements, form alliances, and preserve the peace. Through these treaties, Indian tribes ceded hundreds of millions of acres of tribal homelands to help build this great Nation. In return, the United States promised to provide for the education, health, public safety and general welfare of Indian people. The U.S. Constitution specifically acknowledges these treaties and the sovereign authority of Indian tribes. The Commerce Clause provides that “Congress shall have power to ... regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” By its very text, the Constitution establishes the framework for the federal government-to-government relationship with Tribes.

The importance of and need for this provision to protect grants awarded by EPA is critical to Leech Lake’s longstanding efforts to protect our employees who are tasked with preserving our Treaty resources and the safe exercise of the Tribe’s Treaty Rights.

The facility that houses Leech Lake’s Division of Resource Management (“DRM”) is located wholly within the St. Regis Superfund Site. The facility was built in the 1970s as a residential home, nearly a decade before the EPA added St. Regis to the National Priority List in 1984. The Tribe established DRM to protect the safe exercise of Treaty Rights and to manage and conserve our Reservation’s natural resources. DRM includes several subdivisions, including Forestry, Wildland Fire, Fish and Wildlife, Environmental, Conservation Enforcement, Tribal Historic Preservation Office, Heritage Sites, Administration, and the Land Departments. Our DRM employees are exposed to Superfund contaminated soil and water daily.

To address this direct threat to human health, the EPA awarded the Leech Lake Band of Ojibwe an Environmental and Climate Justice Block Grant to construct a new DRM facility. The mechanism to fund the grant is the EPA’s Community Change Grant program. These programs are authorized under Section 138 of the Clean Air Act, which was added by the Inflation Reduction Act of 2022 (Public Law 117-169).

The Tribe will use this funding for construction of a new multi-purpose facility that will relocate and consolidate the DRM subdivisions and its 65 employees outside of the St. Regis Superfund Site. The new 30,000 square foot facility will house all DRM staff and be open to the public for community and cultural events. It will serve as emergency response coordination, staging, electricity, food, and temporary shelter during extreme weather events. And the facility will serve as a workforce development hub in coordination with Leech Lake Tribal College and the Cass Lake Boys and Girls Club.

September 21, 2024 marked the 40<sup>th</sup> year that the St. Regis Superfund Site – located on the Leech Lake Reservation in the City of Cass Lake, Minnesota – was listed on EPA’s National Priority List. Site operations included pressure-treating lumber with creosote and pentachlorophenol. Large volumes of contaminated sludge and wastewater were discharged to unlined disposal pits near the Pike Bay Channel to Cass Lake, on the Mississippi Headwaters. To this day, large volumes of source contamination remain in the ground at multiple locations on site. The hazardous waste landfill has leaked through its first containment layer, posing an ongoing threat to our lands and waters.