

**TESTIMONY OF J. CONRAD SENECA
PRESIDENT OF THE SENECA NATION OF INDIANS**

American Indian and Alaska Native Public Witness Days
House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
February 25, 2025

Nya:weh Ske:no! I'm thankful that you are well!

On behalf of the Seneca Nation, thank you for providing me with the opportunity to provide comments on the Fiscal Year 2026 budget for the Interior Department, Environmental Protection Agency and Indian Health Service.

The Seneca Nation is constitutional democracy founded in 1848 and the largest of the historic Six Nations of the historic *Haudenosaunee* Confederacy. We have been in relationship of peace and friendship with the United States of America since 1794. Today we are located in what is now called Western New York State with over 8,500 enrolled citizens, most of whom reside on or within fifty miles of our territories. Last November, I was elected as our 70th president and the first whose father was also a Seneca Nation president.

Our relationship with the United States is a political one, based upon a government-to-government relationship framed by the Canandaigua Treaty of 1794. In fact, the democratic system of the United States was influenced by the governing traditions of the *Haudenosaunee* Confederacy, which was acknowledged by a concurrent resolution of the Congress in 1988. The framers of the U.S. Constitution looked to our system of governance when drafting the principles contained in your foundational documents. This is why the U.S. Constitution specifically recognizes American Indian nations as separate governments.

Our treaties define our relationship with the federal government and serve as the foundation of the obligation of the United States to fund certain programs and services to benefit our people. I would like to share with you three of our priorities – combatting Indian Country's border and drug crisis, supporting environmental protection, and funding our health care programs.

Federal Funding to Indian Nations Fulfills Treaty Obligations

But first, I would like to make clear that federal funding for Native governments has nothing to do with diversity, equity and inclusion programs (DEI). President Trump has issued several Executive Orders and Presidential Memoranda eliminating federal funding for DEI programs, environmental justice programs, and non-governmental organizations. The Seneca Nation shares the goal of reducing unnecessary federal regulations, streamlining federal funding mechanisms, growing our economies, and strengthening local control over our lands and waters.

We are concerned, however, about the implementation of the President's Executive Orders. In several instances, our federal funding has been put on hold to determine whether it is part of a race-based DEI program and should be cancelled. This is frustrating because our relationship with the United States is defined by our treaties, not race. President Trump repeatedly recognized this

fact during his first Administration. To be clear. We are not a part of any DEI program. Nor are we a part of any environmental justice program. We are a sovereign nation of Indigenous people and not a racial minority group.

In the course of your work, we ask that the Committee provide clarification to the federal agencies within your jurisdiction that funding provided to Indian nations fulfills the federal government's treaty and trust obligations. Eliminating federal funding to our nations will significantly harm our people, but also the local non-Natives who work with and live near us. We do not believe that this is in America's interests, or ours.

Addressing Indian Country's Border Crisis

The Seneca Nation right now is experiencing a drug epidemic, primarily fentanyl and methamphetamine, which is killing our people and is fueled by non-Indian drug dealers who freely do business in our territories. This is our border crisis.

We believe that our territories and people are specifically targeted by drug cartels and dealers because of jurisdictional complexities and a lack of law enforcement resources. Seneca territories in Western New York share a border with the State of Pennsylvania and are in proximity to the Canadian border, and our area is a transit corridor for access to New York City. Drug dealers smuggling drugs often target the Seneca Nation territories to set up shop for strategic access. Worse yet, these non-Indian drug dealers target Seneca women, turn them to addiction and prostitution, and force them into pregnancies to cement their access.

Nation presidents, including myself, have issued Executive Orders to banish these drug dealers from our territories. Our own people have joined the effort, including a community group called the Seneca Mothers Against Drug Dealers ("SMADD"). In addition to the drug epidemic, the problem is getting worse with an influx of non-Indian homeless people. This past year, a major influx of hundreds of homeless people invaded the City of Salamanca within the Nation's Allegany Territory. Encampments were disrupted, but the problem persists.

The law is clear that federal law enforcement officials have authority to exercise criminal jurisdiction over the Nation's territories. However, limited resources and competing interests often mean that the enforcement of criminal laws on Seneca Nation territories may not receive the same attention as neighboring off-territory communities. Over the Nation's objection, Congress gave New York State criminal jurisdiction over our lands in 1948. As a result, the State views law enforcement in our territories as a discretionary, not mandatory, action.

The Federal government led by the Interior and Justice Departments have a treaty and trust responsibility to protect the Seneca people. Our Nation needs more funding to support our law enforcement activity in our area, to work cooperatively with other agencies, and to support federal interdiction efforts in Western New York. We must close the open drug trafficking border to our territories.

Self-governance for Environmental Protection Agency Programs to Benefit Native Nations

President Trump and his Department of Government Efficiency (DOGE) is looking to cut costs and improve efficiency within all federal agencies. The Environmental Protection Agency

(EPA) is one of those agencies. EPA funding has been paused as the new Administration conducts its review of each of the programs. For Indian nations, these federal funds are essential and fulfill the federal government's treaty obligations to us given the historic contamination of our environments by outside interests. Our funding should not be paused or eliminated. Given that federal funding is provided to us in fulfillment of treaty and trust responsibilities and based on our government-to-government relationship, we ask that the Committee provide clarification to the EPA that our funding must continue uninterrupted while the Administration conducts its review and reorganization of the agency.

We do recognize that the EPA can be reorganized and made more efficient. We support that effort and want to be a part of the dialogue. For example, the Seneca Nation utilizes approximately six different programs at the EPA to monitor, protect and revitalize our lands, water, habitat and wildlife. There are additional programs available to Native governments at EPA, but we have been unable to continuously access them. Some of these programs are specifically designed for Native governments, while others require competition with non-Native entities for funding. Additionally, each funding program has its own application process, award period and reporting requirements. We have minimal flexibility in how we use the funding for each program and are unable to commingle funds and activities, which makes it difficult for us, as a government, to holistically implement our environmental and conservation services.

One of the most successful federal Indian programs has been the Indian Self-Determination and Education Assistance Act of 1975. This law, commonly referred to as Public Law 638 allows Native nations to take over federal functions and funding and implement them at the local level with great flexibility. By all accounts, the 638 law has been a success. Unfortunately, the law only applies to federal programs and funds at the Bureau of Indian Affairs, the Indian Health Service, and the Department of Transportation. There have long been efforts to expand the program and, recently, the U.S. Forest Service has been able to do so through its Tribal Forest Production Act.

We believe the EPA would greatly benefit from adopting a program similar to the 638 program that would allow Indian nations to consolidate funding and functions from multiple EPA programs and utilize one reporting mechanism. Doing this would reduce the number of employees at EPA and reduce the administrative burdens and costs for the agency and Native governments.

Another federal law that the EPA could look to for streamlining federal funding to Native governments is Public Law 102-477, commonly known as the 477 Program. This law was enacted in 1992 and originally allowed Native Nations to coordinate and consolidate workforce development and job training programs within the Departments of Interior, Labor, Education, and Health and Human Services. In 2017, President Trump expanded the number of federal agencies involved in the Program from four to twelve and made the Bureau of Indian Affairs the lead agency responsible for developing a Memorandum of Agreement amongst all of the federal agencies to ensure better coordination. President Trump's efforts in 2017 further reduced the administrative, accounting and reporting burdens on Native nations and increased our flexibility.

Both the 638 and 477 programs provide the EPA with good examples of how to streamline federal funding and services to Native governments. We ask that the Committee include language in your fiscal year 2026 appropriations bill urging the EPA to review both programs and

determine if similar programs can be adopted by the agency with or without Congressional legislation.

As the Committee considers 2026 funding levels for EPA programs, we ask that you protect funding for those programs that are utilized by our Native governments. For the Seneca Nation, we regularly use and rely upon EPA's Tribal Clean Water Act Section 106 Program and the Brownfields and Land Revitalization Program. The Clean Water Act Section 106 program is a noncompetitive grant program specifically designed for Native governments to develop water quality standards and monitoring systems.

This is a real issue for the Seneca Nation. Our people live downstream from a federal nuclear waste repository at West Valley and downstream from the city of Olean that regularly dumps raw sewage into our Allegany river. We also suffer from longstanding contamination from the railways through our lands. EPA's Brownfields and Land Revitalization Program helps Indian governments work together to assess, safely clean up and reuse brownfields. However, this funding is also competitive and we must compete with a larger pool of eligible applicants.

Section 105(l) Leases Support Indian Health Care

As this Committee is aware, our governments have entered into numerous leases with the Indian Health Service and Bureau of Indian Affairs to ensure that we are fairly compensated for the use of our facilities in carrying out federal functions under a self-determination contract or self-governance compact. These leases are entered into pursuant to section 105(l) of the Indian Self-Determination and Education Assistance Act. The Seneca Nation has such a lease with the Indian Health Service, and we rely on that funding to help maintain our health facility.

It is important that Congress continue to fully fund Section 105(l) leases. We worry that in this environment of government reduction and efficiency, funding for Indian tribal governments will be ignored or cut. Indian Country has been advocating that funding for Section 105(l) leases be treated as mandatory spending. It remains discretionary spending for now, and we continue to ask that this Committee help us advocate for it to become mandatory spending. Several federal courts have determined that section 105(l) leases are a contractual legal obligation of the federal government. We appreciate the Committee's continued work to ensure that this legal obligation is fully met each fiscal year, and we ask that you ensure it is fully met for fiscal year 2026.

Conclusion. In conclusion, I want to thank you for your time and attention today. I look forward to working with you to protect the interests of the Seneca people and all Native people in the United States.