

Fort Belknap Indian Community



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Fort Belknap Indian Community
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Fort Belknap Indian Community
(Elected to administer the affairs of the community and
to represent the Assiniboine and the Gros Ventre
Tribes of the Fort Belknap Indian Reservation)

Fort Belknap Indian Community Testimony on Fiscal Year 2026 Appropriations

House Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies February 25, 2025

Chair Simpson, Ranking Member Pingree, and Members of the Appropriations Subcommittee on Interior, Environment, and Related Agencies, thank you for the opportunity to testify on the Fiscal Year (FY) 2026 priorities of the Fort Belknap Indian Community (FBIC). My name is Jeff Stiffarm and I serve as the President of the FBIC Tribal Council. I am sworn to protect the sovereignty and treaty rights of the Gros Ventre and Assiniboine Tribes of the FBIC.

We should not be forced to come to Washington, D.C. year after year, to beg for funding to fulfill the United States basic treaty and trust responsibilities to Indian tribes. When we ceded vast lands and resources and reserved a permanent homeland, the United States committed to provide FBIC with programs and services. These commitments seem long forgotten. The United States must keep its word and honor the solemn treaties entered into with FBIC and other Indian nations.

OMB Funding Freeze and Firing of BIA and IHS Staff

In just the last few months, we have reached a new low. The Trump Administration cannot unilaterally freeze funding for the programs and services that the United States agreed to provide FBIC and other tribes in treaties and agreements. The Trump Administration also cannot unilaterally layoff the staff that provide critical services to our members and communities. We already live with shortfalls in law enforcement, healthcare and other services that have life or death consequences on our Fort Belknap Reservation.

Recent actions by the Trump Administration violate the United States trust and treaty obligations to FBIC. At a minimum, the Administration is required to engage in tribal consultation on any proposed actions that affect our interests. We agree that reform and efficiencies are needed at the Bureau of Indian Affairs, but this is the wrong way to do it. We are already underfunded. We already have challenges hiring and retaining staff. We do not need freezes, cuts, or firing.

Congress must pass the laws and funding needed to protect tribes from unilateral actions by any administration. Funding to fulfill the United States treaty and trust responsibilities to Indian tribes should be mandatory funding. Treaty programs and services should not be subject to politics.

Funding for the Fort Belknap Indian Community Water Rights Settlement Act is Needed

Our top priority is passage of our Fort Belknap Indian Community Water Rights Settlement Act which affirms our water rights and settles our damages claims against the U.S. Our Indian Water Settlement Act passed the Senate twice and nearly passed the House last Congress. In the 119th

Congress our bill has already been introduced as a part of the Northern Montana Water Security Act of 2025 (S. 241 and H.R. 907). Title I of the Act is our Indian water rights settlement and Title II of the Act is funding for water infrastructure for the Blackfeet Tribe. While we support the water infrastructure needs of the Blackfeet Tribe, to clarify, this funding is not a part of FBIC's water rights damages claims that we negotiated with the U.S. and the State of Montana.

In 1908, we went to court to fight for our water rights in *Winters vs. United States*. The U.S. Supreme Court held that the establishment of our Reservation included the water rights necessary for us to make a homeland. This is known as the *Winters* doctrine and provides the basis for all tribes to protect and quantify their Indian reserved water rights. Our "Fort Belknap Indian Community Water Rights Settlement Act of 2025," is based on our treaty rights and more than 35 years of negotiations between FBIC and the Department of the Interior, Department of Justice, State of Montana, water users and local counties. It will resolve pending litigation before the Montana Water Court, which is currently ready to be adjudicated, and before the federal court, which is currently stayed pending a successful settlement.

Our bill has strong support from the Montana Governor and Lt. Governor, past Administrations, the Rocky Mountain Tribal Leaders Council, Milk River Joint Board of Control, St. Mary Rehabilitation Working Group, local counties, water users, stockmen, conservation groups, tribal members, and more. The settlement will support our agricultural economy and our tribal ranchers and farmers. The settlement will also greatly benefit surrounding communities.

The bill will ratify the 2001 Water Compact reached by FBIC, Montana, and the U.S. The Compact quantifies FBIC's Indian reserved water rights, confirms tribal jurisdiction over those water rights, protects existing non-Indian water users, and provides certainty for water users in northcentral Montana. The bill will also settle our claims against the U.S. for its failure to properly manage our Indian water rights over more than 100 years. The bill provides about \$1.3 billion to construct and improve water infrastructure on our Reservation and throughout northcentral Montana, including:

- \$416 million to rehabilitate, modernize, and expand the Bureau of Indian Affairs' (BIA) Fort Belknap Indian Irrigation Project and to restore and develop irrigation systems;
- \$119 million for Southern Tributary Irrigation Project and Peoples Creek Irrigation Project;
- \$443 million to provide a clean and secure water supply and construct domestic, municipal, and commercial water supply and wastewater removal systems on the Reservation;
- \$300 million to rehabilitate the St. Mary Canal and Dodson South Canal, part of the federal Milk River Project for non-tribal water users in northcentral Montana; and
- \$66 million for O&M funding to support tribal irrigators on the Reservation.

Without Congressional passage and funding of this settlement:

- 35 years of negotiations between the FBIC, State, and U.S. to reach the most cost-effective solution will be lost and the resulting litigation will start the process over again;
- decades of future litigation before the Montana Water Court will be needed to hear at least 31,000 water right claims involving non-tribal farmers, ranchers, and municipalities;

- aging water infrastructure more than 100 years old will threaten the economy, towns, and livelihood of the entire region including: more than 120,000 acres of irrigated non-tribal lands in the Milk River Basin of north-central Montana and more than 30,000 acres of irrigation on the Reservation that feeds about one million people a year; drinking water for more than 20,000 people; and 700 river miles of wildlife habitat;
- about 10 percent of Montana's Gross Domestic Product (GDP), a significant portion of the agricultural economy of the State, would be threatened; and
- FBIC would be forced to bring a separate claim against the U.S. for mismanagement of its waters and failure to construct and maintain the BIA Fort Belknap Indian Irrigation Project.

Funding Indian water settlements is critical for meeting deadlines in our settlement legislation that provide for enforceability and finality. However, none of this works, if Congress does not provide substantial and timely funding to implement Indian water settlement legislation.

Funding for Law Enforcement, Court, Detention is Critically Needed

We need three to five times the funding for all aspects of tribal law enforcement, courts, and detention facilities. We are not secure on our Reservation or in our homes. Our Reservation and other Indian reservations are prime targets for drug activity that threatens our members and our communities. The Not Invisible Act Commission reported an estimate of \$1.4 billion is needed to fund public safety and justice programs in Indian Country. Similarly, the U.S. Commission on Civil Rights released a report in 2018 finding that the Department of Justice and BIA public safety and justice programs are underfunded.

Beginning with law enforcement, in 1997 the Federal government provided \$1.2 million to FBIC to administer law enforcement, and *27 years later* in 2023, the Federal government has only increased this by \$100,000 to \$1.3 million. We requested at least \$5.194 million per year for our 3-year contract with BIA Office of Justice Services (BIA-OJS) last year. Due to the incredible disparity between FBIC's funding and other similar tribes' funding, FBIC had no choice but to file a lawsuit against the Federal government due to its breach of contract and trust responsibilities.

Under current funding levels, we are forced to juggle budgets to address unmet needs. We have seven patrol officers and two temporary officers. We need at least twelve patrol officers. Patrolling a large reservation also takes a toll on our patrol cars as our Reservation is approximately 623,000 acres, the size of a small state, including rough terrain and poor road conditions.

Our police officers are overworked, stressed, and underpaid. They spend long hours on the road and often work without backup. Our BIA contract provides some of the lowest officer pay in Montana, making recruitment and retention even more difficult. At minimum, Congress should provide a Cost-of-Living Adjustment (COLA) for BIA law enforcement base funding. The last time Congress authorized an increase in BIA base funding was FY 2020.

Base funding for tribal courts also needs a significant increase. Under 25 U.S.C. § 3611, BIA is required to provide training, support, and funding to all tribal courts. Increasing federal funding will ensure that BIA can fulfill its requirement to provide training, technical support, and funding.

We received \$336,000 but need \$850,000 to fund our tribal court. The lack of funding for tribal courts prevents us from implementing the laws Congress passed to keep our Reservation safe.

Finally, BIA-OJS Correctional Programs lack the funding they need to operate and provide effective rehabilitation of our incarcerated members. Our members are shipped across the U.S. far from their families and support networks. This is not effective and does not need to happen. For example, there is a BIA detention facility near our Reservation in Hardin, Montana that can hold more than 400 inmates, but BIA only has staff to house about 20 inmates. As a result, most of our members are shipped far from home to Oklahoma for incarceration.

Chronic Underfunding of Indian Programs and Services Must End

For decades we have had to live with chronic underfunding of Indian programs that are needed to meet the most basic needs the federal government is obligated to provide, including:

Social Services: We provide services in five areas: Social Services, Indian Child Welfare, Child Welfare, Meth Initiative, and Domestic Violence. Social Services play an important role in preventing child abuse and neglect, investigating and prosecuting abuse and neglect, and providing treatment for children and families. In 2021, Social Services had 166 FBIC children placed in foster care off-Reservation and 92 Indian children placed in foster care on the Reservation. Our budget is severely underfunded for foster care services. *For the past 23 years*, FBIC performed its contract with BIA with little to no increases. BIA often tells us, “there is no appropriated funding increases from Congress so just ask for what you got last year.”

Head Start: The timeframe to apply for federal grants is short, needs to be extended, and fully funded. Further, the redistribution of funds should go back into Indian Head Start programs. We need adequate funding to provide culturally appropriate child development and education services.

Transportation: Federal funding for tribal transportation needs to significantly increase. We manage and depend on roads on an area the size of a small state, but year after year Congress refuses to provide adequate funding. The Congressional Research Service already reported that tribes suffer from a poorly developed road network, lack of highway safety, poor road infrastructure, and long accident response times by emergency services.

Fish and Wildlife: Our Fish and Wildlife Department manages wildlife on our Reservation including endangered species and two bison herds with a 2,000 head buffalo herd in the Snake Butte area and 125-150 head of genetically pure Yellowstone bison in a separate pasture. The program is severely underfunded and limits the services we are able to provide. Inadequate funding also limits our public safety and conservation efforts. Funding is needed to sustain our tribal hunting practices, traditional foods and cultural practices.

Conclusion

Thank you for the opportunity to testify on FBIC’s FY 2026 funding priorities. We ask that the Subcommittee provide the funding needed to fulfill the United States’ treaty, trust, and program responsibilities owed to the Fort Belknap Indian Community.