



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

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The Honorable Harriet M. Hageman  
Chair  
Subcommittee on Indian and Insular Affairs  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, DC 20515

Dear Chair Hageman:

Enclosed are responses to questions for the record submitted to the Department's witness, Jason Freihage, Deputy Assistant Secretary of Management for Indian Affairs, following his appearance before your Subcommittee at a legislative hearing on December 5, 2023. These responses were prepared by the Bureau of Indian Affairs.

Thank you for the opportunity to respond to you on these matters.

Sincerely,

Pamela L. Barkin  
Acting Legislative Counsel  
Office of Congressional and  
Legislative Affairs

Enclosure

cc: The Honorable Teresa Leger Fernández  
Ranking Member

**Questions from Chairman Westerman**

**Question 1: Regarding H.R. 4524, does the Department of the Interior have information on what percentage of or specified amount of funds within tribal self-determination contracts or compacts for law enforcement services are suggested to be set aside for tribes to provide the pension and benefits for tribal law enforcement officers?**

- a. **If yes, would that suggest a percentage of or specified amount of funds be the same or a similar amount that the Department of the Interior would set aside per federal law enforcement officers employed by your agency to pay into each of their benefits?**

**Response:** The Department of the Interior (Department) does not have the data to suggest a specific amount that should be set aside for pension and benefits called for in H.R. 4524 for two reasons. First, it is important to note that many Tribes use other sources of revenue to augment Federal funding for law enforcement. The 2021 Tribal Law and Order Act report indicates the current level of funding is \$3.1 billion below the calculated need. (*see*: [https://www.bia.gov/sites/default/files/media\\_document/2021\\_tloa\\_report\\_final\\_508\\_compliant.pdf](https://www.bia.gov/sites/default/files/media_document/2021_tloa_report_final_508_compliant.pdf)). As a result, Tribes may have to spend their own funds to make up this shortfall. For example, as Chairman Erickson of the Chehalis Reservation Tribe mentioned during the hearing, they contribute about \$4 million a year of their own funding for their Tribal law enforcement officers.

Second, the Department does not dictate to Tribes how they should allocate their compacted or contracted law enforcement program funding as long as it is consistent with the purpose of the contracted program. The Bureau of Indian Affairs (BIA) provides a total amount of funding to Tribes, and under the flexibility of the Indian Self Determination and Education Assistance Act, they can use it for retirement, salary costs, equipment, fringe benefits or other purposes as best meets their needs.

- b. **Does the Department extend any other funds that would not be included in the tribal self-determination contracts or compacts to support providing benefits and pensions to federal law enforcement officers?**

Generally, if the Tribe chooses to do so, retirement costs such as the Tribal employer contribution for law enforcement staff could come out of funding for the Public Safety and Justice program, such as from funds earmarked for Criminal Investigations and Police Services. The costs to centrally administer an employee benefits program, such as centralized human resources benefits staff, could be addressed with Contract Support Costs (CSC) funding. Tribes can include that cost in the negotiated indirect cost pool that generates the CSC payment. Outside of funding for the Public Safety and Justice Program and CSC, the Department does not have another source of funds to pay these costs.

**Question 2: Regarding H.R. 6368, what benefits has the Department of the Interior seen from the current funding it provides to preserve the historical, cultural, traditional, and spiritual relationship between buffalo and Indian tribes?**

**a. Please elaborate on how a formal program could help better guide resources.**

**Response:** The Department has seen many benefits from providing funding to support bison restoration. The reintroduction of bison to Tribal lands strengthens the spirit of American Indian peoples and restores the traditional relationships between American Indian people and the bison. Bison restoration also provides an additional source of economic development and food sovereignty and security for the diets of American Indian peoples. Additionally, an overarching benefit of returning bison to Tribal lands is the concurrent restoration of grassland ecosystems and is an activity that demonstrates the importance of Indigenous Knowledge (IK) in the management of Tribal and Federal lands. Bison are a keystone species, a cornerstone to American Indian ways of life, and the inclusion of IK is paramount to bison and ecosystem restoration. In January of this year, the Department announced funding for three bison herd expansion projects that will help advance bison restoration efforts, which can enhance soil development, restore native plants and wildlife, and promote carbon sequestration, providing benefits for agriculture, outdoor recreation, and Tribes. (*see*: <https://www.bia.gov/news/indian-affairs-invests-15-million-bison-herd-expansion-and-ecosystem-restoration>).

H.R. 6368 would establish a permanent program within the Department to develop and promote Tribal ownership, conservation, and management of bison and bison habitat on Tribal lands. This would allow BIA to support long-term efforts to advance Tribal goals and priorities related to the bison, maintain government-to-government relationships within the spirit of Tribal self-determination, support co-stewardship initiatives with land management bureaus, and continue and enhance the Intertribal Buffalo Council (ITBC) mission and purpose through Federal coordination and resources. Such a program would expand coordination, open communication, and cooperative planning in support of Tribal bison conservation. The program would build upon existing Department efforts to develop a shared stewardship of large, wild, connected, genetically diverse Tribal bison herds for ecological and cultural renewal.