

Testimony of William Harris, Chief of the Catawba Indian Nation, South Carolina
“Public Witness Testimony: FY 2019 Appropriations”
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
April 30, 2018

Recommendations:

1. Provide necessary funding to support tribal self-determination and economic development.
2. IHS - Provide full funding and parity to the Indian Health Service.
3. IHS – \$71.292 increase in funding for Preventive Health services.
4. BIA OJS - \$113.7 million for tribal court development and support services.
5. BIA - \$200 million for tribal law enforcement development and support services.
6. BIA – \$35 million for the BIA Road Maintenance Program.
7. EPA – Maintain adequate funding to protect environmental quality in Indian Country.
8. BIA - \$30 million for the Tribal Climate Resilience Program.
9. DOI - \$30 million for Department-wide Landscape Conservation Cooperatives.
10. BIA - \$1 million in dedicated funding for NAGPRA implementation.
11. BIA - Increase funding for tribal historic preservation efforts to protect sacred sites.

Introduction. Thank you Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for the opportunity to testify on critical funding needs for American Indian and Alaska Native programs under your jurisdiction. The people of the Catawba Indian Nation thank you for your hard work on behalf of Indian Country and for inviting tribal leaders to submit witness testimony on their communities’ behalf. As you are aware, these programs are based on the political relationship that exists between the federal government and tribal nations. My name is William Harris and I am the Chief of the Catawba Indian Nation, the only federally recognized tribe in the state of South Carolina. Since before recorded history, the Catawba have lived in the Piedmont area of South Carolina, east of the Nantahala National Forest and along the life-giving waters of the river bearing our name. Like our traditional pottery, the Catawba have been created from southern soil, to be shaped and fired over time by unimaginable hardship, and now stand tall as a living testament to our ancestors and to the land we call home. To advance the socioeconomic development and well-being of my Nation and other Native communities, I offer the following budget recommendations for fiscal year 2019.

I. Sustainable Economic Development for Smaller Tribes

Increased Support for Non-Gaming Tribes. As a sovereign nation and industrious people, we are committed to achieving economic self-sufficiency. For the Catawba Indian Nation, this goal is immeasurably complicated by the terms of our 1993 Settlement Act with the State that inhibit meaningful tribal economic development. For example, our Nation is currently prohibited from establishing gaming operations on tribal lands under the terms of our Settlement Act. Instead, we are allowed to operate just two bingo halls—neither of which ever turned even a marginal profit for the Nation due to the mandatory 10% fee on gross bingo revenue that must be first transmitted to the state. It is our hope to come back to the Congress and ask for amendments to our Settlement Act that would restore some of our lost sovereignty and free-up our economic potential. In the interim, we continue to explore innovative avenues for economic growth. **We urge Congress to invest in economic development programs for non-gaming tribes to further the federal government’s policy of promoting tribal self-determination and economic self-sufficiency.**

Expanded Access to Investment Opportunities in Indian Country. Given adequate support and the appropriate resources, the majority of tribal nations would likely become—assuming they are not already—significant contributors to their local and regional economies. Tribal nations are economic engines of the tourism industry, renewable energies, small business development, commercial services, among many others. However, limited access to capital and investment financing remain substantial barriers in Indian Country. We struggle with uniquely burdensome federal restrictions and regulations, poor infrastructure, and other challenges that limit their economies from flourishing. It is important to create avenues for investment funds, financial resources, and business models that are mutually advantageous to tribes and potential partners for economic advancement, stability, and diversification. **We encourage Congress to provide increased support for investment opportunities in Indian Country in the FY 2019 budget.**

II. Promoting Health and Wellness in Indian Country

Provide Full Funding and Parity for the Indian Health Service. Indian health programs continue to suffer from the effects of annual budget cuts due to sequestration under the Budget Control Act of 2011 (Pub. L. 112-25). While other critical healthcare agencies such as Veterans Affairs were exempt from federal sequestration in 2013, the IHS was not. The disruption in federal funding resulted in a loss of over \$219 million from the IHS budget that was never recouped in subsequent fiscal cycles through appropriate increases in the IHS budget. The compounding, negative effect of this lost funding translated into immediate and long-lasting negative health impacts on tribal citizens through lost resources for primary and preventative health care services, staff recruitment and training, and other specialized health programs serving Indian Country. These losses are exacerbated every year due to the lack of full IHS funding. **We urge Congress to provide the IHS with full funding in FY 2019, as well as with parity to other federal healthcare agencies through an exemption from any reductions in the federal budget.**

Plan for the Future with Dedicated Funding for Preventative Health Services. The Catawba Indian Nation depends on the IHS for the delivery of healthcare services in our community through the local Catawba Service Unit. Access is limited, however, due to the Service Unit's restricted operating hours and lack of emergency and urgent care services. When combined with the disproportionately high rates of chronic illness – including diabetes, heart disease, and behavioral health and substance use disorders – it becomes clear that innovation in healthcare is urgently needed to uproot these negative outcomes in Indian Country. For its part, the Catawba Indian Nation is planting the seeds for healthy generations of tribal members through our Wellness Warriors program. The mission of the Wellness Warriors is to improve overall community health through crosscutting programs, health education, physical activity, nutrition, and tobacco cessation. The program serves as a trellis for life-long community fitness and engagement.

We believe that increased federal funding for preventative care services as an IHS sub-activity would enable other tribal nations to cultivate and sustain similar programs in their communities. The result would be significant long-term savings for the Federal Government by reducing future incident rates of chronic illness and associated medical costs, as well as increased life-savings by promoting the vitality of tribal members. The President's FY19 proposal would fund Preventive Health programs at \$89.1 million – *almost half* of the FY 2018 Annualized CR level of \$158.645 million. **We urge Congress to invest heavily in the future health and well-being of our country by providing an increase of \$71.292 million for Preventive Health.**

III. Public Safety and Justice Services

Advance Public Safety with Increased Support for Tribal Courts and Law Enforcement Services. At the Catawba Indian Nation, we are proud to provide our members with governmental services designed to address their myriad socioeconomic, educational, spiritual, and other needs. Missing from this panoply is a robust tribal justice department. We are working with the Department of Justice and Bureau of Indian Affairs to fill this critical gap through the development of a tribal court, Healing to Wellness alternative drug court, law enforcement agency, and related justice services. We have entered into a 638 contract with the BIA to develop tribal court services, once established we will then satisfy the necessary requirements to apply for DOJ grants. The process is long, complicated, and costly for our Nation. However, building the internal infrastructure to address these needs is a fundamental aspect of our tribal sovereignty and one that we are dedicated to fulfilling. **To advance public safety, we recommend Congress allocate \$113.7 million for tribal court services in the BIA Office of Justice Services. We also urge Congress to provide an additional \$200 million for law enforcement and detention services.**

Connect Tribal Communities to Essential Services through Increased BIA Roads Construction and Maintenance Funding. Adequate and well-maintained roads are essential to connecting our tribal members with essential on-reservation programs and services, as well as with nearby urban centers. Funding for the BIA Road Maintenance program, however, has been level-funded at approximately \$30 million for several fiscal year cycles, despite the accumulation of over \$290 million in backlogged needs. The Catawba Indian Nation has 33 miles of roads included on the BIA Roads Inventory. Maintaining these roads costs \$215,000 annually, but we receive only \$25,000 in federal assistance. The \$190,000 difference is taken from our Tribal Transportation Roads Program allocation, which in turn reduces the amount available for new roads construction to support our housing and economic development projects. We also have several pressing roads construction and maintenance needs, such as an access road to the Veterans Cemetery, that will require significant tribal investment. These unmet needs place our tribal members in harm's way due to the unnecessary risks posed by unstable and unsafe roads that impair access, damage vehicles, and obstruct the timely arrival of emergency assistance. **We urge Congress to provide at least \$35 million for the BIA Road Maintenance program to protect the health, safety, and welfare of Indian Country.**

IV. Natural Resources Management

Maintain Adequate EPA Funding to Protect the Environmental Quality of Indian Country. We depend on the EPA's fulfilment of its trust responsibilities and partnership obligations to protect human health and our shared environment. Currently we receive funding for the General Assistance Program, Clean Air Act, Clean Water Act and Brownfield 128a Program. We have used and leveraged these resources to advance our environmental programs with benefits at the tribal, local, and state levels. For example, we developed an ambient air monitoring program that measures ozone and particulate matter 2.5 micron and smaller. The data is posted on Air Now South Carolina, providing tribal members and state residents with accurate air quality information. We also partner with the State to generate air quality forecasts for a three county area. Moreover, for water equality, we established a water monitoring program using Clean Water Act funding. This program has enabled us to monitor and conduct analysis of pathogens in the water and inform tribal members and leadership of potential health risks. Through these programs, we have

cultivated an environmental presence that we have not had through history to ensure to the best of our abilities, that Catawba Tribal members have access to clean water, air, land and fish that are safe for consumption. The job is not finished. **We urge Congress to maintain adequate funding for EPA environmental quality programs serving Indian Country so that we can achieve a cleaner, healthier and more prosperous Nation today and for future generations.**

Maintain Funding for the Tribal Climate Resilience Program and Interior Landscape Conservation Cooperatives. Today, across the United States, American communities are facing increasing public health, safety, and natural resources management challenges associated with our progressively unstable natural environment. Water availability, catastrophic wildfires and floods, invasive species, disappearing tree lines, and accelerated rates of erosion are only limited examples of the ways in which our world is changing. Tribal nations are often among the first to feel the effects of these developments on our subsistence, hunting, and gathering activities. The BIA Tribal Climate Resilience Program – along with Department-wide Landscape Conservation Cooperatives run in agencies such as the BLM, FWS, NPS, BIA, and BOR – is intended to provide tribal nations with the tools to manage resource stressors and develop adaptive management plans in coordination with federal, state, and local actors, to mitigate and prevent environmental degradation. Maintaining and furthering this progress is critical, not only for tribal nations but for all Americans. **We urge Congress to provide \$30 million for the BIA Tribal Climate Resilience Program and \$30 million for Interior Cooperative Landscape Conservation programs.**

V. Protection for Tribal Cultural Patrimony

Maintain the \$1 Million in Dedicated Funding for NAGPRA Implementation. The Catawba Indian Nation would like to take this opportunity to thank Congress for providing \$1,000,000 to implement the Native American Graves Protection and Repatriation Act (NAGPRA) in the FY 2019 Omnibus. This directed funding within BIA Criminal Investigations and Police Services supports Bureau-wide trainings and the salary of a dedicated FTE on this issue. Because of your support, the Federal Government is undergoing a paradigm shift on the way that it views and understands the importance of safeguarding tribal objects of patrimony. When aligned with the federal protections of the PROTECT Patrimony Resolution, passed by the Congress in December 2016, we can see a positive path forward in ensuring that the next generation will have access to these important cultural and ceremonial resources. **We strongly encourage Congress to maintain the \$1 million in dedicated funding for NAGPRA enforcement in FY 2019.**

Tribal Historic Preservation Offices (THPOs). The landscapes and features that qualify as tribal sacred sites are as diverse as the 573 tribal nations currently recognized by the federal government. Each individual tribal nation must decide for itself what does or does not constitute a sacred site. In recent years, an increasing number of tribal governments have established THPOs equivalent to state programs under the National Historic Preservation Act. Federal funding, however, has not kept up with the expansion of THPO programs and, as a result, it is difficult for tribal governments to meet their preservation compliance duties and responsibilities. For FYs 2018 and 2019, the President proposed to eliminate all funding for tribal historical preservation. We were and continue to be encouraged by Congress's steadfast refusal to do so – in fact, Congress provided a \$1,000,000 increase in funding for FY 2018. **We urge Congress to hold the course and provide an increase in THPO funding for FY 2019 to better protect tribal sacred sites.**