

**TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR.
CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS**

**Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2019 BIA, IHS, and EPA Budgets, May 9-10, 2018**

Chairman Calvert and Ranking Member McCollum, we thank you and the other distinguished members of the Subcommittee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians. Red Lake is a large tribe with 12,000 members. Our 840,000 acre Reservation is held in trust by the United States. While diminished in size over time, our Reservation was never broken apart or allotted, and we are exempt from P.L. 83-280. Thus, we are responsible for a large land area over which we exercise full governmental authority and control, in conjunction with the United States. Due in part to our remote location, there are few job opportunities available for tribal members. While unemployment in Minnesota is only 3.1 percent, ours remains close to 50 percent. The lack of good roads, reliable communications systems, and other necessary infrastructure continues to impede economic development and job creation at Red Lake. The appropriations process is a major avenue through which the United States fulfills its trust responsibility and honors its obligations to Indian tribes. We request an additional \$5.1 million in FY 2019 funding for Red Lake programs as described below.

Protect Indian Country Funding from Proposed 22 Percent Cut to BIA. We greatly appreciate your restoration of the Administration's proposed FY 2018 budget cuts, and for the much-needed additional increases you provided for Indian programs. The President's proposed FY 2019 BIA budget of \$2.39 billion represents a horrible \$665 million cut over the FY 2018 enacted level. Last year the Tribal Interior Budget Council, the lead consultative body on Indian Affairs funding, provided its FY 2019 budget priorities to Indian Affairs leadership. Tribal leaders were shocked to find that their top priorities were cut the most, or outright eliminated, in the President's budget. Social Services was cut 37%, Indian Child Welfare cut 28%, Tribal Scholarships eliminated, Tribal Courts cut 28%, the Housing Program eliminated, and Johnson O'Malley Education Grants eliminated, to name a few. The greatest cuts were for programs that serve our children and families and educate our youth. In addition, 21 programs were slated for complete elimination, including the critical Tiwahe Family Initiative. Contrary to what the Administration has claimed, these programs impact tribes all across the country. We are thankful that this Subcommittee has made investments in strengthening our families and assisting our youth. We ask that you again restore all of the Administration's proposed cuts in FY 2019.

Rescissions, Sequestration, and Pay Cost Cutbacks Have Eroded Tribal Program Funding. Since FY 2000 there were 20, across-the-board rescissions to tribes' core government programs, totaling 9.5 percent, including things like Hurricane Katrina recovery. The needs of most rescissions were met long ago, but the funding cuts continue. Since FY 2013 our government programs were cut another 5 percent from Sequestration, and these cuts also were never restored. The result is significant erosion to critical tribal program funding and our ability to maintain public health and safety. To make things worse, inflation since FY 2000 totaled 41%. Pay Costs are the only increase many tribal programs receive and are vital to maintain minimal staffing levels. Since FY 2001, Interior agencies lost more than \$800 million from the partial funding of Pay and other Fixed Costs. Each of the last three Administrations and OMB have been guilty of this, and this Subcommittee has previously stated the Administration should request full funding

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for Pay Costs in all future budgets. We ask that you renew the call to fully fund Pay Costs, and we ask for \$2.2 million in FY 2019, the amount Red Lake has been shorted since FY 2001.

Protect and Fully Fund the BIA Tiwahe and Recidivism Reduction Initiatives (RRI). Thank you for restoring the Tiwahe Initiative in FY 2018. Tiwahe and RRI are positively impacting tribes by providing resources to address the inter-related problems of poverty, violence, substance abuse, and associated outcomes like youth suicide. Tiwahe encompasses several BIA programs including Social Services, ICWA, Courts, Job Placement and Training, and Housing. The RRI is a BIA Public Safety and Justice program within its Law Enforcement Special Initiatives line, and which is now part of the broader Tiwahe Initiative. Tiwahe and RRI enabled Red Lake to finally open a juvenile facility that sat vacant for a decade due to lack of funding. We're using this facility, the Red Lake Children's Healing Center, to provide vital mental health, substance abuse, domestic abuse, and recidivism reduction services to our youth in a culturally appropriate manner. Last year we served 48 youth, and 56% of them have not reoffended in 6 months or more since receiving services. We also operate an onsite school for high risk middle school students in a partnership with the Red Lake School District. This year the Children's Healing Center will implement a 24/7 residential treatment program for rehabilitative mental health and substance abuse services. Leveraging Tiwahe resources with other agencies, we have recently established a juvenile healing to wellness court and a family drug court. We've also been able to add several child protection positions to our court, including guardians ad litem, to ensure that children involved in legal proceedings have their needs and interests met. Additionally, Our Tribal Health Wellness Program works in concert with IHS Behavioral Health staff and the schools. Last year our staff had 8,095 encounters with children, working to promote healthy lifestyles. They provided help to 70 students with suicidal ideation, dealt with 5 suicide attempts, and implemented 100 student safety plans. In the last 28 months we have had one youth suicide. Although one suicide is too many, for Red Lake this represents a significant reduction, and we have made major progress towards our goal of ending youth suicide. This year our Red Lake Suicide Team has joined forces with the American Indians and Alaska Natives Task Force and the National Action Alliance for Suicide Prevention. We plan to send some of our youth to the American Indian and Alaska Native Behavioral Health Conference this summer to share some of what has worked at Red Lake and to also learn from others.

Red Lake has made much progress to address the needs of our youth and families. Continuation of the Tiwahe and RRI Initiatives is vital to us, and to tribes across the country. We've been able to leverage Tiwahe funds with other resources to strengthen and empower our community through culturally appropriate services providing health promotion and family stability. You are helping our children and families to have better lives and safer communities, and we thank you.

BIA Justice Services: Law Enforcement, Courts, and Community Fire Protection. The Tribal Law and Order Act ("TLOA") was intended to empower tribal law enforcement with resources needed to combat crime. However since TLOA's implementation, BIA funding for

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tribal law enforcement has actually shrunk, thus hindering our ability to reduce crime and protect lives. Recent administration budgets failed to include increases for tribal law enforcement operations. We thank you for providing an additional \$5.6 million for tribal law enforcement in FY 2017, this increase provided an additional \$36,500 to Red Lake. Unfortunately that was less than the amount we lost from Sequestration and Rescissions. The BIA is obligated to provide adequate funding to meet our basic public safety needs, but the BIA has repeatedly failed to do so. Our public safety programs are understaffed and undersupplied relative to the BIA's own safety standards. Last year, we had to spend \$2.9 million more than the BIA provided, in order to maintain minimal public safety at Red Lake. The only way we could pay for these costs was to take money from other tribal government programs, which were already critically underfunded.

We appreciate the \$7.5 million in FY 2018 to fight the opioid epidemic, and we hope some funds will reach our Tribe. Last year Red Lake declared a Public Health Emergency because of the sharp increase in opioid overdoses. We had 87 overdoses, and 55 lives were saved by the use of Narcan. We also began a Naloxone program, with more than 300 doses administered. Despite woefully inadequate BIA Public Safety funding, we're taking action. Red Lake Law Enforcement has waged a serious war on drugs, and last year we took over 27,904 grams of heroin and other drugs valued at over \$1 million out of reservation communities, and we seized vehicles, personal property and over \$38,000. We doubled the number of drug related search warrants in 2017, executing over 54 warrants, with drug dealers going down every week. We are holding drug dealers accountable at the tribal and federal level. But we need more resources locally if we are to succeed in stopping the epidemic. We request an additional \$10 million in FY 2019 for tribal law enforcement operations in the field.

Funding for Tribal Courts is grossly inadequate, and a top priority of tribes. Thank you for providing an additional \$2.6 million in FY 2018 for Tribal Courts in support of the Tiwahe Initiative, and we agree with you that Tribal Courts need more resources, including those courts in P.L. 83-280 states. We ask that you provide an additional \$10 million in FY 2019 for Tribal Courts. Community Fire Protection has been neglected for decades. We are responsible for fighting fires on our Reservation and protecting lives, on a yearly BIA-funded budget of \$42,500. We ask that you provide \$10 million for Community Fire Protection in FY 2019.

In order to provide minimal public safety in FY 2019, and to help us combat the opioid crisis, we ask for an additional \$2.9 million for Red Lake Public Safety and Law Enforcement.

Public Safety and Justice Construction. We appreciate your FY 2018 increase in infrastructure for facilities replacement and new construction, employee housing, facilities improvement and repair, fire safety, and fire protection. Red Lake has been trying to improve its dilapidated public safety infrastructure, but the lack of BIA funding has made it difficult. Years ago the BIA condemned its Red Lake law enforcement center, but told us they didn't have funds to replace it. For health and safety reasons, the Tribe was forced to obtain a \$5 million private loan to build a

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new law enforcement center in 2011. Additionally, this year the Tribe is replacing our two dilapidated fire halls, also through a loan. Replacement of these three buildings was the responsibility of the BIA, but since they would not step up to the plate, we were forced to. We are currently in the process of developing BIA lease agreements, pursuant to 25 USC 5324(l), so that the BIA can share in the cost of these buildings. We ask for your support in our efforts to secure building lease agreements with BIA, and we will keep you informed of our progress.

Housing Improvement Program (HIP). The HIP Program has allowed Red Lake to provide housing assistance for our poorest and elderly members. We thank you for restoring the HIP program in FY 2018, and for providing \$1.7 million for Housing under the Tiwahe Initiative. To continue funding our initiatives, we request an additional investment of \$10 million in FY 2019.

Trust Natural Resources. Most tribal natural resources recurring base programs, which fund tribes' day-to-day conservation responsibilities, have not been increased for years. As a result, tribes have been unable to adequately manage their resources. Most tribal resource management activities are funded under the BIA budget categories of Tribal Management Development, Natural Resources TPA, Wildlife and Parks TPA, and Forestry TPA. We urge you to increase funding for each of these programs by at least \$5 million above the FY 2018 enacted levels.

Indian Health Service (IHS). Thank you for providing \$5.5 billion in FY 2018 for IHS, an increase of \$497.8 million over FY 2017. There is a tremendous unmet need for IHS and tribal health programs, stemming from years of chronic under funding. IHS mandatory increases for inflation, population growth, pay costs, and CSC surpass the requested increase. Per capita expenditures for IHS in 2015 were only \$3,688 person, compared to \$9,523 for the general population, a great disparity. For FY 2019, the IHS Tribal Budget Formulation Workgroup requested \$6.4 billion for IHS, and we ask that you provide this amount. We're shocked by the Administration's position that Native Americans might need to get a job if they want to keep their health care - a policy that will threaten access to care and reverse centuries-old protections. We ask that you find a legislative fix to mandatory Medicaid work requirements for IHS users. Without supplemental Medicaid resources, the Indian health system will not survive.

EPA Programs. As Red Lake is home to the 6th largest natural, freshwater lake in the United States and approximately 60 percent of the Indian trust land in EPA Region 5, spanning a geographic area the size of West Virginia, water, wetlands, animals, and plants are vital to our Tribe. Vital EPA programs like General Assistance (GAP), Clean Water Act Sections 106 Pollution Control and 319 Nonpoint Source, Brownfields, and Clean Air Act Section 105, provide only 50 percent of the staff and support needed. We ask that you restore all of the FY 2019 proposed cuts for these programs, and that you consider increasing them.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake in FY 2019, and for your consideration of these needs.