



Written Testimony of  
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**JAMESTOWN S'KLALLAM TRIBE**  
House Appropriations Subcommittee on  
Interior, Environment and Related Agencies  
**“2020 Appropriations Testimony for EPA, BIA and IHS”**  
March 6, 2019

On behalf of the Jamestown S'Klallam Tribe, I am pleased to submit this written testimony on our funding priorities and requests for the Fiscal Year 2020 Bureau of Indian Affairs (BIA), Indian Health Service (IHS) and the Environmental Protection Agency (EPA) budgets. The S'Klallams entered into the Point-No-Point Treaty with the United States in January of 1855 effectively sanctioning our Tribes unique status as a sovereign nation and solidifying our legal standing in accordance with the U.S. Constitution. Our Tribe relinquished vast tracks of our Tribal homelands and resources in exchange for the U.S. governments solemn promise to uphold and protect our Tribes inherent right to Self-Governance and to provide adequate resources to secure the well-being of our community and Tribal citizens. This trust responsibility is a legally enforceable fiduciary obligation on the part of the U.S. to protect Tribal treaty rights, lands, assets and resources.

Despite the U.S. Governments trust obligations and our Tribes legally sanctioned rights, Federal funding and unmet needs in Tribal communities is at a crisis level as documented by the U.S. Commission on Civil Rights recently released 2018 Report, “Broken Promises: Continuing Federal Funding Shortfall for Native Americans.” The Report found that inadequate Federal funding undermines Tribal sovereignty and that the Federal Government’s failure to uphold their trust obligations has resulted in American Indians/Alaska Natives (AI/AN) facing disproportionate challenges as compared to other Americans in health, education and employment outcomes that are exacerbated by insufficient funding. In order to address these inequities and trust violations, the Commission has recommended that Congress substantially invest in AI/AN programs and services.

The need for providing steady, equitable, non-discretionary funding directly to Tribal Nations to support core government programs and services is well documented and we have shown time and again that the Federal investment in our community is a good investment. Self-Governance has allowed us to redesign programs and services and utilize the Federal investment in a way that best addresses the needs of our community. Some of our more notable successes include most of our Tribal citizens seeking secondary or higher education degrees, the growth of our Tribal businesses and revenue and the Tribe’s status as the second largest employer in our region, the Northern Olympic Peninsula. The success we have attained demonstrates that continued Federal support is invaluable to growing sustainable Tribal economies and bolstering surrounding regional economies. Yet, as we seek to identify opportunities that support our goal of self-reliance, we must also acknowledge the barriers that impede our ability to reach our full potential, including, the severe and persistent underfunding of Tribal programs and services despite the trust obligation, the absence of data to support funding requests for Tribal programs

and services, management weaknesses<sup>1</sup> and the consistently late distribution of funding. All of these, and many other factors attribute to the persistent shortfalls and overwhelming unmet needs/unfulfilled Federal obligations in Tribal communities.<sup>2</sup> Data collection for Tribal programs throughout the Federal system is substandard or non-existent and it is difficult, if not impossible, to show program success and justify the need for program increases if funding is not received in a timely fashion. Recently, the BIA announced a moratorium on the collection of unmet needs data for Tribal programs and services. We view this action by the agency to be inconsistent with their trust responsibility. The agencies need to be held accountable and directed to work in partnership with Tribes to collect data that quantifies the true unmet needs in Indian country with credible metrics that will provide an accurate profile of the unmet needs in Indian country.

**Tribal Specific Appropriation Priorities**

- 1. \$101.4 million increase for the Indian General Assistance Program (IGAP) and Beyond GAP EPA**
- 2. \$50 million Puget Sound EPA**

**\$101.4 million increase - Indian General Assistance Program (GAP) – and Beyond GAP**

**EPA** - Although our Treaty guarantees our Tribe and its citizens the right to hunt, fish, and gather shellfish in our usual and accustomed areas that right is meaningless if there are no elk to hunt, fish to catch, or clams/oysters and berries to harvest. The Indian General Assistance Program has allowed us to make tremendous strides in advancing techniques that identify and reduce pollution, improve water quality, assess the status of public health needs, restore habitat, and replenish depleted fish and shellfish stocks, that are on the brink of extinction. The Beyond GAP initiative will move the Federal/Tribal partnership from capacity building to enable implementation of comprehensive and consistent environmental programs.

**\$50 million – Puget Sound EPA** - The Geographic/Ecosystems program provides funding for our Tribe to protect and restore the Puget Sound ecosystem, including, restoration of the Olympia oyster habitat with hatchery-propagated oyster seed, habitat restoration, floodplain restoration and protection. This funding enables Tribes to implement a wide range of projects aimed at improving the health of Puget Sound and Tribal Treaty Resources.

**National Requests and Recommendations for the BIA and IHS:**

- 1. Advanced Appropriations for Tribal Programs and Services**
- 2. Increase Funding for Tribal Base Budgets/Recurring Programs**
- 2. Invest in Tribal Infrastructure**

**Advanced Appropriations for Tribal Programs and Services** - Continuing Resolutions and late distributions of funding, sequestration, across the board budgetary rescissions and/or reductions, spending caps and numerous and prolonged government shutdowns have further exacerbated the funding crisis in Indian country. Although Tribal Nations are resilient, the abrupt disruptions of our governmental services due to a delay or lapse in Federal funding

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<sup>1</sup> GAO High Risk Reports on BIA, IHS and BIE – GAO-17-589T, GAO-17-790T, and GAO-18-616T

<sup>2</sup> GAO-19-87 Interior Should Address Factors Hindering Tribal Administration of Federal Programs

attenuates our ability to protect the health and well being of our communities and citizens. The recent government shutdown put our Treaty rights at risk jeopardizing the survival of our resources and, in turn, our culture, inhibited our economic development potential, our ability to recruit and retain staff, and delayed the process for the reacquisition of our Tribal homelands.

In order to keep programs and services fully operational, we had to identify alternative funding resources whether through Tribal funds, loans or other means without any assurances that we would be reimbursed for these expenditures. Providing appropriations one year in advance will mitigate the adverse financial effects of Federal budgetary uncertainties on Tribes and enable the BIA and IHS to uphold their fiduciary obligations and more adequately and effectively serve AI/AN. Tribes will also be able to engage in more effective strategic planning, spend funds more efficiently, grow our Tribal economy and businesses and increase the quality of care and well-being of our Tribal citizens and community.

**Increase Funding for Tribal Base Budgets/Recurring Programs** – For over two decades, there has been funding reductions/permanent rescissions of numerous Tribal programs and services in order to pay for tax cuts, wars, natural disasters and technology upgrades. These budgetary rescissions are permanent, unsupportable reductions to Tribal base programs which are core governmental functions. When you factor in the inflationary rate, Tribes are not even maintaining level funding – we are losing ground. Compounding the fiscal volatility of Federal funding, there has been a growing trend among agencies to fund Tribal programs and services with grant dollars rather than provide base recurring funding. Grant funding undermines Self-Governance because it is short term funding which creates uncertainty in planning, imposes extensive regulation and reporting requirements and restricts the use of indirect costs. We would urge Congress to increase funding for Tribal base budgets by funding Tribal Priority Allocations and other Recurring Programs because it will benefit all Tribes as opposed to creating more grants that will only benefit a few Tribes.

**Invest in Tribal Infrastructure** - Tribal governments and their citizens face profound infrastructure challenges that are acute and longstanding. The breadth and severity of the unmet infrastructure needs are measured by the high rates of injury and death in our communities. Decaying, unsafe infrastructure is not only a public health issue but an impediment to economic development and job growth and reflects a failure of the government to uphold its trust obligations. Increased Federal funding and investments could effectuate Tribal infrastructure development efforts.

**National Requests and Recommendations for the BIA:**

- 1. \$10 million Natural Resources TPA**
- 2. \$50 million Economic Development TPA**
- 3. \$25 million Indian Guaranteed Loan Program/Surety Bonds**

**\$10 million - Natural Resources (TPA)** - Climate change is having profound impacts on Tribes and our Tribal Treaty Rights are at risk because of our close relationship with nature we are the most at risk. The vitality and sustainability of our Natural Resources is integral to the health and welfare of our Tribal citizens, communities, culture and religious practices and economies. The Federal investment in Tribal Natural Resources can only continue to foster Tribal self-

sufficiency and support Tribal economies by cultivating cross jurisdictional partnerships with state and local governments that create jobs and promote and advance trade. This investment also advances several ancillary but equally important cultural and religious practices, creates community cohesiveness and improves the environmental conditions on our Tribal homelands and in surrounding communities.

**\$50 million - Economic Development (TPA)** - Increased funding, reduced regulatory burdens and greater access to financing tools and incentives will allow us to continue to diversify our successful business portfolio and expand our revenue generating opportunities resulting in a stronger Tribal economy and less dependence on the Federal component of our resources. A \$50 million investment in economic development would allow our Tribe to leverage funds and invest in business opportunities projected to create 500 jobs for Tribal citizens and our non-Indian neighbors.

**\$25 million- Indian Guaranteed Loan Program/Surety Bonds** - The Federal government is in a unique position to help advance Tribal projects and provide sustainable economic opportunities for Indian businesses and Tribal governments through the Loan Subsidy Program and Surety Bonding for Indian contractors. Loan guarantees are an attractive financial tool because Tribes are able to leverage limited Federal funding in a prudent budget effective way and promote economic growth by investing in projects that are capable of generating their own revenue streams. Federal credit programs should continue to facilitate Tribal access to private capital markets where Tribes frequently encounter market resistance to conventional lending.

**National Requests and Recommendations for the IHS:**

- 1. \$189 million Increase Funding to Support Current Services**
- 2. \$407 million Increase Funding for Purchased and Referred Care**

**\$189 million Increase Funding to Support Current Services** - The Federal responsibility to provide healthcare was prepaid by the Tribes with their land and resources. To maintain current services, factors such as the inflationary rate, pay costs, contract support costs, population growth and staffing needs for recently constructed facilities all need to be fully-funded. When these mandatory factors are not funded, Tribes must supplement programs with their own limited revenue, or chose between limiting services or shutting down services completely. It is critical that the IHS budget honors and respects the Federal trust obligation.

**\$407 million Purchased and Referred Care (PRC)** - Most IHS and Tribally-operated direct care facilities do not provide the required emergency and specialty care services so Tribes are forced to turn to the private sector to fulfill this need. PRC funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation and medical support services, such as diagnostic imaging, physical therapy, laboratory, nutrition and pharmacy services. When PRC funds are depleted, services are denied to Tribal patients.

The Jamestown S'Klallam Tribe continues to support the requests and recommendations of our Regional and National Indian Organizations. Thank you.