



**Testimony of the  
Ute Indian Tribe of the Uintah and Ouray Reservation**

**U.S. House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment and Related Agencies  
Fiscal Year 2021 Appropriations**

**February 4, 2020**

Thank you for the opportunity to testify before the Subcommittee on Interior, Environment and Related Agencies regarding Fiscal Year (FY) 2021 Appropriations. My name is Shaun Chapoose. I am a Member of the Ute Indian Tribal Business Committee. Our testimony is focused on funding and management of Indian energy services, law enforcement and dialysis clinics.

**PROGRAMS IN SUPPORT OF INDIAN ENERGY MUST BE PROTECTED**

The Ute Indian Tribe asks that the Subcommittee protect and fund Indian energy programs across the Federal government. First, we are very concerned about the President's proposal to move the Office of Indian Energy and Economic Development (OIEED) under the Bureau of Indian Affairs (BIA). We understand that the President plans to include this proposal in his FY 2021 Budget Proposal. Moving OIEED under BIA would have a disastrous impact on one of the only programs throughout the Federal government directly supporting Indian economic and energy development. OIEED is also one of the Department of the Interior's most successful programs.

OIEED was established about 13 years ago at the Secretarial level within the Office of the Assistant Secretary for Indian Affairs. Former Secretary Kempthorne, under President Bush, established a precursor to OIEED at the Secretarial level to directly support Indian energy tribes.

Operating more independently than a regulatory agency like BIA, OIEED is flexible and able to respond to the needs of tribes as they arise. Overall, OIEED provides technical assistance and resources to tribes who are working to develop economic and energy resources. OIEED is not a regulatory agency. Instead, OIEED fulfills the Federal government's treaty and trust responsibilities by supporting and assisting tribes assess and develop their economic and energy resources.

One of the most successful divisions within OIEED is the Division of Energy and Mineral Development (DEMD) which promotes and supports Indian energy development. The Ute Indian Tribe, and many other energy tribes, have directly benefited from DEMD. In addition to providing technical assistance and supporting the sophisticated National Indian Oil and Gas Energy and Mineral System (NIOGEMS), DEMD is one of the only federal programs that is able to put "boots on the ground" in support of Indian tribes quickly and efficiently.

For example, just a few years ago, our local BIA agency office was buried under backlogs of energy related permits. This backlog limited our ability to produce oil and gas, to raise revenues to fund our government and provide services to our members, and to contribute to domestic energy supplies. To help solve the problem and get permits flowing, DEMD provided teams of energy experts that were able to reduce BIA's backlogs.

Congress first outlined OIEED's responsibilities in the Energy Policy Act of 2005. In establishing an Indian energy program at Interior, Title V, Section 503(a) of the Act, provided that:

[T]he Secretary shall establish and implement an Indian energy resource development program to assist consenting Indian tribes and tribal energy resource development organizations in achieving the purposes of this title.

The Act then set out four objectives for OIEED:

- provide grants for tribes to develop the managerial and technical capacity needed to develop energy resources;
- provide grants to tribes for the development of Indian energy resources;
- provide tribes with low-interest loans for the development of Indian energy resources; and
- support a national resource center to develop tribal capacity to establish and carry out tribal environmental programs in support of energy-related programs and activities

In addition to supporting Indian energy development, OIEED also supports a full range of tribal economic development activities through Divisions focused on economic development and capital investment. OIEED has a unique mission that would be diminished under BIA's regulatory structure. OIEED is flexible and able to quickly address changes in the areas of Indian energy and economic development. These are the same changes that tribal businesses and energy development interests face. OIEED understands the business environment that tribes operate in and can support tribal efforts in that business environment. The Ute Indian Tribe adamantly opposes the Administration's plan to reduce and limit this important office.

Second, Indian energy programs remain seriously underfunded. In past years, the President's budget recognized the significant economic impact from Indian energy development, but then proposed cutting funding for nearly every real estate and energy program needed to process energy permits. The Ute Indian Tribe asks that the Subcommittee prioritizing funding for BIA programs that support Indian energy development.

These programs include energy programs such as the Office of Indian Energy and Economic Development's Division of Energy and Mineral Development and the Indian Energy Service Center, as well as local BIA Agency real estate and environmental positions. The \$4.5 million provided in FY 2016, to establish the Indian Energy Service Center was a good start, but additional funding is needed to fully staff the office. The Service Center provides needed support for permitting, but frontline staff in our BIA Agency are also needed.

Third, the Ute Indian Tribe asks that the Subcommittee protect funding for the Department of Energy's (DOE) Tribal Energy Loan Guarantee Program. This Program was finally funded in 2017 more than 10 years after it was originally authorized. Since then, DOE has been busy staffing the Program and making funding available to support Indian energy development. The Tribal Energy Loan Guarantee Program is the only Program in the Federal government that helps tribes overcome barriers and secure capital for large commercial scale energy projects.

The President's proposals to cut funding for this Program undermine his goal of energy dominance. There are vast energy resources in Indian Country that cannot be developed because of barriers to investment capital for tribes. Unlocking these resources should be a focus of the President's energy dominance agenda. We need DOE's Tribal Energy Loan Guarantee Program and more programs like it to support commercial scale energy projects on Indian reservations.

### **TRIBAL LAW ENFORCEMENT REMAINS SERIOUSLY UNDERFUNDED**

Over the past year, the Ute Indian Tribe took major steps to revise our tribal law and order codes to address an increase in gang and drug activity on our Reservation in recent years. Our new codes take a tough stance on gangs and drugs through enhanced sentencing guidelines for gang members and major drug offenders. Specifically, in response to the pervasiveness of drug trafficking and use on the Reservation, the Tribe has established a hybrid approach to drug enforcement that includes both a drug court and a zero-tolerance policy for repeat offenders that work in conjunction to address drug crime on the Reservation.

Our new tough codes are intended to work with our recently completed \$36 million Justice Center and Detention Facility. This Facility was built entirely with tribal funds. We were forced to use our own funds after waiting more than a decade on BIA's priority construction list after our BIA jail was condemned. We took this action in consultation with BIA and the Subcommittee.

Despite our efforts, law enforcement programs within the Department of Justice, BIA and the Office of Justice Services (OJS) lack the funding and flexibility to fulfill their treaty and trust responsibilities and provide for safe tribal communities. We have the space in our Justice Facility to get violent offenders, drug dealers and people with outstanding warrants off our streets. Meanwhile, every two weeks our federal partners send 30 or more adults to county detention facilities at federal expense and up to ten youth a month.

Even worse our federal partners are now telling tribal judges that warrant enforcement must be slowed because the U.S. cannot afford to house these offenders in county jails. The lack of funding for these programs is undercutting Congressional intent. We cannot enforce the Violence Against Women Act, our gang and drug codes, and provide safe communities, if our federal partners do not have the funding or flexibility to arrest and detain offenders.

We've done our part. More than our part. It is time for Congress and the Subcommittee to finally provide the funding needed so that we can provide safe tribal communities.

### **SUPPORT NEEDED FOR METHAMPHETAMINE TREATMENT PROGRAMS**

Methamphetamine (meth) addiction and related crime affects our Tribe in many different ways. On our Reservation, meth is draining our referred care budget, impacting our education system, damaging our Housing and Urban Development (HUD) funded homes, destroying families, and the situation gets worse every day. The Subcommittee must begin funding drug eradication programs that allow individual tribes to determine the drug abuse priorities on their reservation.

Not all tribes have an opioid problem or there may be a greater priority. We need the funding to address whatever drug abuse is most prevalent in their community.

### **A NEW APPROACH TO DIALYSIS TREATMENT IS NEEDED**

The Ute Indian Tribe joins other tribes in the West and the Great Plains in asking the Subcommittee to reexamine how dialysis treatment is currently being provided to Indian patients particularly for large-land based tribes. On our large Uintah and Ouray Reservation, our Tribal Service Unit has 43 dialysis patients who have to be transported to Roosevelt, Utah. In good weather, this is a 40-minute drive each way.

Once there, our tribal members are forced to attend an overworked non-Indian dialysis center. This non-Indian facility lacks the capacity and the desire to get to know our Indian patients or their individual medical histories. It also lacks the practical ability to coordinate its services with the IHS doctors who are actually treating our Indian patients for their underlying disease.

The situation at the Roosevelt Dialysis Center has always been bad, but it has grown far worse since the closing of the only other nearby non-Indian dialysis center in Vernal, Utah. Dialysis is an invasive process that is only made worse if the patient is being sent to overcrowded facilities with inadequate care. Under those circumstances, patients do not seek care and the disease progresses.

As a result of the severely inadequate dialysis services available to tribal members, we have decided to move forward in developing a tribal dialysis center on the Uintah and Ouray Reservation, to be built and operated in connection with an assisted living center dedicated to tribal elders. Operating and maintaining this tribal dialysis clinic will require funding, equipment, and qualified staffing.

IHS fully acknowledges that it is authorized by the Indian Health Care Improvement Act to perform dialysis treatment at IHS facilities using IHS staff, but states emphatically it has never been funded to do so. As a result, IHS is currently using up a large percentage of our precious referred care dollars sending all of its' dialysis patients out to costly non-Indian dialysis centers.

From what we have been able to calculate, this out-patient service in Roosevelt is already costing the federal government in excess of \$43,000 per patient/per month, not including the added cost of transportation. This is not just the cost of gasoline. Today, our diabetes prevention staff, who are largely federally funded, are spending up half of their days transporting dialysis patients to and from Roosevelt. This is not they were trained to do or what the federal government is paying for.

The Subcommittee should direct a study of actual dialysis treatment costs. This study would demonstrate that placing a dialysis unit at our tribal clinic would save money, time, and lives. We need a new approach that makes sense for our patients and for the Federal government.

Thank you for the opportunity to testify on these important funding issues.