

**TESTIMONY OF
DAVID Z. BEAN,
CHAIRMAN OF THE PUYALLUP TRIBE OF INDIANS
BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
ON THE BIA, BIE AND IHS FY 2021 FUNDING LEVELS**

February 11, 2020

Chairwoman McCollum and members of the Subcommittee, thank you for the opportunity to provide testimony on the FY 2021 appropriations for American Indian and Alaskan Native programs within the Department of the Interior and Indian Health Service. My name is David Z. Bean, Chairman of the Tribal Council for the Puyallup Tribe of Indians.

The Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations, including the United States in the Medicine Creek Treaty of 1854. This relationship is rooted in Article I, Section 8, of the United States Constitution, federal laws and numerous Executive Orders. The governing body of the Puyallup Tribe of Indians is the Puyallup Tribal Council which upholds the Tribe's sovereign responsibility of self-determination and self-governance for the benefit of the 5,427 Puyallup tribal members and the 25,000 plus members from approximately 355 federally recognized Tribes who utilize our services.

The Puyallup Tribe operates healthcare, social services, law enforcement and corrections, education, and a myriad of other programs and services for our Tribal citizens and individuals within our program and service areas. These programs depend on continued resources and support through federal appropriations – which reflect the federal trust and treaty obligations to American Indian and Alaska Native people and tribes.

Department of Interior – Bureau of Indian Affairs

Public Safety & Justice: The Tribe's top priority is public safety and justice. In just one week this last summer, we had four separate shooting incidents on our Reservation. In those incidents, we had seven individuals who were shot and hospitalized due to their injuries. Three of those individuals died. One of the shootings was a drive-by shooting in front of our Tribal Administration building, which forced us into lock down. Our staff felt terrorized because of the violence, and our Council struggled with our employee's concerns, and our responsibility to provide needed services to our Community. Still, our officers are required to respond to almost nightly reports of shots fired on our Reservation.

Our law enforcement staff tell me is that this violence is associated with a resurgence of gang activity in our community. At one point, there were twenty-eight (28) active gangs on the Reservation. We worked collaboratively with our sister state and federal law enforcement agencies and targeted these gangs where they were located. Unfortunately, what we now know is that the gangs did not go away. They have moved, and the gang activity including, drug trafficking, weapons sales and turf wars moved with them. They have moved across Interstate 5 to be within blocks of the Puyallup Tribal Administration building, our clinic and our elder care center.

The lack of financial resources is a significant barrier to the provision of effective public safety services in Indian country. The Bureau of Indian Affairs only provides \$588,000 for our Tribal law enforcement services contract, this amounts to 8% of the Tribe's total level of need. The Tribe is able to supplement these resources, so that we are able to have a Chief of Police, and thirty commissioned officers and two (2) reserve officers.

These officers are charged with the service and protection of the entire 40 square miles of the Reservation and the usual and accustomed areas where we exercise our Treaty protected hunting and fishing rights. The Puyallup Reservation encompasses most of the City of Tacoma, as well as parts of five other different municipalities (Fife, Milton, Puyallup, Edgewood and Federal Way). Furthermore, Interstate 5 runs through the Puyallup Reservation and is a known drug and human trafficking corridor.

Again, ten years ago we were able to target the gang activity with dedicated federal resources and collaboration with our sister agencies, but this did not eliminate the gangs. It resulted in them moving to where there is not a strong law enforcement presence. It is like a deadly game of Whack-a-Mole, but we are now lacking the dedicated federal resources that we had to combat this problem ten years ago. And, this summer when we asked the BIA for additional resources to respond to what we believed was a public safety emergency; we were told that the BIA had no resources to help us.

Our officers are working numerous hours of overtime because of the escalating violence, and during last summer most of our officers worked twelve hour days, six days a week. I am thankful that our Chief of Police and his officers worked day and night to tamp down the violence. But, the BIA's response was beyond inadequate. It has been irresponsible. It left me wondering how the BIA found resources to send multiple law enforcement officers to the Standing Rock Sioux Reservation and set-up a command center to monitor and arrest people who were engaged in what was one of the most historic and positive gatherings of Indian people in a generation; but they could not find even one officer to send to the Puyallup Reservation when we were in the middle of what felt like a three-week gang war. Apparently, oil pipelines are more important than Tribal health clinics and Tribal elder centers.

In short, our officers are tired, and they need reinforcements. We ask that the Subcommittee provide increased funding for Tribe's like Puyallup, who are in a P.L. 280 states and have received minimal directed law enforcement funding from the Bureau of Indian Affairs. Additionally, we would like to see Congress mandate that the BIA Office of Justice Services (OJS) share their funding formulas with Congress, so Congress is aware of how OJS has determined how to fund each Tribal program and provide an explanation as to why there are discrepancies among programs.

Detention and corrections funding remains of critical importance to the Puyallup Tribe. As you know, the Puyallup Tribe has a 28-bed adult corrections facility. Again, we worked closely with the OJS on an agreed upon operating cost of this facility at \$2.7 million. However, the BIA provides only \$725,000, approximately 26% of what the Tribe actually needs to run the facility. Thus, while we appreciate the \$105 million that Congress provided for additional correction and detention officers in FY 2020, we know that this is not enough to keep pace with inflation at

current levels and it certainly is not enough to make the Puyallup Tribe whole for the job that we are doing on behalf of the United States.

In addition, we operate a Tribal Court program. Our base BIA funding for this program has remained at \$194,996 since FY 2015. Like the Law Enforcement and Detention & Corrections funding, this amount represents only a small amount of the Tribe's needs to fully operate the Tribal Court program. For FY 2020, the Tribe has allocated \$1.923 million of tribal funds for the Tribal Court budget. We therefore commend the Subcommittee for its effort to reject the Administration's past request to reduce appropriations for this important program and suggest that the Subcommittee continue to support increased appropriations for Tribal Courts.

Natural Resources Management: The Puyallup Tribe is the steward for the land and marine waters of our homeland, including our usual and accustomed fishing places and shellfish and wildlife areas. The United States has treaty, trust, and governmental obligations and responsibilities to manage natural resources for uses that are beneficial to the tribal membership and regional communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound with an obligation to manage production of anadromous, non-anadromous fish, shellfish and wildlife resources. Unfortunately, despite our diligent program efforts, the fisheries resource is degrading, causing economic losses on Native and Non-native fishermen, as well as the surrounding communities.

Existing levels of appropriations are simply inadequate to reverse the trend of resource/habitat degradation in Puget Sound and other areas. A minimum funding level of \$17.146 million is necessary for the BIA Western Washington (Bolt) Fisheries Management program, and we urge the Subcommittee to meet or exceed this amount for FY 2021 appropriations. Any increase in funding would provide new monies for shellfish, groundfish, enforcement, habitat, wildlife and other natural resource management needs. As the aboriginal owners and guardians of our lands and waters, it is essential that adequate funding is provided to allow Tribes to carry out our inherent stewardship of these resources.

The Puyallup Tribe also continues to operate a several salmon hatcheries in our territory. These hatcheries benefit both Indian and non-Indian commercial and sport fisheries. We work cooperatively with the Northwest Indian Fisheries Commission, neighboring tribes, federal agencies and state fishery managers to insure the success and sustainability of our hatchery programs. We urge Congress to increase funding to these important facilities. And finally, the Timber, Fish and Wildlife (TFW) Supplemental and U.S./Canada Pacific Salmon Treaty programs have allowed for the expansion of Tribal participation in the state forest practice rules and regulations, as well as allowed Tribes to participate in inter-tribal organizations to address specific treaties and legal cases relating to multi-national fishing rights, harvest allocations, and resource management practices. This funding must be continued.

Operations of Indian Programs & Tribal Priority Allocations: The Tribal Priority Allocations (TPA) account within the Operations of Indian Programs include the majority of funding used to support ongoing services at the "local tribal" level, including; natural resources management, child welfare, other education, and other tribal government services. These functions have not received adequate and consistent funding to allow Tribes the resources to

fully exercise self-determination and self-governance. Further, the small increases TPA has received over the past few years have not been adequate to keep pace with inflation. The Puyallup Tribe requests that the Subcommittee increase funding for the Operation of Indian Programs and TPA at levels that reflect the increasing fixed costs, as well as inflation, and reject any requests to make cuts to the BIA budget.

Bureau of Indian Education

The Puyallup Tribe operates the pre-K to 12 Chief Leschi School, including the ECEAP and FACE programs, with an enrollment of 640 + students. With an increasing number of pre-kindergarten enrollment, Chief Leschi will exceed design capacity in the near future and additional education facility space will be necessary to provide quality educational services to the students and tribal community. And in the meantime, the costs of operating this school – including staff, supplies, and student transportation – continue to increase.

Unfortunately, the amounts that Congress has appropriated are not keeping-up with inflation, let alone sufficient to allow us to dedicate additional resources to improving the education outcomes of our children. We are treading water and if more assistance is not provided we may begin to drown. We ask that Congress provide substantial increases for BIE programs.

Department of Health and Human Services – Indian Health Service

The Puyallup Tribe has been operating healthcare programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program serving the Native American population in Pierce County, Washington. The current patient load exceeds 9,000, of which approximately 1,700 are Tribal members. There are no Indian Health Service hospitals in the Portland Area, so all specialties and hospital care have been paid for out of our contract care allocation.

Thus, the Purchased/Referred Care (PRC) allocation to PTHA is inadequate to meet the actual need. The Tribe has historically subsidized PRC by several million dollars a year, but this is no longer sustainable for the Tribe. So, we join in the Northwest Indian Health Board in seeking at least a \$50 million increase to the Purchased/Referred Care (PRC) program.