

RED LAKE BAND
of CHIPPEWA INDIANS
RED LAKE NATION HEADQUARTERS



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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 2021 BIA, IHS, and EPA Budgets**

February 12, 2020

Chair McCollum and Ranking Member Joyce, thank you and the other distinguished Subcommittee members for this opportunity to testify for the Red Lake Band of Chippewa Indians. Red Lake has nearly 13,700 members. Our 840,000-acre Reservation is held in trust by the United States and, while diminished in size over time, has never been broken apart or allotted. Our Reservation is not subject to Minnesota state jurisdiction under P.L. 83-280, and thus Red Lake is solely responsible, in conjunction with the United States, for a large land area over which we exercise full governmental authority and control. Due in part to our remote location, Red Lake has few available job opportunities. While unemployment in Minnesota is 3 percent, ours remains close to 40 percent. The lack of good roads, reliable communications systems, and other necessary infrastructure impedes economic development and job creation at Red Lake. Appropriations are the key way in which the United States fulfills its trust responsibility and honors its obligations to tribes. **We request an additional \$5.5 million in FY 2021 funding for Red Lake programs as described below.**

Protect Indian Country from Funding Cuts to BIA/BIE. We greatly appreciate your rejection of the Administration's FY 2020 BIA/BIE budget cuts, and for recommending an historic increase of \$432 million in FY 2020 for BIA/BIE. Although the final FY 2020 increase was much smaller at \$142 million for BIA/BIE, your efforts prevented what would have been a flat budget under the Senate proposal, and we thank you. To the extent the President's FY 2021 budget proposes similar draconian cuts to programs that impact tribes, we ask that you **oppose all such proposed cuts and instead make additional investments as described below.** We also ask you to **provide advance funding for BIA and IHS programs** to help us avoid painful disruptions to our tribal administration of vital services caused by continuing resolutions and government agency shut downs.

Rescissions, Sequestration, and Pay Cost Cutbacks Have Eroded Tribal Program Funding. Since FY 2000 there were 20, across-the-board rescissions to core tribal government programs, amounting to a 9.5 percent reduction over the past two decades. The money from our cuts was transferred to pay for Hurricane Katrina recovery and other similar disasters. While most of those one-time problems have been resolved, our annual funding cuts continue. Since FY 2013 Red Lake's programs were cut another 5 percent by federal sequestration reductions, and these cuts have also never been restored. These cuts have caused a significant erosion to critical tribal program funding and our ability to maintain public health and safety. To make things worse,

TRIBAL COUNCIL Organized April 18, 1918 (Revised Constitution & By-Laws, January 6, 1959)

CHIEF COUNCIL OF 1889: May-dway-gwa-no-nind, Nah-gaun-e-gwon-abc, Mays-co-co-caw-ay, Ahnah-me-ay-ge-shig, Naw-ay-tah-wowb; Nah-wah-quay-go-shig

inflation since FY 2000 has totaled 49 percent. The Pay Costs line item is the only increase many tribal programs receive and is vital to maintaining minimal tribal staffing levels in the face of inflation. Since FY 2001, Interior agencies lost more than a billion dollars because Pay Costs have been only partially funded. Each of the last three Administrations' requests have caused this, and this Subcommittee has previously stated the Administration should request full funding for Pay Costs in all future budgets. We ask that you renew your call to **fully fund Pay Costs, and we ask for \$2.5 million for Red Lake to restore the Pay Costs Red Lake has lost since FY 2001.**

Protect and Fully Fund the BIA Tiwahe and Recidivism Reduction Initiatives (RRI). The Tiwahe Initiative was established in 2015 to improve the health and wellbeing of families in tribal communities by reducing poverty, substance abuse, domestic violence, and associated outcomes such as youth suicide. Tiwahe includes two components: (1) a recurring funding increase for all tribes that operate Social Services and ICWA programs and (2) additional funding for a demonstration program at 6 tribal locations (representing 61 tribes and Alaska Native villages) to improve coordination and delivery of services. Tiwahe funding includes BIA programs of Social Services, ICWA, Courts, Housing Program (HIP), Job Placement & Training, and Public Safety RRI program. Upon completion of the 5-year demonstration period, if tribes evidence success through performance measures identified in their Tiwahe plans, the program and funding is to thereafter be recurring. Other successful tribal demonstration/pilot programs which Congress expanded and made permanent include the 477 Program (P.L. 102-477) and the Tribal Self Governance Program. Tiwahe deserves the same support from Congress.

Tiwahe has improved coordination of and strengthened our youth suicide prevention efforts at Red Lake. We had no youth suicides in the last two years, and only one youth suicide in the last 52 months. Although one suicide is too many, for Red Lake this represents a major reduction, and we have made great progress towards our goal of ending youth suicide.

Tiwahe has also strengthened families in our region where good paying jobs are scarce. Tiwahe enabled our Oshkiimaajitahdah Institute of Technology to address a regional welding job shortage by establishing basic and advanced welding classes. Last year we held four welding classes with a 70% graduation rate and 20% employment rate. Notably, two of the classes were all female students. We also held three Certified Nursing Assistant (CNA) classes for 28 students, with 95% receiving their certification. Half of these were immediately employed by our local nursing home, which increased the number of elders we were able to serve. One of the CNA classes consisted of all TANF clients, thereby reducing dependency on TANF.

Tiwahe and RRI enabled us to open the Red Lake Children's Healing Center (CHC), a juvenile detention facility that sat vacant for a decade due to lack of funding. The CHC provides vital mental health, substance abuse, domestic abuse, and recidivism reduction services to adjudicated youth in a culturally-sensitive way. We are currently modifying the kitchen and sleeping areas of this juvenile detention facility so that we can implement a 24/7 treatment program for rehabilitative mental health and substance abuse services for adjudicated youth later this Spring.

Congress has supported the Tiwahe Initiative since it began, citing the importance of providing culturally-appropriate services with the goals of empowering individuals and families through health promotion, family stability, and strengthening tribal communities as a whole. Red Lake is currently working with the BIA and other pilot tribes to prepare a final report on the Tiwahe

demonstration program, including measures of success and guidelines for other tribes to implement the model.

It is in the interest of all tribes who operate Social Services and ICWA programs, the tribal demonstration sites, and all of the children and families benefitting, that you **fully fund Tiwahe in FY 2021, and that you expand the program with additional resources for additional tribes, and make the Tiwahe program permanent. We also appreciate and ask that you continue the Tiwahe explicit language in FY 2021, “with funding distributed in the same amounts to the same recipients, including the funding to support women and children’s centers”**. It would be the height of unfairness to cut off Tiwahe funding to initial tribal recipients like Red Lake. Your Subcommittee’s vital support is helping our children and families to have better lives and safer communities, and we thank you for your help.

BIA Justice Services: Law Enforcement, Courts, and Community Fire Protection. Congress intended the Tribal Law and Order Act (TLOA) to give tribes the resources needed to fight crime. But since TLOA was enacted, BIA law enforcement funding has shrunk, hindering our ability to reduce crime and protect lives. Our greatest need is for funding increases for more tribal officers. The BIA is obligated to provide full funding to meet basic public safety needs but has repeatedly failed to do so. We appreciate the \$8.2 million increase you provided for more police officers across Indian Country to fight the opioid epidemic. We also thank you for the additional \$2.4 million for more detention officers for tribal jails across all reservations.

But even if BIA transferred all these national increases to Red Lake, it would not meet our public safety funding requirements. Red Lake is understaffed and undersupplied relative to BIA safety standards. Last year, we had to budget \$5 million more than the BIA provided, by taking funds from other critical tribal programs that are already underfunded, just to maintain minimal public safety. In 2017 Red Lake declared a Public Health Emergency because of the sharp increase in opioid overdoses. We had 87 overdoses, with 55 lives saved by the use of Narcan. Red Lake Law Enforcement has waged a fierce war on drugs, and we are holding drug dealers accountable. But we need more resources to end this epidemic. We request **an additional \$20 million in FY 2021 for tribal law enforcement operations, \$5 million more for tribal detention operations, and an additional \$3 million for Red Lake Law Enforcement to combat our opioid crisis**. Tribal Courts are a top priority for tribes but are severely underfunded. We appreciated your efforts to increase Court funding in FY 2020 by \$18 million, which helped get an enacted increase of \$5 million. We ask that you **provide an additional \$15 million in FY 2021 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 only \$42,500. We ask that you **provide \$10 million for Community Fire Protection in FY 2021**, and that some of that increase be dedicated to meeting the costs of two replacement fire trucks at Red Lake.

Financing for 105(l) Lease Costs. Thank you for raising the issue of financing for 105(l) lease costs in the FY 2020 Interior Appropriations bill and asking the Administration to propose a plan in consultation with tribes. At Red Lake, we were pleased to recently finalize Section 105(l) leases for our Criminal Justice Complex and two new fire halls, after good and productive negotiations with Interior. We ask that you include “indefinite appropriations” authority, or mandatory spending authority, for Section 105(l) leases in the FY 2021 Interior Appropriations

bill, which would facilitate the funding of lease payments without impacting other tribal programs and obviate a time consuming and costly reprogramming process that frustrates both federal and tribal administrators. At the very least, we ask you to consider adding the following “indefinite appropriations authority” bill language for FY 2021, modeled after what has been requested by the Administration and adopted by Congress in prior years for Contract Support Costs: *“For payment of compensation to tribes and tribal organizations, pursuant to 25 C.F.R. § 900 (Subpart H), for Section 105(l) leases by the Secretary for tribally-owned facilities associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs and the Bureau of Indian Education for fiscal year 2021, such sums as may be necessary, which shall be available for obligation through September 30, 2022.”*

Housing Improvement Program (HIP). HIP provides housing assistance for our poorest and elderly members. Thank you for restoring HIP and adding \$2 million more in FY 2020, as well as for providing \$1.7 million for HIP under the Tiwahe Initiative. We request **an additional \$10 million for HIP in FY 2021.**

Trust Natural Resources. Thank you for providing significant increases in Trust Natural Resources in FY 2020. Most tribal natural resources base programs, which fund our day-to-day conservation responsibilities, have not been increased for years. As a result, tribes have been unable to adequately manage their resources (e.g., Red Lake must manage the 6th largest freshwater lake in the U.S. on less than \$1 per acre). 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 FY 2020 enacted levels.**

Indian Health Service (IHS). 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 2017 were only \$4,078 person, compared to \$9,726 for the general population, a great disparity. For FY 2021, we support the IHS Tribal Budget Formulation Workgroup request and ask that you **provide \$9.1 billion for IHS.** We join with others in asking that the IHS be required to provide a request for full funding for IHS-Tribal Section 105(l) leases, based on accurate estimates, and that you provide sufficient funding in FY 2021 to ensure that these mandatory costs are met.

EPA Programs. Our Tribe has 60% of the Indian trust land in EPA Region 5. We span a geographic area the size of West Virginia. Our water, wetlands, animals, and plants are vital to us. 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 2021 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 Nation in FY 2021, and for your consideration of these needs.