

**Testimony on Public Safety, Road, and Health Care Priorities**  
**Terry Rambler, Chairman, San Carlos Apache Tribe**  
**House Appropriations Subcommittee on Interior, Environment, and Related Agencies**  
**American Indian and Alaska Native Public Witness Days**  
**March 9, 2023**

My name is Terry Rambler, and I am honored to serve as Chairman of the San Carlos Apache Tribe (Tribe), representing over 17,000 enrolled members, located on the San Carlos Apache Reservation (Reservation), which spans over 1.8 million acres in southeastern Arizona. We thank the Subcommittee for this opportunity to submit FY24 testimony. My testimony focuses on the following: (1) the need for increased funding for police services under the BIA's Public Safety and Justice Program at BIA; (2) our pressing 14-year unmet need for a permanent public safety replacement facility under the BIA's Public Safety and Justice Facilities Replacement Program and now possibly under BIA's Payment of Tribal Leases Program under Section 105(l) of the Indian-Self Determination and Education Assistance Act (ISDEEA); (3) our funding need under BIA's Road Maintenance Program given the deplorable BIA road conditions on the Reservation, creating serious safety hazards for our citizens; (4) the Tribe's need for EPA funding from the Sanitation Facilities Construction Program; and (5) our need for funding from IHS's Payment of Tribal Leases Program under Section 105(l) of ISDEEA.

**Urgent Need for Increased BIA Funding for Police Services**

Historically, the U.S. Calvary forcibly removed our people at gunpoint from our ancestral homes in the late 1800s and imprisoned us at a concentration camp, which became our Reservation. Given the long history of brutality and mistreatment against our people at the hands of the United States, this violence has been self-perpetuating, plaguing the Reservation with rampant crime, including drug trafficking – forms of self-harm borne of our historic trauma. Our Tribal Members live in fear due to the high number of violent crimes on the Reservation. The San Carlos Apache Police Department (SCAPD) has a ISDEEA contract with the BIA Office of Justice Services; and, our police officers remain understaffed and lack sufficient resources due to the severe lack of BIA funding.

Based upon FBI data of known offenses, the Bureau of Justice Statistics (BJS) reported that the Reservation in 2020 suffered from **the highest rate of violent crime in Indian Country** with 1,159 offenses – 4 murders/non-negligent homicides, 16 rapes, 12 robberies, 1,127 aggravated assaults, 230 property crimes, 130 burglaries, 82 larcenies/thefts, 18 motor vehicle thefts, and 67 arsons. Unfortunately, in 2022 the Reservation experienced a 1,000% increase in the number of homicides committed. From 2011-13, to help combat the high rate of violent crimes on the Reservation, the BIA included the Tribe in its previous High Priority Performance Goal (HPPG) program (two-year initiative), which provided a significant infusion of resources for the SCAPD, courts, and child protective services as well as increased coordination with federal law enforcement officials to target violent crimes and drugs. HPPG was an enormous success and our violent crime rate dropped more than the targeted 5%. However, BIA discontinued HPPG in 2013 despite its success.

SCAPD does incredible work on a shoestring budget, all while working out of severely dilapidated BIA-owned trailers. Annually, SCAPD responds to nearly 30,000 calls for service

annually, or 1,500 calls per officer. SCAPD officers collectively patrol 360,000 miles per year or 18,000 miles each, which means response times of up to 1 hour. A commissioned 2020 study reviewed SCAPD workloads by police functions and reported that SCAPD has a significant need for, among other things, additional personnel, equipment, training, computers and software, and improved facilities for evidence, interviews, and meetings.

Due to underfunding from the BIA, the SCAPD cannot compete with nearby jurisdictions that offer higher salaries and better benefits. Other jurisdictions actively recruit away SCAPD officers because our officers are more experienced than most given the massive workloads.

**REQUEST:** The FY23 omnibus provided \$274.152 million for Criminal Investigations and Police Services – a reduction of \$23.524 million from the FY22 enacted amount – with \$69 million of this total amount already allocated off the top for tribes in specific regions of the country, like Oklahoma. For FY24, we respectfully request that the Subcommittee restore the cuts to tribal police services from FY23 and provide an increase above the FY22 enacted amount of \$297.676 million for Criminal Investigations and Police Services so that SCAPD can receive much needed additional funding to address the high rates of violent crime on the Reservation. Further, the Tribe requests congressional reinstatement of the HPPG program so that our public safety personnel can provide the true level of services needed to protect our communities.

#### **Long-Languishing Need for BIA Public Safety Replacement Facility**

For over 14 years, the Tribe's top priority has been securing funding from the BIA for a permanent public safety replacement facility on the Reservation. The San Carlos people desperately need an adequate facility, especially our brave police officers, judges, public defenders, prosecutors, domestic violence advocates, and other public safety personnel who dedicate themselves every day to keeping our Reservation safe. It is impossible to meet the serious public safety and criminal justice needs on the Reservation without a functioning facility. The Tribe greatly appreciates this Subcommittee's efforts to help address this need with the inclusion of report language as it has done in the past.

Despite the Subcommittee's and the Tribe's efforts, the Department of the Interior's (Department) Office of Facilities, Property, and Safety Management (OFPSM) falsely claims that the temporary dilapidated trailers that BIA urged the Tribe's police and tribal courts to move into in 2015 -- after it condemned BIA's public safety building called Building 86 in BIA's inventory -- will "last 30 years" and are, therefore, in "good condition". This is simply not the case.

Instead, these trailers have serious deficiencies, including shoddy sewer and plumbing, lack of electrical power, sub-standard materials, and poor construction. The trailers have gaps between the walls where you can see the outside elements between the gaps from inside. The locks to the front doors often do not work, so people break in frequently. The floors are so flimsy that our police officers cannot store evidence lockers in the trailers because otherwise they would fall through the floors due to their weight. There is often no running water, creating serious public health issues especially during the pandemic, or electricity for air conditioning. Imagine an elder or young child at the trailers after having just experienced a traumatic situation and not having access to a working bathroom while sitting in a sweltering trailer with no air conditioning in 120-

degree weather. Or imagine not having a secure place to store or preserve crucial evidence relating to a homicide or a case involving a missing person. This is unacceptable.

Based upon its misleading narrative, the Department informed the Tribe in 2021 that it planned to rank the Tribe at the bottom of the master priority list for public safety replacement facilities that the Department compiled for this Subcommittee. In addition, the funding level for BIA Public Safety and Justice Construction is woefully insufficient and barely makes a dent in the massive backlog for public safety facilities replacement across Indian Country.

Given the stark realization that the Department will continue to refuse to provide a true permanent replacement public safety facility on the Reservation despite its responsibilities, given that our citizens can no longer keep waiting for a permanent public safety facility, and given the unacceptably low funding levels for BIA Public Safety and Justice Facilities Replacement Construction, the Tribe is currently exploring the Payment of Tribal Leases Program under Section 105(l) of ISDEAA for a permanent public safety facility where the Tribe would take out a large loan to construct a public safety facility and then BIA would lease the facility. The combined failures of Congress and BIA to provide adequate permanent tribal public safety facilities are extremely disappointing. Now, the Tribe must struggle to take out a construction loan to replace a facility that the federal government should have replaced over 14 years ago.

***REQUEST:*** We respectfully request that the Subcommittee direct the Department to provide a true permanent public safety replacement facility for the Reservation and that the Subcommittee consider making the Section 105(l) Program mandatory funding under the U.S.'s treaty and trust obligations so there is sufficient funding for tribes across the country to utilize this program. The Tribe also urges the Subcommittee to make Contract Support Costs at BIA mandatory funding.

#### **Need for BIA Roads Maintenance Funding**

There is a massive backlog of BIA roads on the Reservation that need to be repaved and/or made safer. For many years, the Tribe has struggled to piecemeal funding to re-pave and make safety improvements to BIA Route 6, which is the major artery connecting the Tribe's governmental buildings to the main highway, U.S. Route 70. Safely traversing Route 6 is critical to the citizens on the Reservation. The Route 6 Rehabilitation (R6R) project will greatly improve transportation infrastructure on the Reservation. This BIA project has languished for two decades. The total distance of R6R is 12.2 miles long and 5.1 miles of road work have been completed. A 7.1 mile stretch of BIA Route 6 still needs to be completed. R6R will benefit the tribal residents who travel Route 6 by providing a safe and reliable connection to healthcare, employment, and education, among other things, and help improve public safety and emergency response on the Reservation. The total project cost to complete R6R is approximately \$20 million.

***REQUEST:*** We respectfully request the Subcommittee's assistance to direct the BIA to provide approximately \$20 million to complete the road work for the remaining 7.1 miles of Hwy 6.

#### **Need for EPA Sanitation Facilities Funding**

There is a long-languishing backlog of sanitation projects for drinking water, wastewater, and solid waste treatment facilities on the Reservation. Members of the Tribe have suffered for too long from a lack of water and sewer facilities. For many years, the Tribe has worked with IHS to

advance the San Carlos Regional Water System Project. The Tribe is encouraged that in December IHS recommended \$34 million for new retention ponds under the Infrastructure Investment and Jobs Act with IHS proposing to allocate \$24 million for the ponds, but another \$10 million is needed for that portion of the amount disallowed by IHS. We appreciate that IHS is reaching out to EPA to request the \$10 million needed.

***REQUEST:*** We respectfully request the Subcommittee's assistance in securing the \$10 million needed from EPA for the new retention ponds.

#### **Need for Replacement Health Clinic in Bylas Community on Reservation**

The Bylas community of approximately 5,000 citizens on the eastern side of the Reservation has historically been economically depressed and medically under-served. Since the inception of the IHS San Carlos Service Unit located in San Carlos in the 1950's, citizens of the Bylas community have faced many challenges. High unemployment rates, poverty, and the lack of access to adequate healthcare over the last half century have resulted in detrimental co-morbidities related to socio-economic health disparities in the Bylas area. In 1995, to try and address these health care needs, the Tribe partnered with IHS to build the current Clarence Wesley Healthcare Clinic (CWHC) facility, eliminating the use of mobile trailers to provide healthcare. However, the current CWHC facility has severe foundational issues. The ground beneath the building is silt and has been shifting over the years, leading to many challenges for the facility maintenance department, including serious cracks in the foundation and walls, sewer pipes breaking, and constant clogging of sewer lines. The Tribe is working to provide a replacement CWHC facility and is exploring the Section 105(l) Program to meet this need. The estimated total project cost to replace CWHC is approximately \$39 million.

***REQUEST:*** We respectfully request that the Subcommittee consider making the Section 105(l) Program mandatory funding. The Tribe also urges the Subcommittee to make Contract Support Costs at IHS mandatory funding as well.

#### **Need for Long-Term Care Skilled Nursing Facility on the Reservation**

The Tribe has a pressing need for a facility to care for the significant number of COVID-19 long-hauler patients and elders over the age of 55 who are too ill or frail to care for themselves at home. Having a long-term skilled nursing facility that focuses on caring for COVID-19 and elder residents would be operationally sustainable under current Arizona Health Care Cost Containment System (AHCCCS) reimbursement rates. The San Carlos Apache Healthcare Corporation (SCAHC) is supportive of moving forward with constructing and operationalizing a 100-bed facility on the SCAHC campus by December 2024 at an estimated cost of \$124 million. The building and infrastructure to support this facility is made possible by American Rescue Plan Act funding to the Tribe. The Tribe is exploring the Section 105(l) Program at IHS so that IHS would lease this building and provide financial support for operations and maintenance.

***REQUEST:*** We reiterate our request above that the Subcommittee consider making the Section 105(l) Program mandatory funding.