



The Confederated Tribes of the Colville Reservation



Prepared Statement of the Honorable Janet Wak Wak Nicholson
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Confederated Tribes of the Colville Reservation

Legislative hearing on H.R. 1128, the “Indian Programs Advanced Appropriations Act,” and H.R. 1135, the “Indian Health Service Advance Appropriations Act of 2019”

Subcommittee for Indigenous Peoples of the United States

The Confederated Tribes of the Colville Reservation (“Colville Tribes” or the “CCT”) appreciates this opportunity to provide testimony to the Subcommittee on the Indian Programs Advanced Appropriations Act and the Indian Health Service Advance Appropriations Act of 2019. My name is Janet Wak Wak Nicholson and I am an elected member of the Colville Business Council, the Colville Tribes’ governing body. In that capacity, I also serve as the Chair of the Colville Business Council’s Health and Human Services Committee, which oversees all tribal health and social services programs.

The Colville Tribes strongly supports both bills and appreciates the leadership of Chairwoman McCollum and Congressman Young in introducing them.

Background on the Colville Tribes and its Forest Economy

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is a confederation of twelve aboriginal tribes and bands from across eastern Washington and parts of Oregon, Idaho, and British Columbia. The present-day Colville Reservation is located in north-central Washington state and covers approximately 1.4 million acres. Our reservation land base is larger than the state of Delaware.

The CCT has more than 9,500 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest, and the second largest in the state of Washington. Approximately half of the CCT’s members live on or near the Colville Reservation. Of the 1.4 million acres that comprise the Colville Reservation, 922,240 acres are forested land.

Originally, the Colville Reservation consisted of nearly three million acres and included all of the area north of the present-day Reservation bounded by the Columbia and Okanogan Rivers. This 1.5 million acre area, referred to as the “North Half,” was opened to the public domain in 1891 in exchange for reserved hunting and fishing rights to the CCT and its members. Most of the Colville National Forest and significant portions of the Okanogan National Forest are located

within the North Half. Both forests are contiguous to the northern boundary of the Colville Reservation.

For decades, timber harvests have provided the backbone of the CCT's economy. The CCT has made considerable strides to diversify its economy during the past two decades, yet timber remains our most abundant and valuable natural resource. Today, stumpage revenue that the CCT obtains from timber sales is our second largest source of tribal generated income.

Impacts on the Colville Tribes from the last Government Shutdown

Like other Indian tribes, the 35-day government shutdown that ended on January 25, 2019, took a significant toll on the Colville Tribes and its members. There have been four government shutdowns since 2013 and during each one, the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) withheld funds that tribes contract or compact under the Indian Self-Determination and Education Assistance Act until after the shutdowns ended. The CCT has contracted most BIA programs and those were the most affected. The IHS provides direct services to the Colville Tribes so, fortunately, direct care to tribal members was not interrupted because IHS health providers were considered "excepted" employees because they perform emergency work involving the safety of human life.

The Colville Tribes' government employs almost 1,400 employees. Our fiscal year 2019 budget includes over \$60 million in federal funding, which does not include the additional \$13 million the CCT collects in direct and indirect contract support costs. Overall, federal funding and contract support costs account for more than 50 percent of the Colville Tribes' budget. For each week of the 35-day shutdown, the direct loss for the Colville Tribes was approximately \$1.5 million per week, including lost salaries to support tribal families and services to tribal membership and local communities.

Some of our most important tribal programs were also impacted during the shutdown. The federal share of funding for the Colville Tribes' Natural Resources program constitutes 80 percent of that division's budget. Additionally, because all BIA staff at the Colville Indian Agency were furloughed and log scaling work proceeded only at a minimum level based on 638 contract funds that had already been dispersed, timber harvesting and hauling activities were reduced.

As the CCT's most important natural resource, the timber industry provides hundreds of jobs not only for tribal member logging contractors and log truck drivers, but also for secondary forest services like compliance personnel and forest development contractors, not to mention off-reservation jobs in non-tribal sawmills.

During the shutdown, regular payments that third parties sent for sales of the CCT's timber (and use of Indian trust property generally) were inaccessible because furloughed BIA staff were required to utilize federal accounting systems. The Colville Tribes estimates that approximately \$400,000 was inaccessible every week of the last shutdown because BIA staff were not available to transfer the revenue to the CCT's accounts. Although the CCT was able to utilize tribal staff to cover the shortfall and eventually recovered these funds once the shutdown finally ended, the

lag in revenue has disrupted the Colville Tribes' budget forecasts for the remainder of fiscal year 2019.

Apart from land management functions, the BIA also carries out social services programs that benefit individual tribal members. These include the General Assistance program, which the Colville Tribes has contracted from the BIA and the payments of which to tribal members were withheld during the shutdown.

Compounding the issue on the BIA side was the Department of the Interior's seemingly intentional lack of preparation for the shutdown. Even though the 35-day shutdown was the fourth government shutdown since 2013, the Department of the Interior apparently did not allow the BIA officials to undertake contingency planning or provide any information to tribal leaders in advance of the shutdown.

Our BIA Superintendent received no information from any official channels. The information that we were able to obtain was the result of Colville Business Council members and technical staff calling furloughed BIA personnel on their personal phones and comparing notes on what they had heard informally from other BIA employees. Even higher-level BIA officials who were deemed "excepted" personnel and were working during the shutdown were unable to answer—through no fault of their own—even the most basic questions about shutdown impacts to BIA agency operations.

In contrast, IHS leadership held regular calls with tribal leaders and provided information and updates on agency contingency plans and answered questions posed by tribal leaders. The Subcommittee should examine why the Department of the Interior did not do the same. Hopefully, shining light on this omission will ensure that tribal leaders and local BIA staff are not similarly left in the dark should another shutdown occur.

The Colville Tribes Supports both H.R. 1128 and H.R. 1135

The most analogous federal agency to the IHS is the Veterans Health Administration ("VHA") within the Department of Veterans Affairs, which provides health care to our nation's veterans. Since fiscal year 2010, Congress has allowed for advance appropriations for the three largest accounts within the VHA in addition to certain accounts in the Veterans Benefits Administration. Congress should provide similar treatment for the IHS as both Chairwoman McCollum and Congressman Young's bills would do.

Mainstream media headlines during the last government shutdown focused on the closure of National Parks and the resulting inconvenience to tourists and outdoor enthusiasts. The impact on tribal communities from the BIA's shutdown, however, was much more tangible and severe.

The services that the BIA provides to Indian people distinguishes them from the traditional land management functions of the Department of the Interior. The BIA is the only agency within the Department of the Interior that has such a broad mission: it is responsible not only for reviewing and approving trust land transactions that generate revenue for tribal economies, but it is also charged with providing direct social and human services to Indian beneficiaries.

For example, BIA superintendents often serve as the legal representatives for individual tribal members that courts have determined are unable to administer their own affairs. No other federal agencies within the Department of the Interior have officials charged with such diverse duties. Not only is advance appropriations for BIA programs justified under these circumstances, it is a necessity.

The Colville Tribes supports both bills and urges passage of a legislative vehicle that would provide advance appropriations to both the IHS and the BIA.
