

TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS  
COUNCILMAN DAVID Z. BEAN  
BEFORE THE U.S. HOUSE  
APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
BIA AND IHS  
FISCAL YEAR 2013  
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Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the FY 2013 appropriations for American Indian and Alaskan Native programs. My name is David Z. Bean, Tribal Council Member 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 4,416 Puyallup tribal members and the 25,000 plus members from approximately 355 federally recognized Tribes who utilize our services. The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way).

The following written testimony being submitted to the U.S. House Appropriations Subcommittee documents the Puyallup Tribe's views on the President's FY 2013 Federal Budget. On February 13, 2012, President Obama delivered his FY 2013 Budget to Congress. The Budget proposal focuses on job creation and the beginning steps to reducing the nations projected deficits. Within the budget, *\$2.5 billion is provided for the Operation of Indian Programs. This represents an overall increase of \$4.6 million from current levels.* For the *Indian Health Services, \$4.422 billion is provided, an increase of \$115.9 million over the FY 2012 enacted level.* We appreciate the increased funding provided for the operation of Indian programs within the Bureau of Indian Affairs and the Indian Health Services. However, the years of inadequate funding and the effects of inflation has impacted the Tribe's ability to fully exercise self-determination and self-governance. As negotiations proceed on the FY 2013 budget and future appropriations, efforts to insure adequate funding is provided for the operation of Indian programs will be paramount. To preserve the increased funding levels realized in recent years and contained in the proposed FY 2013 budget for the Bureau of Indian Affairs and Indian Health Services, the increases should be viewed by Congress and the Administration as new "*base funding*" amounts with annual increases to meet actual need. Specific issues and needs are;

**Department of Interior – Bureau of Indian Affairs**

**Public Safety & Justice:** The *FY 2013 Budget request includes \$353.8 million for BIA Public Safety & Justice.* This represents a *\$8.4 million increase* over the FY 2012 enacted level which is fully supported by the Puyallup Tribe. The *\$88.1 million for Tribal and BIA detention and*

*corrections funding is of great importance to the Puyallup Tribe. Within this amount, \$6.3 million increase is directed to fund operations and O&M costs at newly-constructed facilities. While this increase is supported by the Puyallup Tribe, it is of concern that current and ARRA funded facilities will remain understaffed. It is estimated that 373 positions are needed to fully staff existing direct service facilities and P.L. 93-638 contracted facilities. The Department of Justice funded 13 tribes for the construction and/or expansion of detention facilities. According to the BIA Greenbook, five new or expanded facilities will become operational by the end of FY 2013. It is estimated that 186 additional staff will be needed to operate these facilities. In FY 2009, the Puyallup Tribe received a Department of Justice ARRA grant, in the amount of \$7.9 million to construct a 43 bed adult corrections facility. The Tribe has mobilized the Project Team, addressed all Special Conditions of the Grant Award, completed facility environmental documentation, design and established a Groundbreaking Ceremony for Spring/Summer 2012. The Project will be completed and be coming on-line by the end of the 3<sup>rd</sup> Quarter of Fiscal Year 2013. Over the past two (2) years the Puyallup Tribe has been working closely with the BIA-Office of Justice Services National and Regional staff on identifying the future operating and staffing costs associated with the Puyallup Tribe's new adult corrections facility. The Puyallup Tribe has submitted a P.L. 93-638 contract request to the B.I.A. for Operations and Maintenance funding for the new facility, including Pre-Award, Start-up, Transitional funding, Staffing and O&M funding. We are requesting support from the Subcommittee on our contract request to the B.I.A. for the O & M funding for the Tribe's Adult Corrections facility, estimated at \$1.3 million annually. Further, the Puyallup Tribe requests the Subcommittee support to increase funding for BIA Detention/Corrections by \$32.2 million to reflect actual funding need. In addition, we have submitted a P.L. 93-638 contract request to the B.I.A. for Tribal Court funding, including pre-award and start-up funding. In F.Y. 2012, the B.I.A. was able to fund only one-third of actual need of pre-award and start-up funding requests. We are requesting support from the Subcommittee on our contract request for Tribal Court funding and to fund pre-award and start-up funding at 100% level of need, approximately an increase of three times the F.Y. 2012 base funding.*

**Natural Resources Management:** The Puyallup Tribe as stewards for land and marine waters in the Usual and Accustomed fish, shellfish and wildlife areas has treaty and governmental obligations and responsibilities to manage natural resources for uses beneficial to the tribal membership and the regional communities. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Native and Non-native fishermen and surrounding communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington with an obligation to manage production of anadromous, non-anadromous fish, shellfish and wildlife resources. Existing levels of support are inadequate to reverse the trend of resource/habitat degradation. For FY 2013, \$8.660 million is provided for BIA Western Washington Fisheries Management, a small increase over the FY 2012 enacted level of \$8.257. The Puyallup Tribe agrees with the Northwest Indian Fisheries Commission (NWIFC) request of \$17.146 million for Western Washington Fisheries Management. The \$8.486 million 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 will continue to secure increased funding for Hatchery Operations and Maintenance. The President's FY 2013 budget contains \$4.838 million for

Tribal Hatcheries, compared to the FY 2012 budget request of \$5.452 million. *The Puyallup Tribe supports the NWIFC recommendation to fund the Fish Hatchery Maintenance at \$5.452 million, an increase of \$614,000 over the President's FY 2013 request.* The Timber, Fish and Wildlife (TFW) Supplemental and U.S./Canada Pacific Salmon Treaty programs has allowed for the expansion of tribal participation in the state forest practice rules and regulations and participation in inter-tribal organizations to address specific treaties and legal cases which relate to multi-national fishing rights, harvest allocations and resource management practices. *We request Subcommittee support to provide funding for the T.F.W. at the President's request of \$2.777 million and U.S./Canada Pacific Salmon Treaty program at \$4.8 million, an increase of \$436,000 over the President's request of \$4.364 million.* The Puyallup Wildlife Management program has been the lead agency in management activities to benefit the South Rainier elk herd since 2004. The South Rainier elk herd is the primary stock of elk harvested by the Puyallup Tribe. The Tribe has not only established more reliable methods for population monitoring, but has also been proactive in initiating habitat enhancement projects, research and land acquisition to ensure sustainable populations of elk for future generations. Funds that are available to the Tribe have been on a very competitive basis with a limited amount per program via USFWS Tribal Wildlife grants and the B.I.A. Unresolved Hunting and Fishing Rights grant program. *We request Subcommittee support to provide base funding to the Tribes Wildlife Management Program in the amount of \$100,000 through the B.I.A. Unresolved Hunting and Fishing Rights program in FY 2013 Appropriations.*

**Education:** The FY 2013 Budget requests funding of \$795 million for the Education program, a decrease of \$3.8 million from current levels. We operate the pre-K to 12 Chief Leschi Schools which included a verified 2008-2009 School student enrollment of 910 + students, including ECEAP and FACE programs. With an increasing number of pre-kindergarten enrollment, Chief Leschi Schools will exceed design capacity in the near future. Additional education facility space will be required. Additional, the cost of operation and maintenance of the Chief Leschi School facilities continues to increase in the areas of supplies, energy and student transportation costs. The Tribe will work with Congress and the BIE to increase funding in FY 2012, including; *Tribal Grant Support Cost for Tribally Operated Schools - \$72.3 million; Student Transportation - \$73 million; School Facilities Accounts - \$109.8 million in facilities operations and \$76 million in facilities maintenance; and Indian School Equalization Formula (ISEF) - \$431 million.*

*Operations of Indian Programs & Tribal Priority Allocations:* The President's F.Y. 2013 budget is in drastic need for increased funding for the B.I.A. Operations of Indian Programs. Within the Operations of Indian Programs is the Tribal Priority Allocations (TPA). The TPA budget functions include the majority of funding used to support on-going services at the "local tribal" level, including; natural resources management, child welfare, other education, housing 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 has not been adequate to keep pace with inflation. *The Puyallup Tribe is requesting support from the Subcommittee to fund the Operation of Indian Programs at the F.Y. 2013 request of \$2.5 billion and Tribal Priority Allocations at a minimum of \$897,436 million, an increase of \$6,366 million of the FY 2012 enacted level.* We further request support from the Subcommittee to increase funding for

Indian Child Welfare (TPA) by \$45 million; Increase Urban Indian Child Welfare programs by \$15 million; and increase B.I.A. Child Welfare Assistance by \$55 million.

### **Department of Health and Human Services – Indian Health Service**

The Inadequate funding of the Indian Health Service is the most substantial impediment to the current Indian Health system. 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 to 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. The Contract Care allocation to PTHA has been significantly inadequate to meet the actual need since F.Y. 2004 when the Puyallup Tribe subsidized Contract Health with a \$2.8 million dollar contribution. By F.Y. 2012 the tribal subsidy had reached a staggering \$6 million dollars. Given that the PTHA service population is only comprised of 17% Puyallup Tribal members, tribal budget priorities in F.Y. 2011 and 2012 has made continued subsidies to the PTHA financially difficult for the Puyallup Tribe. *The FY 2013 Budget requests \$5.5 billion in discretionary budget authority for the Indian Health Service. This represents a \$115.9 million increase over the FY 2012 enacted level. For Health Services programs the FY 2013 budget request is \$3.978 million, an increase of \$112 million over the FY 2012 enacted level.* Included within the increases are funding for Contract Support Costs (\$476.4 million), Contract Health Services (\$897.5 million) and Alcohol and Substance Abuse funding (\$195 million). The Puyallup Tribe fully supports funding increases for existing I.H.S. programs and will work Congress to continue efforts to increase funding for I.H.S. and the critical programs administered by this Agency.