



JAMESTOWN S'KLALLAM TRIBE

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**Testimony Submitted to the
House Interior, Environment and Related Agencies Appropriations Subcommittee
for the Fiscal Year FY2013 Budgets for BIA & IHS
By W. Ron Allen, Tribal Chairman/CEO
Jamestown S'Klallam Tribe, Washington State
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On behalf of the Jamestown S'Klallam Tribe, we are pleased to submit this written testimony on our funding priorities and requests for the Fiscal Year 2013 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets. While we recognize that Congress faces unusually difficult funding decisions this year, funding for Tribal programs and services must be a priority in the federal budget if the U.S. is to fulfill its trust obligation and live up to the promises made to American Indian/Alaska Native (AI/AN) Tribal governments.

Congressional support of our proposed funding initiatives will promote efficiency and accountability, strengthen reservation and surrounding local economies, and affirm Tribal sovereignty and Self-Governance. We have long appreciated this Subcommittee's support of our funding requests and are pleased to submit the following recommendations and requests:

Tribal-Specific Appropriation Priorities

1. \$495,000 Land Purchase for Tamanowas Rock Sanctuary Project
2. \$200,000 Increase to BIA Tribal Base Budget for Fish & Wildlife Management

Local/Regional Requests and Recommendations

The Jamestown S'Klallam Tribe is a direct beneficiary of the collective Tribal efforts and continues to support the requests and recommendations of the **Affiliated Tribes of Northwest Indians, Northwest Portland Area Indian Health Board**, and the **Northwest Indian Fisheries Commission**.

National Requests and Recommendations

BIA Requests:

1. Provide \$89 million increase for Tribal Priority Allocations;
2. Provide \$8.8 million increase for BIA Contract Support Cost (CSC);
3. Provide \$13.7 million Increase for Fixed Costs/Pay Costs;
4. Restoration and increase funding for Indian Loan Guarantee Program; and
5. Establishment and funding for a Surety Bonding Guarantee Program.

IHS Requests:

1. Hold Harmless Indian Health Programs;
2. Provide \$99.4 million Increase over President's FY2013 Budget to Fully fund contract support costs;
3. Provide \$304 million Increase to Fund Mandatory Costs for current services;
4. Provide \$45 million Increase for the Indian Health Care Improvement Fund.

The leadership of the Jamestown S'Klallam Tribe remains actively involved in both the **National Congress of American Indians (NCAI)** and the **National Indian Health Board (NIHB)**.and we are extremely supportive of their requests

Tribal-Specific Appropriation Justification:

1. \$495,000 Land Purchase for Tamanowas Rock Sanctuary Project

The purpose of the project is to preserve Tribal cultural and ceremonial access to an important archaeological site of the S'Klallam American Indian people. Tamanowas Rock, located in Eastern Jefferson County on the Olympic Peninsula of Washington State, is of great cultural and spiritual significance to the Tribes in the region, and also holds special significance for the local non-Indian community. As a geological formation, the estimated age of the Rock is 43 million years. More importantly, the oral history associated with the Rock among the local Tribes includes the era of the mastodons (extinct for 8,000 years), when it was used as a perch by Tribal hunters and a story of a great flood (assumed to be a tsunami from around 3,000 years ago) when people tied themselves to the Rock to avoid being swept away.

In 1976, the Rock was listed in the Washington Heritage Register as having significant archaeological interest. The Tribes, Washington State Parks, and local community have been working for more than 13 years to try to protect the Rock from development. In February 2005, the Jamestown S'Klallam Tribe, acting on behalf of all the S'Klallam Tribes, obtained loans to purchase a 20 acre parcel and a group of platted properties totaling 66.32 acres (if dedicated roads are vacated, the acreage is closer to 100 acres for the platted properties). This property was in imminent threat of development in the vicinity of the Rock. We are taking the lead to seek funds to purchase the land and the remaining 80 acres directly surrounding Tamanowas Rock, all of which would be protected in perpetuity.

2. \$200,000 Increase to BIA Tribal Base Budget for Fish & Wildlife Management

Jamestown S'Klallam Tribe is one of four Tribes that signed the Point No Point Treaty with the U.S. government in 1855. The U.S. government formally recognized Jamestown in 1981. By then, the BIA was contracting with Tribes to provide fisheries management services. The Point No Point Treaty Council (PNPTC) was serving as the fisheries management agency for the other Klallam and Skokomish Tribes. Rather than redistribute the funding pie, Jamestown received a smaller portion for fisheries management in relation to the other three Tribes. Even with Self-Governance, the BIA continues to distribute contracted funds based on funding history, thus Jamestown receives a significantly smaller portion of the PNPTC base funding than the other three

Tribes. The Jamestown S'Klallam Tribe is nonetheless required to meet the basic fisheries and wildlife management responsibilities of US v. Washington including planning, negotiation, regulation, technical expertise and enforcement.

In addition to meeting our own responsibilities under US v. Washington, our Tribal staff regularly perform the essential fisheries management duties that other governmental jurisdictions are charged with but either do not administer or administer poorly. As a result, Treaty Tribes are assuming responsibility for observing, documenting and urging the agencies with regulatory responsibilities to act in order to preserve critical fish habitat and protect dwindling fish species from further decline. Development pressures along streams and rivers have increased the need for local government monitoring and enforcement of shoreline regulations; however, local and state funding shortfalls have contributed to the decline in biologists and environmental enforcement officers. Our immediate concerns are that as state and local governments cut back on their capacity to carry out and enforce these obligations, our Treaty rights are further imperiled. ***The \$200,000 increase to our FY2012 Self-Governance base is needed to implement these essential treaty fish and wildlife management services.***

National Requests and Priorities:

BIA REQUESTS

The President has committed to support and advance Tribal Self-Determination and Self-Governance for the Nation's 567 federally-recognized Tribes. Consistent with that commitment, the FY2012 budget should include the following critical increases:

1. TPA General Increase - Provide \$89 million (10% increase over FY2012 enacted)

TPA is one of the most important funding areas for Tribal governments. Tribes use these funds to administer social service programs for our Tribal communities including, critical services such as law enforcement, education, transportation, natural resources and economic development. This funding has steadily eroded due to inflation and population growth. We urge you to adequately fund TPA to enhance the health and well-being of Tribal reservations and the surrounding non-Native communities.

2. Contract Support Costs - Provide \$8.8 million Increase as included in the President's FY2013 Budget Request for BIA to Fully Fund Contract Support Cost (CSC)

The Indian Self-Determination and Education Assistance Act of 1975, (Pub. L. 93-638) allowed Indian Tribes to manage federal trust programs for the benefit of their citizens that would otherwise be administered by the U.S. government. Under Self-Determination contracts or Self-Governance compacts, Tribes administer a vast array of governmental services, including healthcare, law enforcement services, education, housing, land and natural resource management, as well as many other vital social service programs. The greatest impediment to the successful administration of these trust programs is the failure on the part of the U.S. government to fully fund contract support costs.

3. Fixed Costs/Pay Costs - Provide 13.7 million Increase

Most federal agencies receive adjustments to their fixed cost rates each year to cover inflationary costs associated with fringe benefits and pay costs. Tribes have never received similar adjustments to account for these costs.

4. Indian Loan Guarantee Program - Restoration and increase funding

The Bureau of Indian Affairs (BIA) loan guarantee program is vital to Tribes because it creates jobs, provides new sources of revenue to Tribal communities, and critical support in advancing economic development in Indian Country. Part of the rationale to cut back this program is that the program could be duplicating other services, such as SBA loan programs. This assumption is wrong and will undermine the Tribes economic development efforts.

5. Surety Bonding - Establishment and funding of a Surety Bonding Program

There has long been a need for a Surety Bonding program for Indian Country. The traditional bonding industry-- uncomfortable and unfamiliar with sovereign Tribes -- requires excessive waivers of sovereign immunity to issue surety bonds for our companies requiring these bonds. This industry impediment clearly suppresses our business opportunities.

IHS REQUESTS

Our Tribe strongly encourages the following:

1. **Hold Harmless** -- Hold Indian health programs harmless and protect prior year and proposed FY12 and FY13 increases from budget roll-backs, freezes and rescissions. We are encouraged by the increased investments in Indian health we are equally concerned that efforts by Congress and the Administration to reduce the overall size of the federal budget may jeopardize the recent progress.

2. Contract Support Costs (CSC) - Provide \$145 million for IHS to Fully fund CSC, Including Direct CSC

Tribal health care systems have proven successful in providing quality, culturally appropriate services to their citizens. However, the success of the program will not be realized, without adequate CSC funding to support these efforts.

3. Fund Mandatory Costs - \$400 Million

Mandatory costs include adjustments for inflation, pay costs, staffing for new facilities and population increases. Failing to fund these mandatory requirements forces the Tribes to cut vital health care services.

4. Fund the Indian Health Care Improvement Fund - \$45 Million

The purpose of the Indian Health Care Improvement Fund is to ensure the equitable provision of health care services to Indian people. The FY 2010 \$45 million appropriation brought all operating units within the IHS to a 45% Level of Need Funded (LNF). We are requesting \$45 million in 2013 to further decrease the disparity.

In closing, thank you for this opportunity to provide this written testimony.