

TESTIMONY CONCERNING FISCAL YEAR 2025
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
KEVIN R. DUPUIS, SR., CHAIRMAN

May 7, 2024

Chairman Simpson, Ranking Member Pingree, and respected members of the Committee, I am Kevin Dupuis, the Chairman of the Fond du Lac Band of Lake Superior Chippewa. On behalf of the Band, I would like to thank you for inviting me to testify. We submit this testimony to urge Congress to increase, or, at the very least preserve, the federal funding levels for Indian programs.

As we talk about funding needs in Indian country, it is essential to keep in mind that the problems that face communities nationwide are far more severe for Indian communities, with tribes having far fewer resources to address problems like substance abuse, domestic violence, public safety, and homelessness. The Band has worked, and will continue to work, to find solutions to problems of this kind. With seed money from federal funds, we provide health, education, social services, public safety and other governmental services to our 4,200 members and more than 7,300 Indian people who live on and near our Reservation. We are proud of what we have accomplished, but more remains to be done. Federal funding allows us to use Band resources and attract private partners so we can provide jobs, grow the local economy, educate our children, prevent crime, and care for our elders and infirm. We urge Congress to continue to fund these programs.

BIA: Trust-Natural Resources Management. There is nothing more important than preserving and protecting the territories and resources that our ancestors reserved for our people when they signed our Treaties with the United States. The Band is committed to the management, conservation, and sustainability of the natural resources of the Fond du Lac Reservation and within our Ceded Territory, where we have Treaty rights to hunt, fish and gather. We urge you to provide full funding for Trust-Natural Resources Management in FY 2025, including increased funding for Rights Protection and Implementation which will allow us to protect, enhance, and restore natural resources within our Reservation and Ceded Territory.

Our Reservation consists of 101,153 acres, including forests, lakes and rivers that must be managed and protected for the current and future generations. Our Ceded Territory covers 30 million acres in portions of Upper Michigan, Northern Wisconsin, North Central Minnesota and all of Lake Superior within the United States. The challenges to our natural resources across the region are diverse and complex, from species restoration and reintroduction to adaptation to climate change. Band members depend on our Treaty rights to put food on the table and for ceremonial practices that serve as the foundation for our culture. The stewardship of those natural resources—through scientific study, resource management, and enforcement of Band laws that regulate tribal members who hunt, fish and gather—is critical and an important source of local employment.

A great example of how the Band utilizes BIA funding can be seen with how we use BIA Endangered Species Program dollars to monitor our local ma'iinganag (wolves). Ma'iingan (the wolf) is an animal of special cultural significance to the Ojibwe people. BIA's Endangered Species Program

funding has enabled the Band to annually estimate the number of wolves, track where they go and what happens to them. We have been able to determine how wolves responded to oil pipeline construction across the Reservation, we annually cooperate with the Minnesota Department of Natural Resources to estimate statewide wolf populations and cooperate with local school districts and students on wolf ecology presentations and student science fair competitions.

Environmental Protection Agency (EPA). We appreciate Congress's continued support to provide federal funds for EPA, but we ask that funding for EPA in FY 2025 be increased.

State and Tribal Assurances Grants (STAG). We thank Congress for continuing to support funding for STAG, including increasing funding for Sections 106 and 319 funding. We strongly urge Congress to increase funding for this Program, which has not seen a substantive increase in years, yet the Band's responsibilities continue to grow and face increasing pressures and obstacles.

Water Quality. We have a robust federally-approved water quality standards program. Given the current threats to water resources in our region, we urge that Tribal Section 106 funding be doubled so that we can do the work needed to protect our waters. Additionally, Congress should continue to provide funding to EPA to support tribal training in ATTAINS, the national water quality assessment database as well as training funding to assist tribes in conducting and reporting on water quality assessments. Finally, as tribes apply for treatment as a state to implement various Clean Water Act regulatory programs, such as 303(c) or water quality standards, 404 wetland dredge and fill permitting, 402 NPDES permitting, or 303(d) impaired waters listing and Total Maximum Daily Load implementation, there should be financial support for that capacity.

Air. We have a long-standing air monitoring program that has faced a steady decline in federal funding. As the impacts of climate change continue to be felt in higher temperatures and more frequent heavy precipitation events, both indoor and ambient air quality concerns continue to impact Band members and their health. We request that air quality program funding for tribes be increased.

Climate Change. Climate crisis is imminent, and we request funding for planning, preparation and adaptation to deal with this existential threat to resources both on our Reservation and in our Ceded Territory.

Wetlands. One-half of our Reservation is made up of wetlands. Funding for sustained wetland monitoring and protection for proper management and restoration of this valuable resource is needed.

Great Lakes Restoration Initiative. The Band fully supports this initiative and thanks Congress for its continued bi-partisan support. We ask that Congress maintain the current level of funding for this initiative. This initiative has broad-reaching benefits to resources of importance for all stakeholders (state, tribal and private) in the Great Lakes region. Funding helps support our wildlife programs, wild rice restoration efforts, fisheries stewardship and environmental staffing capacity. A good example of how this funding has a regional impact is how the Band has led an effort supported by the Great Lakes Restoration Initiative to restore omashkooz (elk) to the Band's Reservation and parts of the Lake Superior basin where they've been absent for over 150 years. Elk restoration will return a native species adaptable to a wide range of future climates, diversify and increase the Band's natural food sources and provide a local economic boost from elk tourism.

Invasive Species. Invasive species threaten all natural resources within the Reservation and in the Band's Ceded Territory. They can inhibit cultural, agricultural, recreational, and ecological use of the land. Due to increasing pressure from climate change, development, and transportation we are finding invasive species in more areas than ever. To protect our resources, the Band utilizes federal funding for its comprehensive program for the prevention, control, education, and monitoring of invasive species. We request continued funding and more capacity funding be made available for long term positions and programs for invasive species management.

BIA: Public Safety and Justice. A significant part of protecting our homeland is having a fully staffed and trained law enforcement department. We appreciate Congress's decision to increase funding for BIA's Public Safety and Justice, including funding to solve Missing and Murdered Indigenous Women cold cases. Our law enforcement responds to a wide range of issues and calls, with the largest issues being related to opioids and other substance abuse problems.

We address law enforcement by a combination of tribal and available federal funds and cooperative agreements with local law enforcement agencies, but more funding is needed. To meet need, we should have 25 full-time peace officers to provide 24-hour coverage on the Fond du Lac Reservation, but currently we only have 21. Those 21 peace officers include the Chief of Police, Lieutenant Chief of Police, 4 Investigators (General Crimes, Sex Trafficking, Narcotics), 1 Victim Advocacy Officer, 4 Patrol Sergeants, 9 Patrol Officers, 1 Officer in Field Training Program, and 1 K-9 Officer. With additional funding we would be able to add 2 more General Crimes and Narcotics Investigators. This would allow us to better respond to calls and protect our Reservation community. We currently respond to over 9,100 calls per year in two counties, an increase of approximately 30% in the last year.

Funding is also needed for training. Due to the COVID-19 pandemic and with an increase in the drug epidemic and related crimes, our officers need, but are not receiving, vital training, including for dealing with an increase in people with mental health issues. We have consistently seen an increase in Heroin and Fentanyl overdoses, including fatal overdoses. We are also seeing that these incidents correlate with general crimes, burglary, theft and assaults. We have a regular need to replace equipment, including both marked and unmarked squad vehicles for narcotic investigations. A patrol vehicle typically only lasts three years due to the needs of law enforcement and our expansive patrol area—we have 2 major highways on the north and south borders of our Reservation and 1 major interstate along our eastern border.

With the evolving trends in drug/illegal substances, our law enforcement has experienced an increase in services and equipment needs. Officer safety is critical in this area as the substances are becoming more dangerous to officers and all parties involved. Increased funding for Personal Protection Equipment is needed as costs are rising. Although our officers are utilizing equipment and training to address these community needs, more funding is needed for substance testing and identification, as well as First Aid response supplies for medical overdoses.

Bureau of Indian Education. With funding from the BIE and the Department of Education, we operate the Fond du Lac Ojibwe School serving an average of 220 children from pre-K through 12th grade. BIE has failed to provide any funding increases to meet our needs.

More than 90% of our students come from very low-income households, and 97.3% receive free or reduced-price lunch, which is an increase from prior years. We are slowly making progress in improving the outcomes for our students. While the high school graduation rates for American Indians in Minnesota is at 61.3%, we are now at 71.43%, which is still far behind the state-wide rate of 83.7%. BIE funding has never kept pace with need, which prevents us from providing the educational services needed for our students. We urge Congress to significantly increase federal funding for Indian education.

Indian Health Service. We appreciate Congress's continued support to increase funding for IHS. However, incremental increases do not begin to address substandard outcomes in tribal communities. We urge Congress to both provide full funding and continue to advance appropriations for IHS. Our members continue to face severe disparities across a broad range of health issues. We serve over 7,300 Indian people at our clinics, but the current funding level meets only 33% of our health care funding needs.

We support the preservation of Medicaid, and the continuation of the Indian Health Care Improvement Act ("IHCIA") and other Indian-specific provisions in the Patient Protection and Affordable Care Act. We believe there needs to be dedicated funding to begin implementing the new authorities contained in the IHCIA, which have not yet been implemented and funded.

We continue to support Congress's prior actions to provide advance appropriations for IHS and request that this be continued. We also believe that tribal health and other programs should be permanently excluded from sequestration and rescissions. IHS is the only federal health care system created as the result of treaty obligations, yet it is the most chronically underfunded.

We support the proposal to make both Contract Support Costs and the 105(1) leasing funding mandatory, including establishing a mandatory appropriations account that is funded every year. This is important because this funding, which is a non-discretionary funding obligation for the agency, competes with discretionary funding. As a result, any Congressional increase in discretionary funding for IHS never truly results in the full amount of that funding reaching discretionary programs because a large part gets redirected to cover IHS's legal obligations to fund Contract Support Costs and 105(1) leasing requirements.

We also support permanent reauthorization of the Special Diabetes Program for Indians ("SDPI") and that it be funded at \$250 million per year indexed for inflation. Tribes and tribal organizations should also be authorized to receive SDPI awards through P.L. 93-638 contracts or compacts.

Congress recognized that the COVID-19 pandemic exposed the lack of infrastructure funding and support for tribes. To address this need we support an increase of \$627.5 million as well as recurring funding to support Public Health Infrastructure. Lastly, Congress should authorize Federally-Operated health facilities and IHS headquarters to use federal dollars efficiently and adjust programmatic fund flexibility across accounts at the local level, in consultation with tribes.

Miigwech. Thank you.