

**WRITTEN TESTIMONY OF  
CHAIRWOMAN VICTORIA KITCHEYAN  
WINNEBAGO TRIBE OF NEBRASKA  
BEFORE THE  
U.S. HOUSE APPROPRIATIONS COMMITTEE  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
AMERICAN INDIAN/ALASKA NATIVE PUBLIC WITNESS HEARING  
MAY 7, 2024**

**Summary of Budget Requests:**

- **Bureau of Indian Affairs** – Public Safety & Justice – Criminal Investigations and Police Services
- **Bureau of Indian Affairs** – Public Safety & Justice – Detention/Corrections
- **Indian Health Service** – Mental Health
- **Bureau of Indian Education** – Tribal Colleges & Universities
- **Bureau of Indian Education** – Tribal Colleges Facilities Improvement & Repair

Good afternoon, Chair Simpson, Ranking Member Pingree, and Members of the Subcommittee on Interior, Environment, and Related Agencies (“Subcommittee”). My name is Victoria Kitcheyan and I have the honor of serving as Chairwoman of the Winnebago Tribe of Nebraska (“Tribe”). Thank you for the opportunity to provide testimony on the Tribe’s funding priorities, within the Subcommittee’s jurisdiction, for Fiscal Year 2025 (“FY25”). My testimony will focus on the need to increase funding for the following programs/accounts: Bureau of Indian Affairs (“BIA”), Public Safety and Justice (“PS&J”); Indian Health Service (“IHS”), Mental Health; and Bureau of Indian Education (“BIE”), Tribal Colleges and Universities (“TCUs”).

**I. Increase Funding for BIA Public Safety & Justice – Criminal Investigations and Police Services**

Everyone deserves to feel safe in their community, but that is not the case on our Reservation. To counter the steady decline in policing services, the Tribe has been forced to expend limited tribal resources to perform the BIA’s law enforcement functions. The Winnebago Tribal Council is doing all we can to avoid having a community where criminals feel emboldened and Reservation residents feel vulnerable. However, the federal government must fulfill its responsibilities to the Tribe.

The BIA law enforcement staffing shortages and the overall insufficient level of police services are longstanding issues on the Winnebago Reservation. In just the last year, there have been multiple times when the BIA Police Department in Winnebago was severely short-staffed for various reasons, such as positions being left unfilled for extended periods, officers detailed to other reservations, and officers on administrative or other leave. In September 2023, BIA District I detailed the current BIA Chief of Police to another jurisdiction for 120 days, leaving the Winnebago Reservation vulnerable. There was no notice to the Winnebago Tribal Council regarding this decision and there was no communication from District I about the rationale. This action resulted in one of the existing officers being appointed as the Acting Chief of Police, and

no action to backfill this position. This situation was on the heels of the Tribe having to request that the Acting BIA Chief of Police deputize the Tribe's conservation officers due to dangerously low law enforcement coverage on the Reservation. As a result of the BIA's failure to provide sufficient law enforcement staffing, the Winnebago Police Department has become overly reliant on tribal police officers and tribal conservation officers. These officers, as well as law enforcement support staff, are paid entirely from tribal resources.

The Tribe supports the Interior Department's request of \$651.2 million for Public Safety and Justice (PS&J) operations, which includes an increase of \$33.5 million for Criminal Investigations and Police Services.

## **II. Increase Funding for BIA Public Safety & Justice - Detention/Corrections**

The lack of adult and juvenile detention facilities at Winnebago is further contributing to our serious public safety concerns. The closest adult detention facilities are located at the Omaha Tribe's Reservation, which is 11 miles away, and Thurston County, which is 20 miles away. However, the BIA often does not have an active contract with those facilities, or those facilities do not have availability. As a result, detainees are sent to the closest BIA facility with availability. The closest one is the BIA Corrections Yankton Sioux Agency in Wagner, SD, which is 122 miles away, and takes over 2 hours to travel one way.

Turning to juvenile detention, the BIA Chief of Police recently informed the Tribe that several juvenile detainees would have to be housed at the Tribe's Youth Crisis Intervention Center ("Center"). The Center is not equipped to provide housing for juveniles who require secure detention for extended periods. We are forced to resort to these measures because the closest BIA juvenile facility is 450 miles away in Standing Rock, North Dakota which is a 7-hour drive from Winnebago.

The Tribe needs the BIA to do a better job of ensuring that there are active contracts with detention facilities near the reservation. Therefore, we support the Interior Department's request for a \$20 million increase for Detention and Corrections programs.

## **III. Increase Funding for Indian Health Service - Mental Health**

There is a mental health crisis across the nation, and it is no different in Indian Country. However, tribal members in Indian Country who are in crisis often face an additional burden in receiving necessary and life-saving treatment outside of the reservation. The Tribe's Twelve Clans Unity Hospital is not able to provide the necessary treatment for these mental health crises. Therefore, like many other rural hospitals and emergency departments, treatment is sought elsewhere at locations that are equipped to handle these emergency situations.

The Tribe recently worked to enact legislation in the State of Nebraska ("State") that provides for the recognition of tribal mental health commitment orders and for the transportation of and commitment of persons civilly committed under tribal law. This newly enacted Nebraska law will help facilitate critical, timely evaluation and care of behavioral health patients; eliminate inefficient jurisdictional bottlenecks when attempting to find placement and effectuate timely

transportation to treatment facilities; and provide for cooperation between tribal and non-tribal medical facilities and law enforcement agencies.

Now that the State acknowledges tribal commitment orders, our federal partners can no longer skirt their responsibility to provide and bear the financial cost for the healthcare of tribal individuals as the Eighth Circuit Court of Appeals (“Eighth Circuit”) has clearly laid out in *White v. Califano* (“*Califano*”). As a result of that case, the Great Plains Area administers an involuntary civil commitment program (“Califano Program”) to pay hospital charges for American Indians who require involuntary psychiatric hospitalization, usually for short stays of one week or less.

The IHS has stated that the *Califano* ruling is an exception to the IHS policy regarding payment of involuntary commitments and that upon a state’s request, it will pay for services provided by the state to involuntarily committed Indians who reside on reservations, over which the state has not assumed civil jurisdiction, but only in those midwestern states covered by the *Califano* decision. Although the *Califano* case applies to the the entire 8th circuit, the Winnebago and other Tribes in Nebraska have never had access to the funding appropriated by Congress in response to this case.

The Tribe urges the Subcommittee to increase funding for Mental Health and clarify that all tribes in the Eighth Circuit are eligible for the Califano Program.

#### **IV. Increase Funding for Bureau of Indian Education – Tribal Colleges & Universities**

Little Priest Tribal College (“LPTC”) was established as an educational institution by the Winnebago Tribe to fulfill the goal of its namesake, Chief Little Priest, “Be Strong and Educate My Children.” Its major focus is to provide a two-year associate degree and certification and prepare students to transfer and successfully complete a major at a four-year institution. Another equally important part of the college’s mission is to provide Ho-Chunk language and culture classes as well as provide training opportunities for upgrading job skills and improving employment opportunities.

In the last 4 years the college’s enrollment has almost doubled. The current spring enrollment is 209, which is the highest enrollment ever in a spring semester. The college also has doubled the number of programs from 6 to 12 in the last 4 years. Also, last year, the college celebrated the highest graduating group. To allow for LPTC’s continued growth and positive impact on the community, the Tribe urges the Subcommittee to increase funding for Tribal Colleges and Universities.

#### **V. Increase Funding for Bureau of Indian Education – Tribal Colleges Facilities Improvement & Repair**

Many LPTC buildings are 20 to 70 years old and in need of improvements and/or repair. Funding for large, deferred maintenance projects is needed for the Library and Museum/Student Services Building, Food Service Building, and Administration Building, which was built in 1954. In addition, funding is needed to address overcrowded classrooms, limited housing, and lack of office space. Funding is also needed for LPTC to implement its Master Plan that would expand the

campus onto an adjacent 10-acre site. Five new buildings are planned at an estimated total cost of \$60 million. Planned buildings include Career & Technology Education Building, Cultural & Student Center, Dormitory, Wellness Center, and Day Care Center.

LPTC is thankful for recent Facilities Improvement & Repair funds that have enabled the College to respond quickly to routine repairs and maintenance. LPTC has also been able to use federal COVID funds to begin the construction of a new Science building that will provide modern lab facilities for the new Biology and Chemistry programs. The Tribe urges the Subcommittee to increase funding for Tribal Colleges Facilities Improvement & Repair.

The Winnebago Tribe appreciates the opportunity to share its Fiscal Year 2025 funding priorities with the Subcommittee.