

Testimony of Quintin Swanson, Chairman, Shoalwater Bay Indian Tribe
American Indian/Alaska Native Public Witness Hearing
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
May 8, 2024

Recommendations:

1. Support expedient passage of **H.R. 7859**, the Tribal Environmental Resiliency Resources Act (TERRA Act).
2. Increase funding for Tribal environmental resilience and related programs in FY 2025, including those supporting Tribal community-driven relocation efforts.
3. Support full, mandatory, and continued advance appropriations for the IHS.
4. Fully fund critical infrastructure investments for the Indian health system.
5. Support mandatory funding for Contract Support Costs and 105(*l*) leases.

Thank you, Chairman Simpson, Ranking Member Pingree, and Members of the Subcommittee, for the opportunity to share our funding priorities for the FY 2025 federal budget. My name is Quintin Swanson, and I am the Chairman of the Shoalwater Bay Indian Tribe. We are located 2,800 miles west-by-northwest of Washington, D.C., on the beautiful north shore of Willapa Bay in Washington State, on the Pacific Ocean. Like most coastal tribes, we are stewards of the great ocean.

As Tribal Chairman and lifelong resident of Tokeland, Washington, I have learned firsthand that vibrant and successful Tribal communities are not possible without first attending to the human health of community members and ensuring a healthy environment. I appreciate that the Subcommittee is responsible for those same priorities, and it is in that shared spirit of community responsibility that I speak to you today. The following testimony provides information about our community's urgent efforts to move to a safer elevation protected from the environmental hazards of erosion, rising sea levels, and tsunamis, and the need for additional funding to support Tribal environmental resiliency programs. This testimony also outlines priorities for the FY 2025 Indian Health Service (IHS) budget.

We appreciate the Subcommittee's continuing steps to support Tribal environmental resiliency, such as the recognition in House Report 118-155 that some coastal Tribes "experience severe weather-related conditions that jeopardize public safety and health." We thank Chairman Simpson, in particular, for taking on the role of co-lead for the Tribal Environmental Resiliency Resources Act (TERRA Act), legislation in which Shoalwater has been heavily invested. We are disheartened, however, that the Subcommittee approved FY 2024 limitations on Bureau of Indian Affairs (BIA) funding for purposes such as housing improvement, land acquisition, and road maintenance, as well as cuts to many environmental justice and resilience programs. These and other opportunities are essential for complex community relocation projects like ours, and for the variety of environment- and disaster-driven problems facing Tribal communities nationwide. Overcoming these challenges will require substantial investments, and the consequences of failing to invest now will be devastating. We therefore urge the Subcommittee to consider the federal trust responsibility to Tribal Nations and support significantly increased funding for Tribal environmental resilience and related programs in FY 2025.

Shoalwater Bay Indian Tribe and Environmental Resiliency

Tribal communities are uniquely impacted by our changing environment due to a deep connection to our ancestral homelands. Environmental instability threatens our people, our land, and our culture. For Shoalwater, a Pacific Northwest coastal Tribe, all existing homes and infrastructure are just barely above sea level. For the last century, we have been losing 100–130 feet of land per year, adding up to a loss of about 2 miles of land. Estimates suggest that a sea level rise of just 2 more feet would put Tokeland underwater. Meanwhile, a single tsunami event would take out our homes, our government, our economic development opportunities, and what defines us as Shoalwater people. Right now, we are protected only by an eroding embankment constructed by the U.S. Army Corps of Engineers, which will be increasingly expensive to rebuild and maintain and is not a long-term solution. Our Reservation will soon be gone as relentless erosion, bolstered by intensifying winter storms and rising sea waters, continues.

Still, what we face is both a challenge and an opportunity to rebuild our community with long-term resilience. A few years ago, we used Tribal funding to purchase 1,200 acres of land adjacent to our Reservation at 250 feet above sea level for our new community location. The land was completely raw and undeveloped, however, meaning we must attend to the most basic needs, like clearing trees and building access roads, before we can even begin to work on vertical development. We have been tapping out our Tribal reserves to coordinate and plan this upland relocation and to implement the early phases, while still maintaining the delivery of essential services to our Tribal citizens.

The upland relocation project is currently estimated to cost about \$450 million in total, including expenses for roads and utilities, housing, and government buildings. We must rely primarily on federal funding for this effort. Among other resources, we have been able to gather congressionally directed spending (CDS) in FY 2023 and FY 2024, a substantial RAISE grant from the Department of Transportation (DOT), and a Department of Housing and Urban Development (HUD) Indian Housing Block Grant Competitive award for various planning and early development aspects of the upland relocation project. However, it is not always easy to access these funds or to use them efficiently when differing agencies and restrictions are involved. And still, these amounts combined are a drop in the bucket compared to our remaining needs.

The cost of not being able to obtain the necessary resources to relocate our village is the highest cost any community can pay—erosion sea level rise will mean the annihilation of our Tribal community. The more days that go by, the closer we are to vanishing off the coast. Even physical survival scattered away from our homelands, will mean the erasure of our Tribal culture. The failure to dedicate adequate resources to these efforts is tantamount to being complicit in the disappearance of our lands, our people, and our ways of life.

The Tribal Environmental Resiliency Resources Act (TERRA Act)

We ask the Subcommittee to support prompt passage of the TERRA Act, H.R. 7859, legislation designed to solve many of the problems we have encountered in undertaking our upland relocation project. Modeled on the Public Law 102-477 program, the TERRA Act would create a hub in the Department of the Interior (DOI) to improve the accessibility and efficiency of existing resources, such as those named above, by allowing Tribes to integrate them into individual, comprehensive plan tailored to their environmental resiliency needs.

This means all the funds and resources necessary to achieve a Tribe’s resiliency goals can reach the Tribe at the same time, while the interagency framework fosters relationships between the Tribe, DOI, and affected agencies. Plans may also include waivers of restrictive statutory or regulatory requirements to cut through red tape so the programs can function together in an effective and efficient manner. The TERRA Act fills existing gaps and eliminates barriers, such as that noted by the Government Accountability Office in a 2020 report identifying “[u]nclear federal leadership” as “the key challenge to climate migration as a resilience strategy” because “no federal agency has the authority to lead federal assistance for climate migration.”¹ The same is true for other resilience efforts.

Without a program like TERRA, we have had to manage our upland community relocation project piece by piece, little by little, as we go from agency to agency and appeal to our Congressional Delegation to string resources together. This has resulted in a long, drawn-out requiring large amounts of staffing capacity, time, and financial resources that we simply do not have. The problem is not that the resources do not exist, but that they are siloed and strewn across the federal government, with restrictive or conflicting timelines and requirements. With TERRA in place, Tribes would be able to go to one place to identify and access all available resources, then decide for themselves how they best fit together to serve their communities.

The TERRA Act would also help solve other problems Shoalwater has faced, by improving interagency coordination and facilitating the ability of Tribes to put land into trust for community-driven relocation purposes. Our experience with DOT provides an example, at the agency will often not release emergency funding for road infrastructure until an existing road completely fails. If that occurs with State Route 105, which runs through our Reservation, it will cut our Tribal community off from its schools, banks, closest groceries, and will cut off many Tribal employees from their homes. The TERRA Act could assist with waiving these and other restrictive requirements. Additionally, Congress can and should change these rules to allow for substantial road replacement funding in advance of an existing route becoming impassable. Any funding of this nature should be non-competitive and provided directly to Tribal governments without matching fund requirements.

Shoalwater’s application to put the upland relocation land into trust is still languishing at the Department of the Interior. Without trust status, we are unable to take advantage of many federal benefits and programs that would otherwise be available. Further, we still do not have the land base to support the Tribal community indefinitely; we will need to acquire additional land to survive. For Shoalwater and most Tribes, these types of acquisitions by definition will be off-reservation and subject to higher scrutiny under existing regulations. The TERRA Act provides expedited mandatory and discretionary trust acquisition processes for Tribes needing land for community-driven relocation. This is sorely needed to ensure that Tribes do not endure a lengthy and expensive fee-to-trust process when moving their communities to safety.

The TERRA Act was introduced with bipartisan support in the U.S. House of Representatives on April 2, 2024, as H.R. 7859. It has widespread support from Tribal Nations and organizations, including NCAI, USET, NIHB, ATNI, and ANHB. The bill is now before the Subcommittee on Indian and Insular Affairs of the House Natural Resources Committee. The importance of the TERRA Act to all of Indian Country cannot be overstated. We once again thank

¹ Gov’t Accountability Off. (GAO), GAO-20-488, *A Climate Migration Pilot Program Could Enhance the Nation’s Resilience and Reduce Federal Fiscal Exposure* (July 2020), <https://www.gao.gov/products/gao-20-488>.

Chairman Simpson for his inspirational leadership on this bill, and we urge the Members of the Subcommittee to support the TERRA Act by cosponsoring the bill, supporting efforts to move it forward, and seeing it through to full passage before the end of this Congressional session.

Indian Health Service Priorities

In addition to critical community and environment needs, we also strongly support increasing the IHS budget. We thank the Subcommittee for its bipartisan effort to protect Indian Country from cuts during the 2024 appropriations process. However, Congress must do more to fully honor its trust and treaty responsibilities to Tribal Nations. We remind the Subcommittee that these obligations exist irrespective of any self-imposed budgetary caps. The IHS Tribal Budget Workgroup calculates this need at \$53.9 billion. We support fully funding this amount in FY 2025.

Support Full, Mandatory, and Continued Advance Appropriations: We appreciate the Subcommittee's words in House Report 117-400, accompanying the FY 2023 Consolidated Appropriations Act (CAA) (Pub. Law No. 117-328), which acknowledged the Administration's proposal to provide mandatory funding for IHS in FY 2023. The federal trust responsibility for health is a mandatory obligation and should be treated as such. We encourage the Subcommittee to advocate with your colleagues, on a bipartisan basis, to move IHS to full, mandatory funding for FY 2025 and beyond.

However, if full, mandatory appropriations cannot be achieved for FY 2025, we continue to support IHS advance appropriations in the short term. We greatly appreciate the Subcommittee's continued commitment to support advance appropriations for the IHS.

Fully Fund Critical Infrastructure Investments: We were disappointed that the Subcommittee approved cuts to Health Care Facilities Construction and Sanitation Facilities Construction in FY 2024. Significant investments in Tribal health facilities construction must be a priority. With an average age of 40 years, IHS and Tribal health facilities are some of the oldest in the nation and have insufficient capacity to effectively serve their patients. We recommend at least \$2.5 billion for Health Care Facility Construction and associated costs in FY 2025.

Support Mandatory Funding for Contract Support Costs (CSC) and 105(l) Leases: If Congress cannot enact full mandatory funding for IHS this year, we continue to support mandatory funding for CSC and 105(l) leases at a minimum. We are disappointed by the absence of Subcommittee language in House Report 118-155 advocating for this. Last year, in House Report 117-400, the Subcommittee acknowledged that "obligations of this nature are typically addressed through mandatory spending" and that failing to do so impacts all other programs funded under the Subcommittee. We ask the Subcommittee to return to its advocacy stance and work with your colleagues on authorizing committees to enact mandatory appropriations for CSC and 105(l) leases for FY 2025 and future years.

Conclusion

I want to thank you for your time and attention, and I invite you to come visit us at Shoalwater. Our doors are open and we look forward to sharing with you our continued strength and resilience as a sovereign Tribal Nation.