

**Donna Thompson, Vice-Chair, Fort Hall Business Council, Shoshone-Bannock Tribes  
House Appropriations Subcommittee on Interior, Environment and Related Agencies  
American Indian and Alaska Native Public Witness Days (February 25, 2025)**

My name is Donna Thompson, Vice-Chair of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes (Tribes) located in southeastern Idaho. The Tribes are extremely grateful to Chairman Mike Simpson, our Representative, for all his efforts championing initiatives to improve services and facilities for the Tribes. We also appreciate the bipartisan efforts of this Subcommittee to protect and increase funding for tribal programs and services so that the federal government can better meet its solemn Treaty and Trust obligations. Much more needs to be done to address the chronic underfunding of tribal programs as part of honoring the Treaty and Trust responsibility. We cannot exercise our Treaty rights under the Fort Bridger Treaty of 1868 if the federal government does not protect our natural resources and ensure the health and well-being of our people. Alarming, recent actions by the Administration to potentially pause funding for tribal programs and terminate critical federal employees at BIA and other federal agencies directly undermine the Treaty and Trust responsibility. We ask for this Subcommittee's help ensuring that the Administration honors its Treaty and Trust responsibility.

While the Tribes have many needs, in this testimony, we will focus on the following priorities: (1) Providing Advance Appropriations; Mandatory Funding; Protection of Medicaid; (2) Increasing Funding for Law Enforcement; (3) Funding Water and Wastewater Infrastructure; (4) Funding for BIA Road Maintenance; (5) Funding for BIE Teachers and the Johnson O'Malley (JOM) Program; (6) Funding for the BIA Wildland Fire Program; (7) Funding a Long-Term Health Care Facility; (8) Enabling Salmon Restoration; (9) Advancing the Reclamation of Gay Mine; and (10) Addressing Reservation Boundary issues.

**(1) Ensuring Federal Funding for BIA and IHS - Advance Appropriations, Mandatory Funding for Contract Support Costs (CSC), and Protecting IHS From Medicaid Cuts**

The Tribes are very appreciative that advance appropriations for the Indian Health Service (IHS) were included in the FY23 and FY24 Appropriations. Advance appropriations are crucial for IHS to maintain continuity of funding, especially for recruiting and retaining healthcare professionals. Similarly, advance appropriations for the BIA would provide continuity for key programs such as law enforcement, even during a federal government shutdown. Specifically, CSC for Tribes undertaking 638 contracts with the IHS and BIA should be treated as MANDATORY funding. While Congress should have always been doing so, recent Supreme Court decisions have triggered efforts by Congress to fully fund CSC. However, given the limited overall funding level of Interior Appropriations Bill, these increases for CSC are negatively impacting the ability to provide necessary increases for health services and other Trust services. CSC must be moved to mandatory funding to protect funding for health care and other services. Of additional concern, while the Tribes believe that all funding for the IHS (and BIA) should be mandatory, Congress has chosen to use Medicaid to in part meet the federal government's Trust responsibility to provide health care. Approximately 50% of tribal members on the Fort Hall Reservation are enrolled in Medicaid, and the Not-Tsoo Gah-nee Indian Health Center serving the Fort Hall Reservation relies heavily on Medicaid funding to continue to provide health services. While we understand that this Subcommittee does not have jurisdiction over Medicaid, any cuts to Medicaid will have serious negative consequences for the Indian health system. As Congress considers potential cuts to the

Program, it is critical that this Subcommittee weigh in with both the committees of jurisdiction and leadership to ensure the protection of Medicaid and the Indian health system. *The Tribes request that the Subcommittee continue to include advance appropriations for the IHS, provide advance appropriations for the BIA, and move contract support costs to mandatory funding. The Tribes also request that this Subcommittee work to ensure that Medicaid funding is protected for the Indian health system.*

### **(2) Increasing Funding for Law Enforcement**

The federal government has a Treaty responsibility to provide law enforcement for the Tribes. The Fort Hall Police Department (FHPD) provides law enforcement for the Fort Hall Reservation under a 638 Contract with BIA. Under BIA's staffing formula, the FHPD should have at least 25 officers, but due to significant underfunding for law enforcement from the BIA, the FHPD only has a total of 9 officers with 7 vacancies. At this staffing level, the FHPD has just 1-2 officers to patrol the entire 550,000-acre Reservation, which spans four counties, in 12-hour shifts. This has led to significant overtime and burnout among our officers with many leaving to work for outside agencies for higher pay and benefits. Further, the FHPD has only 6 dispatchers, meaning that there is routinely just 1 dispatcher per shift. Additionally, law enforcement funding from the BIA only covers salaries, but does not fund operations, which must be covered by the Tribes. According to the BIA's recently issued "Report to Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2021", law enforcement in Indian Country is underfunded by a staggering \$1.47B. This lack of funding is creating dangerous conditions on the Fort Hall Reservation and throughout Indian Country. We are grateful for the Subcommittee's efforts to address this issue in the FY25 Appropriations, but more needs to be done. *The Tribes request that the Subcommittee fully fund law enforcement at the level of need, \$1.724B, as identified by the BIA.*

### **(3) Increasing Funding for IHS and EPA Water and Wastewater Infrastructure Programs**

The Shoshone-Bannock Tribal Water Utilities operates a water distribution system and a wastewater collection and treatment system. However, the water and wastewater infrastructure on the Fort Hall Reservation is undersized, outdated, and substandard. Piecemeal efforts over the years to replace sections of the system have been inadequate. Likewise, a recent study of the water distribution system shows that water pressure in the summer is low and doesn't meet the required fire flows, endangering structural firefighting abilities. Further, recent studies of the wastewater collection system exposed that the majority of pipes for the system are undersized or in poor condition and need to be replaced. This poor infrastructure impacts the Tribes' ability to construct new housing and foster economic development on the Reservation. Compounding the issue, there is a severe backlog of drinking water and wastewater projects in Indian country. *The Tribes urge the Subcommittee to provide increased funding for IHS Sanitation Projects and the EPA's Drinking Water Indian Set Aside and Clean Water Indian Set Aside Programs.*

### **(4) Increasing Funding for BIA Road Maintenance Program**

Due to continued flat or insignificant increases in funding for the BIA Road Maintenance program, the Tribes are unable to keep up with road maintenance. Without a significant increase of road maintenance funding, the life of our roads, railway crossings, and bridges is drastically reduced, resulting in increased risks for highway fatalities and injuries. Due to the lack of maintenance, paved road mileage is decreasing, as road failures are turned into gravel roads. At least 75% of our

paved roads are in danger of failure due to cracking and potholes. The Tribes require a minimum of an additional \$750,000 in Road Maintenance funding to allow the Tribes to repair spring road damage, re-do striping, and continue chip sealing. The Tribes appreciate the Subcommittee's attempts to increase funding for this critical program, however, BIA Road Maintenance continues to be flat funded at \$39.2M. The Bipartisan Infrastructure Law (BIL) authorizes \$58M in FY26 for the entire BIA Road Maintenance program. *The Tribes request that the Subcommittee appropriate the fully authorized amount of \$58M for BIA Road Maintenance.*

#### **(5) Increasing Funding for BIE Teachers and the Johnson O'Malley (JOM) Program**

The Tribes remain concerned about competitive salaries for teachers at our Tribally controlled BIE school. Current levels prevent offering competitive salaries for current and new qualified teachers without including non-recurring supplemental funding. This is not sustainable. Although the BIE has updated its teacher salary schedule to be more competitive, the School is not receiving enough funding to meet the BIE teacher salary schedule. As a result, it is experiencing great difficulty in recruiting and retaining highly qualified teachers. In addition, our JOM program provides services for over 1,700 American Indian students in the surrounding communities attending three different public-school districts. Our JOM program focuses on cultural and language preservation and academic dropout prevention. Nearly 30 years ago, the JOM program provided funding at approximately \$125 per student. Today, schools receive less than half of the original \$125 per student allocation. At current funding levels, there is not enough funding to hire full-time staff to assist with academic tutoring and student support, or to provide a Tribal History certification course for teachers. Further, the lack of JOM funding extends to 109 tribal students attending the public charter elementary school on the Reservation. We are also concerned for our Tribal members enrolled in tribal colleges, Haskell Indian Nations University (HINU) and the Southwestern Indian Polytechnic Institute (SIPI). Cuts not only disrupt the lives of dedicated educators and staff but also threaten the quality and accessibility of education for Native students. *We urge the Subcommittee to increase funding for teacher salaries to enable the School to be competitive with non-BIE schools and to provide JOM funding of \$125/student as was appropriated in 1995.*

#### **(6) Providing Additional Funding for the BIA Wildland Fire Program**

Fort Hall is located in an area with frequent wildfires that continue to increase in size and costs for firefighting and mitigation. The Tribes worked extensively over the past 15 years with the local BIA Wildland Fire crews to both manage high fuel loads and promote forest and woodland health. The Tribes appreciate that additional funding was provided for firefighter base pay in the BIL and in the FY24 Appropriations, but there was no additional funding to cover employer taxes or indirect costs. Further, additional funding is needed for annual allocations for fuels projects to increase our preparedness to meet challenging wildfire behavior, protect Tribal members' homes and agricultural enterprises, and to mitigate the effects of catastrophic wildfires in strategic areas. Based on prior appropriations, the Tribes estimate that a minimum of \$1 million per year in additional funding for the next five years is required to implement fuels mitigation projects. *The Tribes request that significant additional funding be provided for the BIA Wildland Fire program in order to provide for specific targeted Tribal projects.*

#### **(7) Funding a Long-Term Health Care Facility**

The Shoshone-Bannock Tribes have identified a need for a long-term health care facility to better

serve the needs of our elders. Providing culturally competent care would greatly improve care for our elders. Unfortunately, IHS Construction funding is severely limited with priority directed towards the construction of hospitals and clinics. The IHS identified an opportunity to construct a long-term care facility through the Joint Venture Construction program. However, this requires Tribes to fund this type of facility themselves, but many lack that capacity. ***The Tribes request that funding be provided for the construction of long-term care facilities.***

#### **(8) Enabling Salmon Restoration – The Columbia Basin Initiative**

In 1991, the Tribes successfully petitioned the federal government to list the Snake River Sockeye salmon as an endangered species in Idaho. Since then, two species of Chinook salmon and Steelhead trout have also been listed as threatened in Idaho. Even after decades of targeted recovery work and spending many millions of dollars, on average less than 600 Sockeye salmon return to Idaho each year. The current approach to salmon restoration does not work! The salmon are running out of time, and a more comprehensive approach is required. The Tribes are grateful that Chairman Simpson has offered such an approach with the “Columbia Basin Initiative,” which would remove the four lower Snake River dams while investing in energy projects to offset the loss of hydropower from the dams, provide resources for local communities, and enhance conservation programs. In the meantime, we must continue to invest in salmon restoration projects to save the species. ***We request that the Subcommittee provide increased funding for Tribes for salmon restoration projects.***

#### **(9) Advancing the Reclamation of Gay Mine**

The Gay Mine is an open pit phosphate mine that operated from 1946 until 1993 on approximately 7,000 acres of the Fort Hall Indian Reservation. The site has 158 pits ranging in size from 15-20 acres; many with walls over 50 feet high that are failing. Additionally, there are 57 mill shale piles with over 30 million tons of overburden. Since closing in 1993, minimal reclamation activities have taken place under BLM and BIA oversight. In 2010, the EPA entered into a Unilateral Agreement Order (UAO) with the J.R. Simplot Company and the FMC Corporation to conduct a study on the remediation of soil, vegetation, and water contamination. While the initial remediation process is underway, work must be done to truly reclaim the pits and mill shale piles to make the land usable again. The Tribes would like to lead a comprehensive strategic effort to study and plan the reclamation of the site. The Tribes are grateful for the Subcommittee’s efforts to have BLM provide a status update. ***However, the Tribes continue to request that the Subcommittee direct BLM and BIA to enter into an agreement with the Tribes to fund and undertake a strategic study to develop a long-term reclamation plan for the Gay Mine area.***

#### **(10) Addressing Reservation Boundary Issues**

An 1867 Executive Order promised the Tribes 1.8M acres of land. However, the Tribes only received 1.2M acres when the exterior boundaries of the Fort Hall Indian Reservation were drawn following an 1873 survey. In 2018, at the request of the Tribes, the BLM undertook a review of the historical documents, maps, and correspondence of the agents responsible to draw the Reservation’s boundary. However, the Tribes have serious concerns regarding the conclusions in the report. The Tribes appreciate the Subcommittee’s efforts to direct the BIA to conduct a review of that report. The BIA did begin productive engagements with the Tribes on this issue, and identified potential next steps. Now, the Tribes seek continued dialogue with the new Administration.