

TESTIMONY
OF
JOHN TAHSUDA III
ACTING ASSISTANT SECRETARY – INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SUBCOMMITTEE ON INDIAN AND ALASKA NATIVE AFFAIRS
HOUSE NATURAL RESOURCES COMMITTEE
U.S. HOUSE OF REPRESENTATIVES
ON
H.R. 212, THE EXPEDITING FUNDING FOR EFFICIENT CONTRACTING TRIBES ACT

NOVEMBER 15, 2017

Chairman LaMalfa, Ranking Member Torres, and Members of the Subcommittee, my name is John Tahsuda and I am the Acting Assistant Secretary for Indian Affairs at the Department of the Interior (Department or Interior). Thank you for the opportunity to present the Department's views on H.R. 212, the Expediting Funding For Efficient Contracting Tribes (EFFECT) Act, which would amend the Indian Self-Determination and Education Assistance Act to provide a process for expediting Congressional review of an Indian tribe's funding agreement at the Indian tribe's request.

The Department appreciates the sponsor's commitment to promoting greater efficiencies for the benefit of Indian country. We agree that we need a more efficient, transparent, and holistic approach to approving and implementing these agreements across the Department and its bureaus.

However, the Department has concerns with H.R. 212. We believe Congress has the plenary authority over Indian Affairs and the capacity to modernize and enhance processes currently codified in law. The Department is open to working with the Committee and the sponsor to ensure the efficient implementation of these funding agreements, recognizing our broader interest in more effectively serving Indian Country.

H.R. 212 amends the Indian Self-Determination and Education Assistance Act to permit an Indian tribe to submit a request for expedited review of the tribe's proposed annual funding agreement to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives. If the Committees choose to assent to the request, the Secretary for the Department must waive part or all of the review period for the agreement and set or amend the effective date of the agreement, as specified by the requesting tribe and assented by the committees.

The original intent of Section 403 (f) of the Indian Self-Determination and Education Assistance Act was to create a timeline for the Department's review of completed funding agreements. As a result, the payment of funds could begin on the start date of the funding agreement and unnecessary delay would be avoided. Typically, funding agreements begin either in October or January depending on whether the funding agreement followed the fiscal year or calendar year.

The Department is committed to the timely distribution of funds under these agreements. However, given the importance of meeting federal trust responsibilities to tribes and ensuring the continued support of core Indian Affairs programs, the Department is concerned that H.R. 212 could impact the annual budgetary process. The Department works with Tribes on their annual funding agreements within the context of our budget cycles. If the funding agreement authority was delegated to Congress, we would lose the ability to make important decisions related to that process. We welcome the opportunity to work with the sponsor and this Subcommittee on H.R. 212 to achieve the timely execution of funding agreements and timely distribution of funds.

Thank you for the opportunity to present the Department's views on this legislation. I will be happy to answer any questions you may have.