

**TESTIMONY CONCERNING FIELD HEARING
INVESTING IN NATIVE COMMUNITIES: TRANSFORMATIVE OPPORTUNITIES
IN THE INFRASTRUCTURE JOBS ACT
BEFORE THE U.S. SENATE
COMMITTEE ON INDIAN AFFAIRS
June 28, 2022**

Chairman Schatz, Vice Chairwoman Murkowski, 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 Fond du Lac Band of Lake Superior Chippewa, I would like to thank you for inviting me to testify. We submit this testimony in support of the significant and much needed funding provided in the Infrastructure Jobs Act (“IJA”).

As we talk about funding for infrastructure in Indian country, it is essential to keep in mind that the problems that communities face nationwide are far more severe for Indian communities. Tribes have greater infrastructure, economic and social deficits than other populations and historically have been left behind when it comes to ensuring federal funding at levels necessary to build basic infrastructure. Even in February of 2020 before the COVID-19 pandemic started, Native Americans had a higher unemployment rate than other racial groups, with a 7.5% unemployment rate.¹ According to 2016 census data, the median household income of American Indian and Alaska Native households in 2016 was \$39,719 compared \$57,617 for the nation as a whole.² That data showed Native American poverty at a rate of 26.2% compared to 14% for the rest of the population.³ Native Americans have also historically lacked access to clean water and

¹ <https://www.brookings.edu/blog/the-avenue/2022/02/09/despite-an-optimistic-jobs-report-new-data-shows-native-american-unemployment-remains-staggeringly-high/>. Native Americans are recovering slowly. In January 2022 the unemployment rate among Native American workers was 11.1%, well above 4.4% for the rest of the economy. *Id.*

² <https://www.census.gov/newsroom/facts-for-features/2017/aian-month.html>.

³ *Id.*

sanitation infrastructure.⁴ An estimated one in ten Native Americans lack access to clean water or basic sanitation.⁵ The Fond du Lac Band has worked, and will continue to work, to find solutions to problems of this kind and we appreciate Congress' recognition of and support to meet the needs for more infrastructure funding in Indian country. We hope this is a trend that will continue.

When we have resources to address our infrastructure needs, the Band has been able to make significant strides in improving the conditions on our Reservation that will continue to have positive impacts on the health and welfare of our members. We have proven time and time again that we know how to leverage federal funding to the maximum extent possible and build successful, but much needed, projects. For example, prior to the COVID-19 pandemic we were successful in applying for and receiving multiple grants to complete a "Fiber to the Home Network" throughout our Reservation. This project was critical in helping us when the COVID-19 pandemic erupted and our members had to switch to remote learning and working. By becoming our own internet service provider, we have been able to control rates to make sure they stay affordable for our community. This has made a significant difference in ensuring access to such an important and needed infrastructure service for our members.

We have also been successful in utilizing federal funding to build up our Food Sovereignty Infrastructure. Our mission is to build a sovereign, holistic food system, which is rooted in Anishinaabe values that is environmentally responsible and empowers a thriving resilient community. We have been slowly building and expanding our capabilities since 2009 as resources have allowed. We cannot have food sovereignty without basic infrastructure to support

⁴ <https://www.latimes.com/world-nation/story/2021-06-26/native-americans-clean-water>

⁵ <https://www.theguardian.com/us-news/2021/apr/28/indigenous-americans-drinking-water-navajo-nation>; See also <https://www.kunc.org/environment/2021-12-08/many-tribal-homes-dont-have-clean-water-and-the-road-to-getting-it-is-lined-with-hurdles> (estimated 49% of tribal homes lack access to clean water or sanitation)

a growing tribal community. We have had to develop agricultural infrastructure, including farm development, food processing and storage facilities, as well as secure and developed water capabilities. We have also been able to develop and built a geodesic growing dome and have invested in equipment infrastructure.

This infrastructure has been critical to not only ensuring that our members have access to healthy foods given the significant increases in food costs and inflation but is helping to improve the health outcomes and build resiliency for our members. Since the beginning of 2022, we have held multiple feasts, harvested over 500 pounds of produce from our geodesic green house, supported our Farm to School program and Elderly Nutrition Program with farm fresh produce, and hosted workshops, tours and community groups. There are over 40 producers participating in our producer training program in partnership with Fond du Lac Tribal Community College, and about eight of those producers have created businesses or are selling at farmers markets. We provide weekly classes and have opportunities for our members to gain hands-on experience in environmentally sustainable farm development practices, including on a small home-level scale.

We are excited about the opportunities that the IJA provides to continue to build on our successes, though we are still working on fully understanding all those opportunities. We applaud the Administration's on-going efforts to implement the IJA and assist tribes in accessing funding. We also appreciate Congress' interest in ensuring careful implementation of the IJA and have several recommendations to make infrastructure funding more accessible to tribes.

First, the Band recommends federal agencies provide training and technical assistance on how tribes can coordinate and best leverage the many opportunities available. The IJA contains an enormous amount of funding that requires significant amounts of staff time just to identify the various applicable funding sources a tribe may utilize for potential projects of interest. Having

liaisons assigned for each agency to tribal regions to assist in sorting through and identifying these opportunities and how to access them would help ensure tribes are able to utilize these funds to their fullest potential. In addition, while the Band appreciates the many updates and webinars that the White House and federal agencies host to discuss the IJA, it is difficult to attend all of the meetings when they are scheduled. It would be helpful if these updates and webinars could be recorded and made available to tribes. Moreover, many of these announcements only go tribal leaders and this information needs to reach our staff. It would be helpful if agencies had a dedicated website that tribes can regularly check to access these updates and webinars.

Second, infrastructure funds need to be available in a more holistic way that considers the way in which funding from multiple programs can be leveraged and utilized to fund a single tribal project that has many elements, only some of which are eligible for certain funding sources, but other elements would also qualify for other funding sources. A more holistic application process would cutdown on award time, confusion, and deadlines and it would help tribes to better articulate their needs and how the various programs rely on one another. One approach could be modeled on the Department of Justice's ("DOJ") Coordinated Tribal Assistance Solicitation ("CTAS"). The CTAS approach streamlines the process for tribes by promoting long-term planning to ensure tribal program alignment and simplifying applications by requiring one descriptive narrative about the particular tribe, and then each program submits its specific project description. This model would serve the programs authorized by the IJA well because federal agencies could coordinate funding initiatives to ensure that awards meet overall tribal goals. Additionally, this would better allow tribes to leverage available funding programs for a global project. In furtherance of this, funds should be provided in Block Grants or 638 contracts to the maximum extent possible.

Third, communication needs to be more streamlined. There are a variety of deadlines which tribes must track across agencies for funding, and many tribes must do this in an already understaffed capacity.⁶ The current approach to communication with tribes has been somewhat piecemealed and comes out of various agencies and programs. Having a central place where tribes can track each federal agency's upcoming deadlines for funding, with links on where to access more information for the specific funding opportunity that is regularly updated, would help all tribes currently struggling to meet the capacity needs of tracking all of the various funding opportunities. This could also help the various agencies better coordinate overlapping deadlines and consultations. One positive example is recent emails that get distributed by the U.S. Treasury Department regarding information, funding deadlines and updates for the American Rescue Plan Act. Those emails have been very helpful and could be used as a model for IJA funding.

Fourth, navigating the reporting requirements for certain funding has been challenging because of the time and process involved with setting up a user id on the ID.me system. Some tribal members are unwilling to provide all the personal data needed for work purposes. The process for registering is also very cumbersome and time-consuming. We received multiple errors when trying to submit the reports due for the American Rescue Plan Act. If these types of requirements will continue to be used for other funding streams, these issues need to be addressed to ensure that tribes can meet the requirements in a timely and efficient manner. A possible solution would be to assign a "grant manager" to each tribe, that we could reach out to with

⁶ In addition, deadlines have been extended from time to time, but tribes that have already submitted applications don't have the ability to pull their submission back to improve it. This should be corrected to allow tribes that have likely rushed to submit applications to have the ability to pull back and improve their applications for resubmission.

questions. Most grants we receive have a “program manager” and a “fiscal manager” at the granting agency that are assigned as our contacts.

Lastly, matching requirements greatly hinder the ability for tribes to secure these funds. It does not seem appropriate to force tribes to be required to provide set levels of matching funds, or to provide the funds up front, only to be reimbursed upon completion of the approved project. The Band acknowledges that some of these matching requirements are statutorily required but believes that Congress should encourage agencies to make efforts to ensure any statutory restrictions create as minimal a barrier as possible, including minimizing matching with as small amount as possible. This can be done in a variety of ways including considering rate payer funds and other federal funds as matching funds. This would help tribes because many tribes already receive federal funds which could be used to help with cost-sharing requirements. And, where matching is not statutorily required, agencies should be required to not include matching requirements for awards to tribes.