

House Natural Resource Indian and Insular Affairs Subcommittee- Wednesday, Mar. 20, 2024.

Intro: Advancing Tribal Self-Determination: Examining the opportunities and challenges of the 477

Witnesses:

- [Billy Friend, Chief of the Wyandotte Nation, Wyandotte, Okla.](#)
- [Lee Spoonhunter, Co-chair of the Northern Arapaho Tribe Business Council, Ethete, Wyo.](#)
- [Margaret Zientek, Tribal Work Group co-chair, Shawnee, Okla.](#)
- [Bryan Newland, Assistant Interior secretary for Indian affairs](#)

Highlights:

- Asst. Secretary Newland cited improvements in 477 delivery through the Department of Interior as a result of the [2022 Memorandum of Agreement](#) but acknowledged work remains to be done with federal agencies who claim authority to refuse funding disbursements.
- Tribal representatives from Citizen Potawatomi Nation, Northern Arapaho Tribe and Wyandotte Nation all hailed the current Bureau's focus on improving program delivery through this MoA, but cited several examples where federal agencies cited their authority to withhold funding for months or years at a time.

General notes:

Congresswoman Harriet Hagerman (R-WY) noted in her opening remarks that current statistics show 78 active 477 plans across 38 federal programs representing approximately 300 Tribes. Citing it as a success story, she noted their continued use of 477 authority to integrate new federal programs and by giving budget flexibility, reduced inefficiencies, and the ability to prioritize the programs that best help their citizens.

Congresswoman Theresa Leger Fernandez (D-N.M.) noted there have been issues with certain agencies following the intent of the law and that there have been delays concerning 477 implementation. She explained her office understands those delays directly impact Tribes who are trying to provide the services, and likened her staff's work with the industrial lubricant WD40, saying "we're the WD40 on federal agencies (it) should apply be applied liberally because too many things get stuck."

Asst. Secretary of Indian Affairs Bryan Newland gave a perfunctory opening statement citing his bureau's work to improve 477 deliveries for participating Tribes, citing the [October 2022 Memorandum of Agreement](#) between federal agencies that had Tribal input.

Wyandotte Nation's Chief Billy Friend noted that all was not as smooth in that delivery, noting that Tribes were still recovering from the bureau's 2018 MoA that undermined much of the previous progress in 477 delivery. He did concede that since the 2022 MoA, things had improved.

Chief Friend noted that "We believe these issues tie back to federal agency concerns about losing control over the programs that they operate. Many are not accustomed to deferring to Tribal sovereignty, and relying on Tribes to do what is best for our own people. Recently, we submitted a 447 plan amendment to integrate new programs, including to programs that are operated by the Department of Justice on February 26, DOI approved these programs' integration. Prior to DOI's approval, the DOJ representatives told us that they believe the programs were not eligible."

Chief Friend also relayed that DOJ staff claimed that they had separate legal authority, allowing them to refuse the transfer to transfer program funding into our 477 plan. He pointed out that it was the Nation's belief that "they were taking the faulty and restrictive position that only programs authorized specifically for employment or training are eligible for inclusion in the 477 plan. The narrow interpretation is not new."

Northern Arapaho Co-Chair Lee Spoonhunter cited his Tribe's use of 477 authority in a number of programs, including Tribal Temporary Assistance for Needy Families, child support programs and higher education and continuing education programs. Notably the Tribe uses 477 program funding to pay for costs associated with Tribal members attending Central Wyoming College with their tuition fees, book purchases, and supplies and novel approaches to getting certifications for substitute teachers. Co-Chair Spoonhunter cited delays and red tape by federal agencies as an ongoing issue for staff and program participants at the local level, citing the ever present need to address these challenges by Tribal staff and leaders.

Citizen Potawatomi Nation's 477 Program Director (and chair of the Tribal 477 Working Group) Margaret Zientek then testified, giving kudos to the Department of Interior and Division of Workforce Development for its work stepping up as lead agency under the 477 statute as amended by the 2022 MoA.

She then cited several examples – some pre-dating the 2022 MoA – where Tribes were left without funding for months or years due to federal departments or agencies claiming authority to not comply with existing 477 agreements.