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**House Committee on Natural Resources
Subcommittee on Indian and Insular Affairs
Oversight Hearing Titled**

**“Advancing Tribal Self-Determination: Examining the opportunities and challenges of the
477 Program”
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Statement of Chief Billy Friend of the Wyandotte Nation

Good afternoon, honorable members of the Subcommittee. I thank you for inviting me here today to talk about the important 477 Program—a program whose principles could revolutionize the way the United States delivers on its trust and treaty obligations to Tribal Nations.¹

Benefits of 477 Program

The bedrock principle of the 477 Program is to enable Tribal Nations to exercise our inherent sovereignty in our use of federal funds. The 477 Program accomplishes this by streamlining and doing away with administrative roadblocks and putting more decision making in the hands of Tribal Nations.

Under the 477 Program, a Tribal Nation may combine federal funding from programs operated across 12 federal agencies into one 477 plan. The 477 plan is designed by the Tribal Nation to weave together the services associated with the integrated programs to best support Tribal community members in their efforts to achieve self-sufficiency.

The 477 Program strips away all other reporting requirements tied to integrated programs, instead requiring one comprehensive annual report on implementation of the 477 plan.² It also allows Tribal Nations to pool and reallocate federal funding integrated into a 477 plan across the services provided through the 477 plan.³ Integrated funds that are not obligated or expended remain available without fiscal year limitation.⁴ These are only a few of the 477 Program’s functions, all of which are designed to put more decision-making power in the hands of Tribal Nations so that we can better respond to the needs of our communities.

¹ The 477 Program was authorized under the Indian Employment, Training, and Related Services Demonstration Act of 1992, Public Law 102-477, which was amended in 2000, Public Law 106-568, and again in 2017, Public Law 115-93. The 477 Program is codified at 25 U.S.C. §§ 3401–3417.

² 25 U.S.C. § 3410(a)(2)(A), (b).

³ 25 U.S.C. §§ 3413(a)(1)(A), (a)(2), 3410(b)(3).

⁴ 25 U.S.C. § 3413(b)(1).

The 477 statute sets forth three criteria that a program must satisfy to be eligible for integration into a 477 plan. First, the program must be operated by one of 12 covered federal agencies.⁵ Second, the program must be implemented for one of the enumerated and broad covered purposes—one of which is “encouraging self-sufficiency.”⁶ Third, in order for a program to be eligible for integration into a 477 plan, it must receive a covered type of funding.⁷ When a program meets these three eligibility criteria, as determined by the Department of the Interior (DOI),⁸ it is eligible for integration into a 477 plan.

Previous Implementation Issues and Steps Toward Resolution

Despite these statutory mandates, some federal agency partners have taken steps to maintain control over the decision-making processes within the 477 Program as well as monitoring of approved 477 plans. For this reason, and to expand the 477 Program, Tribal Nations sought and secured an amendment to the 477 statute in 2017. Among other clarifications, Congress clarified that DOI is the decision-maker regarding program eligibility and that the covered program purposes are broad.

Yet, the next year, the federal agencies released a Memorandum of Agreement (MOA) that undid much of this work and contradicted the 477 statute.⁹ After Tribal Nations and Congress called for this MOA to be fixed, and Vice President Harris committed to addressing the issue, DOI in 2022 issued a new MOA signed by the federal partner agencies.

Since then, DOI has applied the 477 program eligibility criteria as directed by the 477 statute and approved many new programs for integration.

Remaining Issues

Despite these important steps, issues remain.

For example, one federal partner took the position that some funding associated with a program recently approved for integration into our 477 plan could not be integrated. They claimed that, although we still have this funding and only recently received it from the federal agency, it was not eligible because it was tied to Fiscal Year 2023.

In another example, a federal partner took so long to approve our request for a no-cost extension that we were required to halt spending on that money and transfer costs to a different funding stream. Further, we are aware that one federal partner is still requiring quarterly reports on its integrated program despite the 477 Program’s mandate that all underlying reporting requirements fall away. And some federal partners still require us to seek approval from them for specific expenditures.

⁵ See 25 U.S.C. § 3404(b).

⁶ 25 U.S.C. § 3404(a)(1)(A).

⁷ 25 U.S.C. § 3404(a)(1)(B), (a)(2).

⁸ 25 U.S.C. § 3407(a).

⁹ Letter from Tara Sweeney, Assistant Secretary – Indian Affairs, Dep’t of Interior, to Tribal Leaders (Dec. 20, 2018) (transmitting Indian Employment, Training and Related Services Consolidation Act of 2017 Interagency Memorandum of Agreement).