

TESTIMONY
OF
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ACTING DIRECTOR
BUREAU OF INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SUB-COMMITTEE ON INDIAN, INSULAR, AND ALASKA NATIVE AFFAIRS
HOUSE OF REPRESENTATIVES
ON
S. 1116
JULY 24, 2018

Chairman LaMalfa, Ranking Member Gallego, and Members of the Subcommittee, I am Darryl LaCounte, Acting Director of the Bureau of Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present the Department's views on S. 1116, the Indian Community Economic Enhancement Act of 2018. On January 17, 2018, the Department testified before this Subcommittee on a similar bill: H.R. 4506. With the testimony today on S. 1116, the Department restates its support of the underlying goal to facilitate the development of healthy economies in Native communities. However, we have a number of concerns similar to the concerns we expressed on Title I of H.R. 4506 about some provisions in S. 1116, particularly those that are duplicative of existing law or extend beyond our existing authorities, and we continue to recommend further engagement with the bill sponsor to address these issues.

S. 1116 would codify many of the activities the Department is already required to do under the Buy Indian Act, including conducting outreach to Indian industrial entities and aggregating compliance data. The Buy Indian Act has enabled Native businesses to participate in the expansive federal contracting market, created jobs for Native employees, and provided needed revenue to Native communities. We would caution that language in S. 1116, which is similar to language in H.R. 4506 and appears to be intended to increase and improve robust reporting under the Buy Indian Act, creates additional challenges. Specifically, we have concerns regarding our ability to gather some of the data as well as in the accuracy of data contemplated in S. 1116. The data is voluminous and, in certain instances, it is often difficult to ascertain what is or is not an Indian economic enterprise.

The legislation also dictates the alignment of procurement procedures between the Department and at the Department of Health and Human Services (HHS), and dictates reporting requirements as part of implementation of S. 1116. The procurement office in Indian Affairs has an ongoing dialogue with the current Indian Health Service Procurement Chief to discuss avenues for both the Bureau of Indian Affairs and the Indian Health Service to better coordinate procurement under the Buy Indian Act. Additionally, the Department and HHS would need to further explore other issues raised by S. 1116 including the expansion of the Buy Indian Act at HHS as it currently only applies to the Indian Health Service.

The Department welcomes the opportunity to work with this Subcommittee, the bill's sponsor, and cosponsors to attain our mutual goal of increasing economic opportunity on Indian reservations. Thank you for the opportunity to provide the Department's views on S. 1116. I am happy to answer any questions you may have.