

**Testimony of Frank White Bull, Tribal Councilmember  
Standing Rock Sioux Tribe  
Before the House Appropriations Subcommittee on Interior and Related Agencies  
Concerning FY 2014 Appropriations  
April 24, 2013**

On behalf of the Standing Rock Sioux Tribe, I submit testimony concerning the President's FY 2014 budget for the American Indian/Alaska Native programs within the Department of the Interior and Indian Health Service. I would like to express our appreciation to this Subcommittee for its support of Indian tribes and to focus my remarks on public safety, education, housing, health care, and infrastructure.

The Standing Rock Sioux Reservation encompasses 2.3 million acres in North and South Dakota. The Reservation's population – approximately 8,500 Tribal members and 2,000 non-members – reside in eight districts, and in smaller communities. The Tribe's primary industries are cattle ranching and farming. The Tribe struggles to provide essential governmental services to our members. When the Tribe ceded millions of acres of land to the United States, the government promised to provide us with the means to sustain ourselves on our Reservation. The Tribe strives to provide jobs and improve the standard of living on our Reservation. We operate two modest Tribal casinos; Rock Industries, a small parts-on-demand operation; Standing Rock Propane; Standing Rock Telecommunications; and a sand and gravel operation, which helps the Tribe supplement services and programs for our members. Despite these measures, our unemployment rate remains above 50%. In fact, over 40% of Indian families on our Reservation live in poverty – more than triple the average US poverty rate of 13.8%. The disparity is worse for children, as 52% of the Reservation population under age 18 lives below poverty, compared to 16% and 19% in North and South Dakota, respectively. The federal programs established to aid tribes and their members are essential. We ask the government to honor its commitments by maintaining federal programs enacted for our benefit, so that our members may live at a standard equal to that enjoyed by the rest of the Nation. Our specific recommendations are as follows:

**BIA - Public Safety and Justice.** We strongly support the President's proposal to increase funding for Public Safety and Justice by \$17 million above the 2012 enacted level, and urge Congress to increase appropriations by at least that amount. Increased funding is needed to hire more law enforcement officers and to staff detention facilities. Standing Rock has seen first-hand that adequate law enforcement staffing is the key to reducing crime.

Before 2008 at Standing Rock, there were only 7 law enforcement officers to cover the Reservation (an area close to the size of Connecticut), and crime was rampant. Crime decreased with BIA's Operation Dakota Peacekeeper initiative which, in 2008, added 20 law enforcement officers on the Reservation. When that initiative ended, the number of supplemental officers assisting the permanent law enforcement officers was reduced and crime increased. Fortunately, Standing Rock is one of the few Indian reservations where the High Prior Performance Goals initiative (HPPG) has been implemented. In 2009, when HPPG started, the then 12 permanent law enforcement positions were gradually supplemented by an additional 22 positions. These 34 positions currently consist of a Chief of Police, 3-4 Lieutenants, 3 Criminal Investigators/Special Agents, 2 School Resource Officers and 24 police officers.

Although not all 34 positions are filled at all times (due to turnover and training leave), the increase in law enforcement has had a significant positive impact. It facilitated police officer assignment to each Reservation community, which means quicker response time to calls. The increased law enforcement presence and patrols has deterred crime and resulted in our members feeling safer. The data confirms this. When compared to the number of violent crimes (homicide, rape, robbery, assault) that occurred between 2007 and 2009, the additional staffing reduced such crimes by approximately: 7% in 2010, 11% in 2011, and 15-19% in 2012.

These initiatives demonstrate the critical importance of adequate law enforcement staffing. But HPPG is presently scheduled to end after FY 2013. More than 3,000 arrests were made during the 2012 calendar year. Data this year demonstrates that Reservation law enforcement continue to receive more than 900 calls for assistance each month. While the Tribe is fortunate to have 34 law enforcement positions for the Reservation, an analysis of the number of officers needed to provide effective 24-hour coverage indicates there should be more. At current staffing levels, officers typically work 12-hour shifts, 5 days a week, leading to officer burn-out and increased costs for overtime. Only proper staffing levels will ensure the safety of our communities and officers. We urge Congress to increase funding for law enforcement personnel.

Funding is also essential for law enforcement equipment and facilities maintenance. In December 2010, the Tribe successfully completed construction of a secure 18-bed juvenile detention facility on our Reservation so that Tribal youth offenders may remain on the Reservation and receive culturally appropriate services while incarcerated. The Tribe contributed \$2 million of Tribal funds to supplement \$5 million in Justice Department funds to build this facility. Over time this facility will save the BIA a great deal of money that now pays other public authorities to house our youth offenders. Unfortunately, while the BIA, in January 2011 and many times thereafter, advised the Tribe that the facility was to be among those BIA-operated facilities to receive operation and maintenance funding, BIA delays have meant that, to date, the facility is not operational and has received no maintenance funds. As a result, problems have surfaced. Various systems in the building require repair but warranties have expired. The Tribe is taking active steps to remedy these matters using Tribal resources. Once these matters are cured, the BIA must act promptly to assume operation of the facility and secure a share of the operation and maintenance (O&M) funds needed to pay for utilities and routine maintenance. Adequate levels of O&M funding are essential to safely house our youth and safeguard the Tribe's and Federal government's investment in this facility.

**BIA - Tribal Courts.** We urge Congress to increase the modest funding appropriated for the Tribal Courts Program. Our Tribe cannot effectively carry out criminal proceedings, let alone civil cases, with our small BIA allocation, even when heavily subsidized by the Tribe. Our Tribal courts are crowded, cramped and outdated and limit our ability to administer a comprehensive criminal justice system on the Reservation.

**Bureau of Indian Education (BIE).** We urge Congress to increase FY 2014 funding for BIE programs. As President Obama has stated, education is the key to ending the cycle of poverty and lower wages. Despite this, the Administration's FY 2014 budget would hold constant or otherwise cut funding for programs that are critical to the education of our youth.

Standing Rock relies on BIE funding for three Tribal grant schools – the Standing Rock Community School (K-12), Sitting Bull School (K-8), and Rock Creek School (K-8). The

Standing Rock Community School is jointly operated by the Tribe and a state entity, Fort Yates Public School District, which, like other public schools on the Reservation (Cannonball, Selfridge, McLaughlin, McIntosh, and Wakpala), depends on federal impact aid to cover the costs of the public school's share of the school operations. The children in the schools on the Reservation are among the most at-risk students in the Nation. At the Rock Creek, Cannonball, Selfridge, and Wakpala schools, 100% of the students receive free or reduced price school lunches because their families live at or below poverty. At other schools, the percentage of children receiving free or reduced price lunch is comparable – Sitting Bull 98%, McLaughlin 85%, Fort Yates 80%, Standing Rock, 80%.

A critical source of funds for the operation of our Tribal grant schools are the Indian School Equalization Program (ISEP) Formula funds. They cover salaries for teachers, teacher aides, school administrative staff and other operational costs. ISEP has not seen any meaningful increase in years, and as a result, it has become more difficult to attract and retain qualified staff. Despite the clear need, the Administration proposes to cut ISEP funding by \$16.4 million, apparently to offset the cost of a new pilot program. We do not object to a new pilot program, but no such program should be created at the expense of existing needs. If the schools serving Indian children are to be effective, ISEP funding should be increased.

The Administration's near flat line funding for virtually all aspects of BIE programs does not account for population growth, increased costs, or inflation. Student Transportation funding, intended to cover the costs of buses, fuel, maintenance, vehicle replacements, and drivers, has stayed at the same level for years. The substantial increases in fuel costs alone make it impossible to cover these costs. For Standing Rock, funds are further strained because we are a rural community, where bus runs for many of our students may take 1½ to 2 hours each way and can include travel on unimproved roads. These factors result in higher maintenance costs and shorter vehicle life. A substantial increase in funds for Student Transportation is long overdue.

The same is true for School Facility Operations and School Facility Maintenance which is nowhere near fully funded. In fact, O&M budgets are currently constrained at 40 percent. With the constraint and the cuts resulting from sequestration, it will be impossible for the schools to operate. We also urge Congress to increase, or at least maintain funding for Education Construction and reject the Administration's proposal to cut Education Construction funding by \$18 million. While the Administration claims this will allow it to eliminate replacement school funding and redirect funds to Minor Improvement and Repair (MI&R) programs, its budget contains no comparable increase to MI&R. Without adequate funds for maintenance or facilities repair our schools will deteriorate and pose serious safety risks for our children. Indeed, part of one of our Tribal grant schools, the Rock Creek School, is more than 100 years old and badly needs to be replaced. Federal funds to replace ancient schools – like Rock Creek – are essential. Funding for School Facility Operations and School Facility Maintenance, as well as Education Construction should be substantially increased.

We also urge Congress to increase funding for Scholarships. Because of the unmet need, the Tribe spends \$1 million in Tribal funds annually to supplement this program and gives grants of \$3,000-\$3,500 to aid our students attending colleges and vocational schools. But even with this, most of our scholarship recipients have unmet financial need varying from \$100 to \$17,000.

**BIA HIP (Housing Improvement Program).** The Tribe opposes the Administration's proposal to completely eliminate funding for HIP. HIP has long played a very important role in providing funds to low income persons who have emergency or other specific needs to make home repairs. While the Administration states that Tribes can use HUD NAHASDA funds to cover these costs, our Tribal members' needs for safe and affordable housing are staggering. Even with both HUD and HIP, there are now over 200 families on the waiting list for housing, 150 families living in overcrowded conditions, and another 300 families in substandard housing.

**Indian Health Service.** We support the Administration's FY 2014 requested increase in IHS funding. We depend on IHS to care for our 15,500 enrolled Tribal members, many of whom suffer from diabetes, heart disease and hypertension. With 5% cuts due to sequestration, and 2% decrease in Medicare reimbursement, we estimate there will be at least \$800,000 in unmet need in FY 2013. Unmet need will be more severe if sequestration recurs in FY 2014.

We recommend the Subcommittee prioritize the IHS preventive health care service programs, such as the diabetes grant program, and increase funding for these programs above the Administration's \$150 million, while supporting and protecting the Administration's other IHS funding priorities, especially funding for health care personnel. In many instances, if additional funding for clinical services and preventive health programs can be made available, illnesses and injuries could be treated at their initial stages, or prevented altogether. This is especially important at Standing Rock, where many of our members' health problems could be addressed if timely preventive care were available. We also support the Administration's request for increases in: Dental Health as there is considerable need for dental care, and Purchased/Referred Care (previously known as Contract Health Services) as this has been historically underfunded.

**Infrastructure.** Infrastructure, like safe drinking water, utilities, and well-maintained roads are essential to the well-being of our people. But the primary funding source for road maintenance, the BIA's Road Maintenance Program, has for the last 30 years, been funded at only \$25 million, making it impossible to carry out routine, much less, emergency road maintenance. We urge Congress to reject the Administration's current proposal to again cut funding for this program.

Equally vital is safe drinking water. Congress authorized the Standing Rock Sioux Tribe's municipal, rural, and industrial (MR&I) water system by the Garrison Diversion Unit Reformulation Act of 1986 and the Dakota Water Resources Act of 2000. Substantial progress has been made on the project: construction is nearly complete for core facilities including a deep water intake and pump station, 13 miles of raw water transmission pipeline, a main storage reservoir, a state-of-the-art water treatment plant, and 49 miles of main transmission treated water pipelines. Three treated water pipeline contracts approach the bidding stage. When completed, they will connect the Reservation's existing water infrastructure to the new facilities so that over 75% of the Reservation population will receive clean drinking water. However, further pipeline construction, including to residents currently without treated water supply, is in jeopardy due to the recent dramatic cuts in appropriations. Proposed future appropriations levels threaten to completely stop construction on the project leaving a significant portion of the Reservation's residents without access to safe, clean, dependable drinking water. We respectfully request Congress restore funding the Dakota Water Resources Act to FY 2010 levels to allow completion of this critical project within a reasonable time.