

**TESTIMONY OF COUNCILMAN DANA BUCKLES
ASSINIBOINE AND SIOUX TRIBES
OF THE FORT PECK RESERVATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR AND RELATED AGENCIES
CONCERNING THE BIA AND IHS FY 2015 BUDGET
April 7, 2014**

Chairman Calvert, Ranking Member Moran and Members of the Subcommittee, thank you for inviting me to testify on behalf of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation concerning the FY 2015 appropriations. My name is Dana Buckles. I am a member of the Executive Board of the Fort Peck Tribes. I will focus my testimony today on public health and education needs for our Tribe which are largely dependent upon the appropriations of this Subcommittee to the Bureau of Indian Affairs, Bureau of Indian Education and Indian Health Service.

Our Tribes are greatly disappointed by the Administration's FY 2015 budget request for programs and services for BIA, BIE and IHS. In the face of well-documented funding needs across all federal accounts serving Indian country, we cannot understand the Administration's proposed increase of 1.2% to BIA Office of Indian Programs (OIP), a seven-tenths of one percent (0.007%) increase for Indian Education, and a 4% increase for IHS clinical services. To put our FY 2015 funding needs in context, the Fort Peck Indian Reservation is among the most remote, rural Indian reservation in the continental United States. Located in northeastern Montana, our 2.1 million acre reservation is 20 miles south of the Canadian border. Our seat of government in Poplar is 75 miles from Williston, North Dakota, 330 miles from Billings and 340 miles from Great Falls, Montana. Wolf Point is our largest city. The Missouri River forms our southern boundary.

The Reservation lies immediately west and north of the Bakken and Three Forks Formation and we are already witnessing the economic impacts of oil and gas development in this region. With rapid development comes social ills in the form of increased criminal activity, including methamphetamine use, prescription drug abuse and addiction which is reversing the downward trend our Tribal police achieved through effective policing techniques, task force collaboration and effective education campaigns. The meth epidemic is back and we lack the resources to fight it.

Despite our efforts to bring economic development to the Reservation, many of our members continue to live in poverty which also strains our resources and capabilities. According to adjusted U.S. Census data (2014), nearly 1,600 tribal families living on the reservation have family incomes between 30% and 80% of median family income. Nearly 40% of these families (635) earn less than 30% of median family income. With underemployment and resulting poverty comes many challenges we are working hard to respond to: overcrowded homes, social and behavioral issues, crime and gang violence.

We continue to build government services and programs on the Reservation and attract businesses to improve the quality of life for our members. The IHS operates two clinics on the Reservation; the Verne E. Gibbs IHS Health Center in Poplar and Chief Redstone IHS Health Center in Wolf Point, together with the Fort Peck Tribal Dialysis Unit, a licensed and certified

End Stage Renal Disease facility. In-patient services are available at the Poplar Community Hospital and Trinity Hospital in Wolf Point. To combat the high incidence of heart disease, cancer and diabetes, the Tribes supplement health services on the Reservation through a consolidated Indian Self-Determination Act, Pub. L. 93-638, contract with the IHS to carry out a Health Promotion and Disease Prevention (HPDP) Wellness Program, the Spotted Bull Resource and Recovery Center and nursing services for a Youth Detention Center. The Reservation is home to public schools in Poplar and Wolf Point, Frazer and Brockton, the largest communities on the Reservation, as well as the Fort Peck Community College.

Congress has long recognized that the foundation for economic development and prosperity in Indian country lay in community stability which begins with infrastructure such as safe drinking water, roads and utilities and also includes essential government services such as public safety, Tribal courts, health care, education and housing.

Fully fund Operation, Maintenance and Replacement (OM&R) Costs for the Assiniboine and Sioux Rural Water System. More than 20 years ago, the Executive Board realized that it must invest in infrastructure to improve health and safety conditions on our Reservation. Located on a former inland sea with a high saline content, coupled with unprecedented contamination from oil production, water in the high plains is not very good. To ensure our future, we and our non-Indian neighbors realized that we must efficiently utilize our water rights to the Missouri River. Congress agreed and in 2000 enacted the Fort Peck Reservation Rural Water System Act to build a modern rural water system for the Reservation (Assiniboine and Sioux Rural Water System) and off-reservation communities in Roosevelt, Sheridan, Daniels and Valley Counties (Dry Prairie Rural Water Authority). We are more than 50% complete and by the end of the year will serve 75% of the Reservation population with safe, reliable drinking and industrial water.

The project generates 53 construction jobs in the area and when completed will serve 30,000 residents, businesses, farms and ranches in northeastern Montana. We are approaching the point where we and Dry Prairie will serve 15,000 residents with safe drinking, municipal and industrial water. To date, the Federal government has invested \$150 million in constructing our and Dry Prairie's rural water systems. The Tribal rural water system components – the keystone of the project – must be maintained. Since we contracted BIA OM&R functions in 2006 under a self-determination contract, with the exception of last year, the BIA has always lagged behind in our operating needs to safely and properly operate this important infrastructure project. FY 2015 is no exception.

We estimate our OM&R costs will be \$1.804 million for FY 2015. That will require BIA funding of \$1.612 million next year. With \$750,000 in the President's budget, set by BIA without consulting us, that leaves us roughly \$900,000 short to maintain this critical infrastructure project we have been building for more than a decade. Our funding need is about one percent of the current federal investment. The President's budget for our operating costs in FY 2014 was \$2.5 million. To date, we have only received \$1.755 million. FY 2014 OM&R funding to the Tribes included one-time costs to cover easements and acquisition costs that are properly allocated to maintenance and to establish a reserve account which we want, and Dry Prairie insists we have, to cover contingencies such as government shutdowns, delayed payments

from BIA and other unforeseen events which may put our water treatment plant, pumping stations and intake operations at risk. It is not clear how much more we will receive this fiscal year in operating costs.

The two systems, when “interconnected” as required by the authorizing act, are dependent upon the safe and proper operation of “common facilities” which are located on the Fort Peck Reservation; namely, a Missouri River intake, pumping stations, and a 30,000 square foot water treatment plant (Poplar, MT) and miles of main transmission lines running east-west and north-south within the Reservation. The safe operation and maintenance of our “common facilities” will determine the useful life of this project. Appropriations to the BIA for the Tribes Operation, Maintenance & Replacement (OM&R) costs are critical.

The BIA and IHS have a long history of underfunding maintenance and allowing critical infrastructure projects – funded by the United States in Indian country – to deteriorate far sooner than should otherwise be the case if properly funded for OM&R costs. Indian Reservation Roads and bridges (BIA Road Maintenance Program), BIA schools, dormitories, detention facilities, health clinics and hospitals, irrigation systems, community colleges, HIP houses, police stations and tribal courts all illustrate this point. If construction dollars are hard to come by, we ask the Subcommittee to increase BIA requests for operation and maintenance for all facilities, add replacement funding as a prudent operator would, and protect this important taxpayer investment in Indian country infrastructure.

Dry Prairie will abandon its interim water sources once we interconnect this spring and summer and sign a water service agreement with us and BIA. Dry Prairie is then reliant on our water treatment plant, pumping stations and Missouri River water intake for all the communities, businesses, farms and ranches they serve. We are sharing our water rights and it is *our* reputation that is on the line to safely and properly operate and maintain our system.

Methamphetamine and Prescription Drug Abuse are on the Rise. Six years ago, through effective policing techniques, our Chief of Police was seeing a reduction in methamphetamine use on our Reservation, but over the last two years it has returned with a vengeance. The growing population working in the Bakken formation has created an easy source of meth which has made its way onto the Reservation. Last month alone, two children were born with methamphetamine addiction. These infants must be placed off-reservation in homes where foster families are trained to deal with these special-needs babies. We lack resources to retain these children on the Reservation. Prescription drug abuse is also on the rise on our Reservation. We require additional policing, counseling and education funding to interdict drugs and break up drug distribution to combat the terrible effects these drugs are having on our Tribal members.

Our Tribal police department has 18 police officers, two dedicated to drug enforcement, three criminal investigators and share dispatchers with Roosevelt County. Our Police Chief said he could use six drug enforcement agents to help with the rising workload. According to the President’s budget request: “Drug use and distribution is a major factor in violent crime and seriously impacts the health and economic vitality of Indian communities. The abuse of prescription drugs is quickly becoming a crisis in Indian Country along with the illegal processes used in obtaining these drugs.” This is borne out at Fort Peck. Our Police Chief estimates that

70%-80% of criminal conduct has a drug component to it, with assaults and burglaries arising out of drug use and addiction. Sixteen officers are far too few for our large Reservation.

To combat rising meth use, we have launched a media campaign and are targeting young women and mothers and school age Tribal members so that they understand the harm caused by meth use but we lack resources. The BIA's own statistics are alarming; over a five year period drug related arrests in Indian Country increased nearly ten-fold from 443 arrests in FY 2008 to 4,289 arrests in FY 2013. IA-PSJ-6. While Congress has increase appropriations for BIA law enforcement and tribal prosecutors and courts, these programs have not kept pace with the need. Drug cases worked in Indian country have increased five-fold from FY 2008 – FY 2013 (from 606 to 3,364 cases), and have increased 110% since FY 2011.

With oil and gas development coming to the Rocky Mountain Region, the Administration's FY 2015 funding request of \$350 million for law enforcement and Tribal Courts (an increase of \$1.6 million or four-tenths of one percent (0.004%) is inadequate for us to address current policing, drug enforcement and tribal prosecution needs. The reemergence of meth use and growing prescription drug abuse is a public safety issue that will quickly overrun the Fort Peck Reservation, impact surrounding communities and wreak havoc in our region unless met with resources to combat it. We urge Congress to invest in Tribal law enforcement, drug enforcement and tribal court needs to reflect our great challenges and limited resources to address this difficult social ill.

We are completing a modern adult detention facility and will receive BIA funding for staffing, operation and maintenance similar to other under-staffed and under-maintained facilities. At current funding levels proposed by the Administration, Indian country correctional facilities, including our new 41,720 sq. ft., 88-bed facility, can only be staffed at 40-50% of capacity. At the same time, there are no additional BIA funds for patrol officers, criminal investigators, prosecutors, probation officers or funds to provide temporary housing for the personnel we hire.

Indian Education. The President's FY 2015 budget acknowledges that many Native communities exhibit above average rates of crime, high percentages of single-parent households and below average literacy rates. As a result of these and other conditions, such as overcrowded homes and high unemployment rates, "many students enter school unprepared." The Administration adds that "improving education and literacy in tribal communities is essential to improvement of community life, the promotion of economic development, improved employment opportunities and improved standards of living." We agree.

To realize these goals, however, Congress must increase the President's FY 2015 budget for Indian Education and the seven tenths of one percent (0.007%) increase to the BIE budget. Congress should more than double the \$14.7 million proposed for the Johnson O'Malley assistance grant program, rather than a \$500,000 increase. Improving school facilities, increasing routine maintenance and providing more funding for educators, counselors and support personnel will ensure our greatest resource, our children, learn and grow in a safe environment. Congress has consistently acted in a bipartisan manner to improve Indian country. We urge the Subcommittee to build on the Administration's requests to make our communities safer and sustain our infrastructure. Thank you for the opportunity to present testimony. 136462.1