

TESTIMONY OF PRESIDENT JOHN YELLOWBIRD STEELE
OGLALA SIOUX TRIBE
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR
RE: FY 2016 BUDGET

My name is John Yellowbird Steele and I am the President of the Oglala Sioux Tribe. I am also the Chairman of the Great Plains Chairman's Association.

Our first and foremost concern is the U.S. Government's failure to fulfill its treaty obligations to the Oglala Sioux Tribe in the federal appropriation process. Treaty funding, initially funded by treaty appropriations, are now provided in lump sum program dollars to federal agencies who in turn divide those program dollars up among treaty and non-treaty tribes. Consequently, these agencies are short-changing the Tribe in treaty guaranteed services including economic development, education, health, law and order, and others. We see the Government unjustly funding the Tribe at less than 60% of actual need. Treaty benefits are mandatory contractual legal obligations (not entitlements). They should not be subject to sequestration.

We have a suicide epidemic on Pine Ridge. I issued a proclamation and declared a state of emergency. It declares that Congress should support a bill to develop infrastructure on the Pine Ridge Reservation that will promote sustainable economic self-sufficiency on the Reservation and create permanent jobs. The lack of jobs is the real cause of abject poverty, alcohol and drug abuse, crime and health care issues like suicide. We need the Federal government to act to address our epidemic.

Before the Budget Reform Act and sequestration were considered, the BIA, BIE and IHS Indian programs serving my people were already operating at less than 60% of actual need. So, while we strongly support the funding proposals submitted by the President for those Agencies, as a starting point, we need Congress to understand what the President's proposal really does. After factoring in the unfunded increased costs and increased service population since 2000, and the money taken as a result of sequestration, the President's proposals (according to BIA's own numbers) merely put most of our programs back to just below what we were receiving in FY 2012.

For example, the President's proposed increase of \$70 million for Referred Health Care actually consists of: \$35 million for actual FY 2016 inflation, \$8.3 million for actual FY 2016 documented population growth, and \$1.2 to fund the new facility at Yuma. The remaining monies fund: (1) a combined total of 980 additional admissions which divided among the 566 federally recognized tribes, is less than 2 additional admissions per tribe; (2) a combined total of 19,800 new outpatient visits which equates to 3 more outpatient visits per month per tribe, and (3) a combined total of 1,210 new patient trips, which equates to just over 2 more trips per year/per tribe. Every program in the IHS budget has similar shortfalls. We talk about numbers here in Washington, but in Pine Ridge, these are people.

I am a part of the Tribal Interior Budget Committee. It is frustrating to hear OMB and BIA during the BIA's FY 2017 budget formulation saying they need more data to document the

“benefits” that we would receive from a 10% increase in a given program. It’s hard to document a “benefit” when that 10% increase still does not take us back to where we were two years ago. While Congress is talking about cutting spending and sequestering funds, our infrastructure, most of which was built in or before the 1960’s, is continuing to fall apart. We have schools, clinics, jails and roads which are beyond repair, yet the federal government keeps appropriating just enough money to add another patch. We have band-aided these items for so long that some of our roads, roofs, furnaces and walls have almost as many patches as they do original surface materials. Indian reservations are in an infrastructure crisis. Unless and until someone comes up with a real plan to rebuild our dilapidated schools, jails, clinics and roads, things will get worse.

We have an unemployment rate of well over 70%, a dropout rate of over 60%, and our average per capita income is below \$7,000 a year. Thus, borrowing money through bonds and from the private sector to pay for the very structures and services that the Federal Government committed itself to in our Treaties is not only unacceptable, it simply won’t work. We need alternative ideas.

We also need a fair share of Federal Highway Trust Funds to address our failing roads. An underlying problem is that our Indian roads programs have never received a reasonable amount of federal gas tax dollars. Permanent re-authorization of the Federal Highway Trust Fund is not before this Subcommittee, but this Subcommittee is left with the problems these funding shortfalls create. Failing roads raise the cost of on-reservation ambulance service, student transportation, law enforcement operations and every other BIA, BIE and IHS program which uses vehicles. It is also adding to our health care costs, because our people are having accidents that never would have happened if we had a safe transportation system. Finally, it is crippling our reservation economic development. In fact, our entire roads system at Pine Ridge was designed to encourage members to leave the reservation for goods and services, not for helping us develop successful on-reservation businesses. Increasing the overall Indian allocation is the only way to solve the problem. In the meantime, we need a reasonable amount for roads maintenance. Please speak up for us when those Highway Trust Funds debates take place.

I want to thank you for taking an interest in the recent GAO report on our Indian Schools. The Federal Government tells us it wants to “help us” increase our tribal self-sufficiency, but it ignores the biggest tool we have: the improved education of our children. President Obama talks about national efforts to keep more students in college, but at Pine Ridge, I am still trying to keep our sixteen (16) year olds in high school, and give them the self-esteem they need to avoid the ever present threats of alcohol, drugs and suicide. While you work out our failed school construction program, those schools need adequate maintenance monies and adequate operations dollars. Without adequate operations monies for things like heat and electricity, our schools are forced to somehow find monies in the maintenance budget to pay these costs. Thus, our educational facilities go without proper maintenance. The BIA compartmentalizes the budgets for school operations and maintenance, but for those institutions it is all one big problem.

Today, the expanded jurisdiction provisions of the Violence Against Women Act (VAWA) and Tribal Law and Order Act (TLOA) are not working for the majority of the large land based tribes. These reservations house the overwhelming majority of on-reservation Indians. Congress and the Administration never told us that if we wanted to expand our jurisdiction over domestic

violence or serious offenders, we had to find our own funding. Juxtapose the expanded jurisdiction provisions of these two Acts with the BIA budgets for Courts and Law enforcement and you can see that the VAWA and TLOA's expanded jurisdiction provisions are unfulfilled promises. Additionally, the Great Plains Tribes were the authors of the TOLA provisions calling for detailed studies of law enforcement and court shortages. We included these provisions because we were told that those studies would be utilized to justify additional funding. Instead, there have been lost officers and court dollars since TLOA was passed, because of increased fuel costs, unfunded inflation and sequestration.

I know this Committee has provided a number of funding increases in law enforcement over the last few years. However, those increases have not provided us with an increase in officers. Today, Pine Ridge is still short 60 officers from the minimum 110 that the BIA itself, says we need. Our officers are exhausted and morale is at an all-time low.

Our tribal courts also need funding increases. Often too many of those who are arrested are released because they were not afforded timely due process. Adding more funding to law enforcement without increasing funding for our courts simply shifts the problem from one side to the other. TLOA and VAWA have created new expectations for our members. We need the Federal government to ensure that our tribal courts and law enforcement programs can fulfill those expectations. Simply put, we need the resources to shore up our police force and make necessary changes to our courts to ensure our judiciary systems work effectively.

An action that can be taken at no additional cost to taxpayers would be to move the money that Congress is currently expending on DOJ Indian law enforcement, court and detention grants back to the BIA. By taking this one step, you can eliminate a sizable portion of our law enforcement officer shortage, because you will be placing those funds in the highest priority areas. You will also eliminate the duplicate overhead that you are currently paying, and stop the problems associated with trying to use unreliable DOJ grants to run law enforcement and court programs.

BIA's failure to complete the design for our Kyle Justice Center is one of the most pressing problems facing our community. This Justice Center has been at the top of the BIA's construction priority list for over fifteen years. It is not a long term "detention" facility, where alternatives to incarceration can be considered. It is a short term holding facility, a court and a 911 center for the eastern side of our Reservation. This will be the place that our law enforcement will take violent and dangerous persons awaiting arraignment or trial. We need a place to put individuals until sentencing or alternative treatment arrangements can be handed down by our tribal court.

This Subcommittee chose to fund the design of this replacement building after it determined that our old building was beyond repair. We initiated that design and as the BIA standards for this building changed, so did the cost of the design work. We now have a design which is 80% complete, at a federal cost of just over \$2.4 million, and we need \$636,000 to complete that design work. Importantly, if this design does not get finalized this year, the architects involved will not warrant the finished product and some of the plans may need to be changed again. Not finishing this work would be a serious waste of taxpayer dollars. Further, this building, like

many other large land based jails and court complexes, is going to cost more to construct than DOJ is authorized to spend. This is the reason that the large Tribes have been calling for a re-opening of the BIA Justice Services Construction Program: to address these large facility needs. The only way this critically needed facility and others like it are going to be built is with multi-year funding, which DOJ is not authorized to provide. Will you work with us to find a way to complete this design and build this critically needed building?

Also, we request you reinstate the \$620,000 in education funding taken from the juvenile detention budget in FY 2012. This funding is desperately needed to provide educational services to detained and incarcerated youth at 24 BIA-funded juvenile detention facilities, including the Kiyuksa O'Tipi Reintegration Center on Pine Ridge. We urge the reinstatement of these monies to address the needs of some of our most vulnerable youth.

The Tribe also supports the President's proposal to reclassify Contract Support Costs (CSC) as mandatory rather than discretionary funding in line with two Supreme Court cases. This proposal would ensure the full payment of CSC without endangering already underfunded Indian programs. It is unacceptable to reprogram service dollars to fully fund CSC. Congress should support the President's proposal. It would enable the United States to live up to its obligations and safeguard our programs.

Additionally, we ask this Congress to ensure that Public Law 100-297 schools, and all programs assumed by tribes under the Indian Self-Determination Act, are eligible for coverage under the Federal Employee Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI) programs.

Thank you, for this opportunity to testify, I will be happy to answer any questions you have.