

TESTIMONY OF THE STANDING ROCK SIOUX TRIBE
JAMES DUNN, COUNCILMAN
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING THE PRESIDENT'S 2018 BUDGET FOR THE BIA, BIE, IHS AND NPS
May 10, 2017

Good afternoon Chairman Calvert, Ranking Member McCollum and members of the Committee. My name is Joe Dunn and I am a Councilman of the Standing Rock Sioux Tribe. On behalf of the Tribe, I submit this testimony concerning the President's FY 2018 budget for the Indian programs within the Department of the Interior and the Indian Health Service. I would like to express our appreciation to this Committee for its support of Indian tribes. I will focus my remarks on law enforcement, education, and health care.

The Standing Rock Sioux Tribe has a government to government relationship with the United States of America, reflected in our Treaties which were signed in 1851 and 1868. These Treaties underscore the ongoing promises and obligations of the United States to the Tribe, and our testimony today is submitted with those promises and obligations in mind.

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. The Tribe's desire is to provide jobs and improve the economic standard of living on our Reservation. We operate two modest Tribal casinos, and a small number of additional Tribal businesses, including Standing Rock Propane and Standing Rock Telecommunications, which provide needed services on the Reservation. Casino revenue is used to help the Tribe supplement services and programs for our members, but those revenues are modest and our challenges and needs are far greater than our resources. Despite the Tribe's best efforts, our unemployment rate remains above 50%. In fact, over 40% of Indian families on our Reservation live in poverty – more than triple the average U.S. poverty rate. 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 and promised by treaty to aid tribes and their members are essential. We ask the government to honor its commitments by adequately funding these federal programs enacted for our benefit, so that our members may enjoy a standard of living comparable to that enjoyed by the rest of the Nation.

Our specific requests are as follows:

BIA - Public Safety and Justice. Public safety is a priority for the Tribe. We applaud the final FY 2017 enacted appropriations levels for Public Safety and Justice totaling \$385.735 million, and urge the Committee to continue support modest increases for the next year. As you know, funding is essential for public safety in Indian Country.

Law Enforcement: The Tribe has seen firsthand that adequate law enforcement funding was key to reducing crime. A number of years ago, the Standing Rock Sioux Tribe was selected to participate in the High Priority Program Goals initiative, which dramatically increased law

enforcement positions on our Reservation. This had a significant positive impact in reducing crime. Increased numbers of police officers allowed pro-active policing rather than reactive policing. This initiative enabled officers to be assigned within each Reservation community, which meant quicker response time to calls and more positive relationships between law enforcement officers and the communities they served. 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. The initiative demonstrated the critical importance that adequate law enforcement staffing can have in our community. But HPPG ended after FY 2013 and the Tribe's law enforcement personnel were reduced from the numbers that served us so well. We strongly support an increase in funding for BIA law enforcement personnel. It makes no sense that these programs would not be funded in perpetuity since they have been demonstrated to work to reduce crime in Indian country.

Youth Corrections: In December 2010, the Tribe successfully completed construction of a secure 18-bed juvenile detention facility so that Tribal youth offenders may remain on the Reservation and receive culturally appropriate services if they must be incarcerated. After more than five years after the completion of construction, the detention center has finally opened. This facility is called the Youth Services Center. With limited funds, only the secure portion of the plan was completed so the facility is not being utilized as we envisioned for our youth. The Tribe contributed \$2 million of Tribal funds to supplement \$5 million in Justice Department funds to build this facility. Over time this Tribally-owned facility will save the BIA a great deal of money that now pays other contract facilities to house our youth offenders. Now that the Tribe is operating the detention center, our law enforcement can avoid taking youth offenders hundreds of miles to off-reservation facilities, and depriving our communities of law enforcement officers. We strongly suggest the BIA allow greater flexibility for tribes to use these facilities in innovative ways by supplementing detention with alternatives to incarceration, such as probation with mandatory counseling and substance abuse counseling and treatment. The FY 2017 enacted budget included \$96.507 million for the BIA Detention and Corrections. We request that you provide for at least this amount, and include a modest increase to keep pace with inflation and cost of living increases for staff.

Adult Corrections: The BIA Office of Justice Services operates an antiquated 48-bed adult detention center for male and female inmates in Fort Yates on our Reservation. The detention center is a linear style facility which, because of its design, is very staff intensive. The jail was built in the 1960's and has long outlived its utility. Renovated in the 1980's and again in the 1990's, the jail fails to comply with most contemporary detention standards. The jail population is frequently two to three times above the rated bed capacity. To alleviate jail crowding, BIA OJS contracts bed space for long term adult inmates in a facility that is a 772-mile round trip from the reservation. Our Tribal Court is forced to release prisoners early to alleviate jail crowding just to make room for more prisoners. This sends the wrong message to criminals. We request that the committee consider modernizing our detention center and provide for adequate Operation and Maintenance.

Tribal Courts: We support an increase to the modest funding appropriated for the Tribal Courts Program. The Standing Rock Tribal Court is an independent branch of government consisting of a Supreme Court, Civil Court, Criminal Court, and Children's Court. Key positions

in the Tribal Court require licensed attorneys: the Chief Judge, Associate Chief Judge, Chief Prosecutor, and Public Defender. The Supreme Court consists of three Justices, two of whom must be a licensed attorney. Our Tribe cannot effectively support these courts with our small BIA allocation, even when heavily subsidized by the Tribe. And yet in order to use our Tribe's authorities provided under the Violence Against Women Act of 2013, Sex Offender Registration and Offender Act, and the Tribal Law and Order Act, we must continue to meet appropriate standards. Our Tribal courts are also crowded, even when spread across three separate buildings. The main courthouse outgrew its ability to meet our needs years ago and the lack of space severely limits our ability to adequately handle the Tribal Court case load of 2,000 to 3,000 cases per year. Funding is critical to providing a safe and secure center to house justice programs. We request funding to adequately fund the judicial services needed for our tribal citizens and also additional resources to begin planning for an adequate facility to operate our judicial branch.

Bureau of Indian Education (BIE). We support an increase in FY 2018 funding for BIE programs. 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 operated through a Joint Powers Agreement between the Standing Rock Tribal Grant School and the Fort Yates Public School District. The Fort Yates Public School District, 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 seven out of eight Public and Tribal Grant Schools on our Reservation, 100% of the students are eligible for the Free or Reduced Lunch Program. At the remaining school, 90% of students are eligible for the Free or Reduced Lunch Program. The high rate of our student eligibility for the Free or Reduced Lunch Program documents that the majority of our families live at or below poverty level.

A critical source of funds for the operation of our Tribal grant schools are the Indian School Equalization Program (ISEP) Formula funds. The funds cover the costs of the schools' instructional programs, including 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, there has been a significant negative impact on the effectiveness of the schools' instructional programs. Academic programs are marginal at best and provide limited services to the students. It has become more difficult to attract and retain qualified staff. If the schools serving Indian children are to be effective and if our students are to succeed, and be college and career ready, ISEP funding must 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 remained 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 Maintenance which is drastically under-funded. In fact, O&M budgets are currently constrained at 40 percent of need. This also

holds true for School Improvement and Repair. We urge this Committee to strongly support an increase, not only for Facility Operations and Maintenance and School Improvement and Repair, but for School Construction as well. Indeed, 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 Maintenance and School Improvement and Repair, as well as School Construction should be substantially increased. We are also very concerned about the list of new schools which have been slated to be constructed. Not a single school from the Great Plains made that list, although schools from our region comprise one-third of all BIE schools. It is clear that the Bureau of Indian Education has discretion to select these schools, and they have used that discretion to effectively shut out schools in our region for the next decade. We ask the Committee to investigate and reconsider the existing process which we see as unfair and unlikely to serve our children for decades.

We also urge the Committee to support an increase in 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, the majority of our scholarship recipients have unmet financial need varying from \$100 to \$17,000.

Indian Health Service. We greatly appreciate the \$232 million increase Congress provided in IHS funding for FY 2017. We depend on IHS to care for our 16,000 enrolled Tribal members, many of whom suffer from diabetes, heart disease and hypertension. We are especially concerned about our region. Although we are not at risk of losing certification under the Center for Medicaid Services, we hope the Indian Health Service can continue to provide quality support and timely processing of the basics such as Human Resources, Budget responses, and Procurement. We also fully support increased funding for behavioral health, especially the youth focused programming.

We recommend that Congress prioritize the IHS preventive health care service programs, such as the diabetes grant program, and increase funding for these programs above the modest increase provided for FY 2017, 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 FY 2018 increases in Dental Health, Mental Health and Purchased/Referred Care which has been historically underfunded.

Tribal Historic Preservation Offices. We strongly support an additional \$2 million increase for Tribal Historic Preservation Offices out of the National Park Service. This modest increase will help us to protect historic and culturally significant resources throughout the region.

Thank you for the opportunity to present this testimony to the Committee on these important matters.