

## Testimony of Oglala Sioux Tribe President Troy Scott Weston

### "American Indian and Alaska Native Public Witness Hearings on Fiscal Year 2018," House Appropriations Subcommittee on Interior, Environment, and Related Agencies May 17, 2017

#### *Summary—The Oglala Sioux Tribe requests:*

- An additional \$200 million for BIA law enforcement, including officer training, tribal court personnel, and construction and maintenance of tribal detention facilities;
- \$85.3 million for substance use disorder programs;
- \$6.2 billion for the Indian Health System;
- Funding for road construction;
- \$25 million for water infrastructure;
- Funding for education and recreation facilities, youth safe houses, community centers, including \$620,000 for juvenile detention education in BIA-funded facilities; and
- Funding for child protective services.

#### *Introduction*

Thank you Chairman Calvert and Members of the Subcommittee for your work on behalf of Indian Country. It is truly appreciated. While we know you have made progress through your hard work, the chronic underfunding of Indian Country programs and treaty obligations over the years is taking an enormous toll. It is quite literally costing lives as needs such as health care, behavioral health, and law enforcement go underfunded. Without adequate funding to operate fundamental government services, such as our court system and child protective services, we face the dilemma of how to continue administering these services ourselves. Underfunding, therefore, threatens our ability to exercise our rights to self-determination and sovereignty.

The Sioux Treaty of 1868 promised certain benefits and annuities each year to the bands of the Great Sioux Nation. Congressional ratification of that treaty cemented into law the United States' obligation to make appropriations for the Oglala Sioux Tribe. We ask you to fulfill those treaty obligations.

#### *Law Enforcement and the Meth Epidemic*

In May 2016, our Tribe declared a State of Emergency on the Pine Ridge Reservation because of the shortage of Tribal Police officers and law enforcement resources. This shortage has resulted in a sharp increase in crime and an inability of our Tribal Police to guarantee the health and safety of our citizens, which results in inter-generational cycles of trauma as children are exposed to high rates of violence and substance abuse. We understand that funding in the Office of Justice Service's account for criminal investigations and police services flows more heavily to criminal investigators rather than police officers. We need adequate funding for each of these important positions. Decades of underfunding tribal public safety programs has fueled an unprecedented spike in violent crime and drug trafficking, consistent with the methamphetamine and heroin epidemic throughout the Great Plains Region. With only four officers covering our approximately 3 million acres per 12-hour shift, our Tribe simply does not have the necessary resources for public safety purposes. *Each officer is personally responsible for 700,000 acres,*

*without adequate support or backup and at great personal risk.* The BIA has acknowledged that we need a minimum of about 95 more officers, but funds are not available to address this need.

Our criminal justice system is in critical need of funding. The Kyle Justice Center has been at the top of BIA's construction priority list for over 15 years. This short-term holding facility, court, and 911 call center is desperately needed but sits 80% completed. Additionally, our Tribal Court is so severely lacking in funding that we fear facing the dilemma of whether we can continue to exercise this fundamental aspect of our sovereignty.

A Tribe's ability to exercise its sovereignty and protect its citizens should not be dependent on its wealth. In order to fulfill these basic treaty rights, we request an additional \$200 million for BIA law enforcement, including officer training, Tribal Court personnel, and the construction and maintenance of tribal detention facilities. We also request \$85.3 million for IHS substance use disorder programs.

### ***Indian Health Care in the Great Plains***

One of the United States' most sacred treaty obligations is providing for Indian health care. In the Great Plains, this moral and legal responsibility has been very nearly abandoned. Our citizens are among the poorest and most disenfranchised in the country. The *Washington Post* recently reported on a study that demonstrates that Oglala Lakota County has among the lowest life expectancy in the country.<sup>1</sup> Last year the Senate Committee on Indian Affairs held an oversight hearing and a field hearing on the poor quality of care received at IHS facilities in the Great Plains. Despite increased oversight and accountability efforts, our health care crisis continues to unfold. *At the root of the Great Plains Health Care crisis is the glaring fact that IHS is only funded at about 60% of need.* IHS must be able to recruit and retain high-quality employees, and that requires funding for salaries, housing, and training in addition to increased employee accountability. Additionally, there must be adequate facilities. Our Pine Ridge Hospital struggles with inadequate space to serve its user population. The IHS Service Unit profile states that the active user population exceeded the designed user population in 2000, and that the Service Unit currently services a user population of 51,227 in a space that is already undersized to serve the Health Systems Planning estimated user population of 22,000 patients.

### ***Road Maintenance***

Current funding, \$24 million nationwide, for the BIA Road Maintenance program has been flat for over 22 years. This results in a compounding deferred maintenance backlog. In the Great Plains Region alone, a conservative estimate for deferred maintenance is \$10.6 million; nationally, it is \$289 million. Funding levels for maintenance on the Reservation of \$598 per mile are staggeringly low compared to the average \$6,000 per mile that South Dakota spends on road maintenance. Further, snow and ice control can consume up to 50% of an annual budget, a financial dilemma our Tribe faces every winter. Funding is so tight that routine bridge maintenance is not performed until it reaches a state of emergency. Further, a specific road issue is the Allen Road between Allen and Highway 18. The Tribe paid to build this road, but it has no monies to maintain it. The State receives funding for the road, but it is not maintaining it. A private citizen has been plowing this road for free in an effort to keep it safe for school buses.

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<sup>1</sup> Joel Achenbach, "U.S. Life Expectancy Varies by More Than 20 Years From County to County," *Washington Post* (May 8, 2017); Laura Dwyer-Lindgren, et al. "Inequalities in Life Expectancy Among US Counties, 1980 to 2014: Temporal Trends and Key Drivers," *JAMA Intern. Med.* (May 8, 2017).

This is unacceptable. The Tribe should be provided adequate funding so that we can maintain this road; we stand ready to do the work provided we have the funding.

### ***Water Infrastructure***

Our Tribe is the lead sponsor of the Mni Wiconi Project, authorized by the Mni Wiconi Project Act of 1988, P.L. 100-516, as amended. The Project is a monumental clean drinking water project that provides Missouri River water to the Pine Ridge Reservation, the Lower Brule Sioux Reservation, Rosebud Sioux Reservation and the West River/Lyman-Jones Water District. Funding is needed to complete the necessary community systems upgrades on Pine Ridge. The Act provides that the Oglala Sioux Rural Water Supply shall include the purchase, improvement, and repair of existing water systems. However, the Bureau of Reclamation, which funds the Project, will not accept the community systems into the Project until they are upgraded to a certain standard. Funding for these upgrades is necessary.

The Tribe is working with several federal agencies to implement its plan to complete the upgrades. The Tribe, however, needs almost \$25 million to upgrade 19 existing systems and transfer them into the Mni Wiconi Project, as intended by the Act. Once transferred they will be operated and maintained through authorized funding under the Mni Wiconi Project Act. Additional monies provided to the IHS's Sanitation Facilities Construction account as well as to the EPA's Revolving Funds are needed to allow for the IHS and EPA to better contribute and participate in the joint federal agency effort to complete the upgrades of the systems in a timely manner so those on the Pine Ridge Reservation can finally receive the clean drinking water they were promised so long ago under the Mni Wiconi Project Act.

### ***Education Facilities and Programming***

Total replacement of the Wounded Knee and Little Wound Schools is required. The Wounded Knee School project has been on the BIA's Office of Facility Maintenance and Construction list for many years, and Little Wound was built in the 1950s. School replacement and repairs must include adequate funding for operations and maintenance, necessary components of school infrastructure, so that the investment in construction can be safeguarded and our students can be safe in their learning environment. Currently, these crucial components are funded at less than 50% of the need.

Our youth need safe houses where they can go and where they can get assistance identifying physical and mental health resources available to them. They also need youth centers as safe places to congregate and build a sense of community. Children also need places to play. Currently, our children ask to be driven all the way to Rapid City just so they can play in the park. Our communities need playgrounds, skate parks, and other community spaces. Thus, we request funding for the construction, operation, maintenance, and personnel of youth safe houses, youth centers, and recreational facilities (such as skate parks, athletic fields, basketball courts, art centers, music centers, etc.) to provide spaces where youth can be secure outside their homes.

Also, \$620,000 is needed for juvenile detention in BIA-funded facilities. This essential funding provides critical educational services to detained and incarcerated youth. From 2012 to 2016, this need was not funded, and we thank you for supporting the reinstatement of this much-needed source of funds for the education and rehabilitation of some of our most vulnerable youth.

## ***Housing***

Pine Ridge has a terrible housing shortage. Many of our citizens—infants, elders, veterans, families—live in conditions that no American should have to endure. Families live packed into two-bedroom homes or families of six try to survive in a one-bedroom. Overcrowding affects the physical, social, and mental state of our people, and it is often impossible to study, to be healthy, and to maintain a strong family unit in such environments. We also have difficulty recruiting and retaining quality IHS staff because of our housing shortage. We currently need 4,000 new units and 1,000 homes repaired. Many homes are also in desperate need of repair, with citizens living in conditions that are not only overcrowded but also unsafe. Our citizens depend on the Housing Improvement Program (HIP), which assists families under 150% of the Department of Health and Human Services Poverty Guidelines that live in substandard housing and have no other resource for housing assistance. HIP funds are separate from the Native American Housing Assistance and Self-Determination Act (NAHASDA) and are not used on homes built by the Department of Housing and Urban Development (HUD). These essential HIP funds are used to build new or replacement homes and to renovate homes for our people who have nowhere to go. Also, expanding the *Tiwahe* Initiative so we may be included is important not only for its comprehensive approach to social services, but also because HIP targets housing improvements at established *Tiwahe* sites.

## ***Child Protective Services***

The Child Protection Services (CPS) and Indian Child Welfare Act (ICWA) Program perform an integrated child and family services system to address child welfare and comprehensive family support services for the families on the reservation. The program administers a Social Security Act, Title IV-B grants through block grants and Title IV-E through the State/Tribal Agreement and the Social Security Act. There are 16 full-time positions funded by the State through the State/Tribal Agreement. With the number of cases and the backlog of pending cases, we need four more full time support staff with an annual rate of \$38,000 plus fringe benefits for a total of \$162,640 for personnel services. CPS is funded through the BIA and currently funds only one full-time director with fringe benefits. CPS needs funding for an administrative staffer. Foster care payments received are welfare assistance funds. With the increase in client caseloads, we need at least \$100,000 for foster care payments. The program also has an unmet need for operating costs and staff training for both CPS and ICWA. The total for child welfare services including maintenance payments for foster care, guardianship, and adoption is projected to cost \$402,600 annually. The ICWA program funds three full-time employees with fringe benefits, with no funding for operating costs, including staff travel. Further, there is an unmet need of \$75,000 for our cases as we anticipate an average of 17 children served every quarter. These are enrolled tribal members throughout the United States for which intervention takes place.

CPS also needs funding for four additional program vehicles with an average cost of \$20,000 each. Currently, we only have three vehicles that the staff share. With the constant repairs and maintenance for these older vehicles, we need more new vehicles as staff is on-call staff 24/7.