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YANKTON SIOUX TRIBE

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
TESTIMONY ON AMERICAN INDIAN/ALASKA NATIVE PROGRAMS FY 2019
Presented- May, 2018

Greetings Chairman and Members of this Subcommittee. My name is Robert Flying Hawk and I am the Chairman of the Yankton Sioux Tribe Business and Claims Committee. The Yankton Sioux Tribe appreciates this opportunity to comment on the Fiscal Year 2019 Federal Budget.

The Tribe is deeply concerned by the many substantial cuts and outright eliminations to programs that benefit tribes and native peoples on a daily basis, and that, in some instances, are literally the difference between life and death for our people. The eliminations and cuts signal an obvious retreat by the federal government from the legal and moral commitments that it owes to tribal nations. With that in mind, the Tribe would like to submit the following comments in hopes that they stand as a stark reminder of the importance of these programs and the significant difference they make in the lives of native peoples across the country.

Indian Health Services (IHS) - The FY 2019 Budget ("Budget") requests a total of \$68.4 billion for the Department of Health and Human Services (HHS), which oversees the IHS. This is a 21% decrease from the 2017 enacted level of funding given to HHS, amounting to a \$17.9 billion decrease. This Budget attempts to conceal this fact with lofty assertions of how this decreased funding will be spent more efficiently and on more important programs. When viewed closely, however, that clearly is not the case.

The proposed Budget also notes that the funding will increase access to direct health services for American Indians, but how this will happen is unclear. The amount of funding was decreased by almost \$18 billion and the remaining funding for IHS is to be used to staff and operate newly constructed facilities and to extend IHS services to three newly recognized tribes. While the Tribe appreciates the aid being offered to our relatives, the proposed use of IHS funding stands to offer little aid to other tribes, such as Yankton Sioux, which are in dire need of adequate healthcare facilities and services. With such a substantial decrease in funding and the proposed funding to be used primarily for the above purposes, there will be little to no funding remaining for the IHS to attempt to remedy the severe shortcomings that it has been experiencing for years.

As Congress is likely well aware, the Great Plains Region of the IHS, which includes the State of South Dakota where the Tribe's reservation is located, is one of the worst, if not the worst,

region in terms of IHS performance. Since 2011, four IHS facilities in the Great Plains Region have been sanctioned or threatened with sanctions and at least 11 people have died at these facilities. In the Tribe's experience, the conditions are even worse than documented. We have seen our tribal members die in parking lots because the IHS decided to close down the 24-hour emergency room facility at the Wagner Service Unit. We have seen tribal members and their families financially destroyed and left destitute because they were forced to seek care at non-IHS facilities. We have seen tribal members that suffered for weeks or even months at a time through excruciating pain, including broken limbs and serious ailments, because there was not enough funding left to treat their condition and they do not have the financial means to seek care from a non-IHS facility. Such conditions would be unacceptable in any other context, but it is the norm when it comes to what our tribal members face on a daily basis. My Tribe would best be served by restoring the 24-hour emergency room and adding hospital beds and hospital services. Many of our tribal members do not qualify for referred care priority and they suffer through the pain. For those that do qualify, that referred care is costly and quickly uses up of scarce referred care monies. The lack of 24 hour direct services at our service unit also means that our tribal law enforcement must take persons in their custody to the local community hospital. These services are often not covered by IHS and the local community hospital has previously threatened to discontinue to see these detainee. In spite of this glaring reality, the President's proposed Budget includes millions of dollars' worth of cuts to preventative health, health education, tribal management grant programs, construction of healthcare facilities, medical equipment, and diabetes grants.

Furthermore, of the \$10 billion funded to HHS to combat the opioid epidemic, only \$150 million was budgeted to IHS for opioid abuse prevention, treatment, and recovery among native peoples. This is true despite the fact that American Indians and Alaska Natives had the highest drug overdose death rates in 2015, and the largest percentage change increase in drug overdose deaths from 1999-2015 of any population at 519%. Similarly, American Indians and Alaska Natives have the highest rate of substance abuse disorders, including alcohol abuse, compared to any other racial/ethnic population.

In the past, and in the current Budget, the federal government has insured that other federal programs that serve the Nation's most vulnerable populations, such as Medicaid and veteran's assistance benefits, were spared from sequestration and indiscriminate budget cuts. Why should the IHS be any different? It is a social program serving the most vulnerable minority population in the country? It bears reminding that the obligations of the United States are legal obligations that stem from years' worth of treaties and promises made with tribal nations. It would be unconscionable for the United States to break these fundamental promises.

Department of Interior (DOI) - In terms of the funding for the DOI, within which is the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE), the Budget requests \$11.3 billion. This represents a 2% decrease from the 2017 enacted level of funding that DOI received and equals a \$2.2 billion cut. Noteworthy in the Budget is the new Public Lands Infrastructure Fund, which, among other things, would be used to help pay for repairs and improvements at BIE schools. While the Tribe sincerely appreciates the efforts of the federal government to improve BIE schools, the underlying problems with the BIE education system goes well beyond run-down school buildings and inadequate facilities. Additional funding needs to be given to the BIE so that it can address its foundational problems such as lack of qualified educators, lack of retention of the qualified educators that we do have, and the lack of resources to provide much needed training for staff.

The shortcomings of the BIE system have been widely noted and documented, and they do not require repeating here. However, the Tribe would like to bring to your attention the fact that BIE schools are among the worst in the country, boasting sub-par high school graduation rates of 50% or less, and student test scores that trail the national averages by double digits in some cases. This is simply unacceptable, especially considering that, like healthcare, providing education to native youth is a treaty obligation of the United States. Additionally, leaving native youth strapped with a primary education system that is wholly inadequate to prepare them for the realities of American society and capitalism today further perpetuates the cycle of native people living on reservations with astronomically high unemployment and poverty rates. If the federal government expects the living conditions and economic prosperity of native peoples to improve, it should begin by offering them an education comparable to the education that other American youth receive around the country. It is only with a comparable education that native people can be expected to compete for jobs and secondary education opportunities, and be able to lift themselves out of the economic cycle of poverty that native peoples have found themselves in for generations. Adequate funding is the first step to achieve these goals.

The Budget also continues the 2018 budget proposal to reduce funding for land acquisitions. For tribes, like the Yankton Sioux, fee-to-trust land acquisitions are of crucial importance. Due to the disastrous federal government policies of allotment, assimilation, and termination, as well as the sale of reservation lands to non-Indians, the federal government is directly responsible for taking more than 90 million acres of land from Indians, totaling nearly 2/3 of all lands that were once tribal reservations. The Yankton Sioux Reservation is now a checkerboard due to the history of these failed policies, and has been decreased from an original land base of nearly 11,000,000 acres to approximately 38,300 acres. Some of the Tribe's remaining land is in fee simple status, rather than trust status, due in part to challenges to fee-into-trust land acquisitions.

The Tribe would like to offer its sincere appreciation for the \$172 million in funding that the Budget places towards the implementation of enacted Indian water rights settlements in support of Federal trust responsibilities to Tribes. This is a good faith showing of the federal government's intent to continue its obligation to supply tribes with the water necessary to make their reservations into homelands. However, there should also be additional funding set aside for the tribes that do not have an enacted water rights settlement, including the Yankton Sioux Tribe.

In regards to the BIA, the Budget would cut funding for the BIA by 15%, roughly equating to \$500 million, would reduce funding for BIA social services by more than 30%, and reduce Indian Child Welfare funding by more than 25%. Specifically, some of the more alarming funding and program eliminations within the BIA include the Housing Improvement Program, the Tribal Climate Resilience Program, and the Johnson O'Malley Program which provides supplemental education programs and activities for Native American students attending public schools. Furthermore, the major reductions within the BIA include a cut to social services totaling \$19 million, a \$5 million cut to Indian Child Welfare Act funding, a cut to welfare assistance by \$8.4 million, a \$14.7 million cut to rights protection implementation, and a \$4.4 million cut to job placement and training. These eliminations and cuts are astounding and simply unacceptable in light of the treaty obligations that the United States owes to tribes and native peoples. At Yankton, we have already endured far too many years of a BIA stretched far too thin. We need the Bureau that is supposed to represent our interest—the interest of native peoples—above all else and, as a federal government agency, it will be unable to do so unless adequately funded.

III. Miscellaneous

Beyond the cuts and eliminations that affect the IHS, the BIA, and the BIE, the Budget also proposes to significantly reduce human services, law enforcement and court programs, and housing and education services. In that same vein, the Budget proposes to eliminate crucial infrastructure programs such as the Indian Community Development Block Grant and the Indian Housing Block Grant, and road maintenance would be reduced. Also, the Low Income Home Energy Assistance Program (LIHEAP), Indian and Native American Program (INAP) under the Department of Labor, and the Tribal Energy Loan Guarantee Program are all slated to be eliminated. The Tribe objects to these proposed cuts in the strongest terms possible. These programs are our most essential and are in need of funding increases rather than elimination.

To exemplify the seriousness of these cuts, consider LIHEAP. In a state such as South Dakota, our winters are incredibly brutal and extremely cold. The Tribe receives an allocation of monies from the LIHEAP to pay one tribal employee to administer the program. Although the funding is typically meager, it is absolutely necessary. The assistance provided by LIHEAP has prevented tribal families from suffering through freezing temperatures and sweltering heat. Assistance is provided to low income families on the reservation to pay for heating and sometimes cooling costs. Each of the recipients is required to demonstrate need and the payment is provided directly to the utility company. There are also annual limits on the amount and number of times a household can receive assistance. Oftentimes, this assistance is a matter of life and death in the harsh climate of the Northern Plains.

The proposal to cut funding for tribal road maintenance is also concerning. These funds are one of the few source of monies for necessary maintenance to roads, transportations programs that provide public transportation, and roads clearing in the winter months. Our members are heavily dependent on the Tribe's transit program to be able to go to work, attend school, and attend necessary medical and other appointments. A cut in this funding would have drastic consequences that would ripple to and effect many areas of tribal life on the Yankton Sioux Reservation.

Turning to the Tribal Energy Loan Guarantee Program, it is slated to be eliminated under the Budget. This is despite the fact that the Budget invests \$792 million in energy programs, including investment in onshore, offshore, renewables, and mineral revenue management. There are substantial fossil fuels that can be produced from lands within the Yankton Sioux Reservation in order to meet America's rising demands for energy. Likewise, there is substantial opportunity in Indian Country for development of renewable energy and mitigation projects that will benefit both tribes and U.S. goals to reduce carbon emissions. These projects need the aid of the federal government in order to be undertaken, and eliminating the Tribal Energy Loan Guarantee Program only institutes another barrier to energy development on tribal reservations.

IV. Conclusion - The Yankton Sioux Tribe is well aware of how hard this Committee fights day in and day out to preserve tribal priorities in the federal budget, including IHS Services, DOI services and programs, and more. We sincerely thank you for your time and hard work regarding these issues, and I hope the testimony I have provided you with today will stand as a stark reminder of the importance of these federal programs and services to tribal people. Thank you for allowing me the opportunity to appear here today and I will be happy to answer any questions or concerns that this Committee may have.