

Written Testimony of Julian Bear Runner, President of the Oglala Sioux Tribe
"Public Witness Testimony: Fiscal Year 2020 Appropriations"
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
March 2019

Requests: (1) BIA Law Enforcement: \$12 million for our Tribe's law enforcement; \$56 million for Kyle Detention Facility; (2) BIA Roads: \$60 million to cover our backlog and \$15 million for a roads improvement program for targeted projects; (3) BIE: \$78 million for tribal grant support costs and \$430 million for BIE construction funds; (4) BIA HIP: \$23 million; (5) BIA Social Services and Welfare Assistance: a funding surge and expanding the Tiwahe Initiative to include our Tribe; (6) BIA Job Placement/Training: \$500,000 increase for our Tribe; (7) BIA Economic Development (TPA): \$500,000 increase for our Tribe; (8) IHS: \$100 million for personnel recruitment/retainment, equipment, and facilities management for our IHS facilities.

Introduction. We thank this Subcommittee for its substantial efforts to protect Tribal Nations' interests in the FY 2019 Interior Appropriations and for once again rejecting the President's inadequate budget requests for tribal programs. Chronic underfunding of Indian Country programs and treaty obligations over the years has taken an enormous toll on our Tribe and our members. The Fort Laramie Treaty of 1868 cemented the United States' obligations to the Oglala Sioux Tribe, and we look to you to fulfill those obligations.

At the outset, it is our position that federal funds should be distributed based on population, land base, reporting and demonstrated need. This would more effectively make use of federal resources, while also respecting the diverse needs of Tribal Nations. A central concern of ours is that the use of the American Community Survey, which undercounted our tribal members, results in reduced funding for our programs. We would like technical assistance funds to study formula issues and develop acceptable alternatives that will accurately count and use our tribal membership. We also would like to have tribes report directly to the Office of Management and Budget (OMB) so OMB has accurate data when developing out-year budget requests. Finally, we urge Congress to provide advance appropriations for the BIA and the IHS so that their crucial programs, and Tribes and their citizens, are not impacted by government shutdowns or delays in funding. Advance appropriations align with the United States' treaty obligations and trust responsibility.

I. Public Safety and Justice

Today, the Oglala Sioux Tribe is operating with less than 40% of the police officers that the BIA agrees are needed to provide adequate police coverage on our Reservation. Our 56 officers respond to an average of 71,900 calls a year, of which around 18,500 are emergency calls to 911. Despite their best efforts, their response time remains around 30-40 minutes, which creates a dangerous situation for the victims of accidents and crime, and for our police officers.

Pine Ridge has had an epidemic of Meth and Opioids across the Reservation and addressing this ever increasing problem has been next to impossible with our current staffing level. While, we appreciate the \$8.5 million in law enforcement opioids funding that was provided in FY 2019, we regret to inform you that after those funds are divided among the 190 existing law enforcement programs, our share of those funds will not even fund one additional officer at Pine Ridge. To reach the staffing levels required by the BIA's own needs assessment, our Tribe alone needs an increase of \$12 million in federal law enforcement funding.



Not only do we need additional officers, we also need a place to house those persons who need to be removed from our communities for their own safety and the safety of others. When the BIA prepared to condemn our Kyle Detention facility in 2010, that building became the last emergency jail design that was funded by this Subcommittee. That design was completed over three years ago and it has sat in a file at BIA ever since. In the meantime, federal health and safety standards have changed and construction prices have risen. In the interim, we have prisoners and staff working in a below substandard building that fails to meet federal code. Per the direction of this Subcommittee, our Kyle facility was designed to your federal standards and costed out at \$56 million over 18 months ago, thus these cost increases over time have not been inexpensive. This Subcommittee deemed the replacement of our Kyle facility to be an emergency in 2010, and that situation has only grown worse with time. Please help us put an end to this ever escalating problem appropriating the funding necessary to finally replace this building. We realize this is an expensive facility and are very willing to work with the Subcommittee to figure out how to fund this project over time if necessary.

II. Strengthening Tribal Communities Via Infrastructure and Services

Pave the Way to Safety in the Great Plains with Targeted Roads Funding. The Pine Ridge Reservation consists of nearly 3 million acres – an area roughly the size of Connecticut. OST Road Maintenance maintains 519 miles of BIA roads and bridges, often at significant cost to the Tribe. Per the 22nd Annual Highway Report, the performance of state highway systems estimates the average maintenance disbursement per state controlled mile is \$25,996, with South Dakota receiving \$6,458. In 2018, the Oglala Sioux Tribe had approximately \$1,113 (BIA Road Maintenance) to disburse for maintenance per BIA roadway mile, which also includes bridges on the BIA Bridges on the National Bridge Inventory (NBI). \$1,113 is a small fraction of the weighted average that states receive and only 17.2% of what South Dakota receives.¹ In addition, we have almost \$60 million in backlogged road maintenance needs. The BIA simply cannot address our road and bridge needs with its limited BIA Roads Maintenance account. Our backlog continues to grow while we struggle to address immediate concerns. Our Reservation is replete with treacherous and sometimes impassable roads, especially in winter with snowy and muddy conditions. This presents dangerous conditions for our residents and visitors.² Dire circumstances require bold solutions. We believe one bold solution is to create a new roads maintenance account that targets backlogged road and bridge projects that would rectify treacherous conditions, taking mile inventory, remoteness, and weather conditions into consideration. **We urge Congress to allocate \$60 million to cover our backlog and an initial amount of \$15 million for a BIA roads improvement program for targeted projects.**

¹ 22nd Annual Highway Report The Performance of State Highway Systems, by David T.Hartgen, Ph.D., P.E. and M Gregory Fields, Ph.D. Project Director: Baruch Feigenbaum, Reason Foundation, Policy Study No. 448, September 2016.

² GAO conducted a site visit at Pine Ridge to assess road conditions and their impact on student attendance and transportation. GAO found that excessive mud and snow conditions sometimes made roads impassable for students and that, further, some roads lack basic safety features such as guardrails. See GAO-17-423, "Tribal Transportation: Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies" (May 2017).

Ensure BIA Housing Improvement Program (HIP) Has the Funding it Needs. Our Reservation has a terrible housing shortage. Many of our citizens live in dilapidated, overcrowded, and often unsafe conditions that no American should endure. Chronic and even short-term exposure to these conditions affects the physical, social, and mental state of our people. HIP is a safety-net program that provides grants to repair, renovate, replace, or provide housing; it helps the neediest of the needy Indian families. We appreciate this Subcommittee's efforts to restore and fund HIP, and ask for a surge in FY 2020 funding for this critical program. For FY 2019, we have 1,150 qualified applicants, but, at current levels, we will only be able to serve a minimal fraction of them. A stable living environment translates into improved family conditions, employment rates, and academic achievement. **We ask Congress to provide \$23 million for HIP in FY 2020.**

Maintain Critical Social Services, Welfare Assistance, and Expand the Tiwahe Initiative. Our people are plagued by poverty. The BIA's Social Services and Welfare Assistance umbrella accounts provide an array of irreplaceable services to tribal citizens. They are essential for helping to meet our citizens' complex needs and promoting their well-being. Further, we want to be included in the Tiwahe Initiative. In line with its original intent, Tiwahe funding should be expanded to other Tribes, like ours, that have Social Services (ICWA), Tribal Courts, Job Placement and Training, HIP and Road Maintenance Programs along with the need. **We recommend Congress increase funding for Welfare Assistance, Social Services, and Tiwahe in FY 2020, and urge you to provide dedicated funding within these categories to address the staggering unmet needs in the Great Plains.**

III. Education and Success of our Youth

Provide Adequate Funding for BIE Construction and Repairs to Address Critical School Safety Needs. The six tribal grant schools on Pine Ridge play an integral role in helping our students navigate and address the myriad socio-economic factors that create daily challenges on the Reservation. Our facilities serve as safe havens – places of emotional and cultural support, nutritional meals, academic rigor, and athletic excellence. Yet, our facilities are also exceptionally dangerous – places of outdated electrical systems, crumbling infrastructure, and health and environmental hazards. Our Wounded Knee and Little Wound schools require complete replacement. All six schools desperately need funding for operations and maintenance, which are currently funded at less than 50% of the need. To fill gaps in funding, our schools are forced to redirect Indian School Equalization Program (ISEP) dollars to cover non-instructional service costs, which places students at a disadvantage by further limiting available funds for academic resources in the classroom. **We strongly recommend that Congress provide \$78 million for tribal grant school support costs and provide \$430 million in system-wide school construction and repair funding for the BIE to address this area of critical need.**

Protecting Tribal Youth. Our Child Protection Services (CPS) and ICWA program conduct integrated child and family services on our Reservation. Families form the bedrock of our community – transmitting our Oglala traditions across the generations and ensuring the future prosperity of our Tribe. Providing safe, nurturing home environments for our children is one of our primary goals, but we have been hampered by underfunding, which limits our ability to deliver services, manage caseloads, and recruit and retain qualified staff. Additionally, our Emergency Youth Shelter (EYS) Program is in desperate need of additional funding. EYS provides emergency shelter to youth age 12-17, which includes clean bedding, meals, toiletries as well as making



medical appointments, meeting with school personnel for school needs and cultural and entertainment activities. We currently have one Residential Care Provider, but need a minimum of four to effectively operate the program. We also need funding for building repairs, a program van, sufficient groceries, and utility bills. **We ask Congress to increase funding for BIA ICWA and child protection services so we can better provide foster care, guardianship, and adoption activities. We also ask Congress to increase the BIA Social Services budget so we can hire more EYS program staff while covering other program costs.**

IV. Promoting Steps Toward Economic Development

Assist with Our Citizens' Entrepreneurial and Financial Preparedness. Our Credit and Finance Program assists our citizens in their efforts to establish or expand their own businesses and move toward self-sufficiency; strives to add new services for tribal credit needs; and broadens access to the private sector funding availability. The Program's overall goal is to overcome economic development barriers and develop a private sector for economic sovereignty on our Reservation. Throughout 2018, among other things, the program helped 880 clients with loan opportunities, developed BIA and non-BIA lending sources for borrowers, administered our employee payroll deduction loan program, and trained our citizens on business plan development, financial literacy, and on our tribal business codes. The Program also furthers our Promise Zone's objective of attracting investments, jobs, and education opportunities to our Reservation. **We ask Congress to increase our funding for this important program by \$500,000 as we need additional staff to enhance the services we provide to our citizens.** In a place known for its lack of business opportunities, the significance of our Credit and Finance program cannot be overstated.

Prepare our Citizens for the Workforce. Our Job Placement and Training Program seeks to reduce the astronomically high unemployment rate on our Reservation by providing financial assistance to our citizens for tuition, books, fees, and living expenses for school and relocation for job opportunities. Our program's budget needs at least \$500,000 more to account for our increased number of program applicants. We want to provide our program's critical services to as many of our citizens as possible to help them get out from under our Reservation's poverty conditions. **We ask Congress to increase funding for our Job Placement and Training Program.**

V. Tackling Health Care Needs

One of the United States' most sacred treaty obligations is the provision of healthcare for our people. We appreciate this Subcommittee's past efforts, but the Great Plains Region of the IHS continues to struggle to carry out its duties. We need a surge of personnel and funding in our Region along with an accounting of how the Region is spending the monies it receives. We need adequate funding levels for successful medical and administrative personnel recruitment and retainment, appropriate medical equipment supply and adequate facilities repair, management and maintenance. **We ask Congress to continue to focus on our inordinate health care needs and for \$100 million for our IHS facilities, and to permanently reauthorize the Special Diabetes Program for Indians.**

