

**Testimony of Brandon Mauai, Councilman
For the Standing Rock Sioux Tribe
Before the House Appropriations Subcommittee on Interior and Related Agencies
Concerning the BIA, BIE, THPO, and IHS FY 2021 Budgets
February 12, 2020**

On behalf of the Standing Rock Sioux Tribe, I submit this testimony concerning the President's FY 2021 budget for the Indian programs within the Department of the Interior, including Tribal Historic Preservation, the Bureau of Indian Affairs, the Bureau of Indian Education, and the Indian Health Service. I would like to express our appreciation to this Subcommittee for its support of Indian tribes.

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. It is the Tribe's desire to provide jobs and improve the economic standard of living on our Reservation.

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. We ask the government to honor its commitments in these treaties 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. 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.

BIA CHILD SOCIAL SERVICES and ICWA: In North Dakota Indian children make-up approximately 40% of the children in the foster care system and in South Dakota Indian children make-up approximately 50% of the children in the foster care system. According to the Department of Justice, Indians have the highest rate of victimization in the country.

Unfortunately, the BIA Child Social Services and ICWA funding to support these children has not been increased in a number of years. We have a 638-contract with the BIA for this program, but Tribal Council has had to supplement this program with tribal funds. However, this is not sustainable for the Tribe. Thus, because of the shortfall in funding and the overwhelming need, the Tribe is considering retroceding this program back to the Bureau of Indian Affairs. This is a major step backwards in Self-Determination. We have asked the BIA for assistance and they have offered nothing but that their hands are tied – that it is up to Congress to provide more funding. We have one child whose special needs requires care in a facility that costs \$500 a day. Again, we are talking about the most vulnerable of our community, and we are worried that a tragedy will happen because we do not have the resources to prevent it so we are asking for your help.

Again, the Tribe's Child Protection Service program works very hard to address the needs of our children. But there are too few investigators for this program to protect our children in eight widely scattered communities across our Reservation. The CPS program is outstanding, but it is overwhelmed by the scope and magnitude of the problems it must address. Where child victims need to be placed in a different environment for their safety, there are far too few alternatives. We do not have enough approved foster homes on the Reservation. These homes are always at capacity, so we have no choice but to place some of these children – who have faced the trauma of violence in the home – off the Reservation, generally on a temporary basis, again adding trauma and victimizing the victim. There is simply an inadequate supply of safe housing alternatives for children who must be moved for their own safety.

We urge the Committee to increase funding for both the BIA social services program and for the ICWA programs. Without these resources, we will not be able to meet the needs of our most vulnerable population.

BUREAU OF INDIAN EDUCATION (BIE): We request a substantial increase in funding for Bureau of Indian Education 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). We also have five state public schools on the Reservation (Cannonball, Selfridge, McLaughlin, McIntosh, and Wakpala). These schools depend 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 Rock Creek, Cannonball, Selfridge, and Wakpala schools, 100% of the students receive free or reduced price school lunches because their families live at or below poverty. At other schools, the percentage of children receiving free or reduced price lunch is comparable – Sitting Bull, 98%; McLaughlin, 85%; Fort Yates, 80%; Standing Rock, 80%. These statistics tell us that it is incumbent on our schools to provide much more to these children than an education.

The 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 stayed almost constant for several 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.

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 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. This initiative demonstrated the critical importance that adequate law enforcement staffing can have in our community. However, HPPG ended after FY 2013 and the Tribe's law enforcement personnel were reduced from the numbers that served us so well. Now six years later, we are grappling with increased violence, drug trafficking, and human trafficking in our community. We strongly support an increase in funding for 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.

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. 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.

Tribal Detention Facility Another critical part of public safety in our community is the detention facility. Currently, BIA OJS 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 over the rated bed capacity. To alleviate jail crowding, our Tribal Court is forced to release prisoners early to make room for new prisoners. This sends the wrong message to criminals. This is not safe. We urge the Committee to continue to support detention facility construction within the BIA.

TRIBAL ROADS FUNDING: Thousands of tourists visit the Standing Rock Sioux Reservation each year and help contribute to our economy. They expect and deserve to travel on properly engineered and well maintained roads and bridges to safely transport them from destination to destination. In order for us to attract and maintain businesses and to help our members transport farm produce and cattle to nearby markets, we require infrastructure, including safe drinking water, utilities, telecommunications and all-season roads and bridges. Dialysis patients, students, their parents and grandparents rely on our road system to get them to health centers, jobs and schools.

In July, 2019, we had a tragedy on Reservation. After a heavy storm a culvert on BIA Road 3 washed-out in the middle of the night. In the early morning hours when it was still dark,

four cars drove into to the chasm that resulted from the washout. Two people—an Indian Health Service nurse and a UPS driver died. Two people were rescued, including a bus driver for Sitting Bull College, who is still recovering from his injury. Beyond the tragedy of losing two lives and a man having to struggle now to heal and still support his family, is the fact that this culvert was on the list for repair if only we had sufficient money to do this work.

I cannot think of another BIA-funded program that is so essential to the health and vibrancy of tribal communities that is so poorly funded as the BIA Road Maintenance Program. While we appreciate the increases the Subcommittee has provided to this program, more needs to be done. I ask the Subcommittee to help protect our members and visitors as well as the investment in reconstructed and newly built roads by increasing funding for the Road Maintenance Program.

BIA HIP (HOUSING IMPROVEMENT PROGRAM): The Tribe opposes any proposal to eliminate funding for HIP. HIP has long played a very important role in providing funds to low income persons who have emergency or other specific needs to make home repairs.

TRIBAL HISTORIC PRESERVATION OFFICE: The Tribe supports the National Tribal Historic Preservation Officers Association’s request for \$20 million for Tribal Historic Preservation Offices (THPO). The current level of funding means that a THPO receives approximately \$64,000 to carry-out the critical job of protecting this Nation’s historic and cultural resources that are in tribal territories. This work requires trained and experienced archeologists, historians, anthropologists, and Tribal cultural specialists, who must assess and evaluate every federal action that takes place in our territories. If this work is not done, we risk losing sites and resources that are critical to not only my Tribe’s history and culture but the Nation’s.

INDIAN HEALTH SERVICE: We appreciate the Congress’s increases in IHS funding. We depend on IHS to care for our 15,500 enrolled Tribal members, many of whom suffer from diabetes, heart disease and hypertension. The Indian Health facility at Fort Yates was built in 1960s, and is in need of a facility upgrade. In fact, the Tribe had an opportunity to receive a donation for some medical imaging equipment, but the hospital did not have the space to accept the modern imaging equipment. We currently only have 8 dialysis stations. There is a critical need for more. But again, because of space limitations, the Indian Health Service cannot expand these services.

A part of addressing the many social issues that confront our community, is the need to provide additional mental health and behavioral counseling. Too many of our people are locked in addiction, or are dealing with childhood or other trauma, which impacts their ability to be healthy and productive members of our Tribe. We would urge the Subcommittee to provide significant program funding increases for mental health and alcohol and substance abuse counseling and treatment. For too long these programs have largely been held stagnant.

Conclusion: We thank the Subcommittee for the opportunity to present this testimony.