



## **GREAT PLAINS TRIBAL CHAIRMEN'S ASSOCIATION, INC.**

Mailing Address: US Post Office Box 988, Rapid City, SD 57701

Physical Address: 628 ½ 6th Street #210, Rapid City, SD 57701

### **Testimony of Chairman Harold C. Frazier Great Plains Tribal Chairmen's Association, Inc. Before the House Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies April 6, 2022**

#### **Good Afternoon Madam Chair and Members of the Committee**

I am Harold C. Frazier, Chairman of the Cheyenne River Sioux Tribe and the Great Plains Tribal Chairmen's Association, with our 16 Indian nations and tribes in North Dakota, South Dakota and Nebraska. The Cheyenne River Sioux Tribe has more than 25,000 tribal members and a reservation the size of Connecticut. Our Indian nations and tribes in the Great Plains are treaty tribes, with reserved rights to our inherent sovereignty, self-determination and self-government, treaty health care and education, and protection of our reservations as permanent homelands.

#### **Pandemic: CARES Funding; American Rescue Plan Funding**

According to the CDC, American Indians suffered COVID-19 hospitalization, serious injury and death at the highest rate of any group in America—a rate 2.5x higher than White Americans. Because our Great Plains Indian nations and tribes live in America's poorest counties, as measured by per capita income, Tribal Governments provided basic relief, such as food, utilities, heating, home repair, and other household assistance. Federal funding for Tribal Governments was essential to address the Pandemic. COVID-19 is not over in Indian country, our Indian nations and tribes see continuing impacts. Our Tribal Governments, small businesses, and agriculture were devastated by the Pandemic, and we need more help in the FY 2023 Appropriations Act. We believe the proper reference for Indian nations and tribes is the Federally Recognized List Act.

#### **Bureau of Indian Affairs**

GPTCA recommends \$7.36 billion for Indian Affairs programs in FY 2023, \$2 Billion more than with the official FY 2023 recommendation of the Tribal/Interior Budget Council (TIBC). Within TIBC's FY 2023 recommendations are increases for all base-funded programs, and additional funding to address public safety and justice in tribal communities; the economic and social wellbeing of our citizens and all those who visit or

do business there; the backlog of school, community, and government infrastructure construction and maintenance; taking land into trust; and addressing climate resiliency in tribal communities and on Indian and federal lands.

Great Plains Indian nations and tribes need \$1 Billion increase for the BIA Road Maintenance Program, with an emphasis on Safe School Bus Routes and Elimination of Road Hazards for Economically Disadvantaged Indian nations and tribes in the Great Plains.

Great Plains Indian nations and tribes need an additional increase of \$500 Million for Tribal Law Enforcement, Detention, and Justice Systems. Native Americans suffer violent crime at rates 5x higher than the general public and our Native American mortality from drug and alcohol fatalities is more than 5x higher than the general public.

Great Plains Indian nations and tribes need an increase of \$500 Million for Human Services and General Assistance for our unemployed tribal members suffering economic disadvantage. The Great Plains Indian nations and tribes are among the largest Indian nations with the largest land base.

### **Bureau of Indian Education**

In the Great Plains Region, Indian education is a treaty right for our students, yet in our area, our schools often cannot get the teachers that we need for the most basic subjects. Given the background of the endemic economic disadvantage and America's illegal taken of our most valuable lands and natural resources, we must secure an Equal Educational Opportunity for our children or generations more of our Native American people will be left behind.

Education sovereignty, including funding, is critical to ensuring the future vitality of Native communities. Many Native-serving schools have faced limited resources for decades or longer. Due to limited access to state and local taxes, Native-serving schools cannot collect taxes and are therefore reliant on federal programs. And Native communities are often located in rural regions where economic growth is difficult unless Congress honors federal, constitutionally based funding obligations.

The majority of Native students do not have access to high-quality education options that are rooted in their language or culture – the core of their identity. Equity in education for Native students requires culture-based education options that provide opportunities for Native students to flourish in the classroom and beyond.

To fully fund BIE Indian Education at a level of Equal Education Opportunity, Congress must fund Indian education at \$10,000 per Student to provide for teachers, instructions, and operations. Without an increase in ISEP Student Funding to \$10,000, we cannot attract even the most basic core subject teachers for school instruction, such as English, Math and Science, and our internet access is challenging. We don't have funds for career and technical education, which is the wave of the future in non-Indian communities.

## **Education Facilities**

BIE Indian Schools need and deserve an additional \$5 Billion in construction funding over 5 years. Indian School Construction, GAO 17-447 (2017) (54 Schools in need of replacement). Indian schools in the Great Plains are past their useful life and our tribal student population is growing exponentially. We need full replacement of our deficient tribal schools, and the new campuses awarded construction grants must be fully functional, with adequate space for kindergarten, elementary schools, middle schools, high schools, adequate entry points for safety and security, extreme weather school bus garages, athletic facilities—pools courts, track and field houses, and computer learning centers.

## **Indian Health Service**

GPTCA joins NCAI in recommending \$49.83 billion for the Indian Health Service (IHS) in FY 2023, consistent with the official FY 2023 recommendation of the IHS National Tribal Budget Formulation Workgroup. GPTCA strongly urges you to ensure IHS funding is mandatory spending, with a mechanism to automatically adjust spending to keep pace with population growth, inflation, and healthcare costs. This will ensure that the funding Congress provides for Indian healthcare can be used efficiently and strategically, without endangering lives due to funding lapses.

Mandatory spending for IHS is required by our treaties. In *Rosebud Sioux Tribe v. U.S.*, the 8<sup>th</sup> Circuit Federal Court of Appeals ruled that our 1868 Sioux Nation Treaty requires that the United States of America, acting through the Indian Health Service, provide competent physician led health care. With due respect, we call upon Congress to fulfill United States' treaty pledges to our Indian nations, and fully fund the President's budget request for Indian Health Care, and provide additional funding as needed to build, maintain and staff our Hospitals, Health Clinics, Diabetes Centers, In Patient Alcohol and Substance Use Disorder Treatment Centers, and related facilities for youth and elders.

On March 28, 2022, President Biden issued the FY 2023 Budget Request, including \$9.3 billion for I.H.S. in FY 2023 – a \$2.5 billion or 37 percent increase above the FY 2022 level. Because the funding would be mandatory, and tied to the medical rate of inflation, salary growth and population growth and be safe from shutdowns – ensuring that funding would grow to \$36.7 billion by FY 2032, an increase of 296% across the budget window.

From the Great Plains, we promote full funding for the Indian Health Service at the \$49 Billion level required to raise the health status of Indian tribes to the level of American health care provided to the general public. At a minimum, it is critical for Congress to fully fund the President's budget request of \$9.3 Billion, and make it mandatory spending in accordance with our treaties.

## **Hospitals, Health Care, Diabetes, Alcohol and Drug Abuse Disorder, Treatment.**

The Indian Health Care Improvement Act, part of the Affordable Care Act, directs that the Indian Health Service should fully fund the construction of facilities on its 1993 List

before funding other IHS or Tribal facilities, yet Congress for decades has failed to fund the construction of I.H.S. Facilities. There remains a \$4+ Billion backlog in 1993 List facilities and the FY 2022 Appropriations Act only fund new I.H.S. Health Care facility construction at \$260 Million. At that rate, it will be decades more before the 1993 List is retired. This must change. Native Americans suffer the poorest health status in America, and among Native Americans, our Great Plains Indian nations typically suffer poor health care and poor health status at the lowest level. Congress must provide the appropriations necessary to fund Indian hospitals and health care facilities at \$22 Billion annually. I.H.S. testified to this urgent level of need.

## **Bureau of Land Management and National Forest Lands**

Tribal Forest Protection Act authorizes the Secretary of Agriculture and the Secretary of the Interior to enter into contracts or agreements with Tribal Nations to carry out tribally proposed projects on Forest Service (surface) or Bureau of Land Management (mineral) managed lands. The 2018 Farm Bill contains an important expansion of the P.L. 93-638 contracting authority to the U.S. Forest Service, allowing the Secretary of the Interior and the Secretary of Agriculture to enter into agreements whereby Tribal Nations or tribal organizations may perform administrative, management, and other functions of TFPA programs through P.L. 93-638 contracts. The President's FY 2023 Budget Request includes a request for \$11 million to expand the time-tested principles of self-determination and self-governance and empower Tribal Nations to reclaim what they have known for millennia – how to manage and conserve the landscape for sustainable economies and cultural practices. The United States of America does not own the title to the Black Hills National Forest, so Interior and USDA should work on intergovernmental agreements to transition management and ownership to the Great Sioux Nation.

## **Environmental Protection Agency**

Almost 40 years after the passage of the Clean Water Act, only 46 of 77 eligible Tribal Nations have Environmental Protection Agency (EPA)-approved water quality standards, which are a cornerstone of the Clean Water Act. Given the disparate access of tribal communities to safe and clean water, NCAI recommends a 5 percent tribal set-aside for each the National Safe Drinking Water State Revolving Fund (DWSRF) and the National Clean Water Act State Revolving Fund (SRF), with \$71.97 million to be appropriated to the DWSRF and \$99.1 million to be appropriated to the SRF.

GPTCA recommends \$100 million be appropriated for the EPA Tribal General Assistance Program, \$30 million for the Tribal Air Quality Management Program, and \$46.8 million for EPA's Land and Emergency Management programs for the benefit of Native Nations. Among our Great Plains Indian nations and tribes, we have suffered many EPA Superfund sites, with pollution of our lands and waters, and EPA should act to redress this environmental discrimination against Indian nations.

Please enact funding necessary to meet America's treaty and trust obligations to our Indian nations and tribes. Thank you.