

**GOALS AND PRIORITIES OF THE GREAT PLAINS
TRIBAL CHAIRMEN'S ASSOCIATION**

HEARING

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ON

**TO RECEIVE THE VIEWS OF THE MEMBER TRIBES OF THE GREAT
PLAINS TRIBAL CHAIRMEN'S ASSOCIATION REGARDING THEIR GOALS
AND PRIORITIES**

**JUNE 26, 2001
WASHINGTON, DC**



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GOALS AND PRIORITIES OF THE GREAT PLAINS TRIBAL CHAIRMEN'S ASSOCIATION

TUESDAY, JUNE 26, 2001

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:20 a.m. in room 485 Senate Russell Building, Hon. Daniel K. Inouye, (chairman of the committee) presiding.

Present: Senators Inouye, Conrad, Dorgan, Johnson, and Campbell.

STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM HAWAII, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. I have just been advised that the Senate will be having two votes at 11:30 this morning. Accordingly, since time is of the essence, may I begin the hearings a bit early?

The first panel, consists of Gregg Bourland, chairman, Cheyenne River Sioux Tribe of South Dakota; Tex G. Hall, chairman of the Three Affiliated Tribes of New Town, ND; and Thomas Ranfranz, chairman, Flandreau Santee Sioux Tribe of South Dakota.

The committee meets this morning to receive testimony from the member tribes of the Great Plains Tribal Chairmen's Association on their goals and priorities for the 107th Session of Congress.

This hearing is the fifth in a series of hearings to gather information from tribal governments across this land. The committee has also participated in two tribal leader forums in the Pacific Northwest and Southern California for the same purpose.

Testimony received from all of the tribes will not only be published in the regular hearing record but a compendium of goals and priorities identified by the tribal governments will be published upon conclusion of these hearings.

The goals and objectives that Indian country has identified as priorities will guide the continuing development and refinement of the committee's legislative agenda for this session of Congress.

We would like to invite all of our witnesses today to join us at 2 p.m. meeting this afternoon in this room for a discussion of a legislative approach to the taking of land into trust.

On behalf of the Committee on Indian Affairs, We welcome all the witnesses here this morning. I look forward to receiving your testimony.

First, I will recognize Chairman Bourland.

**STATEMENT OF GREGG BOURLAND, CHAIRMAN, CHEYENNE
RIVER SIOUX TRIBE, EAGLE BUTTE, SD**

Mr. BOURLAND. Thank you very much. I greet each and every member here today and the members of the general public with an open heart and a handshake on behalf of the great Sioux Nation, the leaders of the Great Plains region, and also on behalf of my own nation, the Cheyenne River Sioux Nation.

I would first like to congratulate you, Senator Inouye, on your return to the chairmanship of this most honorable committee. It is an absence which, of course, none of us enjoyed. But we are very happy to have you back as chairman of this committee. You did a lot for the committee. I don't think I need to elaborate on that. So, again, I would like to again welcome you back to the chairmanship of the Senate Indian Affairs Committee.

I guess I would like to speak quickly on behalf of the Great Plains region. We have 16 tribes in the Great Plains region that comprise one of the largest Native American land bases in the United States.

At one particular time in history, we were, among our fellow tribes, probably the richest and most powerful of tribes. The Sioux, the Cheyenne, the Crow, Arikara, Mandan, Hidatsa, all the people of the Great Plains were rich in the fact that we had absolute self-reliance and self-sustainability. We were, in other words, totally self-sufficient.

Through that self-sufficiency we were able to enjoy the powers of sovereignty. But, of course, history, as you well know, and I know that you are an astute scholar of history from the Native American viewpoint, was not kind to us. The actions of the Federal Government are not only destroying our lifestyle, but also destroying our economy. The biggest economy we had at that time, of course, was our great massive herds of bison.

It has now led us to where we have to keep coming back and coming back and coming back again to the U.S. Congress seeking to try to sustain what lifestyle we have left.

So, I appreciate these hearings that you have in Washington, DC to be able to hear what our concerns and needs are. We at Cheyenne River, for example, are working diligently to try to build a sustainable economy and will continue to do so.

It is my dream and hope that some day our lifestyle will be restored to the point where we would be 100 percent sustainable and self-sufficient. But until such a day, we will continue to come back. We are going to have to continue, I guess, bringing a number of our concerns before you.

Some of the concerns that are absolutely critical to the Great Plains tribes are our schools. I know that you have heard about our schools. You have seen the condition of the schools and you know that the aging condition of those schools and the ever increasing population on Native American reservations create some of the most deplorable conditions that our children have to learn and have to be educated in.

The other great problem that we have in the Great Plains, of course, because of our harsh climate, is the fact that our transportation and road systems are also deplorable. We are constantly

faced with aging roads. The majority of the roads on my reservation, for example, and Tex's reservation are yet still gravel.

This does not lead toward any sort of a sustainable economy through tourism. Cheyenne River, for example, just recently established the Sioux National Park, which is a giant buffalo refuge of well over 30,000 acres that contains close to 2,000 head of buffalo.

We are in the process of moving, hopefully, our elk herd into this national park. I call it the Sioux National Park because we are the ones who are going to maintain it and operate it. It is part of our national heritage. It is not a Federal park.

We hope to enjoy, as does President Ranfranz, Chairman Hall and the rest of the Great Plains Chairmen, we wish to enjoy the Lewis and Clark bicentennial. We would hope that the Federal Government would see fit to not only include us in the Lewis and Clark bicentennial, as we were a key part of the Lewis and Clark journey. I guess at any time we could have put an abrupt end to their journey. But choosing not to do so, we are now here to enjoy the bicentennial.

We would also like to see some of the tourism dollars and some of the development moneys that could be used so that we can develop our recreation and tourism sites.

There are many other concerns that Chairman Hall and Chairman Ranfranz, Chairmen Jandreau and Kindle and many of the other honorable leaders will express.

I guess I am going to close here by again thanking the committee for hearing my concerns. I have also submitted for the record an individual testimony of the Cheyenne River Sioux Tribe and we have also submitted our testimony on behalf of the tribal nations of the Great Plains region.

I would encourage committee members to read those at your own leisure and discretion. So, again, I want to thank you, Senator Inouye for convening this hearing and for hearing what we have to say.

Thank you very much.

[Prepared statement of Mr. Bourland appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. Chairman. Your statements will all be made part of the record.

Before I recognize Chairman Hall, I am going to call upon the vice chairman of the committee, Senator Ben Nighthorse Campbell.

Senator CAMPBELL. Thank you, Mr. Chairman. Welcome, this morning, to our witnesses. I want to thank you for being here. Today's hearing is the next of a series of hearings to listen to the concerns and priorities of the Indian tribal governments across the Nation.

This morning our distinguished guests are from the nations of the Great Plains.

Just 2 weeks ago the Senate passed some historic education reforms that included native education. I was very proud to join with Senator Inouye in helping move that bill along.

Anyone who has visited Indian country knows there is still much left to do, as you have stated, Gregg, in Indian health care, in Indian housing, in building strong tribal economies.

Yesterday I took part in the events surrounding the 125th anniversary of the Battle of Little Bighorn in Montana. I was reminded

while I was up there not only of the tragic history of that area and the Federal-tribal relations that deteriorated before and after that, but the obstacles that Indian people still face. I think we have come a long way, but we certainly have a long way to go.

When I was up there, there were a great number of people from the great Sioux Nations, Cheyenne allies were there, Arapaho. There were very many people there. But I was thinking at the time yesterday that there were no real victories in that battle because although the soldiers lost that day, the Indian people in this country literally lost their future after that day.

While we have had some success in recent years, I am confident that working together we can achieve more successes. The reenactment was really interesting for me yesterday, Mr. Chairman, because in the last 7 or 8 years there is a group of people up there that started something similar to the Civil War reenactments where people dress in costumes and do sort of a pageant.

They put out posters, in fact, now and the posters refer to the reenactment as "show time." When I was reading the poster, I was thinking to myself, it may be show time to some, but it is not show time to Indian kids who still don't have enough food. And it is not show time to Indian elders who still have cold winters with not enough heat. It is not show time for Indian men and women who face 50 and 60 percent and sometimes higher unemployment rates. That is not a show. That is real life.

Interestingly enough, Mr. Chairman, in that reenactment the Lakota, the Sioux, and the Cheyenne don't participate. They have many Indian people who do participate on the Indian side of the pageant, but that particular area, as you probably know, is considered very sacred to the Sioux and the Cheyenne because they lost so many of their own people that were killed there. Although they participate from the standpoint of prayers and ceremonies, they don't participate in anything that looks like a show or a pageant.

It is clear to me after yesterday that there has been some change. When we did the 100th anniversary in Montana 25 years ago and we were camped a few miles from there on a ranch owned by a Cheyenne spiritual leader named Austin Two Moons, I remember when we went from that campground to the battlefield, we were not allowed to go over there one by one. We had to go in a group.

In fact, the Montana National Guard had been activated. They had these command cars on the hills around us, watching us through field glasses. When we got over to the battlefield 25 years ago, they made all the Indians park in one area.

I didn't understand the reason for that, but we left a little bit early after we did a prayer ceremony there, and just in time to find Federal agents going through our cars and writing down all the license plates and taking the registration. Talk about racial profiling. They only did that with the Indian cars, by the way, Mr. Chairman, nobody else.

Well, there have been a lot of changes and I think the changes in the battlefield reflect the changes in the Indian country. The Park Service now, of course, hires many Indian people to be interpretive guides. They have, I think, a huge change in their mission as it relates to Indian people.

We should be so lucky with some of the other agencies and bringing them along, too, to recognize the importance of how far we have yet to go in making sure that Indian people are included in virtually everything that everyone else takes for granted in this nation.

In any event, thank you for appearing here, Gregg, Tex, and all my friends. It is nice to see you this morning.

Thank you, Mr. Chairman.

Mr. BOURLAND. Senator Inouye, if you don't mind, we appreciate Senator Campbell going up to represent not only his people but our people. As he has just indicated, we wish some of the other agencies were more cooperative.

Chairman Hall has led the charge to sue the Department of Agriculture over discrimination against Native American farmers and ranchers. Yet, today, they still discriminate. Most recently, members of my tribal council attended a meeting just yesterday at which we are still pointing out discriminatory practices that they are employing against Native American bison producers.

They put a program together at Congress' direction to purchase our bison products for the USDA program and instead they put stipulations in their policies so essentially the only people who can sell the bison to the USDA are the big non-Indian owned coops. They are basically squeezing us out.

I thought you maybe needed to know that. I am kind of tattling on them a little bit. Thank you.

Senator CAMPBELL. All right. We need to hear it.

Thank you.

The CHAIRMAN. Now I recognize the gentleman from North Dakota, Senator Conrad.

STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM NORTH DAKOTA

Senator CONRAD. Thank you, Mr. Chairman. Thank you very much for holding this hearing. Thanks to the vice chairman as well. We appreciate very much the opportunity to talk about the needs in the Great Plains.

I especially want to welcome four of our most distinguished tribal leaders from North Dakota who are here to testify, starting with Tex Hall, chairman of the Three Affiliated Tribes. I think the members of the committee should know that Tex just recently lost his father who was also a very distinguished leader, somebody that I think everybody can be proud of, somebody that led an exemplary life.

We also will hear today from by Charles Murphy who is the chairman of the Standing Rock Sioux Tribe, somebody who has been a friend of mine for many years. He is a very able leader who has made a real difference on his reservation.

Chairman Skip Longie of the Spirit Lake Nation. The Spirit Lake Nation has become very well known in Congress because they border Devil's Lake, which is this remarkable lake, which is the size of the District of Columbia. It has risen 26 vertical feet in the last 6 years. It is really unlike anything I have ever seen before.

I think virtually every Federal agency that has tried to cope with it understands it is unlike anything they have ever dealt with anywhere in the United States.

It is hard to imagine a lake the size of the entire District of Columbia rising 26 feet. It has doubled in surface size. It has eaten up surrounding farmland. They had to move over 600 structures that were in the way. We have had to spend over \$300 million building up dikes protecting cities and towns.

We have had to buy out an entire town. Much more is threatened, much more is threatened unless we act.

Also, Chairman Richard Monnette of the Turtle Mountain Bank of Chippewas is here with us today. These are four really excellent leaders.

I think they say something about what is happening in Indian country with the rise of a new group of leaders, educated, very hard working, determined to produce results but in many ways handicapped by us, because the truth is the Federal Government has absolutely failed to keep its promised and that is undeniable.

The results are very, very serious. We have an epidemic of suicide. We all know that longevity in Indian country is much less than the rest of the population enjoys. We could recount what we heard at the White House when President Clinton convened a meeting of tribal leaders from across the country just 2 years ago to talk about the unfinished agenda in Indian country. Tex Hall was there.

The litany of problems, whether it is housing, whether it is health, whether it is education, is really a black mark on the Federal Government because if there is one place we have a distinct responsibility, it is here.

We entered into treaties with these people and we failed to keep them. We broke them time after time. We left them in the most difficult places in the country to scratch out a living. So, we owe a lot and we have a responsibility to keep those promises.

I again want to welcome the tribal leaders who have traveled so far to be with us today.

Again, I want to thank you, Mr. Chairman, thank you for moving so quickly to hold these hearings. We deeply appreciate it.

Thanks, too, for the vice chairman for the way he handled his responsibilities when he was in your position because he did it in a very evenhanded and fair way. We want to say that publicly and to thank him.

Thank you, Mr. Chairman.

The CHAIRMAN. I thank you very much. Although the rules would suggest that Ben Nighthorse Campbell is the vice chairman, in my mind and heart, he is a cochairman and we have operated in that fashion for many years and we will continue to do so.

Now, it is my pleasure to recognize Senator Johnson.

**STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM
SOUTH DAKOTA**

Senator JOHNSON. Thank you, Chairman Inouye and Vice Chairman Campbell for your extraordinary leadership, both of you, on Native American issues over many, many years. You have great

credibility with all people concerned about Native American issues and it is well deserved.

I am particularly pleased with this hearing today as we examine the challenges that face us on the northern plains. We have the good fortune in South Dakota of having some extraordinary leaders of our key tribes. We have nine large land-based treaty tribes in the State of South Dakota.

With us today are Gregg Bourland from Cheyenne River Sioux Tribe and Tom Ranfranz from the Flandreau Santee Sioux Tribe.

Then we have on the next panel Mike Jandreau from the Lower Brule Sioux Tribe and William Kindle from Rosebud Sioux Tribe. We have Charles Murphy from Standing Rock that Senator Conrad and Senator Dorgan and I share across the North Dakota-South Dakota border, and Teresa Two Bulls who is vice chairwoman of the Oglala Sioux at Pine Ridge.

This is a very able collection of leaders that we have and I look forward to their testimony. We have a good working relationship.

I chose this past year to secure a seat on this committee and on the Appropriations Committee in the hope of positioning myself as well as I am able to pursue the kind of agenda that I think we jointly believe is necessary in Indian country in South Dakota.

We have a great many issues facing us from housing, health care, economic development and infrastructure that is needed for economic development to law enforcement issues. Among the key issues that I have taken a concern with are education issues, from early Head Start all the way through our tribal college program in South Dakota where we are struggling to create a new generation of leaders, teachers, nurses, managers, entrepreneurs, the kinds of people who can develop a greater, stronger private economy in Indian country to help displace what has long been too great a reliance on Federal resources that in fact have been too inadequate to allow people to live the kind of a self-sufficient life that they would prefer to live.

We need to empower more Native Americans working with our tribes in a government-to-government kind of relationship to see to it that the job skills and the professional capabilities are in fact in place.

So, I look forward to the testimony here today. I apologize, Mr. Chairman, that I have multiple competing hearings going on this morning, including one in Appropriations, which is going to require my presence. So, I am not going to be able to personally be here for all of the testimony of all of these panels. But I will examine it closely and my staff is here. I will work with you as well as our tribal leaders to make sure that we find as much as a consensus agenda that is an aggressive consensus agenda on this committee on behalf of our Northern Plains Tribes.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Johnson.

Senator DORGAN.

**STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM
NORTH DAKOTA**

Senator DORGAN. Mr. Chairman, thank you very much. Let me reiterate the comments about you and Senator Campbell. It is really a pleasure to be able to work with you on these issues.

We really do have to begin to make more progress. I welcome Tex Hall, Chairman Hall. I welcome Chairman Longie and Chairman Monnette. We have new, interesting energetic leadership on the four reservations in North Dakota, but we need to give them the tools with which to do this work.

It seems to me, as Tex Hall indicated and others have indicated, you know, we have a full-blown crisis in education, in housing and in health care on reservations. In fact, one of our tribal chairs a couple of years ago gave the President a piece of paper that said, "I live in a Third World Country."

It just developed all the data about unemployment, disease, suicide, all of the issues, to say:

If you looked at this set of data and didn't know where it was from, you would say, "Well, this is a Third World Country." No, it is not. These are statistics from one of our Indian reservations and they would apply to many of our Indian reservations and we need to give these tribal leaders the tools.

We need jobs. We need education. We need health care. We need opportunity. With the right tools, these tribal leaders can substantially improve conditions and it is our job to give them that.

Let me just mention one quick point on an issue that is related to this. Senator Conrad and I have been working on an issue on one of our reservations of several hundred data processing jobs or information processing jobs on one of our northern reservations in North Dakota, several hundred jobs, very important jobs.

The reservation has over 50 percent unemployment. Several hundred jobs are very important. We have an organization called the National Industry for the Severely Handicapped. They have preference in law. Now we have a circumstances where it may well be that because of that preference they come in and take jobs through a contractor that are now previously being done by American Indians.

Well, that is not, in my judgment, what the Congress had in mind. It is not to say we will have a preference for the severely handicapped in order for them to go claim jobs from Native Americans who are working in an environment where they have 50 or 60 percent unemployment. That doesn't work. That is not what this about.

So, Senator Conrad and I are working on that issue. There are a lot of similar issues. We can do a lot of good, I think, hearing the agenda from these tribal chairs and giving these leaders the tools with which to work.

We can do a great deal of good and I pledge to work with you, Mr. Chairman and Mr. Vice Chairman, to that.

As Senator Johnson said, and I am sure my colleagues as well, I have the Commerce Committee and Energy Committee hearings occurring at the same time, so I am going to be in and out. But thank you for the opportunity and thanks to the tribal leaders from all over the country who have come here today.

Good day.

The CHAIRMAN. I thank you very much.
Now, may I call upon Chairman Tex Hall.

**STATEMENT OF TEX HALL, CHAIRMAN, THREE AFFILIATED
TRIBES, NEW TOWN, ND**

Mr. HALL. I greet Senator Inouye as one of our tribal members, One Who Helps. He was named years ago for his commitment to help Indian country.

I also thank Senator Conrad for mentioning my father's name. I just mention that I carry his name now. It was a World War II name that means Red Tip Arrow for his ship getting sunk in the Antarctic Ocean. So, thank you very much for that.

Senator Campbell, thank you for your words on Little Bighorn. It astonishes me as well that we don't have an Indian memorial. We need to continue to raise the necessary funds because when you go there you have the Custer monument, the battlefield and where is the Indian monument?

It just astonishes me. It seems like the Indians are left to the side.

Senator CAMPBELL. May I mention something about that, Mr. Chairman, since Chairman Hall did bring that up?

The CHAIRMAN. Certainly.

Senator CAMPBELL. When we passed that bill 10 years ago and authorized the name change and authorized the building of an Indian memorial up there, as you know, there was no money attached to it. The money was supposed to be raised in the private sector. The money has not been raised. It just hasn't been coming in.

However, the Park Service up there did change the gate fee and is earmarking some of it toward the memorial now.

But earlier this year I met with Park officials and they told me that they had the money in their budget this year to go ahead and build the thing. I specifically asked them, "Do you want us to try and get a line item to make sure that you do have the money? It is about \$2 million."

They said no, they had it.

I am meeting with the person that in fact is being nominated this afternoon and that was one of the things I was going to bring up to her is where is this and why isn't it being built.

But the design is done and it is long overdue, so I am hoping that we are going to be able to move this thing rapidly this year.

Thank you.

Mr. HALL. That is encouraging to hear, Senator Campbell. Thank you, Senator Conrad, again, for your words and your commitment to help not only the tribes in North Dakota, my tribe, but all of the Great Plains tribes and Senator Johnson as well, thank you very much for all of your efforts and Senator Dorgan as well for showing the leadership that is needed.

Before I begin my comments, Senator Inouye, I want to just point out the BIA, the 1999 labor force report, the statistics show that all of the 568 tribes in the United States, all of the 568 tribes and it breaks it down by each region. If you look at each region it statistically shows the number of population.

Of course, we have 16 tribes in the Great Plains and we have appropriately 6 million acres of trust land. We have approximately 200,000 Native Americans. So, we have a large land base and a large population of Native Americans.

Unfortunately, we suffer 71 percent unemployment. But here is an interesting statistic. We have 20,000 tribal members who are working. We have 50,000 who are able to work who do not have a job. There are 44 percent who live below the poverty level.

So, on the one hand you have statistics, but on the other hand, you have over 50,000 eligible workers. If given the opportunity, we can do the job.

As Senator Conrad mentioned, it is a new era of time. For this 21st Century don't want a welfare check; we want a paycheck. We want to be able to work and be able to provide for each of our families. Our people are committed to doing that if we are given that kind of an opportunity.

So, I want to take off on the points the Senators made about economic development. Again, I appreciate it very much.

Mr. Chairman, again, my name is Tex Hall. I am chairman of the Mandan, Hidatsa, and Arikara Nation, otherwise known as the Three Affiliated Tribes, in northwestern North Dakota.

I am also chairman of the Great Plains Tribal Chairmen's Association. On behalf of the 16 tribes of the Great Plains, I want to thank you and the committee for this opportunity to present our goals and priorities and concerns for the 107th Congress.

This morning, we have the following tribal chairman here representing their individual tribes. We have Chairman Mike Jandreau from the Lower Brule Sioux Tribe; Phillip Longie, Spirit Lake Nation; Richard Monnette, Turtle Mountain Band of Chippewa; Charles Murphy, Standing Rock Sioux Tribe, Thomas Ranfranz, Flandreau Santee Sioux Tribe; Roger Trudell, Santee Sioux Tribe; William Kindle, Rosebud Sioux Tribe; John Yellowbird Steele, President of the Oglala Nation; and Chairman Gregg Bourland from the Cheyenne River Sioux Nation.

Each of the tribal chairs will discuss some of the collective priorities we face, as well as briefly the specific situations of each of their tribes.

Again, Senator Inouye and Senator Campbell, this is an historic opportunity to really focus in on our goals and concerns. As chairman for the past 3 years, this is really a unique and a first-time opportunity for us to focus just on the Great Plains. I really appreciate it, especially in light of the statistics that have been laid out in the 1999 labor force report.

Over the years many studies have been written about our people, about our tribes and about our region of the country.

I guess the first point I want to talk about is the treaties and the trust responsibility. Of course, we come from an area of the country that, I would say in one word would basically be described as Indian America, where we live in the Great Plains because of the culture and the traditions and the land base and the people that live there.

As we look at the opportunity of Lewis and Clark and this country is going to be going on a great big celebration, a 200-year celebration of Lewis and Clark. It is hard for our people to really focus

on a celebration without a reconciliation, without that partnership of what happened to us, reconcile what happened to us and how we moved that forward.

I think that is the challenge before all the 16 tribes here. We want to really focus on our partnerships. We are only going to be successfully based on the relationships that we build. That is why we are all very cognizant of working within our States, our Governors and working with the Senate Committee on Indian Affairs.

We want to look at protecting that trust responsibility because when you think back 150 years ago, the Fort Laramie Treaty, we are going to be celebrating that September 17. It was 1851, 150 years ago. All of the tribes here signed these solemn treaties. It was a large gathering. There were over 14,000 tribes that went into Fort Laramie, Wyoming and sat down and negotiated terms so that way our people could look forward.

Of course, we all know the sad chapters of history and how our land was basically stolen from us. Today, we still have lands that we don't have control over. We have parts of our reservations that are checker boarded.

Without a government's ability to tax, it jeopardizes that government's ability to be self-sufficient. If the State of North Dakota did not have the ability to tax within its borders, there is no way it could even meet the needs of its people and neither could this country.

So, you can imagine a tribal government that does not have the ability to tax on certain parts of its reservation. It loses a tremendous amount of revenue. The most recent case is the Navajo case of Atkinson where the Supreme Court recently ruled that the Navajo Nation was not able to tax on fee lands within its reservation. That severely hampers.

So, 200 years ago you had the scenario when President Jefferson had the philosophy of Manifest Destiny. One hundred years ago President Roosevelt from our State of North Dakota again was a President during a time when the last buffalo hunt was conducted in North Dakota. Then the cattle came in and the settlement came in.

It was also the era of the Allotment Period where tribal governments were broken up and parcels of land were given to individual Indians, basically taking away the tribal government structure, to just recently the *Atkinson* case with the Navajo.

So, today, Mr. Chairman and members of the committee, we continue to struggle with the right and with the authority that our treaty has granted us. That is to be able to govern and tax within our reservation. So, we still have that today.

So, Mr. Chairman and members of the committee, I respectfully ask that the committee support us as we look to regain the trust responsibilities and the treat obligations that were handed down 150 years ago, to protect that. I know it is a difficult thing, but as I laid out, it continues to happen today in the most recent case that I just cited.

We have a broad range of issues that we are going to be discussing, including economic development, housing, energy development, tourism and the land under trust regulations.

I will be brief, Mr. Chairman, and members of the committee, because I want to give the other Chairman their due chance to provide as much information as they can.

As I mentioned, we have over 6 million acres of basically underdeveloped lands. These lands hold a tremendous amount of natural resources. On my reservation alone, there is large, potentially oil and gas. I want to thank my Senators for the significant piece of legislation, the 51 percent that allows a fractionated piece of land, only 51 percent signature requirement for landowners.

As we are advertising for industry partners, that is a tremendous opportunity for industry partners to come in. If we didn't have that, it would be twice as difficult and we all know how it is to get 100 percent of signatures, especially when at least one third of the population lives as far away as California.

I want to thank the committee again. It is a tremendous accomplishment.

Again, we have over 200,000 members with at least 50,000 that are ready, capable and waiting to go to work. All of us have community colleges. We are all focusing on this effort. So, again, I think this is a great opportunity.

However, we do, sadly to report, we do have some of the poorest counties in this country of ours. We average 71 percent unemployment. In some of our tribes it is between 70 and 85 percent unemployment. Our region has three of the poorest counties in the country. They are Shannon County, Todd County, and Ziebach County. Furthermore, 9 of the poorest 38 counties in the United States are all located in North and South Dakota, all of which are either all or partly within an Indian reservation.

Again, as Senator Conrad and Dorgan both mentioned, we also face the worst health status in the United States. It is comparable to a Third World country in the life expectancy of barely 60 years of age and high rates of infant mortality, diabetes, heart disease, cancer, alcohol and substance abuse, with many years of productive life that is lost.

So, the statistics I mention don't even take that into consideration, it doesn't take into account the life expectancy. Of course, without good health, nothing else matters.

I also would be remiss if I didn't acknowledge Senator Daschle's \$4.2 billion Indian Health Care amendment. I think that was a tremendous step and a bold initiative that Senator Daschle did. I want to thank him publicly for the record.

We continue to attempt, to try to provide a large, meaningful budget increase to the Indian Health Care Budget. I look forward to working with this committee and to providing additional testimony on the Indian Health Care budget and the Indian Health Care Improvement Act as it looks to become reauthorized.

As Chairman Bourland mentioned, we also are called the buffalo nations. We all have substantial buffalo herds. As I mentioned, in approximately 1885 or 1886, that was the last buffalo hunt in North Dakota, there been making the way for huge cattle herds and the railroad in North Dakota.

But the buffalo are returning. In our region we also increased from 1990 to 2000, we increased our population 21 percent in the Great Plains. So, when Columbus came there was approximately

20 million indigenous people. In 1920 there was 200,000 Indian people left.

By 1886, all of the vast buffalo herds basically disappeared. But as Chairman Bourland mentioned, they now have 2,000. We have 1,500 head of buffalo and we are growing our populations of our buffalo back.

I want to just emphasize, it is not just about economics. It is also a spiritual initiative because to the sun dances today that are being performed on many of our reservations, we just had two on Fort Berthold, because they sacrifice and they pray for all people, all mankind, Indian people, white people, black people, yellow people.

They pray for all races of mankind and they honor the buffalo at the altar of the sun dance where the pipe is placed. So, I want to mention that. It is not really about economic development. If we are going to be successfully we must bring back the buffalo. We must bring him back with us.

Just briefly now, as I mentioned about the trust responsibility, I want to read a quote for the record, Mr. Chairman and members of the committee. It is about President Roosevelt, but President Jefferson, as I mentioned, talked about Manifest Destiny.

My people wintered Lewis and Clark for 6 months. Our ancestors got Jefferson Peace Medals—we wintered on good faith. We saved the expedition based on good faith. We received Jefferson Peace Medals based on good faith.

We did not know the underlying theme was Manifest Destiny. That was 200 years ago. Approximately 100 years ago, President Roosevelt in 1901 presented a U.S. policy toward Indian tribes that very starkly said, in his very first State of the Union Address to Congress that year, that “the General Allotment Act is a great pulverizing engine designed to crush the Indian mass.” He went on to describe what he thought the goal of the United States toward tribes should be.

“We must treat the Indians as individuals, not as tribes,” he said. That is basically what the United States policy was up until 1934 with the passage of the Indian Reorganization Act whereby the tribes lost 90 million acres of land.

So, as we look at the Land Under Trust regulations, we are very supportive of just moving the regulations forward. We know that the tribes did not get all they wanted. I know there are a lot of comments from the States and from the counties that oppose the tribes taking land into trust.

But again, it gets back to a government being able to tax its citizens and being able to provide the necessary financial resources. If a tribe is not able to do that, it severely hampers them and continues the dependence on Federal programs in order to accomplish that fact.

I want to just say this briefly that we are not casino rich, as the committee knows full well. I think there is a misconception throughout this country that all tribes are gaming rich and we have big ivory tower casinos located on our reservations. That is totally not true, as we know.

We basically provide employment. In my casino, the Four Bears Casino, we employ 350 people and provide Blue Cross and Blue Shield health insurance for each of those members. We have a re-

gional impact of a multi-million dollar operation that helps our local towns, Minot, Bismarck, Dickinson, and Williston and all the neighboring towns. But we don't have a huge profit margin by any means. None of the 16 tribes in the Great Plains do. I wanted to mention that part of it.

I just want to get into land under trust again just briefly. We are into three components for the reasons for supporting tribes taking land in trust. Of course, that is nation building, extending the jurisdiction through all of the reservation and for economic development.

We have over a 10,000 home shortage. We have 50,000 people waiting for jobs. That is the primary reason for wanting to take the land into trust. It is not to put casinos on it. So, I want to state and be adamant about stating that, for the record, Mr. Chairman and members of the committee.

We don't want to delay the regulations for more comments. We want to get these regulations approved and get them passed so tribes can begin the process of taking land in trust.

On energy and resource development, I will just briefly touch on it. I think we really need to look at some tax incentives, some start-up capital money, feasibility studies. If tribes are not able to be assisted with feasibility money and seed capital, you are looking at an industry partner that may want anywhere from 15 percent to one third of your gross revenue on your royalty, if you don't have the capability.

So, it is important that tribes, within their economic development or energy departments be able to provide start-up moneys for feasibility studies to really be able to analyze proposals because if you don't you are forced to take what an industry wants to look at. Of course, they will take an arm and a leg if you allow them to do that. So, it is really critical.

Also, I would offer that a lot of times the BIA regulations become a hurdle. They become a stumbling block, Mr. Chairman and members of the committee. I think it is important that in our Indian energy section of the Energy Bill that we be allowed to opt out of some of these regulations and have tribes be able to do that.

I think it is important because in many cases, the tribes will testify, it is not only months, but it is years that a business application sits on the desk within the Bureau of Indian Affairs. With an industry partner, when they are look at an opportunity and they have a venture capital fund, if they have an initiative ready to go, they can't sit there and wait 12 months, 24 months or 30. In some cases it is 48 months that are being sat on for a business lease to be approved. That is totally unacceptable. We need to look at that part of it.

In winding down, I also think we need to look at amendments to the IMDA, the 1982 Indian Mineral Development Act, again, to make agreements easier to obtain and be approved and including that opt-out.

We also have proposed a tribal energy development enterprise zone. Thereby, basically it is developed after the enterprise concept of high unemployment and a lot of natural resources. So, I would offer that for the record and not really get into that in my testimony.

I want to wind down with just two more points. One is the Dakota Water Resources Act in the Farm Bill. Mr. Chairman and members of the committee, again, I want to thank our Senators and this committee for getting the passage in November of the Dakota Water Resources Act; for the State of North Dakota \$650 million and then out of that \$200 million is set aside for the tribes.

That is a very important piece of legislation. Now we have to move forward the appropriations on that. So I would encourage the efforts to move forward appropriations because this country from 2003 to 2006 is going to be celebrating the bicentennial. We are going to have people coming in. We have to be drinking clear, quality drinking water. We cannot be drinking the water that we have in our wells.

Senator Conrad probably still has that glass that he showed. He provided testimony to the Energy and Water Committee that many of our people are forced to use that water.

One of my tribal elders is a widow. She could not pay for her water bill. It is about \$70 a month. She could not pay that bill. So, she opted to not pay that bill and is utilizing that brown water because she is on a fixed income of \$250 a month. Also, she gets a little bit of the lease money, the BIA lease money. We all know about trust funds and that situation. I think she has more coming, but she only gets a little bit.

But again, the quality treated water and the tribe's ability to provide that is going to go a tremendous way for providing economic development.

Last, on the Farm Bill, Mr. Chairman and members of the committee, as Chairman Bourland mentioned, we have initiated a lawsuit against the U.S. Department of Agriculture. It is basically modeled after the Pickford with the *Black farmer* case and they reached a settlement.

As study was done by the civil rights arm of the USDA in Fort Berthold in 1995. It clearly showed, it was a very lengthy report, over 50 pages long, that clearly showed that there was discrimination in lending and there was poor quality of delivery of services.

Unfortunately, that not only is for my reservation, but most, if not all, of the 16 tribes of North Dakota, South Dakota, Nebraska, and in addition to that, Montana comprised 90 percent of the 900 plaintiffs that are signed up right now.

So, we are happy to report the judge did dismiss the Government's action and dismissed this case. We are waiting for a final motion and that is to rule it as a class certification. So, we are hoping that that moves forward because there is a moratorium now on foreclosures. The reason we had to file this lawsuit was because our tribes are facing foreclosures. Many of our lands were jeopardized from going out of trust, and again, we were looking at losing many acres.

But we are hopeful that we are treated the same as the court did in Pickford. I talked with Senator Conrad and Senator Dorgan about getting a hearing out in the Dakotas on the Farm Bill because at the end of the day, litigation is one thing, if you litigate it is one thing. But we have to go back then to the same people who discriminated against us in the first place.

So, we need a legislative fix.

One thing I would just offer in closing is that the tribes be treated just like the counties where you can elect your own funding committees that are made up of tribal members. So, to me that would be the quickest way to get to the situation where tribes are able to utilize the USDA programs.

So I would offer that and offer to work with the committee and the Senators on developing an Indian section of the Farm Bill and the Energy Bill in whatever capacity again.

So, I thank you very much, Mr. Chairman and members of the committee. I offer my written testimony for the record.

[Prepared statement of Mr. Hall appears in appendix.]

The CHAIRMAN. I thank you very much, Chairman Hall.

I will now recognize Chairman Ranfranz.

**STATEMENT OF THOMAS RANFRANZ, CHAIRMAN, FLANDREAU
SANTÉE SIOUX TRIBE, FLANDREAU, SD**

Mr. RANFRANZ. Thank you, Mr. Chairman and committee members.

Senator Johnson is leaving here soon. I would just like to acknowledge and thank him very much for everything he does for us in South Dakota. He is a wonderful advocate for Indian country. We can't thank him enough. So, thank you very much, Senator.

I appreciate this opportunity. I will be very brief because I would like to give our other chairman an opportunity. I would also like to thank my staff. It is very difficult to get 10 chairmen from the Great Plains area in one room together. Lee and Jenny Feighten worked very hard. That is my staff and I want to thank them for getting us all together here.

I am going to be real brief, like I said. I am going to just work on the economic development, along with Tex. There are two areas of economic development on the reservation in the Great Plains. One is through gaming. The gaming economic development has been very slow in coming, the reason being because of the location of our reservations, kind of out of sight, out of mind. It is very difficult for the public to get there.

The State of South Dakota only has 780,000 people in the State, so when you take eight gaming tribes, it is very difficult. The cost of capital to get into the gaming is very expensive. The terms are 10 to 15 years for repayment. So, we are all repaying that debt. It takes a long time to repay that debt at high interest rates. So, it has been very minimal on the profits, like Tex Hall said.

I think for the future generations, non-gaming economic development is going to be very important because, as Tex mentioned, we have a lot of individuals who are coming back to our reservations. So, with that, they are looking for jobs and employment and they are looking for those benefits that you can get off the reservation such as health care, retirement programs, 401(K) programs, all these things that it takes to build a future. That is important. So, I think that is where we really have to work.

I am just going to mention a couple of points here that we believe in the Great Plains area are needed to secure a successful economic development away from gaming.

That would be tax incentives for the private investors that are coming on the reservation or looking to come on the reservations, in the form of tax credits. I think that is very important.

Tax exempt financing on the reservation, I believe will be something of the future. Accelerated depreciation, the businesses that we have talked to coming to our reservations are always looking for these types of incentives to come to our reservations.

These types of incentives that will bring employment and business to our reservations will not only benefit our reservations, but also the surrounding communities. That would be the local government, maybe the county government, the city government, and even the State, bringing people to the State of South Dakota.

Business loan incentives for on and near the reservations, I believe are very important.

Tex briefly talked about the regulatory and bureaucratic redtape. If we could keep that at a minimum so that the private sector can quickly do a turnaround and start their businesses up on the reservations and not have to wait 18 to 24 months and lose out on the opportunity.

Indian business loans and grant programs. Tribes and tribal members have benefited for years on these programs. You know, we need those programs. BIA direct loan programs, a lot of the tribal members in the past have been successful from these types of loans.

The loan guaranteed programs, these are much needed for the success of economic development on our reservations.

The Native American tax incentives also, in two years or less they are going to be expiring. These are needed because economic development can take years to develop.

Set asides for technical training. For any successful business or any tribal business, you need the training to go with it in order to be successful. We don't want to put tribal members in the business to fail.

Tribal court systems. A tribal court system is the key to a strong nation. Private business feels more secure forming partnerships and relationships when they have a sure place where they can have an equitable dispute on the reservations. That is very important.

Those are the things we have future economic concerns for in our future economic development.

With that, I am going to stop because we have so many other Chairmen here who would like to speak also.

I thank you for your time.

The CHAIRMAN. Thank you very much, Mr. Chairman.

Mr. Vice Chairman, do you have questions?

Senator CAMPBELL. It is my understanding that we have a vote at 11:30. Is that right, Mr. Chairman?

The CHAIRMAN. Yes.

STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SENATOR FROM COLORADO, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

Senator CAMPBELL. Okay. I will be brief and say just a couple of things. I was very interested in all of your testimony. I have to tell

you, Tex, that you are articulate and knowledgeable, but I think the thing you really bring to this committee that we need more of here in Washington is a sense of history.

We often hear from people who testify about what they want, but they don't put it in a context of where they have been and how little they have gotten. So, I really appreciated your comments.

You mentioned the unemployment and Chairman Bourland did, too. You know, I know we can do better. We have a labor shortage in this country. You probably know that now. They are talking about increasing the visas for high tech people to come from foreign countries to work in our high tech industries because we don't have enough Americans, according to them.

It is really amazing to me because I am out there in the streets a lot in different areas around the country. I got through college by driving an 18-wheeler, a truck. I ran into a young Lakota up in Montana about 1 year ago who was driving a truck for Dick Simon Trucking. I did some research at the American Trucking Association to find out what they needed in terms of workers. They tell me they are short 200,000 drivers nationwide in the American trucking industry, 200,000 drivers.

In talking to this young Indian man that I met in Montana, I asked him how he was doing. He said, "Well, it has been a God-send."

He is making between \$40,000 and \$50,000 a year traveling with Dick Simon Trucking in Montana. His family has a steady income now. It is all good, solid, union wages.

For the life of me, I know there are jobs out there and there are people who need the jobs. Here we are, misconnecting. We cannot seem to connect. So, I have been looking for a way through the Department of Labor, or any department, where we can try and set up some kind of a program for Indian people who would like to train in those job areas where we know there is a need. That is clearly one that could help take up the slack.

I have been dealing with Secretary Chao a little bit. We haven't got an answer to that yet about how to provide some funding for some training for people. I know that these trucking companies, trucking schools they are called.

Trucking countries need drivers so bad that they are fronting the money for people who will go into the training. In other words, you go and do training in a school to get the CDL and all the stuff you need and the trucking company will actually pay for that training.

If we could also find a way for the Federal Government to get involved in that and also help in the training, I think it would go a long way in relieving some of that job stress. Certainly we can do better than some of the other agencies, as I mentioned. The Park Service is doing a little better, but other agencies can do better in terms of hiring Indian people, too.

Well, I mentioned that because I know there is a way we can provide more jobs if we are a little bit smarter.

I might also mention, too, as the chairman knows, we all have multiple jobs around here, as you know. I am on the Energy Committee and we have been trying to frame up an Indian section, as you probably know. I think it could be a tremendous boon to Indian

country because we know there are a lot of resources, oil and gas, coal bed methane, oil shale and so on out there in Indian country.

I think that if you could help us provide some suggestions on how to alleviate some of the redtape you have to go through with the bureaucratic now, the agencies, on getting some development going and some other things that we could put in that bill, I would be more than happy to try and do it.

I might mention that where I live on the Southern Ute Reservation, the Southern Utes just got a "Triple A" rating by Fitch's, Standard and Poor, which is the highest rating you can get. It is the only American Indian tribe in the Nation so far that has that rating.

They have done it through their energy policy. It has been so hugely successful that they have become the largest employer in southwest Colorado of anybody, of hospitals, of school district, of anybody, the largest employer, primarily through their very, very well organized energy policy.

We are trying to find a way that we can use that as a model, too. In fact, we are talking about doing a joint hearing between Energy and Indian Affairs to try to get some of this on the table so other Indian tribes can learn how they did that.

I didn't really have any questions except to mention those things. Thank you, Mr. Chairman.

Mr. BOURLAND. Mr. Chairman, if I could add, in the Energy bill, one way that you can really help the tribes is renewable sources of energy such as wind power. If you have ever come to the Great Plains, the wind never stops blowing. We make Chicago look calm.

One thing that can be done is to direct western area power administrations to give us access to their lines to facilitate that and to work with the tribes. We can light up all of California just from South Dakota and North Dakota alone, but we have to get the power to California.

If you want to talk about a moneymaker, we can generate power for all the big cities, probably just off of my reservation alone. We could sell millions of megawatts of power, if need be. Getting it there is our problem.

We have these giant western area power lines that run right through our reservation. When they wanted to put the easements through there they were quick to ask us. But now we need a little help to convince them to allow us to tap in so we can market our power. We would appreciate all the assistance you can give us. Usually, a Congressional mandate or a Congressional direction will get that job done.

Thank you very much.

Senator CAMPBELL. It is my understanding from staff now, Gregg, that we are working on that as a section because that power grid now—I mean, there are many States including Colorado, Oregon, and Idaho that are now selling power to California. There is no reason at all why Indian tribes should not be able to do that, too.

Mr. BOURLAND. Exactly.

The CHAIRMAN. Senator Conrad.

Senator CONRAD. Mr. Chairman, I want to thank all of these leaders for their testimony. I think it is very useful to the committee. I know that we have a vote coming up at 11:30.

I wanted to rivet the point on one issue that was raised here and that is economic development because that really is the route to making a dramatic difference in Indian country.

Tex made the point. We have over 70 percent unemployment. The thing that would make transformational change is if there was a job for everybody that wanted one. That would transform circumstances overnight.

What is lack is, I mean, you look at the locations. They are the poorest parts of our State, the reservations, and the most difficult places to make a living. But if we have capital and if we have an investment strategy that is sound, we could build a base that would employ people and that would fill needs all across this country.

Senator Campbell made a very interesting observation on trucking. I was just at a company in Dickinson, ND, TMI. Tex knows the company well. They tell me that one of the biggest problems they face is the shortage of truck drivers. Yet, we don't have good training systems.

Our former governor, Governor Senner, tried to get in place training for truck drivers because he saw this developing shortage. He got zero cooperation from Federal agencies on the question of training what we know is a need.

By the way, if the safety concerns in trucking continue to increase, and we have to set aside more time for truck drivers, that is going to further increase the demand.

So, this is an area that we should explore. There are many others as well and energy is right at the top of the list. Certainly, Chairman Hall, on your reservation we have untapped energy resources. We know that. We have to get contracts in place so those can be developed.

Again, I want to thank the witnesses.

The CHAIRMAN. Because of the time constraints, I will be submitting my questions, if I may. On behalf of the committee, I thank the first panel for joining us this morning.

Now, may I call upon members of the second panel, the chairman of the Lower Brule Sioux Tribe, Mike Jandreau; the chairman of the Rosebud Sioux Tribe, William Kindle; the chairman of the Spirit Lake Dakota Nation, Phillip Longie; the chairman of the Turtle Mountain Chippewa Tribe, Richard Monnette.

Chairman JANDREAU.

**STATEMENT OF MIKE JANDREAU, CHAIRMAN, LOWER BRULE
SIOUX TRIBE, LOWER BRULE, SD**

Mr. JANDREAU. Good morning. Thank you very much for being here to hear us.

Two of the items that I was to speak on have already been pretty eloquently addressed. They were energy and natural resources. So that we don't belabor the two issues, natural resources cannot be accomplished in any fashion without a land base.

Right now, as you invited us back a hearing on land into trust, it is an issue that our tribe at Lower Brule have fought with for

years. It seems to me that there has to be an education, not only of Congress, but of lobbyists, of people in the Bureau of Indian Affairs as to what meaning it has to bring land back into trust.

All of the issues that have been discussed here today are impossible without a significant land base that is solidified and not fractionated. If we talk about it in any other frame, we are just talking in some kind of dream world.

The real issue that faces Congress and faces us as tribes and faces the Bureau of Indian Affairs and the Federal Government as a whole is: Are you going to work to allow us to really regain our homelands, to solidify our reservation land bases? If that is not possible, if that is not a goal, if that is not reality, then everything else we are talking about, we will be back here every year ask for again and again and again.

Our tribe has worked very hard to develop a real community, a real tribal sovereign nation, but without the support of Congress, without understanding in the Federal system, it will never happen. That, I guess is my statement in regard to that.

There is one other issue I would like to deal with. I, too, last week was up to the battlefield. I found after returning from a consultation at the Yellowstone where the Park Service personnel were probably the most amenable individuals I have ever dealt with in the Federal Government, to go to the battlefield where the attitudes were extremely the opposite, that there is no Lakota, no Sioux working at that place at all.

I was told that they send out recruitment brochures. I have never seen one. I have been chairman of our tribe for 23 years. I have been active in the council for 30 years. I have never seen a recruitment to our nation from the battlefield for people to come up there and work.

Thank you.

The CHAIRMAN. I thank you very much, Mr. Chairman.

Now, I would like to call upon Chairman Kindle of the Rosebud Sioux.

STATEMENT OF WILLIAM KINDLE, CHAIRMAN, ROSEBUD SIOUX TRIBE, ROSEBUD, SD

Mr. KINDLE. Good morning, Mr. Chairman. I am going to keep my comments fairly brief here this morning. It was interesting to hear some of you talking about economic development. I really truly believe that the future of the tribes, the Great Plains tribes, lies with development.

I have been around our tribal government now for about 10 years. Previous to that, as a child I watched the Government over the years. I have seen tribal leaders come here since 1944. They come here every year to ask for their funding for different things, law enforcement, health care, and education.

In looking at that over the years it became clear to me that that wasn't the role that I wanted to take, to continue coming here asking for funds and assistance.

What I am here for today is to ask for a little bit of help with our economic development plans that we have out at Rosebud. I believe that it is time for us to implement those plans and start putting our people to work, start training our people, getting them into

some meaningful jobs, and eventually to walk away from this Federal system that we have been accustomed to for so many years.

It is an uncomfortable situation to come here and ask for money every year. I hope and pray there will be a time when we don't have to come here and do this every year. I hope that economic development on our reservation will help us and prevent us from coming up here year after year.

I realize that this can't happen overnight. It can't happen within the next 1 year or 2 years. It is going to take several years. So, before that happens, before we see that development on our reservation, there are still some things that we must come here to ask your assistance with.

One of them is health care. We need a healthy nation. We need a healthy people to be able to step into the economic picture. So, we desperately need increased funding for our health care, for our Indian Health Service hospital, for our ambulance service that will soon be out of dollars and we are not anywhere near the end of the fiscal year. We are going to try to operate it, I guess, as best we can until the end of the year unless there is some emergency money somewhere or some place that we can use to carry us through the end of the year. So, one of our priorities is health care.

Housing is another. We desperately need housing. We need to have NAHASDA reauthorized again. I understand it is up for reauthorization. So, we are asking for that. We need that done. We recently received a large, substantial grant from the federal government to build and maintain and operate a juvenile facility. The funds to operate and manage that will come through the Bureau of Indian Affairs.

We need to make certain that those are budgeted and also that money for training of the staff can be cut loose here shortly because we want to start training the people so they can walk through the doors when we open the doors on that.

So, those are some of my priorities. As I said, I am going to keep my comments brief. My focus and my concern on the Rosebud is some economic development. I believe that is the road we need to take. So, with that, I want to thank you for listening to me. I know you are in a hurry. You are going to be going to take a vote here.

I thank you and it has been a pleasure appearing before each and every one of you. Thank you very much.

The CHAIRMAN. Thank you very much, Mr. Chairman.

[Prepared statement of Mr. Kindle appears in appendix.]

The CHAIRMAN. Now I will call on Chairman Longie.

**STATEMENT OF PHILLIP LONGIE, CHAIRMAN, SPIRIT LAKE
SIOUX TRIBE, FORT TOTTEN, ND**

Mr. LONGIE. Thank you, Senator Inouye. I appreciate you making the effort to convene the chairmen of the Great Plains to gather here and present our concerns. Thank you for staying, Senator Conrad. In the interest of time, I am going to make my comments short.

Everything that has been said is true on the Great Plains. We at Spirit Lake have unique problems, just as every other reservation. Economic development is one of our key goals. However, to achieve that we need an educated work force. We don't have that.

You have heard 50 to 70 percent unemployment. Yes, we are trainable. However the resources to train our people are not there. The expertise to train them is lacking. The community colleges on our reservations are an essential part of what we are trying to achieve.

Going down to our elementary schools and so forth, we need to keep our kids in school. When we have 80 percent dropout, it is not helping our economic development plans. So, when our young people graduate from high schools and they are trained to go into the work force and not have the skills to go on to achieve postsecondary education or the opportunity to go further, those types of issues are of concern to me at Spirit Lake.

Economic development, there are several things that I believe can be done. One is we have to have the ability to tax. As a sovereign nation, any sovereign nation in this world needs taxing in some fashion or other. Yet, the Supreme Court says that Navajo taxing, the hotel occupancy tax is questionable, whether they had the authority to do that or not.

As sovereign people we have to tax. In order to move forward, we have to have that ability.

The other thing, Senator Conrad and Senator Inouye visited our Sioux manufacturing plant. I was working there at the time. One thing about Indian country, we all have certain skills and we are capable of doing various things.

Now, in part of our overall economic development plan the Federal prison system has been legislated authority that anytime the Federal Government is going to buy, the Federal prison system has authority to go in to say, "we can do that and we will make it."

I have experienced that at Sioux Manufacturing. We manufactured over 1 million military pasket helmets. There was a solicitation out for, I think it was 500,000 helmets. Three companies bid it or two companies bid it. It was us and one of our competitors. We bid it at right around \$100, just about \$100. Our competitor bid it at \$117 or \$118. Unicore comes in and takes it at \$110.

Now, they took 300,000 helmets. The competitor got 100,000 at their price and we got 100,000 at our price. Now there is something wrong. If the Federal Government, if the legislatures want to do something, put that same kind of authority in place so that tribes that have the ability to make a good product I am not saying make cheap products or whatever make a good product, have them be able to come in and say, "We want to make all of those chairs for the Federal government or we want to make all those tables for the federal Government." That is one thing the Federal Government can go.

Economic development is something that we as Spirit Lake people, we don't make a lot of money. We have gaming. But there are only 700,000 people in the whole State of North Dakota. We have five casinos. It doesn't take a mathematician to figure out that you are not going to make a lot of money.

Yet, legislation is being passed to regulate us even more than we are regulated. We are regulated by EPA, IHS, BIA, Housing, you name it. Now there is legislation being passed and there is nothing wrong with the legislation. But take a good look at what you are doing to the Great Plains. The regulations, registration or whatever

you are going to term it, may be aimed at people who don't already have those types of regulative bodies in place. We in the Great Plains already have them.

All I am asking is take a good look at it and perhaps separate these things. The Great Plains, we are all treaty tribes, as you have heard. Our people continually hammer on our government telling us that, "Look, we have a treaty right. We have a treaty right."

We have to pay attention to those people. Some of their ancestors and some of the elders, their grandfathers probably remember signing some of these things.

So, with that, thank you, Senator, for this opportunity. I know we are running out of time. Thank you.

The CHAIRMAN. Chairman Longie, thank you very much. Will you have your tribal attorney get in touch with my staff to further discuss this helmet business? I am also chairman of the Defense Appropriations Committee and what you have just described does not sound good.

The CHAIRMAN. Now, may I welcome back Chairman Monnette. It is good to have you back here.

STATEMENT OF RICHARD MONNETTE, CHAIRMAN, TURTLE MOUNTAIN CHIPPEWA TRIBE, BELCOURT, ND

Mr. MONNETTE. Good morning, Mr. Chairman. Good morning, Senator Conrad. In particular, Senator Conrad, thank you for mentioning this morning Uniband. We have a similar problem. We have a manufacturing plant that gets beat out by Unicore in bidding wars.

Now we have a data processing company that is getting beat out by the National Institute for the Severely Handicapped. So, we have faced that issue on a couple of fronts and are losing. But thanks to your hard work, I think we are making some headway and perhaps we can talk about that again later.

I will keep it very short. I have been asked to speak about education, maybe because I am the new kid on the block up here they gave me the easy one. I don't need to tell this committee how the Great Plains tribal leaders feel about education. We feel it is one of the more solemn obligations of treaties and the cornerstone of the trust relationship.

I was going to take somewhat of a different tact than I know sometimes that you hear. That is to tell you how wildly successful our partnership has been at times when it comes to education.

Now, at times we have not been in such a good partnership. But when we are, I can speak anecdotally, since you have our numbers in writing, you know, in my reservation, in my tribe, we have ten practicing physicians who are tribal members, over 30 licensed attorneys. We have over 20 tribal members with Ph.D.s. We have over 200 members of the tribe with 4-year degrees working in and around the tribe.

So, where we have had a partnership, it has done very, very well in education. The minor problem is, which becomes major at times, is that it is not consistent. So, sometimes right about when we feel we are turning a corner and the support is not always there, we

very easily fall back into some of the statistics that you have heard earlier.

We, too, have a 60-percent drop out rate, a 79-percent unemployment rate this year. When we get stabilized on the education, all of those other things stabilized. So, again, I am going to keep this very short. I was asked to talk about tribal courts. That is an issue I feel strongly about, but we can talk about that privately.

I would be remiss if I didn't mention one issue from my own tribe, because you will be hearing about it. We have an emergency on our reservation. We have two housing projects that were built on dump grounds. Then we had a flood. So, we have not only a black mold problem, we have black mold carrying methane gases and other things into the homes.

We have about 300 homes where the physicians in our town are telling us that people have to move now.

The CHAIRMAN. I thank you, Chairman.

Senator Conrad, did you want to ask questions?

Senator CONRAD. We only have about 1 minute left on the vote. Senator Inouye and I are going to have to leave. We are going to have a chance to meet later this afternoon. I thank you all for coming. We appreciate your testimony.

The CHAIRMAN. The committee will stand in recess. I will be right back.

[Recess.]

The CHAIRMAN. The committee will come to order.

Next we have Charles Murphy, chairman, Standing Rock Sioux Tribe, Fort Yates, ND; Roger Trudell, chairman, Santee Sioux Tribe, Niobrara, NE; and John Yellowbird Steel, president of the Oglala Lakota Tribe of Pine Ridge, SD.

**STATEMENT OF JOHN YELLOWBIRD STEELE, PRESIDENT,
OGLALA LAKOTA TRIBE, PINE RIDGE, SD**

Mr. STEELE. Senator Inouye, my name is John Yellowbird Steele, president of the Oglala Lakota Tribe. I would like to thank you and the Senate Committee on Indian Affairs, first of all for making it a committee and not just a select committee. We used to have the House Insular and Interior Affairs Committee on the House side, but we don't have them any more.

I liked it when the Senators spoke and remembered the treaties. And they gave all the statistics and facts and the present situation on the reservations. Everyone seemed to understand. In the middle of the United States, and this is to include not only North Dakota, South Dakota, but also Montana, Wyoming. Nobody seems to know how to bring these statistics around, up to the standards of the rest of America.

I have been coming before these Congressional committees since 1978. That was the first time I came. I came in the 1980's, the 1990's. We would sit and talk about the same things. We addressed things piecemeal.

I would like to especially thank you, Senator Inouye for your visit to Pine Ridge. We did get a new hospital, a new high school. I have 16 schools, but this one high school, these two institutions had a very positive impact on the reservation. We need other such endeavors to make more positive impacts.

Large land-based tribes, the Senators might have heard it, we are being pushed to the back of the room by the smaller, rich casino tribes. I am very happy for them. But they found the solution and it all seems to come back to money.

On Pine Ridge, all of the other land-based tribes sitting here, it comes down to we need money. Every time we talk to one of the Federal departments:

It is the budget. We can't do anything, budget constraints. We don't have it. We have other items to fund. We can't fund you.

Tribes are different across the United States. The BIA doesn't even recognize this. In South Dakota and North Dakota we are not what they call a Public Law 280 State where the State has jurisdiction on the reservations. Our large land bases we completely fund, along with the Bureau of Indian Affairs the basic infrastructural items, courts, law and order, land regulating and we are not given extra moneys for this. It is very difficult for us to get ahead.

We are looking at the future. We sit here in the semantics of sovereign government-to-government. It is all good and fine. Like I say, I have been here since the late 1970's before these committees. I appreciate people of your caliber, Senator, and yes, other members of the committee here.

But throughout history our ancestors called the people sitting around here the Great White Father. This is true today. We come here and the Great White Father has, through the 1900's, not kept their fiduciary responsibility, their trust responsibility.

If anything, I would request here, Senator, additional moneys into the trust assets portion of the Bureau of Indian Affairs. The arm that helps our tribe's keep our positions and fight for our rights in water rights, in land, the land in trust issue that we are addressing right now. We need the Great White Father to stand up for us.

Through the 1900's, personally I call it inherent Federal neglect that my large land base called Pine Ridge is in the state of affairs as it is today because of this inherent Federal neglect.

The Department of Agriculture, EPA, all of the different Federal departments had nothing to do with this very large land base in the middle of the United States. Yes, they came in with their Federal moneys and technical assistance, and they built up the infrastructure, all the municipalities and counties surrounding this very large land base.

But they said that was the Bureau of Indian Affairs and Indian Health Service responsibility. Come today, we talk about economic development here. Development cannot happen on Pine Ridge today. It will not happen. The patterning of my roads is wrong, besides the condition of them.

Community development cannot happen because a well-intentioned BIA people patterning the roads, sending my dollar directly off reservation and they can't shop within the community of Pine Ridge. The road system isn't there. We have been trying to address water, electricity, housing oh, housing is bad and we cannot get the good credit rating for mortgages because the Indian Health Service has caused a lot of bad credit by not paying bills, referring people off reservation to hospitals. People are getting bills. Although they

refer an individual for health services off reservation, they do not pay the bill, only if it is life-threatening.

So, it is very hard for any of my people to try and get mortgages because of bad credit. The income throughout our area is the lowest per capita in the Nation. It is pinpointed to each large area where reservations are situated.

We talk about trucking jobs. That is as small solution for those individuals cut out for it. The welfare rates are the lowest in the Nation. The people don't want to be on welfare. As president, I find it very difficult. My people had a roadblock up the other day, for three days going, checking out trucks going through there, what kind of vehicles are going through.

It took some of my time to make people aware, to communicate why they were there, what they were doing. They would have been arrested. Back in the early days I was on the tribal council. I went up and occupied Wind Cave in the Black Hills. My people are on the verge of that again.

We had one of the presidents up here, I think it was President Michael Jandreau who addressed the land issues that are unsettled. Our Congressional people have a problem with their constituents and our treaty-based land, the sacred Black Hills.

Maybe a blue ribbon panel can be put together to put the facts together, to get these issues resolved, with people coming to the table with open minds.

The health effects, the obesity, the diabetes, and every day as president I have another one of my tribal members coming down with cancer.

The situation on Pine Ridge, the people all blame it on the Federal Government over the years. They say we need the Marshall Plan because of this inherent Federal neglect. Help us to build our infrastructure so development can happen.

We sit up here and we talk piecemeal, roads, housing. It is our water. It is our land. We need an overall plan to really sit down to see how we got in this situation. I believe my people when they lay all of the blame for the conditions on the Federal Government and what has happened and what has not happened over all of the years.

I have a lot of specific legislative items that I am coming from Pine Ridge to the Congress with. I will bring those to my legislators and I would like to get in written testimony. But I see our tribal government as very young right now.

The BIA and Indian Health Service ran things on those reservations all the way up through 1975. In the 1960's, some tribal president's started to exert more authority. In 1975, when the Indian Self Determination Act came out, and it was a Republican agenda, we started to contract some of the programs.

Now, today, we have grown, taken on more responsibility, more authority. We are continuing to grow. It gets difficult back home with the people. I have a very radical people. I don't blame them either, because of their conditions. They want something better for their children.

But I need to address housing in a whole different way than normal America addresses housing. Secretary Cuomo came down in 1996 and said, "John, let's do a building blitz, 200 houses in 1

year." Gee, that sounds good, let us do it. He came back 6 months later. He said, "John let us do a building blitz, in two years 200 houses."

I said, "Fine, let us do it."

Today, 5 years later, I have 62 people eligible for those building blitz houses. I believe they saturated the market with 62 people eligible, the normal way America addresses it: good credit and mortgages.

I personally have had 22 people in my house for the last 6 years, most of them children: 4 preschool, 10 grade school, and 6 high school.

Our infrastructure, which is not there, I need addressed, Great White Father. I look at the peace medals on the back here and try to understand why our people fought in the beginning, made peace and where we are today.

Besides being the poorest per capita, bad health, a lot of terminal diseases, cancer diabetes, dialysis, they are very distressed mentally. This is in the middle of the United States.

I would like to thank you for this time, Senator. I would like to thank you personally for your interest, all of your energy that you put into trying to help us. You have helped us. Thank you very much.

[Prepared statement of Mr. Steele appears in appendix.]

The CHAIRMAN. Thank you, Chairman Steele.

Chairman Trudell.

STATEMENT OF ROGER TRUDELL, CHAIRMAN, SANTEE SIOUX TRIBE, NIOBRARA, NE

Mr. TRUDELL. Thank you, Senator Inouye for the opportunity to sit before your committee. I would also like to thank Chairman Ranfranz for inviting me to come out. Often times the tribes in Nebraska are overlooked as tribes in the Great Plains region.

My name is Roger Trudell. I am chairman of the Santee Sioux Tribe in Nebraska. I have been asked to address some of the gaming concerns of the Great Plains region. Of the 16 tribes that comprised the Great Plains, 14 engage in gaming activities at various levels. Some are at a greater success than others.

The primary emphasis of gaming in the Great Plains region is employment and the building of tribal infrastructure. There are 4,000 jobs that have been created in Nebraska, South Dakota, and North Dakota with gaming.

Along with those jobs have come other certain benefits which have taken a burden off the tribes in areas of health, medical, dental and life insurance are provided in some tribal operations. Otherwise, tribes, through IHS, provide for all the medical and dental and through tribal revenues of other sources we pay a death benefit to a lot of our members.

Gaming has also provided revenues to build or strengthen infrastructure. Tribes in most cases have used tribal gaming revenues to supplement tribal BIA programs and health programs which are underfunded.

We respectfully ask that the members of this committee keep in mind the positive benefits that gaming has created for the mem-

bers of our nation when considering the legislation that is detrimental to tribal gaming.

The Great Plains tribes position on Tribal-State compact provisions, as in the Indian Gaming Regulatory Act, we feel are unwarranted intrusion into intertribal sovereignty. Reluctantly, a number of the tribes have signed compacts so that they could bring financial benefit and employment to the members of their tribes.

We, the Santee Sioux Tribe in Nebraska have struggled 10 years with class III gaming issues, with the last 6 years being a really intense 6 years. Even as I sit here before you today, in the Omaha Herald last week the U.S. Attorney is still threatening to jail myself and several other members of the tribal council.

So, upon my return home, I may be visiting Federal facilities that they keep in Omaha for us, I guess. I feel being jailed is a lot milder punishment than our ancestors experienced at the hands of the Federal Government when over a period of several months, beginning on December 26, on that day 38 members of our tribe were hung at Mankato, MN for a conflict with the Government.

In fact, one of the members whose name is Rattling Runner was hung twice because the rope broke on him on the first effort. Later, Shock Pea and Medicine Bottle were kidnapped from Canada and brought back and hung. Also, one of the leaders at that time, his name was Tao Yata Duta, which would be Red Nation or better known as Little Crow, was beheaded and his head was carried through the streets of several of the Minnesota communities and later put in a museum for everybody to view.

So, I figure if I am jailed, that is very minor in comparison to what my ancestors have gone through.

We feel that the *Seminole* decision has really destroyed the intent of the Indian Gaming Regulatory Act and that only the tribes themselves have to obey the law, whereas the State is not obligated to follow IGRA, as well as the Secretary of the Interior who developed rules for when a tribe such as the Santee Sioux Tribe comes into opposition with the State government.

We have been through two Governors and have not been able to come to the negotiating table. We did submit an application under the rules established by the Secretary over two years ago. We do not know what the status of that application is yet today because the Secretary has failed to rule. Our concern is the longer that they don't rule, you know, the worse position that we are put into.

We feel even an unfavorable decision to us is beneficial to us. Then we will know how to move forward. We do not think that anything that the Santee Sioux Tribe does should be a reflection on any of the other tribes. We also feel that we committed no wrong. We were just trying to provide opportunity to our people.

We did have an international pharmaceutical manufacturing plant at Santee for several years, which closed its doors and I believe they were down to about 13 employees at the time they closed the doors. They moved overseas where they could gain cheaper labor.

As that happened and we did open a casino, which basically employees about 21 people. On May 15 of this year, we did go to approved class II equipment, according to the National Indian Gaming Commission, which has sanctioned those machines. Yet, the

Department of Justice continues to try to take us to court even over the class II machines. So, we are kind of in a quandary. We have no idea in which direction we should go. We tried to follow the rules as mandated by the National Indian Gaming Commission, yet that is not satisfactory to the U.S. Government.

We also have concerns with law enforcement in the Aberdeen area. At the present time we do not have BIA law enforcement or tribal-contracted police enforcement. We are the last tribe under 280 in the State of Nebraska. Through resolution action by the Nebraska Unicameral, they granted the process of retrocession back to Federal jurisdiction. Even that has become a problem.

We are having difficulty getting the BIA to provide law enforcement. We do know there are regulatory procedures that must be followed and so forth. But we do know that our people, last year right at this time, went without law enforcement for a period of about 5 months.

We are again going to be in that position where our people are going to be unprotected as people, as individuals, as well as their property is going to be unprotected by law enforcement.

The State of Nebraska has already indicated that they are not going to provide any funding to Knox County in which our reservation is located and who previously contracted for law enforcement services up until last June.

We do have an incorporated village, which has no tax base. We did contract with money provided by the State to the county for funds in lieu of taxes for the trust property in the county, which allowed us to provide law enforcement up until the end of this month. Possibly there might be some carryover.

Once the retrocession takes place, the village of Santee will not have any jurisdiction and all the jurisdiction will lie with the tribe. So, we could basically have several law enforcement officers funded by the village, but with no jurisdiction to arrest anybody or anything of that nature because all the property within the village of Santee is trust property.

There are many issues and concerns in the Great Plains region, as alluded to by the other chairmen who have preceded me up here. I take issue, I guess basically as a tribal leader, with the BIA budgeting process.

We have, over a period of years, been doing what they call an unmet needs budget which allows the Bureau information to bring forward to Congress for, hopefully, increased funds. I know on certain occasions those funds have been included, but yet without benefit to the tribes in the Great Plains region.

One of those issues is law enforcement. Although I said previously, we don't have the BIA law enforcement; other tribes in the Great Plains region do have law enforcement. There was money set aside for special initiatives, which apparently has not reached the Great Plains region.

In my understanding, there may be approximately \$8 million left in that special initiative appropriated by Congress to create some special initiatives in law enforcement.

The problem with law enforcement, one the reservations that do have law enforcement, is that the Chief of Police is basically outside of the tribes that contract for law enforcement services and

have no responsibility to the tribes and have no responsibility to the superintendents at the agencies. That responsibility lies with regional "top cops" I guess, as they are referred to. So, the tribes at the local level have no input with law enforcement. So law enforcement is basically not in partnership with the local communities.

Also, it lacks infrastructure throughout. Hopefully, Congress would take a look at that on the whole law enforcement issue again on the reservations and some of that jurisdiction and some of the authority to manage law enforcement will be returned to the agencies where the tribes have daily contact with the superintendents and are able to resolve issues with law enforcement.

I thank you for the opportunity to express the views of the Santee Sioux Tribe as well as the Great Plains region. Thank you.

The CHAIRMAN. Thank you very much, Chairman Trudell.

I called Chairman Monnette to appear on this panel because I believe he has a problem with his tribe that is deserving of more full discussion.

I am a bit aware of your black mold problem. Will you advise this committee as to the nature of that problem?

Mr. MONNETTE. Thank you, Mr. Chairman.

It is truly an emergency. I issued an emergency, a national disaster for my tribe about 1 month ago in the hopes of getting some of the various Federal agencies to come to the table. So far that has worked.

Of course, the big question is organization and money and really getting some motivation under various agencies so that we can get something done. We have two housing projects built on former landfills, on dump grounds. One of them was partially cleaned before it was built. The other was not cleaned at all.

About 4 or 5 years ago we had a flood in town. Up in the high country when we get the kind of wind chill and ice that we get in the wintertime, it pushes objects to the surface as it creates crimps in the road system and such.

We have literally in crawl spaces under those homes old cans, bottles, bicycle parts, medical waste being pushed to the surface right in front of and underneath people's homes.

Because of the flood, we have had mold problems, as you know, coming from the ground into the homes. We have a distinctly more difficult problem in those particular housing projects because we are told by the health officials there that it is not just carrying the mold, which is itself toxic, but it is also carrying methane gases and chemicals and other toxins with it into the homes.

We have a proliferation of cancer, over 10 cases of leukemia in the area, I am told. Some of these things are not all in reports. I am repeating some of what I have heard as we were gathering this information.

I was told by our Housing Director that we had in the past 2 years seven deaths that have been wholly unexplained, but attributed somehow to this problem.

Two or three months ago, we had a 17-year old young man walking in his house and coughed. A large amount of blood emerged from his mouth and he died. We are told that is the classic symptom of that Black Mold respiratory problem.

We had a 10-year old die. He just didn't wake up from his sleep about 6 weeks ago. He was actually the nephew of one of our tribal councilmen.

So, we have, pretty much on a weekly basis, letters coming back from the physicians in the Indian Health Service telling us we have to move these people out of these homes now. We have nowhere to relocate them.

As it is, we have 460-some names on a housing waiting list. That waiting list has to be renewed every 6 months. We know people don't renew for lack of hope. So, it is probably upwards of 800 or 900 names on that housing list. We don't have the housing for them. We have nowhere to put them.

I will say that I did mention in a meeting and was told, you know, maybe not in all seriousness but somewhat flippantly, "Well, there is no need to grandstand here," when I said I am going to have to take 600 people and move them into the gymnasium because we have nowhere for them to go and they are being told to move. We are not grandstanding. We are in a serious emergency situation.

We know what kind of waste is there. We have affidavits from some of our people who helped the Air Force and the Army dumped barrels of waste there 25 and 30 years ago before the projects were built. We have green fluids. We have camcorder tape recordings of green fluids bubbling through the sidewalks there.

We have people that are literally living in poison-infested homes with no alternative.

So, we have asked the Army Corps to come in and do some testing. They have taken some soil and water for testing. Interestingly enough, the first time they came they decided that just off the surface it was too toxic and they rearranged the second visit with full gear.

We have asked the CDC to do some of the testing of the mold. We have the Indian Health Service in, although quite frankly, they have gotten rather quiet about it, largely because, at the time the housing projects were built, they, by contract, assumed all of the responsibility for locating those housing projects. So, ultimately, apparently the finger points at them for putting those projects there.

We are getting them at the table. We need some help to move them along. We need some help for everybody to understand the emergency nature of the situation.

If we go through now an entire winter, I am told, with water in the crawl spaces not going down, because the ground is saturated, then an entire summer, I am told, that all of those homes will be beyond repair.

The CHAIRMAN. May I suggest that you immediately sit down with my Indian Committee staff and the Defense Committee staff? I do not have the luxury of being chairman of your nation. But if I were and if I were a scientist listening to you, I would issue a direct order right now, "Burn every building down" because what you have there is a health menace that may endanger your tribe.

But having said that, I realize that is not the solution. So, today, you sit down with the staff, and I will instruct my Defense staff to sit with you also and we will get something done.

Mr. MONNETTE. Thank you, Mr. Chairman.

The CHAIRMAN. Today's hearing is the fifth in a series of hearings we have had listening to tribal leaders sharing their priorities and their concerns with the committee.

I realize that some of these hearings have become an occasion where leaders have had the opportunity to vent their anger. That is understandable. I sit here patiently listening because if I were sitting there, I may be one of those venting my anger.

We have 14 members on this committee. When I became a member there were five. It was then a select committee. If you know anything about the U.S. Congress, a select committee is a temporary committee.

Well, we have changed that. For most people it may not seem to be a big accomplishment to change by deleting the word "select." But it is now a permanent committee.

I became a member of the committee because no one wanted to be on the committee. If you look at the 14 members of this committee, 12 represent reservation States and 2 are from Hawaii. We have Native Americans also and we are concerned about the treatment our brothers and sisters on the mainland have been receiving all these years.

It has been an experience of frustration. But I love challenges. Once I have accepted a challenge, I do not give up. It may take a whole lifetime, but I will do it.

I can match any one of you as far as statistics go. And they are all terrible statistics. I can give you numbers on dollars, and they are all terrible. But in the 14 years that I have been here in a leadership role, there are certain positive signs. This is not one of them.

Once again, I want to invite all of you to join us at 2 o'clock, 1 hour from now. We will meet for a discussion of a possible statutory framework for taking of land into trust.

The hearing is adjourned.

[Whereupon, at 12:55 p.m. the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF HON. E. BENJAMIN NELSON, U.S. SENATOR FROM
NEBRASKA

I appreciate the opportunity to submit this statement regarding the Great Plains Tribes' legislative priorities for the 107th Congress. Working closely with Native Americans was a priority for me when I was Governor of Nebraska, and I wish to continue that support as Senator. I look forward to working with the Santee Sioux, Ponca, Winnebago, and Omaha Tribes in Nebraska this session to assist them in reaching their legislative goals.

It is my hope as a freshman Senator, that I can foster relationships with my colleagues—on both sides of the aisle—that will prove to be productive in advocating for the tribes in Nebraska, as well as for all the tribes of the Great Plains area. I believe it is important that Congress diligently work to improve the lives of Native Americans, who often find that resources are too scarce to meet even their most basic needs.

One area where services have historically lagged behind the needs of tribal members is health care. I support fully funding Indian Health Service. It is essential to the overall well being of Native Americans that adequate medical services are available to lower infant mortality and to treat chronic diseases, such as diabetes, which are prevalent in Indian populations. One specific project in Nebraska that is a priority for me is an expansion of the Ponca Health and Wellness Center in Omaha. The center provides much needed medical, dental, and pharmaceutical services in the Nebraska and Iowa region. Members from a number of tribes use the center, and increased funding for these important services is vital to tribal members in the Omaha area.

Adequate medical services are also necessary to curb substance abuse among Native Americans. I am committed to supporting the Ai Ki Ruti substance abuse treatment center on the Winnebago Reservation. This is one of the few substance abuse treatment centers serving Native Americans in northeast Nebraska. The center serves not only the Winnebago Tribe, but also members of the Santee Sioux, Omaha, Ponca, South Dakota Sioux, and Wyoming Northern Cheyenne Tribes. I strongly support funding for construction and program development for the Ai Ki Ruti Halfway House. Extending services of the Ai Ki Ruti treatment center in this manner will help residents achieve a healthier lifestyle through a supportive living environment.

In addition, it is my hope that we can commit resources to adequately fund education and job training programs that are vital to tribal communities. In Nebraska, our two tribal colleges provide members with an opportunity to further their education and gain job skills that are crucial to improving their quality of life. I fully support our tribal colleges and believe they serve an important need in our State.

I believe Congress should encourage efforts by tribes to spur economic development in their communities. One economic development project I believe is worthy of continued support is the InterTribal Bison Cooperative [ITBC]. I support full funding of the ITBC's bison enhancement projects on tribal lands, as well as ITBC

funding for job-training activities related to the reintroduction of bison to native cultures. Supporting the efforts of the ITBC is an effective way to foster economic development on tribal lands, which in turn furthers the tribes' goal of becoming economically self-sufficient.

In addition to working with this committee on legislation of importance to Native Americans, I hope to use my position on the Agriculture and the Veterans' Affairs committees to further the goals of the Great Plains tribes. As a member of the Agriculture Committee, I plan to ensure that Indian agriculture is properly represented in our discussion of the farm reauthorization bill. It is essential to recognize the role the Great Plains area tribes play in the farming and ranching community.

It is also important to remember that Native Americans are the largest ethnic minority group that has served in the United States military. I would like to use my position on the Veterans' Affairs committee to raise the profile of Indian veterans and advocate for the quality services that are due to them because of their important contribution to our country.

In addition to the above-mentioned projects, I would like to take this opportunity to convey to the committee my support for S. 434, the Yankton Sioux Tribe and Santee Sioux Tribe Equitable Compensation Act. This bill would compensate the Santee Sioux Tribe of Nebraska and the Yankton Sioux Tribe of South Dakota for losses the tribes suffered when the Fort Randall and Gavins Point dams were constructed on the Missouri River as part of the Flood Control Act of 1944.

As a result of the construction of the dams, approximately 600 acres of land located near the Santee village and 400 acres on the Niobrara Island of the Santee Sioux Reservation were flooded. The flooding of this land resulted in the relocation of several families and dramatically affected the economies of the tribes. Although the tribes received some compensation through condemnation proceedings, these settlements did not reflect the true value of the productive agriculture land that was involved in the taking, the inflation of property values, or rehabilitation funds to which many tribal members were entitled. S. 434 seeks to address these inequities.

The bill, which was introduced and reported out of committee last year, has the support of both the Nebraska and South Dakota Senate delegation. I encourage the committee to act favorably, and expediently, on this bill this year so that the Santee Sioux and Yankton Sioux Tribes can begin to be compensated for their losses.

Finally, I would like to briefly comment on the issue of the Santee Sioux Tribe's efforts to retrocede criminal and civil jurisdiction over the Santee Sioux Reservation from the State of Nebraska back to the United States. The Nebraska Legislature passed a resolution last month supporting the retrocession. The tribe has expressed concern that the Bureau of Indian Affairs [BIA] plans to block retrocession for the Santee Sioux Tribe because of lack of funds to meet the tribe's law enforcement needs. I strongly encourage the BIA to keep open a constructive dialog with the Santee Sioux Tribe to work toward a satisfactory resolution of the retrocession issue.

Thank you for this opportunity to submit my comments to the committee regarding these important issues. I look forward to working with my colleagues on the committee, as well as with the tribes in my State, in promoting their legislative priorities.

TESTIMONY

Of

THE CHEYENNE RIVER SIOUX TRIBE

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

JUNE 26, 2001

SUBMITTED BY
GREGG J. BOURLAND, CHAIRMAN
CHEYENNE RIVER SIOUX TRIBE

Hau, Cante Waste Yuha Napeciyuzapelo!! Wanbli Awanyankapi Miyelo!! Hello, I greet you with an open heart and a handshake, my name is Eagles Watch Over Him, and my English name is Gregg J. Bourland. I am the Chairman of the Cheyenne River Sioux Tribe.

Mr. Chairman and members of the Committee, thank you for the opportunity to testify before you today. I would also like to thank the distinguished Senators for taking time today to hear the concerns of my tribe and the Great Plains Region. I would also like to congratulate Senator Inouye on his return to the Chairmanship of this most noble committee. The Indian and Alaska Native people are fortunate to have an Indian Affairs Chairman in the Senate that has been such a strong advocate for us over the years. Similarly, the Native American people of South Dakota are fortunate to have two Senators who have been both good friends and great advocates for my Tribe and all of the other tribes in the State.

Over the years the Cheyenne River Sioux Tribe has worked diligently to lift us out of the poverty that has existed on our reservation since 1889. and, while we have made major strides in the reduction of poverty, we still lack the funding to do the things that we need to make life better for our people. These are simple things that mainstream America takes for granted.

Such as a nursing home for our elderly; a hospital for our sick; a new school for our children; and jobs for our people. We realize that the Federal Government cannot provide some of these basics of life for us. We have been told over and over that the government does not fund nursing homes. So we plan on building our own. We have been promised a new hospital but government bureaucracy slows down the process. And we are asking President Bush to keep his promise and help us build a new school.

We are also asking for the government to give us work in the form of contracts for meat products (both bison and beef) for U.S.D.A. and the Dept. of Defense. And through contracts for computer related work and automatic data processing for our Lakota Technologies, Inc. computer company. We are willing to work for our money, but we need a boost from the Federal Government in this area.

In closing we realize that the Federal Government is now enjoying one of the largest surpluses in history. There has been much talk about paying down some of the government's debt. But let us not forget the debt owed to my people. In the 1800's the Federal Government employed the policy of the complete annihilation of my people and the great herds of bison that roamed our lands. This policy was nearly a "complete" success with our great herds totally decimated, our lands stolen, and the remnants of my people forced onto reservations.

As a result we were forced from an existence of total self-sufficiency to one of total reliance on the Federal Government. If we still had our lands and herds today, we would be a very rich people and would not be asking for your assistance. But, we unfortunately are not and do need your help. Attached is a list of our needs along with some basic estimates of funding costs. A solid commitment and appropriations of financial support to re-establish our self-sufficiency and self reliance is appreciated.

Thank you, Gregg J. Bourland, Tribal Chairman, Cheyenne River Sioux Tribe

CHEYENNE RIVER SIOUX TRIBE

HEALTH:

New Hospital Construction: \$23,000,000.00; The Tribe has been pursuing funding for this project with the Public Health Service for the past 25 years. New construction cost need of funding is estimated at \$23,000,000.00. The local Indian Health Service Unit is experiencing difficulties gaining HICFA Certification as required for Medicaid/Medicare billing, due to the age and poor condition of the facility. The lack of modern facilities has also resulted in loss of life and endangerment of lives for lack of life saving diagnostic and emergency response equipment, and most importantly a consistent and adequate number of physician staffing.

Nursing Home Funding: \$18,700,000.00; To construct and implement a 60-bed nursing-care facility with 3 years operational service for our elderly and handicapped. Legislative endeavors will clear the way for the Tribe to receive Medicare/Medicaid, as eligibility certification typically takes 2-3 years. The estimated construction cost is \$13,000,000.00, and staffing/operational expenses approximated at \$1.9 million per year for 3 years totaling \$5.7 million.

Additionally we are in need of a **Diabetes Research Center:** This would require either a special appropriation or identification of funds available under the current departmental budgets in the form of grants.

EDUCATION:

New School Construction: \$30,000,000.00; Replacement costs of the Cheyenne Eagle Butte School and additional facilities need for Tiospaye Topa School. The Cheyenne Eagle Butte School includes the lower elementary, junior high and high school as well as girls and boys dormitory facilities. The facility is over 50 years old, and is contaminated with asbestos containing materials including floor tiles throughout all school facilities and the dormitories where children sleep; also found is pipe joint compound in the dormitories, boiler rooms and connecting tunnel pipes. The exposure and potential to exposure increases with the aging of the materials and asbestos fibers.

A full Asbestos Inspection Report can be provided upon request. The latest report was filed in 1998. The replacement cost is estimated approximately \$26 million. This does not include the cost of removing the existing school with all of the asbestos contamination. The Cheyenne Eagle Butte School is currently number 21 on the Bureau of Indian Affairs School Replacement Priority List. In addition, the Tiospaye Topa Bureau of Indian Affairs School estimates a need of \$3 million to fund school expansion to accommodate the additional students enrolled since the school was constructed.

Department of Education: \$300,000.00; To establish and implement a Tribal Education Department. Through this Department a uniform educational performance standards and curriculum will result, and a facilitated collaboration among all educational entities on the Reservation. Currently, there are five different school systems including; 1 - BIA /Local School District funded system (Cheyenne Eagle Butte), 1 - BIA Grant School (Takini), 1 - Bureau of Indian Affairs School (Tiospaye Topa), and 3 - local School District systems (Timber Lake, Dupree, and Isabel), a two-year Community College (SiTankaCollege), and numerous adult education extension programs. There is no system or department in place coordinating education efforts or tracking of students, no system to establish uniform educational performance standards, and no system to provide for collaboration.

TOURISM:

Lewis and Clark Scenic By-Way Project: \$7,000,000.00; To design, build and implement the necessary infrastructure along the Missouri River for a tourism facility, campground, museum and activities at the Cheyenne River Sioux Tribal Park, being established on over 30,000 acres of tribal land, supporting 2,000 head of buffalo and relocating a portion of the Tribal Elk herd. The park and activities are vital to accommodate the impending Lewis/Clark Bicentennial tourists and sustainable economic presence for future tourists, with a visitors center/museum/gift shop in addition to other facilities.

AGRICULTURE:

Prairie Management Program: \$2,000,000.00; Recurring funding base rather than being dependent upon annual appropriations of this vital program will provide for continual land management best practices, and provide livestock operations on the reservation with stronger economic opportunities and benefits.

Department of Agriculture: \$300,000.00; To establish and implement a Tribal Department of Agriculture. We will seek acquisition of contracts with the US Dept. of Agriculture for meat sales, and ADP contracts for Lakota Technologies, Inc.

CRIMINAL JUSTICE SYSTEM:

Law Enforcement: \$5,000,000.00; To provide for additional enforcement personnel in sufficient numbers ensuring adequate safety and coverage of all 16 communities located within the 2.8 million acres of reservation boundaries. Under the PL 95-638 Bureau of Indian Affairs contract, provision for operation of the Detention Center and all staffing, suffers a severe shortfall in funding needs. Long-term stability of employing officers and operational expenses are not adequately with sustaining effects addressed through short-term Department of Justice grants as occasionally awarded.

Tribal Courts: \$450,000.00; To provide and implement a computerized technology system connecting the Court and Law Enforcement Departments with a centralized communication system. Tracking over 2,000 civil cases, over 3,000 juvenile cases, and over 3,000 criminal cases a year, with no computerized database presents a backlog of 6 months and longer time frame of prosecution activity. Funding is essential to the proper functioning of the Courts, vital to effective law enforcement, family dispute resolution, and businesses on the Reservation. This technology will address the deficiencies in the operation of the total Criminal Justice system on the reservation.

ROADS

Road Improvements: \$38,000,000.00; Reconstruct, gravel, and pavement for Route 7 – providing safe and direct access to the buffalo herd pastures and Missouri River for economic benefit to the Tribe resulting in tourist activities and accommodating Lewis/Clark BiCentennial participants, and secure national designation in the Native American Scenic By-Way Initiative.

Road Maintenance: \$6,500,000.00; Funding of road maintenance on the reservation for existing roads. And fund the Tiospaye Topa School road as directed to be funded by Congress in 1991. The Bureau of Indian Affairs utilized the original allocation without building the road.

EMPLOYMENT:

TWEP Redesign Project: \$700,000.00; To increase activities within each Tribal community, to decentralize services into direct community service, by implementing office space, staff and activities at each site. Local regulatory authorization to implement program design, staff and activities.

Census Data Resource: \$75,000.00; Initial and recurring appropriations to develop and implement a resource within the Tribal Economic Development/Planning Department to systematically secure accurate data of geographic and demographic nature, reflecting needs of the reservation and its population. This will provide as a foundation for the national Census activities in 2010.

LAND:

Land Use Study:\$200,000.00; To develop and implement a land use plan servicing as the foundation for economic and infrastructure development (including architectural and engineering) costs associated in the planning for all new facilities and housing intended within the next 10 year period. The study will also serve to reflect the population growth and its needs.

INDIAN FINANCE ACT:

Bureau of Indian Affairs Grant/Direct Loan Program: \$14,000,000.00;

Bureau of Indian Affairs Grant: \$4,000,000.00; Applied throughout Indian country – Great Plains Region, the funds for a Indian Business Development Grant Program will aide in the increasing requests of need by Native Entrepreneurs

Bureau of Indian Affairs Direct Loan Program: \$10,000,000.00; Annual appropriations of this amount will permit business development to continue at the – Great Plains Region level. The Business Development and Direct Loan Programs are listed as line items in the Bureau of Indian Affairs Budgets but are not funded.

HOUSING:

Ownership and Rental: \$30,000,00.00; This conservative amount will respectively provide for design, construction, administration, and implementation of the 350 requests noted on the current waiting list for housing. The reservation population growth reflects an annual need of 40 homes a year be build to service the low-income families and overcrowded housing.

It is a must that the Negotiated Rulemaking for all regulations and statutory changes proposed be reestablished and implemented by HUD authorities, to eliminate micromanagement by HUD.

Provision must be provided legislatively to enable the Tribally Designated Housing Authorities to participate in the HOME Program allow for non-profit partnerships with Tribes.

Reinstitution of the Rural Housing Development and Drug Elimination Programs, with recurring funding to ensure the current established activities will be enhanced and maintained for youth and families of the reservation communities.

SENATE COMMITTEE ON INDIAN AFFAIRS**Hearing on the
Issues and Priorities of the Nations of the Great Plains Region
107TH CONGRESS****Submitted by the Tribal Nations of the Great Plains Region****June 26, 2001**

**I.
INTRODUCTION**

Chairman Inouye, Vice Chairman Campbell and distinguished members of the Senate Committee on Indian Affairs:

My name is Tex Hall and I am Chairman of the Mandan, Hidatsa and Arikara Nation (the Three Affiliated Tribes, located in northwest North Dakota. I am also Chairman of the Great Plains Tribal Chairman's Association. On behalf of the sixteen Tribes of the Great Plains Region I thank you for this opportunity to present to this Committee our priorities and concerns for the 107th Congress.

This morning we have the following Tribal Chairmen and Vice-Chairmen here representing their individual Tribes: Mike Jandreau, Lower Brule Sioux Tribe; Phillip Longie, Spirit Lake Nation; Richard Monette, Turtle Mountain Band of Chippewa; Charles Murphy, Standing Rock Sioux Tribe; Thomas Ranfranz, Flandreau Santee Sioux Tribe; Roger Trudell, Santee Sioux Tribe; William Kindel, Rosebud Sioux Tribe; and Theresa Two Bulls, Vice-President, Oglala Sioux Tribe. Each of the Chairs in turn will discuss some of the collective priorities we face as well as discussing the specific situations of their Tribes.

This is indeed an historic occasion and opportunity for government to government consultation. We want to thank Chairman Inouye and Chairman Campbell for this hearing, as well as the Senators from our respective states. Over the years, the Tribal Nations in the Great Plains have been studied and reports written about us and presented to Congress, but rarely, if ever, have we had an opportunity to present our concerns at length, and directly. These hearings, I believe, advance the goal of Nation to Nation consultation and I hope that this will not be the last time we have such a hearing. I hope that between hearings we can continue the dialogue between us. I hope also that this hearing can be a direct follow up to the meeting we had with the President of the United States two years ago, in which we focused on health care, housing and economic development.

This morning we intend to provide you with a broad understanding of the issues affecting us and what we believe are some solutions. We do not come before you as victims, asking for handouts. Rather, all of us here today are working towards developing our Nations to become as self-sufficient as possible, and our recommendations are all geared generally towards that goal. But we do come seeking a commitment from the United States to fulfill its historic and present day trust responsibilities.

Our written testimony is meant to be a guide, an introduction only, to the fundamental needs of our region. We anticipate that from your questions and based on the individual needs of each of our member Tribal Nations, much additional information will be supplied to this Committee, both today at this hearing and in the next two weeks following the hearing.

First, we will provide a bit of background information. The Great Plains Region covers a three state area: North Dakota, South Dakota and Nebraska. The Great Plains Region is comprised of sixteen tribes which includes a land base of over 7 million acres and a population of approximately 200,000. Our Tribal Nations are Treaty Tribes with Treaties signed between our ancestors and the United States guaranteeing lifetime services and benefits from the United States in return for the cession of millions of acres of ancestral homelands.

The Great Plains Tribes rate among the highest in many unenviable statistical categories. Unemployment rates average between 70 and 85 percent. Our Region also has three of the poorest counties in the Country. These are all counties in South Dakota – Shannon County (average annual wage of \$11,630; Todd County (average annual wage \$:1,197); and Ziebach County (\$12,062). Further, 9 of the poorest 38 counties in the United States are located in North and South Dakota, all of which are all or partly within an Indian reservation. We also face the worst health status in the United States, comparable to Third World countries, a life expectance of barely 60 years, high rates of infant mortality, diabetes, heart disease, cancer, alcohol and substance abuse, with many years of productive life lost.

We mention health care because without good health, all of the other improvements to our lives such as education, economic development, housing, roads, and many other programs are virtually meaningless. Good health for our people must come first. We want to take this opportunity to again thank Senator Daschle for the introduction of an amendment to the budget resolution, even though the amendment failed, proposing to increase health care for Indians by \$4.2 billion for the next fiscal year. That would have been a down payment on the tremendous needs in this area and we do not want this issue forgotten as the debates intensify over the next few months on spending priorities for FY 2002.

Through all of our difficulties, however, we have survived, and we remain optimistic and determined to seek improvements to our lives. An article in the New York Times recently pointed out that throughout the Northern Great Plains, there are two population groups that are increasing: Native Americans and the buffalo. We are the fastest growing population group of any minority in the United States. Ultimately, the Great

Through all of our difficulties, however, we have survived, and we remain optimistic and determined to seek improvements to our lives. An article in the New York Times recently pointed out that throughout the Northern Great Plains, there are two population groups that are increasing: Native Americans and the buffalo. We are the fastest growing population group of any minority in the United States. Ultimately, the Great Plains are being slowly returned to us, as foretold by our ancestors and our spiritual leaders. We look forward to the day when our lands are restored to us.

II.

PROTECTION OF OUR SOVEREIGNTY, OUR CULTURE AND OUR LANDS

We are now, in 2001, at an historic cross-roads of events. 200 years ago, Thomas Jefferson was sworn in as the 3rd President of the United States. Jefferson, as we all know, believed he had the right to acquire from France the so-called Louisiana Purchase, an area which included the lands of the Lakota, the Dakota, Mandan, the Arikara, the Hidatsa, Assiniboine, Crow, part of the Chippewa and Cree territories, and many others, lands which, by the way, were not for sale at any price. As soon as possible following this so-called purchase, Jefferson launched the Lewis and Clark Expedition. The repercussions from that Expedition have in fact lead us here today.

This year also marks the 150th anniversary of the signing of the Fort Laramie Treaty of 1851 by our ancestors. This sesquicentennial event occurs in September of this year. The Fort Laramie Treaty was not just signed or witnessed by a few individuals hand selected by the military, as was the case later in the century. This was a Treaty conference the likes of which have not been seen before or since, as over 14,000 Tribal members from throughout the upper Great Plains were present near Fort Laramie, in what is now Wyoming, to ratify what our ancestors understood to be a solemn Treaty among Nations.

Many of the Chairpersons in this room can trace their ancestry back to the leaders who signed that document. Those Tribal members present at Ft. Laramie in 1851 had already felt the scourge of what Europeans had brought to us, the deadly smallpox. They were ready to make sure that the Europeans did no more damage to them. The Fort Laramie Treaty of 1851, and the subsequent 1868 Treaty with the Sioux Nation were meant to allow us to live in peace with our new neighbors.

But in the next fifty years, every one of the promises made by the United States in the Fort Laramie Treaty of 1851 were broken and smashed. This period was the worst of the centuries long holocaust experienced by our ancestors. By 1901, 100 years ago, under the Presidency of Theodore Roosevelt, the theft of our Tribal lands by the United States was largely complete. Our buffalo had been killed off, our leaders were dispirited or dead, our people were herded onto reservations just a small fraction of the size of the lands promised to us in perpetuity and with the added insult that non-Indians were allowed to buy lands on the reservations that were not allotted to us individually. Our children were being forced to go to boarding schools, our religious and spiritual practices,

even the use of our native languages, were banned and our way of life had been changed forever.

Yet apparently that destruction and the human misery it brought were not enough for the United States. Theodore Roosevelt in 1901 presented U.S. policy towards Indian tribes very starkly. He said in his first very State of the Union address to Congress that year that the "General Allotment Act is a great pulverizing engine designed to crush the Indian mass". He went on to describe what he thought the goal of the U.S. towards tribes should be – "we must treat the Indians as individuals, not as tribes" he said.

And that is what the United States proceeded to do. Before the 1934 Indian Reorganization Act was passed, more than 90 million acres of Tribal lands promised by Treaties to Tribes throughout the United States were lost. Homesteaders came to most of the reservations and began farming. Most of the reservations in the Great Plains were reduced by more than 90 percent.

But that was not the last of the land seizures by the United States from our people. Beginning in the late 1940's, barely fifty years ago, under the Pick Sloan Act, even the small land base that was left to many of us was once again subject to occupation by the Army, this time the Army Corps of Engineers. They were responsible for constructing dam after dam along the Missouri River in just the right places to flood the majority of our homelands along the river; from the Omaha, Winnebago and Santee Sioux in the southern part of the Great Plains Region to the Assiniboine Sioux at Fort Peck to the north. My Nation alone lost 156,000 acres of prime agricultural bottom land along the Missouri River, land we will never see again in our lifetimes. Altogether, close to a million acres of the most productive Tribal lands along the Missouri were taken.

Attached, as an example of why the land into trust issue is so important to the Tribal Nations in our region, is a short history of how lands were lost from the lands of the Mandan, Hidatsa and Arikara Nation since 1851, entitled "Lost Lands, Lost Communities".

Now, in 2001, 200 years after President Jefferson launched the so-called "Expedition of Discovery" of Lewis and Clark, we still face the same kind of legal policy espoused by Theodore Roosevelt 100 years ago. We were reminded of how much our sovereignty has been eroded just a few weeks ago when the Supreme Court of the U.S. again stated that lands on our reservations are not always subject to the jurisdiction of the Tribe that occupies the reservation, in the case of *Atkinson Trading Post v. Shirley*, decided by the U.S. Supreme Court on May 29, 2001. This case states that the Navajo Nation cannot tax a hotel located within the reservation because it is on fee land.

How did the land in *Atkinson* become fee land? In part, through the allotment process. Without a doubt, we are still being subject to that "pulverizing machine" of Roosevelt's, still being treated as if our sovereignty doesn't matter. That is what the policy of the General Allotment Act of 1888 and many similar acts passed by Congress specific to various reservations were all about, reducing the ability of Tribes to exist as separate, sovereign entities.

For us, the Treaties of 1851 and 1868, and the treaties with the Chippewa are still very much alive and meaningful. The Lakota and Dakota Nations will not rest until their sacred Black Hills are returned to them. The Treaties did not, by their terms, subject the signatory Nations to the Fifth Amendment to the United States Constitution. No signatory understood the Treaty to mean that if the United States stole their land that compensation based on land values in 1851 or 1868 would somehow compensate them for that loss.

We mention this history and our understanding of the Treaties to the Senate Committee on Indian Affairs because it is time for this Committee, the United States Senate, and indeed the entire United States government, to make a commitment to guarantee and protect, once and for all, our sovereignty over the lands and the people on our reservations as it promised to us in so many treaties, including the 1851 and 1868 Fort Laramie Treaties and other treaties with the Chippewa. We need your commitment, your solemn promise that no more land will be taken from us. We need your commitment, your solemn promise, that the United States will protect our trust assets as a prudent and reasonable trustee. We need actions, not just words. We need actions that will begin to reverse the decades of anti-sovereignty decisions of the U.S. Supreme Court.

Not only is our sovereignty in ever increasing jeopardy, but also our culture and our sacred sites continue to be subject to depredation. Thousands of cultural sites are under the jurisdiction of the U.S. Army Corps of Engineers along the Missouri River and continue to need protection. We urge you to ensure that adequate appropriations are made to the U.S. Army Corps of Engineers for their annual Operations and Maintenance budget for cultural protection. We urge you to ensure that adequate appropriations are made to fund all activities under the Native American Graves Protection and Repatriation Act (NAGPRA).

We also urge you to consider legislation expanding the scope of NAGPRA to include the Smithsonian Institution of the U.S. Government. Sadly, tens of thousands of artifacts stolen from our people over the past 200 years remain closeted away within the archives of the Smithsonian Institution located right here in Washington, D.C., including the remains of our ancestors, from drawers full of baby rattles to sacred buffalo robes. Repatriation of those materials to our Tribes and our members would go a long way towards real reconciliation with the United States government.

III. LAND INTO TRUST – REBUILDING OUR NATIONS

This brings us to the next issue we would like to discuss, a discussion of the process for taking land back into trust. As you may know, for the past two years Chairman Tex Hall has been the Co-Chairman of a task force on the issue of land-into-trust created when the Bureau of Indian Affairs (BIA) determined that it was necessary to rewrite the regulations governing Section 5 of the Indian Reorganization Act (25 U.S.C. Section

465), which permits the United States to take land into trust on behalf of Indian tribes. After more than a year and a half of discussions, the final regulations on the procedures for taking land into trust were issued in the Federal Register on January 16, 2001.

Given the needs of all of our Nations we are all generally interested in rebuilding our land base so that our people can become more productive and less dependent on the Federal government. With limited funds derived from gaming and other economic development pursuits, many Tribes are repurchasing lands within their original Treaty areas, and particularly within the reservation. Key to this economic development is placing that land into trust with the Department of Interior under Section 5 of the Indian Reorganization Act. Putting the land into trust status helps secure that land as part of the jurisdiction of the reservation and makes it free of alienation by local and state governments. It is a critical part of the process of Nation building.

Several Tribes in our region have bought ranches or other agricultural lands on or near their reservations to add to their land base, particularly to replace lands lost behind the dams that flooded our home lands. Our Tribes are at various stages of seeking to have those lands be put into trust and are working with local jurisdictions to make it possible for the land to be put into trust.

Yet taking the land we purchase or acquire out of fee status and into trust has caused a reaction among some states and local jurisdictions and has created a reaction in Congress. Somehow the notion is that when land is taken into trust the state and local governments are then less able to provide the various services because they are not receiving tax revenues from that land.

Often forgotten in this discussion is that Tribes and their members are also often the recipients of the services provided by the local jurisdictions, from schools to ambulance services and roads. Tribes and their members have a stake in making sure that these vital services are continued, and that is why the majority of land into trust transactions are preceded by considerable discussions with the local jurisdiction to ensure that everyone's needs will be met.

Nevertheless, this spring, the Interior Department decided to delay the implementation of the final land-into-trust regulations published in January and has sought comments from all interested parties. While we, too, would like to see improvements in the final land into trust regulations published in January, including giving more deference to land contiguous with the boundaries of the reservation, and making the application effort for taking land into trust less burdensome, we do not want the regulations to be made less favorable to the ability of Tribes to take land into trust than they already are. Most of the land into trust transactions are fairly routine, as the Tribes are simply acquiring land that is within the boundaries of the reservation.

It is my understanding that a proposal has been made to introduce a bill that will provide the standards the Department of Interior would use to evaluate a request by a Tribe to take land into trust. This approach comes close to what we need, and we urge the

Committee to carefully consider this proposal if it does indeed become a bill. It is time that the U.S. Government provide a mechanism that will be honored by all for taking land into trust when the land is within our homelands defined by Treaties.

IV. CREATING NON-GAMING ECONOMIC OPPORTUNITY ON THE RESERVATIONS

Taking land into trust for our Nations is the first step in our road to economic, cultural and social recovery from the past 150 years of broken Treaties. The second step is to rebuild the economies of our Tribal Nations and to create economic opportunity for our Tribal Nations and our members. Our Tribal leaders have participated in the national BIA budgeting consultation process in the past few years, by being part of a Budget Council composed of three Tribal leaders from each BIA Region. Economic development, or "creating economic opportunities", as the subcommittee has agreed to call it, is one the key areas of the budget identified in this years sessions (in which the FY 2003 budget is being discussed) by both BIA and Tribal leaders of the Budget Council in which tremendous change is needed in the available resources and also in the attitude of the BIA.

Creating economic opportunities can, over time, repay all of the investment made initially many times over, with increased payrolls and federal tax income from people receiving a paycheck, not a welfare check. Expanding economic opportunities is not a hand out but a hand up. But creating economic opportunities in areas that are largely remote is not an easy task. It is a task that requires a lot of things to be in place in order that it be as effective as possible.

For various reasons, economic development, as you know, is slow in coming to the Great Plains Region. Despite the modest success of Indian gaming in our area, the long winters (6 months), low population ¹, lack of capital, long term capital debt repayment for casinos², lack of infrastructure, and location in isolated/rural areas, have made economic development more difficult. Our casinos provide only modest returns for most tribes thus making additional economic development for our Tribal Nations critical if we are to make any progress towards self-sufficiency for our Nations. Also, our casinos can supply only a portion of the economic development funds needed for our Nations, because the income from our casinos largely goes to vital needs for which the Federal government provides wholly inadequate funds in such areas as health care, housing, social services, education and other critical infrastructure.

Additionally, in South Dakota, the State continues to limit the economic growth of Tribes by limiting the number of gaming devices each Tribe may operate to a total of 250. Class

¹ The population in North Dakota according to the 2000 US Census is 642,200 The population of the State of South Dakota according to census figures is 754, 844. Nebraska's population is 1,717,263. It should be noted that Nebraska's higher population is due to its major metropolitan area that is not located in close proximity to Nebraska's 4 Indian Reservations.

² Average repayment in the area is 15 years.

III gaming devices generate more than 85% of the gross revenue for tribal gaming operations. In North Dakota, our compacts with the State require that we spend a portion of our profits for non-gaming economic development, and we are all aggressively always looking for new economic development venues, with the limitations as described above.

Unemployment rates in the Great Plains Region are the highest of any area in the Country. On most of our reservations, the poverty levels and standard of living are comparable to third world counties. According to Bureau of Indian Affairs labor statistics, unemployment rates in the Great Plains Area are often over 50% of the adult working population, with some Tribes facing unemployment rates as high as 80%. For example, Bennett and Shannon Counties in South Dakota, part of the Oglala Lakota Nation, are consistently listed as the poorest counties in the Nation. The same is true for Ziebach County, South Dakota, which includes the Cheyenne River Indian Reservation. It is shocking and disheartening that these conditions continue to exist for Native people.

But even with those dismal statistics, Tribes across the Great Plains are making progress in their efforts to provide economic opportunity for all of their members in non-gaming areas. One can look to the manufacturing facilities and various companies of the Cheyenne River Sioux Tribe, the Sisseton Wahpeton Sioux Tribe, the Spirit Lake Tribe, the Turtle Mountain Band of Chippewa and the Three Affiliated Tribes for examples of what a concerted effort to utilize all available economic development resources can provide.

In each of these cases, however, the enterprises that have been created do not supply but a small fraction of the need for increasing economic opportunity in our homelands, and leave unemployment and welfare levels unacceptably high. We need much more investment in our economies to reduce unemployment and welfare dependence to acceptable levels, development that in general, does not come from state governments, but rather primarily from the Federal government.

Some of the ideas for stimulating and creating economic opportunity using Federal assistance have been discussed by the Economic Development subcommittee for the FY 2003 BIA budget and many others, and include:

- **Venture and start-up capital fund sources development** Capital formation is one of the principal barriers to developing economic opportunity on the reservations. Venture capital funds need to be developed that are a mixture of private and government funding, similar to the International Monetary Fund or World Bank.
- **Infrastructure improvement** – this includes roads, sewer and water systems, and improved information telecommunication systems, among other things. For example, a portion of the proposed Dakota Water Resources Act as introduced by our North Dakota Congressional delegation would assist in improving municipal, rural, and industrial water projects on the North Dakota Indian Reservations. Those funds are needed now. See road construction and

road maintenance discussed below. Just for IHS sanitation facilities alone, (water, sewers and solid waste facilities), the need for FY 2001 is estimated by the IHS to be \$107.3 million in the Great Plains Region.

- **Indian Business Loans and Grant Programs**- Tribes and individual tribal members need continued loan and grant assistance. Tribal members and Tribes have benefited greatly from such programs as the BIA Direct Loan and Loan Guaranty Program. Programs like these and the Indian Business Development Grants need to be reinstated and funded.
- **Native American tax incentives**- With only two years remaining before tax incentives expire, many businesses are now reluctant to commit to locating or expanding on our reservations. Economic planning and construction can take months and sometime years to develop from start to finish. Tax incentives should be looked at in a variety of ways. One of the critical reforms needed is to give Tribes more opportunities to do bonding for economic development, similar to the job creation type bonding that cities can now do, but which is not available to Tribes under present Internal Revenue Service statutory authority (29 U.S.C. Section 7871). Other kinds of legislative initiatives such as tax incentives for reservation investors should be considered, as well.
- **Tribal Court development**- A strong court system is the key to a strong Nation. Private businesses feel more secure forming relationships/partnership when they are sure that they have an equitable dispute resolution mechanism. Additional funding is necessary to enhance tribal courts, including the development of such things as a Uniform Commercial Code, enforcement mechanisms for judgments, training for personnel and modern case management systems, including electronic filing of documents, to name just a few improvements where assistance is needed.
- **Technical Assistance Centers** – Tribes need technical assistance in a wide variety of ways to allow them to take advantage of the many opportunities available to spur economic growth. These opportunities include tax incentives, tax exempt bond financing, Department of Justice Grant Programs, initiatives available under the Native American Housing and Self-Determination Act and many others. Technical assistance would include loan packaging; identification of resources, including equity financing; business structure development; and preparation of business plans and financial statements, among other things.
- **Increase and improve federal contracting and procurement set asides** – Federal contracting and procurement standards should be structure to benefit, where possible, Indian Tribes and should not pit disadvantaged groups against each other. The SBA 8(a) program should be streamlined and improved to better target Indian tribes.

- **Regulations affecting business activity should be streamlined.** Where appropriate, regulations and statutes affecting business activities on the reservation, such as business leases of Tribal lands, should be streamlined to allow a minimum of BIA bureaucratic oversight, consistent with the BIA's continuing trust responsibilities. Congress should consider allowing Tribes to opt out of continue BIA oversight of business activities. This has already been done in the case of the Navajo Nation.
- **Increasing employment training opportunities.** Critical to job formation is training for new job skills. Every federal program having a job training component should have a Native American set-aside to allow Tribes the opportunity to set up adequate job training opportunities for their members. This should include adequate funding for United Tribal Technical College and United Sioux Tribes.
- **Sovereignty must be protected.** The right of Tribes to regulate the business activities conducted within the reservation, which is their inherent sovereign right, must be protected against continued erosion by the United States Supreme Court, as illustrated by the recent *Atkinson* case, mentioned above. In the long term, Tribes are quite capable of developing their own systems of taxation, business formation, dispute resolution and court systems, and many other aspects of government regulation. But to be able to do this without allowing a patch work system to be created by competing jurisdictions, Congress must be willing to recognize the inherent sovereignty of the Tribal Nations, without fear that the interests of non-Indians will be compromised. It is not in the self-interest of Tribes to make it more difficult for business to function on then reservations, so long as those businesses recognize that they are subject to the regulation of the Tribal government.

Thus, Congress and this Committee must do their utmost to ensure that tribal sovereignty is preserved and protected so that Tribal Nations may regulate and control the economic activities within their jurisdictions without undue interference. In this regard, Congress must wholly reject legislation detrimental to Tribal sovereignty, like the previous initiatives proposed by Rep. Istook of Oklahoma regarding disputes over state government attempts to tax economic activities on our reservations.

Funds needed:

Nationally, the Tribes need approximately \$ 1 billion, of which easily \$150 million could be absorbed by the Tribes in the Great Plains for such things as venture capital funding, improvements to guaranteed loan programs, technical centers and other items as listed above.

Current Legislation:

The Tribal leaders in the Great Plains Region would like to take this opportunity to thank Majority Leader Tom Daschle and Senator Tim Johnson for introducing legislation that will provide economic development and regional job opportunities for the Tribes in the State of South Dakota. S. 493, a bill to provide for the establishment of the Sioux Nation Economic Development Council, will provide the resources needed to coordinate economic development projects and centralize expertise and technical support to help tribes obtain assistance as well as raise funds from private organizations to match federal contributions. We encourage this Committee to consider this Bill and the benefits it will provide to the Tribes in South Dakota. We would also encourage your support of Section 439 of the Bill providing for a direct congressional appropriation, for without the appropriation, the legislation would be meaningless.

We are also encouraged by S. 343, which was introduced by Senator Campbell, entitled the Indian Tribal Development Consolidated Funding Act. The Bill will establish a demonstration project to authorize the integration and coordination of federal funding dedicated to community, business and economic development in Native communities. We would ask this Committee to give this Bill serious consideration to provide alternative avenues for Native communities to pursue economic development opportunities. The Committee should also consider whether adequate technical assistance and funding is available to Tribes so that they may take advantage of the opportunities created by this Bill if it becomes law.

Development of Tribal Tourism:

Tribes in our region will have a unique opportunity during the next five years to take advantage of a tourism mini-boom in our region brought about by the Bicentennial of the Lewis and Clark Expedition. While many of our members remain concerned about celebrating an Expedition that in fact led eventually to the taking of our lands by the United States, nevertheless, the Lewis and Clark Expedition can be utilized to our advantage as tribes. Issues included in development of tourism for us include protection of our Tribal culture and identity, and each of our tribes must decide how it wants to take advantage of the tourism increase expected with the beginning of the Lewis and Clark Expedition Bicentennial starting in 2003 and continuing until 2006.

In order to take full advantage of the next few years, we need development grants so that we can prepare for the visitors who will come, including grants that:

- Improve our infrastructure at key sites along the Lewis and Clark Trail, including development of sites along the Missouri;
- Encourage the development of Tribal and individual businesses that will service the tourists who will come;

- Will enhance the experience of visitors, including grants to improve signage, clean-up along roadways, and a variety of other projects that will encourage more visitors to come; and
- Will encourage visitors to visit destinations in our region that are not along the Lewis and Clark Trail.

These are but a few examples of the many kinds of projects that a Tribal tourism initiative should provide for.

V.

ENERGY AND OTHER NATURAL RESOURCE DEVELOPMENT

A major component of development of economic opportunities on the reservations in the Great Plains includes promotion of development of the resources on the reservations. Resource development includes proper management and development of the resources of minerals, land and water on the reservations, as well as siting of such facilities as oil refineries and power generating plants on a reservation, where desired by a Tribal Nation.

Energy development potential

Our nation is in the midst of another energy crisis. We need additional sources of energy and we need more oil and gas to power our cars and provide us electricity. The Tribal Nations of the Great Plains have the potential to be a net electricity exporter. But we need to have in place the right regulatory environment for that to take place, and we must be able to access capital sufficient to allow development of our energy production potential.

Nationally, it is estimated that the Indian Nations have on their lands approximately 20% of the energy reserves of the United States. Yet for the Great Plains Tribal Nations, little has been done to encourage development of those resources.

- Coal, oil and gas.

Several Tribes in the Great Plains have the possibility of oil, gas and coal within the reservation boundaries, but have heretofore not developed that potential because of economic barriers, caused in part by over regulation, lack of technical support for Tribal decision making in this area, and a poor understanding on the part of energy companies of the of Tribes themselves.

- Wind Energy

Electricity generated by arrays of wind towers is now competitive with many more traditional energy sources such as hydropower, fuel oil, nuclear power and natural gas. As anyone who has spent any length of time on the Great Plains realizes, the one great natural energy source on the Plains is the wind.

But in order to realize the great potential for wind energy generation on the Great Plains, investment risks and costs must be minimized. Further, transmission lines must be able to be constructed at as low a cost as possible for wind energy generation to live up to its potential, and distribution systems for the excess electricity generated by wind systems must be developed.

Thus, specific legislation may be required to allow Tribes to fully meet the potential for wind energy.

- **Electric power generation plant; oil refineries.**

There is no reason why a major electric power plant or a mid-size refinery cannot be owned and operated by a Tribal Nation on its own lands. Such facilities should be encouraged to take advantage of the mineral resources on Tribal lands. These facilities can also allow Tribes to qualify for various government procurement set-asides. Again, specific legislation may be required.

- **Development of Tribal specific legislation.**

Any energy development effort this country pursues therefore needs to have a legislative component. There are at present several legislative efforts underway to encourage further oil development. None of these bills, including the Republican and Democratic versions, have in them yet a Title specifically applicable to the Tribal Nations.

There is a draft bill being developed by Rep. Rahall of West Virginia circulating in the U.S. House that is applicable solely to Tribes. In this legislation, which is now being considered for introduction in a Senate version, there are a number of tax incentives for energy development on the Tribal Nations, including a Federal tax credit for taxes paid to the states. While we would urge consideration of the Rahall legislation, we would also urge consideration of a number of other items in a Native American Title to be added to one or more of the energy bills now pending, including:

- **Amendments to the Indian Mineral Development Act** to make such agreements easier to obtain and be approved, including an "opt out" provision for BIA approval of such agreements ;
- **Creation of Tribal Energy Development Enterprise Zones**, which would have the following characteristics: 1) tradable investment tax credits of up to 30% of the amount invested in energy extraction, generation or transmission on land within the Tribe's jurisdiction; 2) tradable production tax credits equal to the amount of the State taxes imposed on extraction activity on that reservation, or 20%, whichever is greater; 3) make all existing tax exemptions and credits available to businesses engaged in activity on reservations; 4) grants of up to \$2 million per year for five years; 5) a ten percent preference in the award of federal contracts for the purchase of power, refined petroleum products, and other

supplies of energy; 6) a preference for ten percent of all funds appropriated for clean coal technology development and generation; 7) a preference allocation of available transmission capacity on Western Power Administration and Bonneville Power Administration lines; and 8) elimination of BIA approval requirements for extraction, power generation or power transmission on tribal lands; and, as discussed above,

- **Tax incentives**, including Federal or state production tax or extraction tax credits to relieve the problem of dual taxation of the production of oil on Indian reservations.

We would also not be against splitting the Tribal energy title up into two or more sections, with one section dealing exclusively with the tax incentives for energy development on the reservations. Several of us are already in intense discussions with Committee staff and others concerning these issues and we look forward to continuing collaboration as the various energy bills under consideration move forward.

Development of water resources and preservation of Tribal water rights.

- **Completion of water projects.**

Water is always at a premium on the Great Plains. We urge the Congress to complete the water projects that have promised almost all of our Tribal Nations with rural water. We that the Senators who have fought long and hard for completion of the water projects promised to us many years ago. Many of our Tribal members still haul water, even though in some cases the Tribe is supposed to be receiving free water from the nearby reservoirs along the Missouri River.

That Tribal members still haul water in the 21st century is unacceptable. We urge adequate appropriations to allow these projects to be completed. Completion of rural water projects is just as needed for Tribal Nations within our region that are not along the Missouri River.

- **Protection of our reserved water rights and control of the Missouri River.**

The Tribes in the Great Plains have not, in general, entered into discussions or engaged in protracted litigation to assert their Winters Doctrine reserved water rights, particularly along the Missouri River. Recently, the Army Corps of Engineers has asked the Tribes for its opinions concerning the Master Manual, which is the instrument which generally determines how the Missouri River should be managed among the various dams that are located along the river.

Getting agreement between the various interests involved, including the upstream states, which includes the Great Plains Region, and the downstream states, which want the river managed to maximize the potential for navigation, is not easy. But it is certain that

Tribes for too long have not been at the table when these critical discussions and decisions are being held.

For the Tribes along the river, the quality of life is also in part controlled by the level of the lake that goes through our homelands. We, too, are dependent in part for revenues from recreational use of the water within our reservation boundaries. With the tremendous reserved Winters' doctrine water rights held by the Tribes along the Missouri River, we should, by law, be at the table to discuss the water management process. At a minimum, government to government consultation policy requires our presence when such critical decisions as how water levels along the Missouri are being handled. We would urge this Committee, along with any other Senate Committee of jurisdiction, to consider ensuring that we are appropriately part of the process when the next Water Resources Development Act is considered for passage.

VI FARM BILL/AGRICULTURAL POLICY

A new farm bill will be up for consideration in the 107th Congress, as early as this session. The first hearings on new farm bill are scheduled for later this week. For many reasons, agriculture concerns are critical for many Tribal members throughout the Great Plains. On many reservations, the Tribal members who are ranchers and farmer provide a vital part of the local economy, keeping themselves and their families and many others employed.

But being both a rancher or a farmer and a Tribal member has not been easy. Of particular concern is our pending litigation, *Keepseagle v. Glickman*, which is now, of course, *Keepseagle v. Veneman*. In that case, in which over 900 Indian farmers and ranchers are alleging that they have suffered discrimination in USDA farm programs nationwide, we just won a significant victory, as the court ruled last week against the Federal government in its motion to dismiss. The Plaintiffs are still seeking class status and that ruling is expected soon. A status conference is scheduled for July 13, 2001.

A victory in terms of class certification is almost certain to lead to settlement discussions, similar to the situation in the *Pigford v. Glickman* litigation involving black farmers.

Legislative Action Needed – A Separate Indian Title for the Farm Bill.

But out of the *Keepseagle* case comes the need for legislative reform. We need to include a separate title for Native American concerns in the new farm bill that is now being written. Some of the items that need to be addressed in a new title include:

- Creation of local USDA committees specifically for the Indian reservations;
- Where possible, location of USDA offices on the reservations;

- Development of USDA lending programs that are specifically oriented to Tribal farmers and ranchers;
- Better protection of trust lands when a rancher or a farmer is in default on a loan, including a mandatory acceptance back into trust by the Department of Interior of land subject to a USDA mortgage and a provision which allows Tribes the option of assuming the loan servicing prior to foreclosure by the Federal government on a Tribal members' trust lands;
- Better training of all USDA personnel concerning treatment of Native American borrowers; and
- Establishment of a true civil rights division within the USDA that will thoroughly investigate all claims of civil rights violations.

We also urge Congress to hold a separate hearing out on the Great Plains to hear the further concerns of our Tribal ranchers and farmers about the new farm bill.

VII. EDUCATION

None of the above economic development activities happens without education. The Great Plain Tribes believe that education provides the foundation for tribal members to become self-supporting. We further believe that education is a right given to us through our Treaties with the United States Government. Without meaningful education and training, a tribal member is unlikely to secure meaningful employment. The Tribe supports education as one of its top priority, from pre-school to post college along with life-long learning. Education has proven to be the best way for tribal members to break the cycle of poverty and hopelessness and for the Tribal nations to achieve sustainable economic development. The Great Plains tribes have 35 thirty-five Bureau of Indian Affairs funded schools located within our region. That number comprises 18% of all BIA funded schools. Within those schools are over 11,548 students, pre-school to grade 12, comprising 23% of all students in BIA funded schools across the nation. Special need students comprise 28% of the student enrollment; fifty percent, 50% are partially proficient in Math, forty nine percent, 49% are partially proficient in Language Arts. The majority of the facilities housing the students are in need of repair, and in most cases, replacement.

The most pressing issues surrounding education of the students in those schools are:

- (1) **Adequate funding for quality education.** Statistics compiled by the National Center for Education Statistics indicate that Congress funds the BIA schools utilizing the ISEP formula at 56% of the amount per pupil funded on the national average. That indicates an unmet need of twenty-eight million (\$28,000,000.00) in the Great Plains Region. Schools need adequate funding to keep pace with inflation,

to meet academic standards, to hire quality staff and to move toward funding parity with public schools.

- (2) **Safe, Secure, Healthy Environment in Facilities.** Appropriations for facility replacement and improvement and repair have increased within the last two years and that will ensure adequate facilities for our Indian children for the next several years. However, appropriations have not increased to address the daily **Operation and Maintenance** to the degree required to ensure that the routine, daily work can be accomplished to ensure those facilities will be maintained appropriately. There is still only **80%** of the total Operation and Maintenance Costs need that is being allocated to schools. In that area there is an unmet need of three million dollars, **(\$3,000,000.00)** in the Great Plains Region.
- (3) **Student Transportation.** BIA schools are funded at a third of what the national average per mile funding is. The unmet need for mileage and replacement of buses with over 300,000 miles is approximately five million **(\$5,000,000.00)** dollars for the Great Plains Region.
- (4) **Agency Technical Support.** This program provides technical support and education program supervision the BIA's 24 Education Line Offices. At the national level there is an Unmet need of 14,312,000. For the Great Plains Region, the unmet need is **\$4,000,000.00.**
- (5) **Administrative Costs Grants.** This program provides grants to tribes and tribal organizations that convert to contract or grant for the operation of schools. These funds are provided in lieu of contract support to cover administrative costs and are distributed based on a congressionally mandated formula. Currently, administrative cost grants are funded at 80% of the need. That translates to approximately \$4,000,000.00 in Unmet for the Great Plains Region administrative costs.
- (6) **Tribal Priority Allocation (TPA) programs:**
 - a. **Johnson O'Malley.** The student numbers for JOM funding were froze in 1995 by Congressional Mandate. There have been no funding increases even though the number of students in public schools has increased since that time. The UNMET need for JOM is at least three million dollars **(\$3,000,000.00)**
 - b. **Adult Education.** The unmet need for adult education is \$2.553 million. Adult education is not currently being adequately funded. Funding is needed to furnish adults with the needed training in life skills and job training as well as GED preparation and testing.
 - c. **Scholarships.** Nationwide the unmeet need for scholarships funding for Indian students is over twenty five million. For the Great Plains Region, the need is well over **(10,000,000.00).** We are requesting a budget increase of

\$5.010 million for FY 2003. Presently, Tribes can only fund about \$3,000 or less with the Scholarship grant funds.

- d. **Tribally Controlled Community Colleges.** The unmet need for funding of the Great Plains Region TCCCs is over \$2.45 million. Tribal Community Colleges are becoming the backbone of economic development in Indian country, as well as raising the level of education on the reservations. Tribal Community Colleges are vastly under funded compared to the rest of the nations institutions of higher education. These colleges include the unique United Tribes Technical College in Bismarck, North Dakota, owned and operated by the five Tribes with trust land in North Dakota. United Tribes deserves to

I would like to read excerpts from the Meriam Report which was published in 1928:

“For the most part the buildings and equipment of government Indian schools are below the standards of modern public schools...most the school buildings are unattractive and unsuited to present-day education need. Furthermore, a policy of patching up out-of-date structures, combined with insufficient repair funds, puts the government school at a serious disadvantage. It is false economy, for example, to repair a building...at Flandreau... and Cheyenne River, where there are dangerous fire-hazards.”

Approximately 70 years later, several things remain the same, however, the responsibility of providing the best and safest school environment for our children is in your hands.

RECOMMENDATION: A national survey of the physical conditions of all BIA-funded school facilities be conducted by a non-government agency to be provided in a report to Congress with a plan for school replacement, new construction, and needed renovations and repairs

RECOMMENDATION: A Tribal needs assessments and evaluation process be implemented for periodic review of Federal Indian program designed to create positive change within Tribal communities.

RECOMMENDATION: A federal funding mechanism be provided for the issuance of bonds for funding construction of schools under the Bureau of Indian Affairs.

VIII.

FY 2002 BIA and RELATED AGENCIES BUDGET APPROPRIATIONS

In preparing the budget for the BIA in recent budget years, as a part of the consultation with the Tribal Nations, the BIA Regional office has had a gathering of the Tribal Chairmen and their program managers and has requested that they prioritize the various aspects of Tribal governance and programs whose funding is supplied, in part, through the Federal government. Chairman Gregg Bourland of the Cheyenne River Sioux Tribe, who could not be here today, likes to say that trying to prioritize the needs of the Great

Plains Region is like trying to choose which child a father or a mother likes best. It is, in fact, largely an exercise in futility, because the needs are all interrelated and all are largely underfunded.

Just in terms of improvements to all facilities and infrastructure alone, the estimated need for the Great Plains Region is more than \$2 billion. Some of that need is described above in the Education section of this testimony, other parts in the Roads section. As has been emphasized throughout this testimony, there are great needs in the Great Plains Region that have existed for decades and which the U.S. Government has done relatively little to correct.

The unmet needs of the BIA in the Great Plains Region are so enormous that the morale of BIA officials in the Great Plains is difficult to sustain. Most of the BIA employees are Tribal members who feel keenly their inability to provide the level of services a prudent trustee should provide to those who depend on the BIA for protection of their trust resources.

Some of these needs are covered in the various sections concerning economic development, education, housing, tribal courts, tribal law enforcement, roads and social services discussed elsewhere in this testimony. But the BIA needs funds in other areas, as well, in order to carry out its mission of protecting our resources and accounting adequately for our trust funds. Therefore, the following represents a brief summary of the needs for augmentation of the BIA Budget for FY 2002 not otherwise covered in this testimony:

- **Trust asset management.** The *Cobell* litigation, started in 1996, as well as the High Level Implementation Plan of the Office of the Special Trustee, mandated by the Trust Funds Reform Act of 1994, has shown that the BIA has tremendous deficiencies in the areas of trust assets management. These deficiencies must be rectified. As an illustration of the magnitude of the problem, not only nationally, but regionally, the following are the needs for appropriate trust asset management at the Great Plains Regional Office and the various agencies of the Great Plains for FY 2002. Three areas of funding for the BIA's agencies and regional office are important here:
 1. **Records management.** This includes the personnel and funding needed to be able to provide the level of management that would meet the objectives of the *Cobell* individual trust funds litigation. (2001 funding = 0, funds needed = \$455,000 at the regional level)
 2. **Real Estate Services and Natural Resources Protection.** The BIA real estate services and natural resources protection programs provide and handle, among other things, lease management, real estate transactions of all kinds on our lands, and assists in protection of the trust assets of both our tribes and our members. Here, the needs for real trust asset protection are enormous. The

BIA is responsible for the protection and management of almost 6 million acres of trust land in the Great Plains Region.

- A. Lease compliance.** For lease compliance for the entire Region, the amount appropriated last year was only \$206,000! A total of \$1.0 million per BIA agency not now being provided is needed to provide adequate real estate services for the land base of the Great Plains Region, for a total of \$16 million annually. In addition, the Regional Office needs \$336,000 for training of the agency employees that would be needed for an adequate lands protection effort.
- B. Resource management.** In addition, resource management includes range professionals and farm and agricultural land specialists that assist in ensuring that leased lands are honoring the various requirements, including conservation practice, of their leases. Unmet funding needed in this area totals \$5 million per year to adequately protect and manage the 6 million acres now in trust in the Great Plains Region.
- C. Noxious weeds eradication and protection.** The BIA is hopelessly behind in eradicating noxious weeds from the lands it is supposed to protect, such as leafy spurge. Lack of protection of the lands reduces the amounts that individual allottees receive for their land leases, which in turn vastly reduces the value of those leased lands. The unmet need annually to begin to get a handle on noxious weeds is \$19 million annually.
- D. Water management.** An additional \$2.4 million annually is needed to provide adequate baseline management services for protection of the water resources of the Tribes.
- E. Fish and wildlife management.** Tribes are managing fish and wildlife under Self-Determination Contracts with the BIA. They largely spend their own scarce resources on this management. The BIA needs an additional 22 employees at a cost of \$1 million to provide the service it should to tribes in this area.
- F. Endangered species management.** The BIA needs \$1 million to ensure that the Endangered Species Act is not violated on trust lands.
- G. Fractionated lands reduction.** In addition, Tribes and the BIA need adequate funding to begin to reduce the amount of fractionated lands that are increasingly draining critical resources from the BIA and from Tribal members. The estimated need for funds to have any kind of impact on fractionation over the next 10 years is a minimum of \$10 million per year.

- H. Dam Protection.** Over 20 dams exist on trust lands that are classified as high hazard if the dams were to fail. Many dams were constructed more than 70 years ago and need to be inspected to provide the level of protection expected of a trustee. \$10.5 million is needed in this area over current levels of funding.
- I. Irrigation Projects.** Some tribes have lands eligible for irrigation and are already pursuing those projects. \$6 million is needed per year to ensure the success of those projects, and an additional \$1.2 million is needed to identify and provide technical assistance for those tribes interested in pursuing additional irrigable acres.
- 3. Titles and Records.** The BIA in the Great Plains Region has 6,665 probates in need of processing, representing hundreds of thousands of fractionated interests in land. The pending probates effect all real estate transactions because they put the status of the land in limbo. Heirs wait years before taking possession. The entire process needs major assistance. The unmet need here is more than \$2.1 million per year over current appropriations.

Total ADDITIONAL funds needed for adequate trust assets protection in the Great Plains Region: \$59 million.

- **Facilities management**

The BIA estimates its need in this area to be \$50 million per year for 15 years, (\$750 million) which primarily will meet the need for new school construction. This does not reflect the need for new and improved roads or the need for additional operations and maintenance funds for the new schools and buildings. Nor does this include the other infrastructure needs mentioned elsewhere.

- **Regional office management funds needed.**

For improvements to the Regional office, including management of Self-Determination Contracts, there is an estimated \$1 million needed annually in additional funds.

These are enormous needs just for trust asset management. We encourage this Committee to take additional testimony and have additional oversight hearings to determine the true need for adequate funding to provide the kind of trust lands protection that we, as the trust beneficiaries, expect of our trustee, the United States government.

Further, these BIA needs do not cover most of the rest of the Tribal Priority Allocation schedule. These needs are covered, for the most part, in other sections of this testimony.

IX. HOUSING

It is difficult to identify a top area of priority in the Great Plains Region. Our issues are many and varied. Housing ranks at or near the top of the list of priority concerns for the Tribes in the Great Plains Region. Statistics regarding housing needs and homelessness on the reservations are startling.

Housing Conditions:

The need for housing in our Region is severe. According to the Indian Housing Plans submitted to HUD pursuant to the Native American Housing Assistance and Self-Determination Act, there is a need for 12,121 additional homes in the Great Plains Region.³ Additionally, there are 5181 homes in need of rehabilitation.

Lack of available housing is not the only problem. Substandard homes and living conditions present another serious concern. The living conditions of these homes are deplorable. Many of these homes lack adequate utilities including standard plumbing, running water, hot water, safe electrical equipment, efficient energy supply. Many homes lack the basic appliances that most Americans take for granted: refrigerators, stoves and water heaters. Homes built with funds from the Department of Housing and Urban Development in the 1970's and 1980's are not energy efficient. They lack storm doors, storm windows, and adequate insulation. With the high cost of heating and the long, sub-zero winter we recently faced, it is a miracle that our people were able to survive. Tribal government often times finds itself in the position of having to use much needed tribal funds to pay its membership's heating bills; there is no other immediate alternative. There is however, a long term solution to these problems. Our tribal governments and housing programs desperately need additional funds to build new homes and bring those units that are capable of rehabilitation back to standard living conditions.

Appropriations under NAHASDA

Our Tribe's recognize that the initiatives developed by the Native American Housing and Self-Determination Act have provided new opportunities for Tribes to develop model housing programs and to leverage NAHASDA funds to provide long term financing for additional housing development. We appreciate the improvements that have been made in the area of Indian Housing. The objectives of the NAHASDA cannot be met, however, without adequate funding to the Tribe's in the Great Plains Area. The prior year appropriations under the NAHASDA are inadequate⁴. The estimated actual need for housing in all of Indian Country is \$1.2 billion. That leaves Indian Housing funded at

³ The following details the number of homes needed on several of the reservations in South and North Dakota: Cheyenne River Indian Reservation: 1184 homes. Pine Ridge Indian Reservation: 952 homes. Fort Berthold Indian Reservation: 1009 homes. Spirit Lake Indian Reservation: 978 homes. Turtle Mountain Chippewa Reservation: 802 homes.

⁴ FY 1999 \$613,900,878; FY 2000: \$611,197,404; FY 2001 \$641,407,594. Figures taken from Indian Housing Block Grant Customer Service Center.

approximately 50% of the actual need. Unfortunately, the President's proposed FY 2002 budget provides no increase for NAHASDA funds and actually decreases the amount approved in FY 2001 based on the rescissions to the 2001 appropriations. Congress must increase funding under NAHASDA to level of need so that Housing in Indian Country does not continue to be one of the top social issues for our people in the twenty first century.

NAHASDA Reauthorization

The NAHASDA is up for reauthorization this year. The Reauthorization Bill, H.R. 1873, has been submitted in the House by Representative Hayworth. The Bill has three main provisions:

- Authorization of NAHASDA grant appropriations for each of fiscal years 2002, 2003, 2004, 2005, and 2006.
- Authorization of Title VI loan guarantees appropriations for each of the five years named above
- Authorization of training and technical assistance appropriations for a "national organization representing Native American housing interests" for each of the five years named above

We understand that Senator Campbell is expected to introduce a companion reauthorization bill in the Senate. The Tribal Leaders of the Great Plains encourage members of this Committee to assist in the speedy passage of this important piece of legislation.

Proposed Elimination of Programs Serving Tribal Housing Needs

The proposed elimination of two important programs serving Indian Housing is of great concern to our Region. These programs have been eliminated through the President's proposed FY 2002 Budget. It is our understanding that both the House and Senate have passed budget resolutions, which closely reflect the President's spending priorities.

First, we have been advised that the Drug Elimination Program, funded at \$310 million in FY 2001, has been entirely eliminated from the President's proposed budget. Some of those funds have been redirected to Operating Subsidies for which tribes are ineligible. The Drug Elimination Program has proven to be an effective tool in Indian Country for fighting substance abuse and the resulting problems that come with it. There are no other sources of effective funds for Indian Housing. The Great Plains Region therefore requests that the Drug Elimination Program continue as before, or, alternatively, funding be made available elsewhere for tribes to use in their anti-drug activities.

The Rural Housing and Economic Development Program has also been eliminated by the Presidents FY 2002 proposed budget. This Program has proven extremely useful to tribes

in building capacity for rural housing and economic development to support innovative housing activities. Tribes have been the primary beneficiaries of this important Program.

The elimination of these programs will only hinder our efforts to improve housing in Indian Country. These programs provide major sources of funding that can be leveraged with NAHASDA funds. There are no other effective federal program funds available. This will no doubt result in increased burden on our already limited NAHASDA funds.

The BIA Housing Improvement Program (HIP)

The Housing Improvement Program administered by the Bureau of Indian Affairs remains underfunded in our Region. According to the Bureau of Indian Affairs, the HIP Program is under-funded by approximately \$32 million dollars.⁵ The Housing Improvement Program provides a safety net for needy families in our Region who do not qualify for assistance from other housing programs because they do not have sufficient income to either pay for or maintain a home once it is built and occupied. In FY 2001, the Tribes in our Region received \$2,272,811 in HIP funds. These funds will be used to complete an estimated 45 individual HIP projects of the 615 documented HIP eligible applicants. Unfortunately, Tribes must use as much as thirty percent of their share of HIP funds to cover the administrative cost of the programs because the Region only receives \$197,684 of Housing Development funds to support a regional housing technical staff of 2 persons.

Tribal Leaders have done what they can within their power to address housing concerns and improve living conditions for our people. Congress must now do what is within its power to honor the Treaty Rights of the Tribes in the Great Plains Region and uphold the Trust responsibility by taking steps to ensure that adequate housing is provided for tribal people and that funds are made available to begin the process of bringing reservation homes into standard living conditions.

X. SOCIAL SERVICES

The stark reality is that the five year limitations on receipt of Temporary Assistance to Needy Families (TANF) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (generally referred to as the Welfare Reform Act of 1996) begin to start expiring in on July 1, 2002 and in many states, limits shorter than five years have already begun to be effective. As Tribal leaders we know that Tribal members have begun returning in advance of that limiting date and are seeking the services of the Tribe and the BIA as they seek better opportunity back home.

The expiration of the Welfare Reform Act TANF deadlines should be reason enough to seek a massive effort to increase the economic opportunities on or near the reservations.

⁵ The current funding level for the Great Plains Region HIP Program is \$2,272,811 for HIP and \$197,684 for Housing Development. The Total funding need is \$34,852,000.

But some statistics bear repeating in this area. The welfare case load in both South and North Dakota represented by the Native Americans of those states is still well above 55% of the total case load, up from less than 30% five years ago. Those statistics are a grim reminder that economic development has been slow on the reservations, and there are few jobs around that allow TANF recipients to reduce their dependence on welfare assistance.

Therefore, any estimate of need in this area is generally obsolete the moment it is uttered. It is likely though that at a minimum, an additional \$50 million or more per year is needed in this area.

There is one piece of legislation pending in the area of Social Services that deserve the Committee's support, S. 550, which provides for direct payment of foster care services to Tribes. This will allow direct foster care placement of Tribal member children into qualified foster homes by Tribal courts, which Tribal courts have the inherent sovereignty to order, as recognized in the Indian Child Welfare Act (25 U.S.C. Sections 1901 et seq.). At this time, Tribes are dependent on the largesse of the states to receive foster care funds that are desperately needed to protect our children.

We would urge all committee members to be co-sponsors of this significant legislation.

XL TRIBAL COURTS

The tribal courts both nationwide and within the Great Plains Region have significant unmet needs. It is important to remember the rapid growth in tribal court competence and maturity within the last twenty-five years. In fact it is often this very rapid growth that has created new needs that both local and national units of government have not been able to keep up with or even, in some cases, to adequately understand.

The unmet need for tribal courts for tribes in the Great Plains Region is \$3.9 for FY 2003. Tribal courts are extremely under funded and under staffed. Statistics show the courts are faced with a backlog of 8,000 cases. An increase of 12,000 cases is attributed to the Law Enforcement Initiative. About \$6.7 million is needed for 157 additional tribal court staff with associated development costs in excess of \$3.1 million. However, the unmet need officially reported is \$3.9 million and two (2) Bureau of Indian Affairs employees.

Increased law enforcement activities and economic growth on the reservations in the Great Plains Region require that the tribal courts maintain pace with sophisticated court operations. Ample funding of those operations is a must so that the tribes can achieve and maintain respected court forums of competent jurisdiction.

American Indian tribal courts must deal with a wide range of difficult criminal and civil justice problems on a daily basis, including the following:

- While the crime rate, especially the violent crime rate has been declining nationally, it has been increasing substantially in Indian Country - but tribal court

systems are grossly under-funded to deal with these critical criminal justice problems.

- The number/complexity of tribal court civil caseloads have also been rapidly expanding.
- Congress justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments” and “tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation”.
- While the Indian Tribal Justice Act promised more than \$58 million per year in additional funding for tribal court systems starting in FY1994, tribal courts have yet to see any funding under this Act (Although Congress – through Public Law 106-559 - just re-authorized the Indian Tribal Justice Act for seven additional years of funding).
- Since Congress enacted the Indian Tribal Justice Act, the needs of tribal court systems have continued to increase, but there has been no increase in funding for tribal court systems. In fact, the Bureau of Indian Affairs tribal court funding has actually decreased.

As Attorney General Janet Reno stated in her testimony before the Senate Committee on Indian Affairs, it is vital to “better enable Indian tribal courts, historically under-funded and under-staffed, to meet the demands of burgeoning case loads”. The Attorney General indicated that the “lack of a system of graduated sanctions through tribal court, that stems from severely inadequate tribal justice support, directly contributes to the escalation of adult and juvenile criminal activity”. She also decried the lack of availability of advanced technology for Indian country criminal justice agencies and the “lack of even rudimentary crime reporting hardware and software”. In her testimony, the Attorney General requested substantial increases in funding for tribal law enforcement and indicated the need to “have tribal courts with the capacity to adjudicate resulting criminal cases and resolve disputes. As she indicated “one of the most meaningful steps the Department of Justice can take to combat crime in Indian country is to help Indian tribes to strengthen their own justice systems”.

The vast majority of the approximately 350 tribal court systems function in isolated rural communities. These tribal justice systems face many of the same difficulties faced by other isolated rural communities, but these problems are greatly magnified by the many other complex problems that are unique to Indian country. These problems include high crime rates, high underage population with high rate of juvenile delinquency, lack of resources, lack of legal resources/assistance, lack of access to even the most basic law libraries and other resources, lack of jurisdiction over non-Indians, complex jurisdictional relationship with federal and state criminal justice systems, inadequate law enforcement, great distance from the few existing resources, lack of detention staff and facilities, lack of sentencing or disposition alternatives, lack of access to advanced technology, etc. It

should also be noted that in most tribal justice systems, 80-90% of the cases are criminal case and 90% of these cases involve the difficult problems of alcohol and/or substance abuse.

It is difficult to overstate these problems. Many tribal court judges are lay judges. They often come to the job with extensive knowledge of their own communities, but without a formal legal education or access to legal resources and legal assistance. Yet they are required to serve on the front lines of the tribal criminal justice systems in systems that are grossly under-funded. When the inevitable problems occur, they are faced with a lack of training, technical assistance, legal resources and other resources. Moreover, they have no one to turn to for assistance in dealing with these problems. Many of the most intractable problems concerning justice systems in Indian country occur when an overworked tribal justice system has no place to turn for assistance when problems arise. On the other hand, state court judges generally have formal legal education, access to substantial legal resources and established systems for obtaining the necessary assistance and resources.

The Turtle Mountain Tribal Court handles over 7,000 cases annually. The amount of funds provided has not allowed the court to provide a comprehensive judicial program. The court system experiences an extremely high caseload, which consist of all divisions including criminal, juvenile, civil and appellate areas. The judicial system currently lacks adequate juvenile, drug, public defender and court server services.

Tribal courts within the Great Plains Region are often lacking adequate facilities as well. Many tribal courts are located in abandoned facilities.

The share of caseloads on various occasions have experienced difficulty in scheduling which is affected by the lack of funding for additional judges, whether it is Special, Trial or Associate.

Therefore, additional funding is required to support the staff needs to accommodate the large caseload backlog and meet the requirements in the Tribal Justice Act.

XII. LAW ENFORCEMENT

The Great Plains Area is encouraged by the increases in law enforcement funding through the BIA/DOJ law enforcement initiatives. The funds available to provide law enforcement services in the Great Plains Region, however, continue to be far below the resources available to non-Indian communities.

In FY 2001, the Great Plains Area received \$19.8 million to provide law enforcement services for sixteen reservations. The actual need for our area is \$56.3 million, leaving our governments with an unmet need of \$36.5 million. This is another area where a top priority program is funded at far less than ½ of the actual need. The funding shortfall represents a manpower shortage of 170 officers.

More officers are desperately needed. For instance, on any given day on the Pine Ridge Indian Reservation, there are approximately 10 to 12 officers to patrol and provide law enforcement service to approximately 39,000 people covering over 1.7 million acres of land. On the Cheyenne River Reservation in north central South Dakota, there are officers to provide services to approximately 20,000 people covering over 1.3 millions acres of land. The situation is the same on the other reservations in our Region, particularly for the large land based tribes. Because of the shortage of officers, over-time pay becomes a big issue, putting more burden on already limited funds. Crime statistics are startling on our Reservations. In 2000, there were over 10,000 criminal cases prosecuted in federal and tribal court on the Cheyenne River Reservation.

Supplement federal programs such as the COPS Program and COPS More Program have been beneficial to our Region. The problem, as we are sure this Committee knows, is that the funds are only temporary and the matching funds and retention requirements of the Grants make it difficult for Tribes to effectively utilize these Programs.

Detention funds are also needed. While this is a national problem, it is particularly serious on our Reservations. Funds must be made available to build modern, secure detention facilities. When it is necessary to incarcerate an individual, law enforcement and tribal courts have very limited options. They can either house an individual in their own substandard facility or take an officer off the street to transport the prisoner to another facility.

We strongly urge the members of this Committee, the Congress and the Administration to continue to support the Indian law enforcement program in the FY 2002 budget and provide the appropriate increases to bring this most vital service up to par with non-Indian communities.

XIII ROADS

There are over 1800 miles of roads and highways within the Great Plains Region Reservations. The Road Programs administered by the Bureau of Indian Affairs are severely under-funded. At the current level of funding, it will take almost fifty years to improve the roads systems within our Region. According to the Bureau of Indian Affairs, the estimated cost to improve our roads systems to current safety standards is \$932,941,400.

Road conditions on the Reservations in our region are a serious concern. The lack of adequate funding to improve and maintain our roads coupled with the severe winters and flooding in our Region have elevated our Roads concerns to a level of top priority. Current road conditions have created dangerous safety hazards for our people. Without adequate transportation systems, it becomes difficult, if not impossible at times, to provide essential services to our people. The delivery of ambulance, fire and law enforcement services is hampered by road conditions. These conditions and lack of

funding for improvement have made it difficult in many rural isolated areas to provide transportation for our children to and from school.

This portion of the Great Plains testimony will address three specific issues:

Indian Reservation Roads Program

The Indian Reservation Road Program, which is administered by the Bureau of Indian Affairs through funding under the Transportation Equity Act for the Twenty First Century, provides funds for road construction in Indian Country. Currently, there is \$200 million appropriated for Indian Country. Our Region received \$20,732,335 of those funds in FY 2001. According to the Bureau of Indian Affairs, the total funding needed for the Great Plains Region is \$45,000,000. This leaves our Tribes under-funded by \$24,263,717. We therefore request that funding for the Indian Reservations Road Program be increased to \$45,000,000.

Road Maintenance Program

According to the Bureau of Indian Affairs, the Great Plains Region Road Maintenance Program is funded at about 30 percent of the actual need. Ironically, funding for this Program has decreased rather than increased. The lack of adequate funds has led to a decreased life of service for our roads and bridges. This of course has a direct impact on the Indian Reservation Roads Program funds as roads have to be reconstructed or rehabilitated long before their life of service because funding for maintenance is so severely limited.

Currently, the Great Plains Region Roads Maintenance Program is funded at a meager \$3,697,284. This is 30% of the actual need. According to the Bureau of Indian Affairs, the total funding needed to provide adequate maintenance for the roads in our Region is \$15 Million. To demonstrate the significance of the under-funding, this Committee should be aware of the level of funding our Region receives compared to other state and local governments. Our Roads Maintenance program is funded at approximately \$1800 per mile while the national average is funded at approximately \$4500 per mile. The funding shortfalls make it impossible to provide preventive maintenance that would preserve our roads up to their estimated life of service.

Devil's Lake Water Levels

The problems with the rising level of Devils Lake have been identified as a top issue of concern by the Bureau of Indian Affairs. Precipitation amounts that have been described as "far exceeding normal" were experienced in the Devils Lake drainage basin of North Dakota during the period of July 1993 to August 1999, and this year again continues that trend. This excess precipitation has caused the Lake's level to increase from an elevation of 1442.6 feet in 1993 to 1447.1 feet in 1999, a vertical rise of 24.5 feet. The lake is expected to rise another foot or more this year. Numerous homes have been destroyed or relocated under emergency conditions.

Several roads around Devils Lake are holding back water although they are not designed as dams and others serving the Reservation are now under water completely. The Federal Highway Administration will not allow the use of emergency federal highway funds for any future work on the roads serving as dams unless the Army Corps of Engineers can certify their safety. There are no other federal funds to address the dam problems.

As Phillip Longie will testify, the severe lack of roads has affects the Spirit Lake Nation greatly. Emergency services from the nearby city of Devil's Lake North Dakota are slow to arrive, and it takes longer for people with emergency needs to get to the closest hospital. Also alarming is the large number of acres the Tribe has lost to the ever advancing flood of the lake.

A task force consisting of representatives of the Spirit Lake Sioux nation and federal, state and local governments was established in 1999. The task Force developed a report with different alternatives to address the rising waters of the Lake. The Task Force developed a report in May 2000 with specific recommendations but nothing favorable has resulted since that time.

The Bureau of Indian Affairs has recommended that the federal government implement alternative three of the task Force Report. It is critical that this process goes forward. The longer there is delay, the more land of the Spirit Lake Nation and surrounding areas is flooded.

XIV.

INDIAN GAMING AND THE INDIAN GAMING REGULATORY ACT

Indian Gaming and the proposed amendments to the Indian Gaming Regulatory Act set out in Senate Bill 832 present another area of concern for the Tribe's of the Great Plains Region. Of the 16 Tribes that comprise the Great Plains Area, 14 of those engage in gaming activities pursuant to the Indian Gaming Regulatory Act. The majority of those do so with moderate economic success. The notion that Indian Tribes have become wealthy from gaming is a fallacy. This is particularly true of the Tribes in the Great Plains Region.

Benefits of Indian Gaming

As the members of this Committee are fully aware, Indian Gaming has proven a positive influence in Indian Country. Perhaps the most positive economic impact created by gaming in the Great Plains Region is the creation of employment opportunities and the resulting reduction in employment rates.

Indian Gaming has created approximately 4000 jobs for Tribes in the states of South Dakota, North Dakota and Nebraska. Jobs have been created both by direct employment with tribal casinos and by jobs created within tribal governmental operations that are financed with gaming revenues. The number of jobs created per individual Tribe range

from 45 to 1100. Along with these jobs comes the creation of benefits previously unknown in to our members. These include medical, dental and life insurance and retirement programs.

It is important to note that the above constitutes only those jobs created directly from the operation of tribal gaming enterprises. Hundreds of other jobs have been created indirectly by Indian gaming. These include jobs created from economic development activities financed with gaming revenues and from positions financed with gaming revenues within tribal governmental operations.

Gaming has also provided tribal government with revenue to build and enhance tribal infrastructure. For instance, some Tribes have used gaming revenue to build new clinics, new offices for tribal government, tribal courts and other tribal programs. It is important to point out that not every Tribe within the Great Plains Region has been able to use gaming revenue in this manner. Due to isolated location and limited markets, many Tribes realize only marginal annual returns. The primary benefit for most of our Tribes continues to be employment opportunities for tribal members.

Finally, Tribes have been able to use gaming revenues to provide financial assistance to tribal programs that have been historically underfunded by the Bureau of Indian Affairs and Indian Health Services. Some of these include elderly food programs, youth activities, tribal health clinics, scholarship programs, law enforcement and social services and direct member assistance.

We respectfully ask that the members of this Committee keep in mind the positive benefits that gaming has created for our member Nations when considering legislation that is detrimental to tribal gaming.

Indian Gaming Regulatory Act Amendments

The discussion of Indian Gaming ultimately invokes the issue of sovereignty for the Tribe's of the Great Plains Region. Our Tribe's stand by the position that the tribal/state compact provisions of the Indian Gaming Regulatory Act are an unwarranted intrusion into tribal sovereignty. Reluctantly, our Tribal Nations have entered into compacts under IGRA in order to realize the opportunities and benefits of tribal gaming. Some have done so with better success than others.⁶ Unfortunately, Tribal officials have been forced to compromise tribal sovereignty in order to better the lives of their people, balancing tribal sovereignty against money.

⁶ For instance, Tribes in the State of South Dakota have been limited under their respective Compacts to 250 class III gaming devices, thereby limiting ability to fully market their gaming facility. Additionally, they have been limited to slot machines and blackjack. In contrast, the Tribes in the State of North Dakota have been granted liberally machine numbers and are authorized to conduct a wider variety of games including keno, craps and roulette. In Nebraska, the Santee Sioux Tribe continues in its 6-year struggle to compact for class III gaming. The State of Nebraska has refused to negotiate with the Tribe.

While the Tribe's of the Great Plains support Senator Campbell's and Senator Inouye's efforts to improve the Indian Gaming Regulatory Act as proposed in Senate Bill 832, we have two issue of concern regarding the proposed legislation that we would address to this Committee.

In 1996 the United State's Supreme Court struck down an essential component of the IGRA compacting procedures. As this Committee knows, the Supreme Court's decision in *Seminole Tribe of Florida v. Florida* left Tribal Nations without a remedy under the IGRA when a State refuses to negotiate in good faith with a Tribe for a tribal/state compact. The result has been to leave our Tribal Nations in an extremely unfair bargaining position when negotiating new compacts or when renegotiating compacts that are due to expire. For instance, Tribes in the State of South Dakota have been forced to enter into compacts that unfairly limit the number of class III gaming devices a Tribe can operate thereby limiting a Tribe's ability to fully utilize its market capability and raise revenues for essential governmental services.⁷ In addition, our Nations have been forced to enter into provisions ceding tribal jurisdiction and sovereignty in matters that are wholly unrelated to the conduct and regulation of Class III gaming.

Unfortunately, Tribal Nations outside of the Great Plains Region have entered into compacts that provide for a percentage of either net or gross profits to be shared with State government. These provisions are in direct violation of the IGRA. The Tribes of the Great Plains have legitimate concern that the precedent set outside our Region will make its way into the Great Plains and compact provisions of this nature will be forced unto us in compact renewal negotiations. For those reasons, the Tribe's of the Great Plains Region cannot support legislation amending the IGRA that does not provide a remedy to the problem created by *Seminole*.

The Second issue with S.832 deals with the amendment proposing to add a new Section 23 to IGRA, providing for the establishment by the National Indian Gaming Commission of minimum standards for class II and class III gaming.

The notion that tribal gaming lacks adequate regulation is erroneous. Contrary to that notion, tribal gaming is highly regulated, more so than other types of gaming. First, tribal gaming is regulated by federal law pursuant to IGRA. Second, it is regulated under state law according to tribal/state compacts. Finally, tribal gaming is regulated by tribal law pursuant to tribal ordinances and regulations, promulgated pursuant to IGRA and tribal/state compacts. Adding an additional level of regulation and bureaucracy via the National Indian Gaming Commission will only create confusion and add additional burdens to tribal gaming operations for which there exists no evidence or data those additional regulations are necessary.

⁷ As stated in footnote 6, the Tribe's in the State of South Dakota are limited to 250 class III gaming devices under tribal/state compacts. The Tribes in South Dakota have taken the position in negotiations that machine numbers should be dictated by market capability rather than an arbitrary number dictated by the State. Essentially, the State of South Dakota by means of the compact process set out in federal law is able to dictate the amount of revenue a tribe can earn. The Tribes in South Dakota are sure this was not the intent of Congress in passing the IGRA.

Proposed Section 23 purportedly authorizes Indian Tribes to retain primary jurisdiction to regulate class II and class III gaming. Section 23 goes on, however, to authorize the NIGC to promulgate broad regulations over class II and class III gaming. The broad authority conferred upon the NIGC by Section 23 tends to negate the preservation of primary jurisdiction to Indian Tribes set out in sub-sections (b) and (c) of Section 23.

Finally, the Tribes of this Region perceive the broad delegation of authority granted to the NIGC as a further intrusion into sovereignty. While the legislation's effort to clarify the Commission authority to regulate class II and class III gaming under the IGRA is understandable, it fails to take into consideration our Tribal Nations authority to regulate its own affairs and is contrary to the concept of tribal sovereignty and tribal self-determination.

With those matters in mind, we request that the Committee consider these concerns in its review of S. 832.

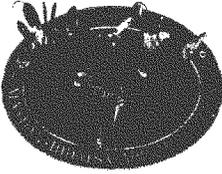
Conclusion

We urge the Committee to carefully consider our testimony. First, the Committee has a tremendous responsibility to protect our sovereignty and to begin the process of honoring our Treaties. Second, the United States, in its role as trustee, has a fundamental responsibility to protect our trust assets.

We know that we have stated enormous unmet needs, and that it may seem unrealistic to present such a list to this Committee. For too long, however, our needs have been neglected. It is far better to put these needs on the table now so that Congress can begin the long task of addressing them forthrightly.

These are our basic needs, and as you will have heard from each of the Chairmen, this list is not complete. The positions taken in this document are meant to be general and are not meant to bind any Tribal Nation in the Great Plains or elsewhere to any specific position taken.

We look forward to answering any questions you may have and we look forward to working with the Committee in the future to address our concerns. Thank you again for the opportunity today to present our views.



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MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation
HC3 Box 2 • New Town, North Dakota 58763-9402

Lost Lands and Lost Communities – Rebuilding A Nation

A Brief History of the Lands of the Mandan, Hidatsa and Arikara Nation
(Three Affiliated Tribes)
of the Fort Berthold Reservation
1851-2000

Executive Summary

The Fort Laramie Treaty of 1851 set aside more than 12.5 million acres in what were later to become four separate states for use by the Mandan, Gros Ventre (now Hidatsa), and Arikara Nations, known now as the Mandan, Hidatsa and Arikara Nation (MHA Nation) (Three Affiliated Tribes) of the Fort Berthold Indian Reservation. In 1851, countless numbers of buffalo still roamed the prairies, which were an essential part of the life style and culture of the MHA Nation. The Great Plains were still not viewed as a particularly suitable place for settlement by non-Indians.

Despite the land set aside by the Fort Laramie Treaty and despite all of the promises made in the Treaty and subsequent "agreements" forced on the Tribes by the U.S. Government that created the eventual Fort Berthold Reservation, by 1917, various Executive Orders and statutes passed by Congress, coupled with the end of the buffalo herds and the voracious demands for land by the immigrants coming to the United States, had reduced the lands set aside in the Fort Laramie Treaty of 1851 for the Three Tribes to less than 650,000 acres. Barely 30 years later, in 1949-1950, the remaining members of the Three Tribes living along the Missouri were told by the U.S. Army Corps of Engineers, the same Army that the Arikara warriors had served faithfully as scouts for much of the latter half of the 19th century, that their remaining homelands were to be flooded by a new dam, called Garrison Dam, conveniently positioned along the Missouri so as to take as much land from the Fort Berthold Reservation as possible, and as little land from non-Indians as possible.

The self-sufficiency of the MHA Nation and its members, who had only a few families on welfare in 1948 and who had survived smallpox and other diseases, the end of the buffalo, the destruction of their villages and destruction of their trading networks, was ended, seemingly forever. The "great flood", as the elders call it, drowned all their villages and towns by the time the lake reached its maximum level in 1956, causing the loss of another 156,000 acres of prime, fertile bottom lands with good access to potable water and forcing the relocation of 90% of the Tribe's members to higher, less fertile, more arid and less hospitable ground. The "great flood" separated communities and many families by more than 100 miles as the lake continued to grow behind the dam.

How did this land loss occur? Three principal mechanisms were employed, all of which seemed, in the view of Congress and the President of the United States, to provide adequate and just compensation to the MHA Nation and their members for the takings involved:

- 1) Executive Orders and forced agreements diminishing the reservation – at least four separate and distinct orders, starting in 1870 with the last in 1917; with some of the largest land losses coming after pressure on Congress and the Executive Branch was exerted by the Northern Pacific Railroad Company in the late 1870's.
- 2) Homestead and allotment acts which declared the lands not allotted as “surplus” and available for settlement within the boundaries of the reservation by non-Indians; particularly destructive was the 1910 Homestead Act.
- 3) Placement of a dam along the Missouri River, constructed between 1949 and 1954, in such a way as to maximize the destruction of the remaining homelands of the MHA Nation, even though alternatives to the Garrison dam placement existed.

A map of the various Fort Berthold reservations established over the years is attached for reference.

In 1999, the MHA Nation is seeking to rebuild itself, and seek lands to replace those lost and taken by the U.S. Government, lands that can provide resources that will provide the Tribes some possibility for economic development and further opportunity for self-sufficiency. To do this, they must obtain lands both on and off the Fort Berthold Reservation. Placing the land into trust with the U.S. government provides both economic incentives for the Tribe to develop the land appropriately and allows the MHA Nation an opportunity to reacquire control of lands once reserved for it “as long as the grass grows and the water flows”.

In this brief history, the mechanisms of land loss will be further developed, justification and compensation offered will be set forth, and a chronology of events established.

Background

When the Lewis and Clark Expedition stopped at various Mandan villages along the Missouri River in what is now North Dakota in the fall of 1804, they found a thriving culture composed of industrious, self-sufficient indigenous people. For centuries, the Mandan, and other Tribes with which they associated, had lived and thrived in earth lodge villages, some with more than 3,500 people, located, at various times, along more than two-thirds of the length of the Missouri River, a distance of more than 1,000 miles. Their trading network, located in the heart of North America, allowed Tribes from as far away as the Iroquois Federation to trade with Tribes that visited the Pacific Coast. The Mandan and the Tribes affiliated with them were both agriculturalists and townspeople, as well as hunters of the buffalo and other game that was abundant on the northern Great Plains.

Already by 1804, however, smallpox and other European diseases had diminished substantially the number of Indians living along and near the Missouri. Further smallpox epidemics would

reduce the numbers still further throughout the 19th Century. The same villages visited by Lewis and Clark were again visited 30 years later by Maximilian, a crown prince of Austria, as he visited a broad area of the western part of North America.

Several initial treaties with the Arikara, (7 Stat. 259) the Mandan (7 Stat. 264), and the Minataree (7 Stat. 261) in 1825 focused on an end to any hostilities between the Tribes and U.S. military in what had been purchased in 1803 by Thomas Jefferson as the Louisiana Territory. These early treaties did not reserve or set-aside lands to the Tribes, but instead promised protection to the Tribes, and “such articles of merchandise, &c. as their necessities may demand”, in exchange for an end to hostilities.

But by 1851 pressure had built across the Great Plains for a more comprehensive settlement of disputes among the various Indian Nations in the Great Plains and the United States. Long wagon trains of settlers were crossing the Great Plains and already an effort had been started towards building a transcontinental railroad, and each of these efforts needed some assurance that Indian Nations would not continue to pose a threat. Among the Indian Nations, conflicts were building over resources that even then were becoming more limited. So, in early September, 1851, near Fort Laramie, in what is now Wyoming, more than 14,000 Indians gathered from nine of the most prominent Indian Nations of the Great Plains, including the Three Affiliated Tribes, then known as the Mandan, Gros Ventre and Arikara (sometimes spelled Arickara, Rickara or Arickarees) to speak with representatives of the U.S. Government about a comprehensive agreement reserving lands to the several Indian Nations and ending hostilities with the U.S. government.

The Fort Laramie Treaty of 1851

The goal of the U.S. government at the Fort Laramie conference was fairly simple. In exchange for distinct areas reserved for the various Tribes, safe passage for immigrants and others through and around the lands would be guaranteed. The lands reserved in the Fort Laramie Treaty of 1851 for the various Indian Nations, including the Mandan, Arickarees and Gros Ventre (now known as “Hidatsa”, which is their name for themselves), were not simply “mutual recognition by the Indians of their claims to territory and its segregation by them”, as the U.S. contended in a Court of Claims case, *Indians of the Fort Berthold Indian Reservation v. United States*, 71 Ct. Cls. 308, (U.S. Court of Claims, 1930), which recognized the *de facto* ratification of the Fort Laramie Treaty of 1851 by the U.S. Senate. Rather, as the Court observed, the “Government not only recognized the Indian title, never at any time disputing it, but by solemn treaty, following negotiations, expressly agreed that each tribe was to be assured title to the territory set aside for it.” *id.*

The lands reserved to the Three Tribes in the Fort Laramie Treaty of 1851 encompassed land described as follows: “Commencing at the mouth of the Heart River [*next to present day Bismarck, in North Dakota*], thence up the Missouri to the mouth of the Yellowstone River [*near Williston, North Dakota*], thence up the Yellowstone River to the mouth of the Powder River in a southeasterly direction to the headwaters of the Little Missouri River [*in southeast Montana*]; thence along the Black Hills to the head of the Heart River [*in northeastern Wyoming*]; and thence down Heart River [*through the northwest corner of South Dakota*] to the place of

beginning.” While an estimate of the size of the territory covered by the above description was not given in the Treaty, later surveys established its size as approximately 12.5 million acres, or approximately 20,000 square miles.

The Era of Executive Orders, Takings Without Compensation, Forced “Treaties”

But the ability of the Three Tribes to keep the land recognized as theirs in the Fort Laramie Treaty of 1851, despite the guarantees offered by that Treaty, was short lived. Because the Fort Laramie Treaty of 1851 had not formally been ratified by the U.S. Senate, due to simple administrative oversight, (it had been approved and amended by the Senate in 1852), the various military commandants in the Dakota Territory and the Commissioner of Indian Affairs sought to provide a different reserved area for the Three Tribes in 1869. The commanding officer from Fort Stevenson claimed that he had consulted with the Chiefs of the Tribes, and believed that they were satisfied with the boundaries of the new reservation he had proposed, and forwarded a recommendation to the President of the United States that the proposed new reservation be set aside by an Executive Order of the President. This was accomplished by Ulysses S. Grant on April 12, 1870, the first in a series of Executive Orders diminishing the area originally reserved for the Three Tribes in 1851. The new reservation declared by the Executive Order was approximately one-half of the original area set aside.

But more land was lost in just a few more short years. Under a law passed during the Civil War in 1864 granting a large right of way and half the land within it, the Northern Pacific Railroad Company in 1878 pressed the U.S. government to extinguish Indian title to much of the existing reservation, claiming that title to the 40 mile right of way granted to the railroad on each side of the rail line then under construction, and title to the lands granted within that right of way to the railroad, were clouded because of the claims of the Three Tribes of the Fort Berthold Indian Reservation to a major part of that land. Acceding to this request, a new Executive Order was issued by President Rutherford B. Hayes on July 13, 1880, again reducing the Fort Berthold Reservation by more than half, giving the MHA Nation a reservation which actually added land north of the present reservation, and north of the Missouri River, but which subtracted most of the southwestern part of the former reservation, these subtractions being “added to the public domain”.

The Allotment and Homestead Era

By 1886, Congress had begun establishing an allotment process, whereby various size parcels, ranging in size from 160 acres to 40 acres, were allotted to members of the Indian tribes based on whether the individual was the head of a family, a single adult, an orphan under the age of 18, or a minor under the age of 18. As a part of the Allotment Acts, some of which were passed for specific tribes, as in the case of the Three Affiliated Tribes of the Fort Berthold Reservation, there were provisions that gave to each allottee certain agricultural implements, livestock, seed and other rudimentary supplies to allow the allottee to begin farming. These policies towards Indians were considered by the politicians of the time to be “enlightened” and “progressive”.

A “Treaty” was entered into in 1886 with the Tribes of the Fort Berthold Indian Reservation that provided for such an allotment process, and this “Treaty”, which was essentially an Act of

Congress that dictated to the Tribes the terms of cession of additional land, was ratified by Congress in 1891. (26 Stat. 1032). One of the terms of the Treaty shows the utter contempt the U.S. Government for both its previous agreements, such as the Fort Laramie Treaty of 1851, and for the lawful claims of the Three Affiliated Tribes for the lands reserved by that Treaty:

“...whereas it is the policy of the Government to reduce to proper size existing reservations when entirely out of proportion to the number of Indians existing thereon, with the consent of the Indians, and upon just and fair terms; and whereas the Indians of the several tribes, parties hereto, have vastly more land in their present reservation than they need or will ever make use of, and are desirous of disposing of a portion thereof in order to obtain the means necessary to enable them to become wholly self-supporting by the cultivation of the soil and other pursuits of husbandry: ...”

Essentially, after killing all the buffalo, reducing their land holdings, and starving the Indians into submission, the U.S. believed the Indians didn't need the land any more, and that it was being generous to the Tribes by providing their members a few things that would supposedly allow them to become “self-supporting”, at the same time taking land that they would never “make use of”, land that had been guaranteed to them in the Fort Laramie Treaty of 1851.

The 1886 “Treaty” essentially fixed the reservation boundaries of the Fort Berthold Reservation where they are at today. The “Treaty” also established a 25 year period in which all the lands allotted, and also all lands not allotted to individual Indians, would be held “in trust for the sole use and benefit of the Indians”. After the end of that period, the allotted lands were to be deeded to the individual allottees, and the land not allotted was to be deeded in fee to “said tribes in common”. Additional allotments could be made to Tribal members born after the initial allotments were made, but only if they were born before the expiration of the 25 year trust period.

But much of the lands not allotted to individual members, and within the boundaries of the Fort Berthold Reservation, were not ever deeded to “said tribes in common”. This was due to the passage, on June 1, 1910, 36 Stat. 455, of an additional allotment act, specific to the Fort Berthold Indian Reservation. This new act provided for additional allotments to those made under the 1886 “Treaty”, in an amount of 160 acres of agricultural land or 320 acres of grazing land to each member of the tribes residing within the Fort Berthold Indian Reservation, with the allotments coming, however, only from a certain set aside portion of the Reservation. The remaining land within the Reservation, in which allotments to Tribal members would not be permitted, was to be opened up for homesteading in accordance with homestead laws as they existed at that time. This land was north and east of the Missouri River, and is commonly known now as the “Northeast Quadrant”. Also, before the end of the 25 year trust period, the trust relationship was extended.

Not only did the Act open up the area north and east of the Missouri River for homesteading, the Act also provided that all lands not allotted regardless of where located would be surveyed, appraised and opened up for homesteading. The proceeds of the sales of the lands not allotted would be paid into the Treasury, to be “to the credit of the Indians belonging to and having tribal

rights to said reservation”, but the funds so deposited were also “subject to appropriation by Congress for their [the Indians] education, support and civilization.” 36 Stat. 458. Those lands not disposed of within 4 years of the passage of the Act would again be offered for homesteading.

More Executive Orders followed in 1917 from President Woodrow Wilson, taking away from Tribal members any lands that had identified coal deposits on them. The allotment process was extended again by these orders, and lasted until 1934, with a few bits and pieces of Tribal lands held in common remaining.

Effectively, the MHA Nation was deprived by the 1910 allotment act and subsequent Executive Orders and Acts of Congress of virtually all lands that could have been held in trust for the benefit of the Nation as a whole. This fact has resulted in the MHA Nation holding today, in 1999, as Tribally owned land, less than 25,000 acres out of a total of nearly 1,000,000 acres within the boundaries of the Fort Berthold Indian Reservation, exclusive of the land under the present lake bed and any other excess lands still held by the U.S. Army Corps of Engineers.

In addition, the Tribe has had to fight back two lawsuits in the last 30 years attempting to diminish the reservation because of the 1910 allotment act. Neither has been successful, but the ill feelings between the non-Indians in the “Northeast Quadrant” and the Tribal members remains. For example, in the town of Parshall, in the heart of the “Northeast Quadrant” 21 miles from the Tribal headquarters at New Town, and now being settled by many Tribal members, the Department of Justice Civil Rights Division had to intervene just two years ago in a school district voting dispute which effectively denied representation to Tribal members on the local school board. These are just some of the consequences, still being felt, of a misguided policy of diminishment and sale of Tribal lands that were to be held in common for the benefit of the Tribes and their members.

The Court of Claims, in 1930, reciting much of the foregoing history, concluded that the Three Affiliated Tribes, because of the various takings by Executive Orders and Acts of Congress, had not been compensated for 9,846,186.93 acres that were a part of the original Fort Laramie Treaty of 1851. The Court of Claims awarded the Three Affiliated Tribes a total of \$2,169,168.58 for the almost 10 million acres, a net amount of about \$0.22 per acre, because the Court deducted the amount expended by the U.S. for the benefit of the Tribes during the period of 1851 to the time of the decision in 1930. This amount of compensation was later increased under the litigation that followed the passage of the Indian Claims Act, which also awarded the Tribes post-taking interest – but none of these actions restored any of the lost land.

The “Great Flood” – the Modern Era

Despite the strong words of the Court of Claims in 1930, ruling against arguments of the U.S. that adequate compensation had been given for lands taken from the MHA Nation, and that the Fort Laramie Treaty of 1851 had not been violated, the “taking” of land from the MHA Nation was not over. By the time the Court of Claims heard the claim of the Indian Tribes of the Fort Berthold Indian Reservation, Congress was already beginning to fund major dam building projects all over the West. In 1939, Congress authorized the building of a series of dams along

the Missouri River, primarily for the purposes of flood control, navigation downstream and generation of electricity. With World War II, the statute was not funded until 1944, when Congress passed what became known as the "Pick-Sloan" Act, P.L. 534, 78th Cong. 2d Sess., 58 Stat. 887.

The Pick and Sloan of the Act were Col. Lewis A. Pick of the U.S. Army Corps of Engineers and W. Glenn Sloan of the Bureau of Reclamation. They had prepared contrasting analyses of where dams along the Missouri should be. The Sloan plan emphasized tributary dams without the impact along the mainstem of the Missouri that resulted from the Garrison and other dams along the Missouri. Mr. Sloan believed the site the Corps wanted as too unstable for a large dam. However, since the U.S. Army Corps of Engineers was building the project, the Corps plan of Col. Pick was chosen, placing the dam where it would have maximum devastating impact on the land of the MHA Nation and its members.

Why was the dam site selected where it was? Carl Whitman, Tribal Chairman during the years 1948-1950, provided eloquent written testimony about that issue at a hearing before the Senate Select Committee on Indian Affairs in 1991 at which the Tribes were still seeking just compensation for their land. He wrote:

"If 2 Indian Reservations were affected by the dams, we could dismiss it as coincidental. If 3 Reservations were affected by these dams, with some stretch of imagination, we could dismiss it as coincidental, but not 7 reservations affected by these series of dams down river. The Corps of Engineers were obviously selecting sites based upon the line of least political resistance." p. 104, S. Hrg. 102-67, on S. 168, April 12, 1991, Senate Select Committee on Indian Affairs.

The Corps held a series of hearings about the dam in the mid to late 1940's, listening, impassively and unresponsively, as the elders of the MHA Nation tell it, to the Indian people of the Fort Berthold Reservation describe what the flood would do to them and their way of life. Eventually, the Corps personnel came and made everyone leave their small towns that had been along the Missouri for centuries.

Several bills were passed in the late 1940's which provided varying levels of compensation to the Tribes and their members for the land being taken by the flood behind the dam, including proposals to provide land in lieu of the land lost. Finally, the Tribe was told to approve the contract for compensation by June, 1948 or get nothing.

No supposedly "just compensation" can replace a way of life. None of the compensation allowed the Tribes or their members to acquire lands that were anywhere near the equivalent, in terms of resources, access to water or arable status. None of the compensation could allow communities once close to be close again, as the bridge that had served the communities (before the bridge the Tribes used bull boats to cross the river at natural fords) was moved more than 100 miles to the northwest. The bridge was to be located near a new community that was called, for want of a better name, "New Town". That is its name today. None of the compensation was sufficient to allow a new rural hospital to be constructed in the "New Town" that had been created to replace the old one that had been near the Tribal headquarters in Elbowwoods; none of

the compensation allowed a sufficient water supply to be constructed replacing the previous easy access to water, and none of the compensation was sufficient to allow the Tribes to rebuild community centers for public meetings and recreation, among other things; none of the compensation could ever give the Tribe back its cemeteries and sacred sites. Again, as Carl Whitman put it in his testimony in 1991:

“The Garrison Dam was going to be built. It would flood one hundred fifty six thousand (156,000) acres of prime river bottom lands, which were our ancestral home and lands, forcing the relocation of ninety percent (90%) of the Indian people. The Tribe would lose the hospital, the schools, the bridge, the dormitories, roads, sawmills, the flour mill, the cattle program, cemeteries, and most importantly, our economic self-sufficiency. Our community would be divided and we would lose our way of life. Our people would be uprooted, shuffled and mixed. Every semblance of our organization would be destroyed.”
id. at 105.

Following the dam and relocation of the Tribal members to other lands on the Fort Berthold Reservation, the lives of many of the Tribe’s members were shattered. Even today, fifty years later, the lake behind the dam, now called, ironically, Lake Sakakawea, is still, to a large degree, shunned by the Tribal membership.

To be sure, the Tribe has now received additional funds, due to what is called “The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act”, passed in 1992, which created a permanent fund of \$149.2 million from the sale of power from the Pick-Sloan dams, the interest from which the Three Affiliated Tribes are to receive in perpetuity. The Tribes are still determining how best to utilize the interest funds that have been provided.

Recently, yet another land taking involving the creation of Lake Sakakawea has occurred. The Army Corps of Engineers, it turns out, took more land than they needed when the dam was constructed. This land is along the lake, below the 1860’ elevation below which all land was taken, but above the level of the lake that is generally accepted as the maximum lake level, approximately 1856’ feet elevation. As part of the compensation for the land takings provided by the Equitable Compensation Act mentioned above, Congress in 1992 provided for the return to the Tribes of the lands that were not needed for the dam and the lake itself, approximately 55,000 acres of shoreline land. But the return of the lands was repealed by Congress in 1994, apparently because the cost of surveying the land and returning it to its rightful owners would cost more than it was worth. The Tribes are still in negotiation with the Corps and the U.S. about the eventual return of the excess lands.

Also, slowly, and more than 50 years later, the Tribes are obtaining water distribution systems to serve their people potable water, courtesy of funds provided under various formulations of what is known as the Garrison Diversion program, now to be called the “Dakota Water Resource Act”. But many on the reservations still use cisterns and truck potable water into their homes, as often the well water available is too brackish to use.

And many important reconstruction efforts remain: gaining back lost agricultural lands, getting a rural hospital to serve the now more than 5,000 Tribal members on the Fort Berthold Reservation, putting in place an adequate water distribution system to serve not just the needs of Tribal members, but of all rural residents of the Reservation and replacement of the 4 Bears Bridge across the Missouri, the bridge that was moved 100 miles from its original location, whose center spans are more than 75 years old and too narrow to accommodate many vehicles.

Other Ways Tribal Members Have Lost Lands

Another mechanism by which the MHA Nation and its members lost land should be mentioned, which is often known as "forced fee patents". This process occurred, and still occurs, in a number of ways. In some situations the loss of the land is lawful under existing and previous Federal law, and in others the loss is unlawful, but if not challenged within the period of the applicable statute of limitations, becomes lawful. Two of the most common means of the concept of "forced fee patent" are as follows:

(1) Pursuant to 25 U.S.C. Section 392, the Secretary may approve an application for removal of the trust status of land held by individual Tribal members, or may approve an application that could result in such removal of trust status and loss of the land due to a default on a loan or other such mechanism. For example, a mortgage could be approved by the Secretary in which the trust land was placed as collateral on a home loan. If the borrower goes into default, the land can be taken from the borrower in the resulting foreclosure. Some trust lands on the Fort Berthold Indian Reservation have been lost, and are still being lost, through these types of "forced fee patents". In many cases, the Tribal member receiving approval for a mortgage or other type of transaction involving potential loss of his or her trust land was not adequately informed by the Bureau of Indian Affairs at the time of approval of the possible consequences of the security instrument that may have resulted in the loss of the land.

(2) Another mechanism for loss, and another "forced fee patent" process, is blatantly illegal but occurred throughout the reservation at various times following the passage of the 1910 homestead act mentioned above. This method involves corruption of the rankest sort at the county seat in the county in which the land is located.

The scheme works this way: The local property tax collection official assumes, for the purpose of the scheme, that a particular Tribal member holding an allotment does not know anything about the county property tax assessment and collection process. A false notice is sent (or in some cases, no notice) that if the individual holding the allotment does not pay, within a certain amount of time, property "taxes" owing, the land will be sold at a tax sale on the courthouse steps. If the individual is working off the reservation, and the address to whom the information is sent is a local one, the person may not receive the notice, and even if the person receives the notice, may not have the funds to either challenge the false notice or pay the alleged "tax" off; and then the land is sold at the Courthouse steps for the amount of the "tax" owed. The allottee, not knowing what has happened, may return to the reservation expecting to find his or land and instead may discover that someone else claims ownership of land the Tribal member believed was his or her allotment.

If the land is not redeemed within the appropriate period from the tax sale, anyone is then able to purchase the real property for the amount of the taxes supposedly "owed". Over time, this false "tax sale" may result in good title if the allotted owner of the property does not step forward and file a claim against the tax purchaser or the U.S. for return of the property within the applicable statute of limitations for actions involving real property. There are many reasons for not stepping forward and seeking a quiet title action to return title: lack of resources to fight for return of the land, lack of familiarity with state or federal courts and the process, and lack of any understanding that such an action is even possible.

A significant amount of land has been lost through false tax sales and other "forced fee patent" schemes, but it is difficult to tell how much without a thorough examination of land records, and even then it is not possible to know for sure because of the possibility of records being falsified long ago. The false tax sale mechanism was particularly used during the 1920's through the 1940's, when the United States was in the midst of the Great Depression. Through all kinds of "forced fee patent" schemes, perhaps 50,000 acres or more of allotted trust land has been lost on the Fort Berthold Indian Reservation over the past 100 years. The kinds of lands lost often have been those most coveted by non-Indians: good agricultural lands.

Despite some legislation that provided a remedy of compensation for individuals who had lost their land in the above way, or through some similar scheme, few Tribal members have been fairly compensated for the loss of their lands and the loss of their allotment through false tax sales, and the applicable statutes of limitation have generally run out. This loss of land has had the kind of consequences one would expect: the individuals losing their land have left the Reservation, leaving the Tribal communities bereft of needed human resources, and, in the long run, this loss has eroded the ability of the Tribe to control its own Reservation, since more and more fee lands have been over time interspersed with lands held in trust, creating a checkerboard of potentially conflicting jurisdictions.

Now, even in 1999, more lands, roughly 26,000 acres, are at risk of going out of trust through another "forced fee patent" device, due to foreclosure by the U.S. Department of Agriculture on bad loans made to Tribal members by the Farmer's Home Administration or other Federal agricultural agencies and approved by the Bureau of Indian Affairs. These Tribal members facing foreclosure are generally ranching on the tough land given to them in replacement for the rich bottom lands taken by the dam. The Tribes are making every effort to see that these lands stay within the ownership of the MHA Nation, but the process to allow retention of those lands is not easy and not yet resolved.

Replacement Lands – New Opportunities

One of the primary means for the MHA Nation to rebuild itself, in a rural setting, is to acquire replacement lands for the lands lost to homesteading, the railroad, the "great flood" of the Garrison Dam, and the sheer rapaciousness of the U.S. government. These lands may be on or off the present day Fort Berthold Reservation. In fact, the Tribe is reacquiring a large buffalo herd, in an effort to provide jobs and real income by using a resource that is familiar to it. But the buffalo herd requires a lot of land.

For this purpose, the Tribe has acquired a 15,000 acre ranch whose eastern boundary is the western boundary line of the Reservation. The ranch purchase has apparently disturbed local and state authorities, who seem to think the Tribe will not be good property owners of fee lands off the reservation. The Governor's counsel, in one meeting with Federal and state authorities about the ranch purchase, stated categorically that the Governor would oppose placing the land into trust, even though it is contiguous to the Reservation. This attitude is present despite the economic activity that will be created by the Tribe's ownership of the ranch, and despite the fact that for many other economic development efforts, major tax incentives, meaning major tax reductions, are provided by state and local governments as inducements for companies thinking about locating in the state of North Dakota. Even with the ranch, the total property tax lost each year is well under \$10,000.

These present day attitudes are what the MHA Nation, and other tribes in their position, must fight every day. The MHA Nation, given its long history of friendship to the United States, and given the great amount of duplicity of the Federal government in its treatment of the Tribes, need land-into-trust regulations which will provide a workable standard for placing land into trust status for their benefit. The MHA Nation must be allowed at least the opportunity to rebuild itself, both within and without its present reservation boundaries.

We appreciate this opportunity to present the history of our lost lands.

**TESTIMONY
OF
WILLIAM KINDLE, PRESIDENT
ROSEBUD SIOUX TRIBE
June 26, 2001**

I, William Kindle, President of the Rosebud Sioux Tribe, am honored to present testimony to the Committee on Indian Affairs on the goals and priorities of the member tribes of the Great Plains Tribal Chairman's Association and the Rosebud Sioux Tribe. With this in mind and speaking as the Official representative of the Rosebud Sioux Tribe, I present the following goals and practices.

- First and foremost in terms of importance is the protection and continued recognition of our Treaties with the United States Government. Treaties with the recognized Indian Tribes are specifically part of the United States Constitution and is the initial legal means defining the federal government's responsibility to authorize appropriations and expenditures for the "benefit, care and assistance of Indians." As a member of the Great Plains Tribal Chairman's Association and the Chairman for our Sicangu Nation, I must state that we stand firmly with other members of the Association that our Treaties are recognized under the United States Constitution and therefore are not entitlements. Furthermore since it is our position that Treaties are part of the United States Constitution, we as "Treaty Tribes" strongly object and oppose the continued attempts to erode the federal government's treaty obligations under the treaties and to circumvent our sovereign rights provided under the Treaties. A recent example is the U.S.

Supreme Court ruling on the Atkinson Trading Co., Inc. vs. Joe Shiale, Jr. Case, in which the high court ruled against tribes' to tax non-tribal business and residents on recognized tribal jurisdiction. This ruling directly goes against tribal sovereignty, Indian self-determination and Tribes rights to govern.

- Based on our position concerning treaty obligations to the Indian Tribes, our appropriation needs to adequately address the life needs of our people is seriously inadequate. The Great Plains Tribal Chairman's Association represents sixteen (16) Tribes (Flandreau Santee, Cheyenne River, Oglala, Rosebud, Yankton, Sisseton-Wahpeton, Standing Rock, Crow Creek, Lower Brule, Spirit Lake, Santee Sioux of the Great Sioux of the Great Sioux Nation; Turtle Mountain Band of Chippewa, Omaha Tribe; Winnebago Tribe; Ponca Tribe; and Three Affiliated Tribes). We currently see a need of \$1.2 Billion to adequately address our need in the FY-2001 and FY-2002 for the Great Plains Region and in relationship to only those services provided by the Bureau of Indian Affairs. Funds provided through the Bureau of Indian Affairs minimally address a wide-range of service programs such as: court services; education needs; job placement and training; economic development; housing improvement; services to children, elderly and families; wildlife and park management; law enforcement services; general natural resources management; agricultural management; road maintenance and development; and the administration services to provide over-site management by the Bureau of Indian Affairs. As can be seen, the services provided are wide range, however is needed in order for us to provide basic services to our people;

to manage the use of our land; and to minimally address infrastructure development so we can strive to develop economically. Rosebud's need for the FY-2002 is **\$15.9 Million Dollars**, and for 2003 is **\$19.1 Million Dollars** and with the purpose of adequately addressing the need and improving the quality of life of our people. Areas of concern not only in the Great Plains Region, but on the Rosebud are as follows:

- Economic Development is the key to address many of the shortfalls that I have just described. As Tribes we must have the ability to develop meaningful self-sustaining job opportunities on our reservation. Even more important is to be able to provide our people with a quality education and the means to develop as entrepreneurs. The life of our Tribe actually lies in the hands of our people and their ability to generate income and in turn to create other job opportunities. What I ask you here today is to provide us as Tribal Leaders the needed funding to develop in these areas. What is needed to improve our local economies is: increased funding to the existing Guaranteed Loan Program, however, with less government regulation and more education concerning the program which will be provided to local lenders; Regional and local Business Development Centers with the purpose of providing technical assistance and linking potential tribal entrepreneurs to off reservation private resources; infrastructure development such as roads, water, sewer, and communication systems to meet the needs of the future and inevitable business expansions to the reservations; and education funds so our school and the quality of education can be improved.

- Something of which we are not proud, however, of which we must face reality is that Rosebud leads the area in crime of all levels. Funds need to be increased, however, equally distributed. Rosebud with the second highest population in the Region and highest in terms of statistical data receives only 7.1 % of funds appropriated for the Region. Other reservations in our Region are not far behind in terms of the high crime. Historically, Indian Country have been under-staffed, under equipped and under-funded. A need of \$35 Million Dollars for our Region is needed and with the purpose of bringing us to the same level of law enforcement expectations as the rest of the communities in the United States.
- The Rosebud Sioux Tribe was recently awarded a competitive grant from the US Department of Justice to develop a 36 bed and 40-space day treatment juvenile detention treatment center. The facility is slated to be completed by April of 2003. Although development funds have been provided, no operation and maintenance monies have yet been budgeted for these facilities. This situation is not unique to Rosebud only, but is the situation with 13 other new facilities in Indian County. Adequate funding is not only needed for operation and maintenance, but also to provide rehabilitation services such as alternative schooling; family and individual counseling; physical and mental medical needs.
- Another area of concern is the need to upgrade existing jail facilities and with the purpose of providing environmentally safe facilities for inmates. Existing

facilities are old, inadequate and basically unsafe to detain prisoners and promotes dangerous situations for law enforcement staff to work in. \$50 Million Dollars is needed for FY-2003 to meet the need I just described.

- Another area of concern is the proposed reduction of \$2.5 Million Dollars to the BIA Welfare Assistance program. A need of \$9.2 Million Dollars is needed to address the basic living requirements provided by the Welfare Assistance program to the less fortunate and most needy of our tribal members. Our current program provides direct payments to individuals who qualify according to established BIA requirements; custodial care for adults; the Tribal Work Experience Program (TWEP); and Miscellaneous Assistance which provides special child welfare needs and burial and emergency assistance to the indigent. A plea is made on behalf of all Indian Country to take a serious look at this much-needed program and to adjust the need accordingly.
- Providing a quality Education for our children and adults is also a high priority and is a Treaty Right guaranteed to us by the federal government in the Great Sioux Nation Treaty of 1868. With this in mind, \$5 Million Dollars is needed to properly address our Scholarship Program and \$2.6 Million Dollars is needed to properly address Adult Education in the Great Plains Region. Rosebud alone is in need of a significant increase and based on the 2000 Census Data which reflects that 47% of our on reservation population is under 18 years of age.

- Health Care is also of the highest priority on the Rosebud. A issue of utmost importance is the re- authorization of the Indian Health Care Improvement Act (IHCA) and authorizing appropriations to match the per capita rate paid for Medicaid recipients annually. Additional appropriations to cover the “wrap around” services provided by I.H.S., is a necessity so the Indian Health Service can improve the current health care status of Native Americans. Current Health care services provided by the Indian Health Service consist of a complete health care delivery system integrating preventive, curative, rehabilitative, environmental services, and access to health care, while incorporating direct outpatient and inpatient facilities and contracting for the provisions of specialty services from the private sector. This approach is comprehensive and includes dental, optometry and pharmacy services, public health nurses, community health representatives, sanitation initiatives, housing quarters for providers in remote areas and ambulance services. The final draft Legislation of the Act, and before any proposed amendments in 1999, was agreed upon by most of the tribes who have worked for three years to have the bill include all that we needed, without excesses. The bill as drafted included many issues facing Indian health care today, and encompassing the following: Patient Bill of Rights for Indian People; Current Federal Policy; Inadequate Funding for the Indian Health Service; needed increases to State/Tribal funding to guarantee patient care. Tribal Contracting/Compacting; I.H.S. Restructuring funding; Complexity and Disparity in the System; Managed Care; Partnering; Urban Populations; Adherence to the Consultation Policy; Public Health Infrastructure; Psycho Social and Behavioral

Health, Tribal Self Determination and Self Governance, Facilities, and Manpower Issues; Reimbursement and Financing; Emergency Medical Services; Data and Technology; and Long Term Care. Proper Health Care is an inherent right owed to Indian People as a result of the many sacrifices made to the United States of America and we ask Congress to move to eliminate disparities through adequate funding. Appropriations for Indian Health Care needs a budget distribution formula, which includes inflation costs, estimated population growth, health disparities by Area. In summary the Rosebud Sioux Tribe's largest immediate health care needs include funding for the ambulance service. We have the highest call volume of trauma in the State of South Dakota, with funding for only one half the need. Every year for the last six years it has been a struggle to remain operational and we are now at a point where other tribal resources are depleted. The cost of Contract Health Services are directly related to the high call volume seen by our ambulance service. Increased additional funding is needed for the Contract Health Service. Passage of the Indian Health Care Improvement Act would greatly reduce many of our unmet needs. Admittedly the entire bill is costly initially, but would do much in the long run to improve the health care of this Nations First Citizens.

- Continued housing development and adequate housing rehabilitation is also a critical need in the Great Plains Region. With this in mind, I ask that the United States Congress reauthorize the Native American Housing and Self-Determination Act of 1996 for a period of five (5) years additional years and that the level of funding be increased reflecting allowances for the rapid population growth in

Indian Country. I also request the following: That the NAHASDA Law be re-authorized this year; that the annual funding appropriations for NAHASDA be increased to no less than \$ 1.2 Billion Dollars (the National American Indian Housing Council has Determined by Survey that this is the minimum amount required to meet the need of all tribes.); and that the provision of the NAHASDA Law that calls for the use of negotiated Rulemaking (25 USC 4116 (B) (2) be strengthened to clearly and unequivocally require that HUD use negotiated rulemaking between tribes, Tribal Designated Housing Entities and HUD whenever NAHASDA regulations are created or amended.

This Act provides new opportunities for Tribes to develop model housing programs and the leveraging of NAHASDA funds to provide long term financing for additional housing development. I also request that the US Congress continue to fund the Housing Improvement Program administered through the Bureau of Indian Affairs. This program serves the poorest of the poor and provides a safety net for needy families in our Region who do not qualify for assistance from other housing programs because they do not have sufficient income to either pay for or maintain a home once it is built and occupied. A need of \$32 Million Dollars is needed just to adequately address 455 currently documented eligible applicants for the program. I also ask that with the continued funding that an equitable system of distribution to the various regions be mandated and installed.

In conclusion I wish to state the following:

- I have only touched on a few of the many needs of the Great Plains Region and our Rosebud Sioux Tribe. I ask that the Committee on Indian Affairs study the attached literature and the Testimony of the Tribes of the Great Plains Region. It is in more detail and provides in depth all needs of our Tribes.
- I will also ask that the President of our United States and the United States Congress and all Executive Departments and Agencies not lose site of the Presidential Executive Order No. 13175 which establishes a government to government consultation policy with the purpose of strengthening relationships between the United States and Indian Tribes and ensure that all Executive departments and agencies consult with tribes as they develop policy on issues impacting Indian communities.

Thank you and again I extend my sincere appreciation for allowing me this opportunity to address the critical needs and issues on behalf of the people of the Rosebud Sioux Tribe.

Budget C

Reference Number AJL-LOrganization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Real Estate Services	394	744	350

Justification for Increased Amount

1. Briefly describe the current program: Management of Real Estate Services on 850,000 acres of trust land property on the Rosebud Reservation for 16,000 landowners, the Rosebud Tribe and various users. This program provides services which include agricultural and homesite leasing (tenure and management), land sales and rights of way acquisition and disposal, and probates (reports and controls).

2. What will the additional funds provide? The personnel, training and equipment required to fulfill our Trust responsibility in the Real Estate services. To comply with TAAMS processes and procedures. To provide adequate services to the Tribe and individual landowners and land users.

a) What will be done? Three realty specialists and seven realty clerks will be recruited. Agriculture and homesite leases will be processed. Land sales and gift deeds will be processed. Probates and wills shall be processed. These activities and the associated financial documentation will be handled in a more timely manner. Software and hardware will be purchased. A new vehicle will be purchased. TAAMS systems will be implemented in a more efficient and timely manner.

b) How will it be done? Through an Agency Reorganization approved by the Great Plains Regional Director.

c) Why is it important to your organization that this be done? Other Federal agencies receive \$/acre on average to manage public lands. At Rosebud Agency the combined FY 00 funding for Agriculture and Realty is less than \$600,000 for a trust land base exceeding 330,000 acres. The Cobel lawsuit and subsequent settlement has among other items prompted initiation of TAAMS. When tribes and individual Indian landowners scrutinize our land management activities they will discover that regulations, statutes, acts, and laws are not adhered to. There are more and more unfunded mandates choking our limited efforts at land management. In the future "land mismanagement issues" can make the Cobel lawsuit appear a molehill in comparison to a mountain. The potential to efficiently administer a good program is there with adequate systems, training and personnel.

d) What is the impact to your organization of this not being done? There are severe backlogs within the program as a result of complicated land ownership patterns and larger demands for property use. If all under funded BIA land management programs are allowed to maintain status quo, we continue to be accused of negligence of trust responsibility.

3. How many additional FTE are needed? 10 What is the cost per FTE? Total cost of additional FTE = \$300,000 average is \$30,000

4. Can these funds be 100% obligated within the 1-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.

2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/oca/payrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number AA07-2Organization: AA7-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Agriculture	402	730	328

Justification for ~~Trust~~ BLA ~~Agency~~

1. **Briefly describe the current program:** Management of Natural Resources which includes the Soil & Moisture Conservation, Range Conservation, Engineering, and Environmental compliance programs.

2. **What will the additional funds provide?** The personnel, training and equipment required to fulfill our Trust responsibility in the Natural Resources areas. To comply with TAAMS processes and procedures. To provide adequate services to the tribe and individual landowners and land users.

a) **What will be done?** Two Rangeland Management Specialists, one Soil Conservationist, two Range Technicians and an Engineering aid will be recruited. GIS software and hardware will be purchased, intense GIS, Arc-View, Arc-Info training will be provided to all staff as well as any other entity of the tribe or agency that is interested in this technology. Replacement vehicles will be purchased for the aging fleet and current aerial photography of the land base will be purchased.

b) **How will it be done?** Through an Agency Reorganization approved by the Great Plains Regional Director. In coordination with the LakeWood GIS Service Center the purchasing of computer equipment and scheduling of training will be established. Those Interior owned vehicles that exceed 100,000 miles will be replaced with routine procurement procedures.

c) **Why is it important to your organization that this be done?** Other Federal Agencies receive \$3/acre on average to manage public lands. At Rosebud Agency, the combined FY 00 funding for Agriculture and Real Property is less than \$800,000 for a trust land base exceeding \$80,000 acres. The Cobel lawsuit and subsequent settlement has among other items prompted initiation of TAAMS. When tribes and individual Indian landowners scrutinize our land management activities they will discover that Regulations, Statutes, Acts, and Laws are not adhered to. There are more and more unfunded mandates choking our limited efforts at land management. In the future, land mismanagement issues can make the Cobel lawsuit appear as a molehill in comparison to a mountain. If cattle guards are not placed where needed, a fatality can occur from a vehicle/livestock accident.

d) **What is the impact to your organization of this not being done?** (If all under funded BLA land management programs are allowed to maintain status quo, we can be charged and convicted with negligence of trust responsibility. If cattle guards are not placed where needed, fatality can occur from a vehicle/livestock accident.

3. **How many additional FTE are needed?** 0 **What is the cost per FTE?**

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year

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FY 2002 Budget Formulation

Budget C

Reference Number A07-3Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Svcs. To Children, Elderly & Fam.	224	574	350

Justification for Increased Amount

1. **Briefly describe the current program:** This program assist indigent tribal members with an array of financial, child welfare, work experience, burial and emergency services that is unavailable from other resources. Without this resource, the indigent tribal population would be without income and services which could only lead to a higher crime rate and lawlessness on the reservation on the reservation.

2. **What will the additional funds provide?** This level will allow the program to expand and enhance the program so that it will be more accessible to the masses on the reservation.

a) **What will be done?** Provision of necessary services.

b) **How will it be done?** In a manner which services are now provided.

c) **Why is it important to your organization that this be done?** To have the budget funded at an adequate level to provide services to those individuals that are returning to the reservation as a result of Welfare Reform.

d) **What is the impact to your organization of this not being done?** Need sufficient funds to provide services for an under serviced population.

3. **How many additional FTE are needed? What is the cost per FTE?**

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.

2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pavrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number A07-4Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Administrative Services	257	357	100

Justification for Increased Amount

1. **Briefly describe the current program:** Administrative Services, Rosebud Agency is responsible to the Agency Superintendent for the overall administration of program operations and activities on a day to day basis. As required in specific areas, coordination is effected with tribal groups under agency jurisdiction. This section is also responsible for the day to day administration of the P.L. 93-638 contracts with the Rosebud Sioux Tribe. Positions in this are provide support services in the areas of finance, personnel management, procurement, mail management and self-determination.

2. **What will the additional funds provide?** This will provide for adequate funding for current staff, operation expenses for the function, particularly in the provision of necessary training in the area of self-determination for the delegation of authority for all the P.L. 93-638 contracting responsibilities.

a) **What will be done?** Train staff in the area of self-determination and continue providing services to the agency and the tribe.

b) **How will it be done?** Standard operating procedures.

c) **Why is it important to your organization that this be done?** It is important to keep the agency running smooth and in promoting self-determination with the provision of accurate and current technical assistance to the tribe.

d) **What is the impact to your organization of this not being done?** Hinders agency operations creating a backlog of work, and inadequate provision of technical assistance to the tribe.

3. **How many additional FTE are needed? 0 What is the cost per FTE?**

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.

2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/oc/payrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number A07-5Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Executive Direction	199	249	50

Justification for Increase Amount

1. Briefly describe the current program. The Superintendent is the line officer of the Bureau, is responsible for all Bureau activities within the jurisdiction of the Rosebud Reservation. The basic functions of this office are developing Agency and local facility programs, counseling tribal leaders in the development of programs for economic and cultural development, coordinating the various program operations and advising the Office of the Regional Director.

2. What will the additional funds provide? Status quo operations.

a) What will be done? Status quo operations.

b) How will it be done? Standard operating procedures.

c) Why is it important to your organization that this be done? Important to keep the agency running smooth and in promoting and maintaining dialogue with the tribe in promoting self-determination.

d) What is the impact to your organization of this not being done? Lack of adequate funding hinders agency operations creating a backlog of work, and inadequate provision of technical assistance to the tribe.

3. How many additional FTE are needed? What is the cost per FTE?

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.

2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/payrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number A07-6Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Economic Development	57	77	20

Justification for Increased Amount

1. **Briefly describe the current program:** This item supports the Tribal Operations Specialist position which provides technical assistance on matters involving tribal government.
2. **What will the additional funds provide?** Status quo operations.
 - a) **What will be done?** Status quo services.
 - b) **How will it be done?** Standard operating process.
 - c) **Why is it important to your organization that this be done?** Important to keep the agency running smooth and in promoting and maintaining dialogue with the tribe in promoting self-determination.
 - d) **What is the impact to your organization of this not being done?** Lack of adequate funding hinders agency operations creating a backlog of work, and inadequate provision of technical assistance to the tribe.
3. **How many additional FTE are needed? What is the cost per FTE?**
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.
 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pavrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number A07-7Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Forestry	20	120	100

Justification for Increased Amount

1. Briefly describe the current program: This funding provides supplemental funding for the salary of a forester.
2. What will the additional funds provide? Status quo operations. A full-time permanent GS-11 Forester along with support requirements such as transportation, computer hardware & software, and administrative support.
 - a) What will be done? Status quo services.
 - b) How will it be done? Standard operating procedures.
 - c) Why is it important to your organization that this be done? Important to keep the agency running smooth and in promoting self-determination.
 - d) What is the impact to your organization of this not being done? Hinders agency operations creating a backlog of work, and inadequate provision of technical assistance to the tribe.
3. How many additional FTE are needed? | What is the cost per FTE?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.
 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/payrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number A07-

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT
Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
NRP	Real Estate Services (Lease Comp)	20	150	130

Justification for Increased Amount

1. **Briefly describe the current program:** This item partially supports the Lease Compliance position at the agency. This line item provides for compliance checks for lands that are leased at this agency.
2. **What will the additional funds provide?** This funding level will allow for the provision of full FTE to provide required services to the Rosebud Sioux Tribe.
 - a) **What will be done?** Status quo services.
 - b) **How will it be done?** Standard operating process.
 - c) **Why is it important to your organization that this be done?** Important to keep the agency funded at a level that promotes efficiency of services to the tribe it serves.
 - d) **What is the impact to your organization of this not being done?** Lack of adequate funding hinders agency operations creating a backlog of work, and inadequate provision of services to the tribe.
3. **How many additional FTE are needed? 1.5 What is the cost per FTE?** \$30,000
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.
 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pavrates/index.htm

Budget C

Reference Number A07-8 Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT
Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Community Fire Protection		250	250

Justification for Increase: Amount

1. Briefly describe the current program: No current program. If funded would create a program to provide the costs incurred for staff to respond to structure fires at the agency on the reservation.
2. What will the additional funds provide? This funding would provide for training, overtime costs, equipment, etc. to train and equip staff of structure fire personnel to respond to structure fires.
 - a) What will be done? Three GS-4, and one GS-7 permanent furlough positions will be established, advertised and filled. A structure fire unit equipped with 1,000 gallon tank and capable of dispersing 1,200 GPM will be purchased. All mandatory training and equipment for structure fires will be provided.
 - b) How will it be done? Standard operating procedures.
 - c) Why is it important to your organization that this be done? To provide service to an under serviced area.
 - d) What is the impact to your organization of this not being done? Cannot respond to structure fires, no line item to cover costs.
3. How many additional FTE are needed? 4 What is the cost per FTE? \$100,000
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

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1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.
 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pavrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number A07-9Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
SPP	Facilities Mgt: Facilities Operations	293	593	300

Justification for Increased Amount

1. Briefly describe the current program: The Branch of Facility management is funded according to an O&M formula is based on need generated by the physical inventory of room use, building use, square footage, mechanical systems, utilities/fixed costs, wage rate with EBC for custodial, preventive maintenance and unscheduled maintenance services and other technologies that are programmed in the FACCOM system.

2. What will the additional funds provide? Would enable the agency to maintain the facilities in a safe and healthy state. Would allow replacement of equipment for all our facilities and make necessary improvement and repairs.

a) What will be done? Replace and/or repair all facilities and equipment

b) How will it be done? Standard operating process.

c) Why is it important to your organization that this be done? To create a safe and healthy environment for our employees and the clients we serve.

d) What is the impact to your organization of this not being done? Continued breakdown of old equipment; down time; some unsafe and unhealthy work areas.

3. How many additional FTE are needed? 0 What is the cost per FTE?

4. Can these funds be 100% obligated within the 3-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.
 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/oca/pavrates/index.htm

Budget C

Reference Number A07-10Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
SPP	Facilities Mgt: Facilities Maintenance	98	198	100

Justification for Increased Amount

1. Briefly describe the current program: The Branch of Facility management is funded according to an O&M formula is based on need generated by the physical inventory of room use, building use, square footage, mechanical systems, utilities/fixed costs, wage rate with EBC for custodial, preventive maintenance and unscheduled maintenance services and other technologies that are programmed in the FACCOM system.

2. What will the additional funds provide? Would enable the agency to maintain the facilities in a safe and healthy state. Would allow replacement of equipment for all our facilities and make necessary improvement and repairs.

a) What will be done? Replace and/or repair all facilities and equipment.

b) How will it be done? Standard operating process.

c) Why is it important to your organization that this be done? To create a safe and healthy environment for our employees and the clients we serve.

d) What is the impact to your organization of this not being done? Continued breakdown of old equipment; down time; some unsafe and unhealthy work areas.

3. How many additional FTE are needed? 0 What is the cost per FTE?

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.

2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPNI website: www.opni.gov/comp/grates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number RST-1Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Consolidated Tribal Gov't Programs	1,802	3,055	1,253

Justification for Increased Amount

1. Briefly describe the current program: These funds are used to improve tribal government operations and capabilities through comprehensive planning programs. These programs set priorities in the development of strong economic and resource growth of the reservation. Programs funded through this line item support and assist the tribal administration in the development and update of tribal government policy, legislation and regulations for administrative support.

This line item funds the Rosebud Sioux Tribe's Consolidated Tribal Government Programs Contract. The programs within this contract support the services of Resource/Economic Development, Tourism, Child Welfare Administration/ICWA, Tribal Court Services, Tribal Utilities Commission, Tribal Work Experience Program Administration, Water Resources, Natural Resources, Forestry, Spotted Tail Crisis Center and the Truancy Intervention Program. (Individual justifications for each component are attached for your information).

2. What will the additional funds provide? Historically, this line item has been under funded. The unmet need funding will provide the necessary funding to operate at a level necessary to provide optimum services to the tribe and its membership and to enhance the current tribal government structure.

- a) What will be done? Provide funding for operation at an optimum level.
- b) How will it be done? Through enhancement of current tribal structure.
- c) Why is it important to your organization that this be done? To strengthen current tribal government and to provide optimum services to the tribe and its membership.
- d) What is the impact to your organization of this not being done? Our service population is currently under serviced.

3. How many additional FTE are needed? 0 What is the cost per FTE?

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

1 FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.

2 For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/payrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number _RST_2Organization: A07-Rosebud_Agency

JUSTIFICATION STATEMENT
Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Scholarships	710	1,500	790

Justification for Increased Amount

1. **Briefly describe the current program:** The Higher Education Scholarship Program provides supplemental scholarships to tribal students pursuing a degree in an institution of higher education.
2. **What will the additional funds provide?** More scholarships to students. Currently we do not fund 150-200 students in the tribal program and over 300 students in Sinte Gleska University's program.
 - a) **What will be done?** More scholarships will be granted.
 - b) **How will it be done?** We will continue to use the same process we use now.
 - c) **Why is it important to your organization that this be done?** We want all students desiring a higher education to be able to acquire one.
 - d) **What is the impact to your organization of this not being done?** We will continue to fund as many students as we can with the funds we have.
3. **How many additional FTE are needed? 0 What is the cost per FTE?**
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

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FY 2002 Budget Formulation

Budget C

Reference Number RST-3Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Road Maintenance	296	2,296	2000

Justification for Increased Amount

1. **Briefly describe the current program:** This program is responsible for the maintenance and repairs of roads and bridges that are a part of the Federal Aid Indian Road System.

2. **What will the additional funds provide?** This funding will provide the program with the necessary equipment, supplies, etc. to make major repairs to existing equipment and to replace dated and unserviceable equipment and machinery. This level of funding will also provide for extra overtime, fuel, and road patching materials expenses.

a) **What will be done?** Repair and/or replace existing equipment and machinery.

b) **How will it be done?** Standard operating process.

c) **Why is it important to your organization that this be done?** The current budget does not allow for anything other than status quo operations. There is and has been a definite need for major repair or replacement to existing dated equipment and machinery. We continue to expend operating funds on old and sometimes unserviceable equipment and machinery; this in the long term costs the program more direct dollars in man-hours, overtime, and supplies because of downtime.

d) **What is the impact to your organization of this not being done?** The impact of this program not having the funding to correct the problems will continue to cost the program unnecessarily in repairs on dated equipment. Without the fully operational equipment and machinery it takes longer to get projects completed; and damaged roads and bridges create safety hazards and risks to the users.

3. **How many additional FTE are needed? 0 What is the cost per FTE?**

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

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2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/payrates/index.htm

Budget C

Reference Number RSI-4Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Contract Support Funds	709	804	95

Justification for Increased Amount

1. Briefly describe the current program: This line item funds the indirect costs associated with the tribe administering programs contracted from the Bureau of Indian Affairs.
2. What will the additional funds provide? This level will bring the amount back up to the 100% level of funding.
 - a) What will be done? Provision of necessary services.
 - b) How will it be done? In a manner which services are now provided.
 - c) Why is it important to your organization that this be done? To have the CSF budget funded at the 100% funding level.
 - d) What is the impact to your organization of this not being done? The tribe needs to have sufficient funds to provide the administrative support services to those programs contracted from the Bureau of Indian Affairs.
3. How many additional FTE are needed? 0 What is the cost per FTE?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

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2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pavrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number RSI-5Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Welfare Assistance	1,262	2,524	1,262

Justification for Increased Amount

1. **Briefly describe the current program:** The Bureau of Indian affairs administers the General Assistance program which allows General Assistance payments to families and certain single clientele that have little or no income. Our payments are set by the State of South Dakota rates which only brings these people's income up to 85% poverty level and in many cases, this is the families' only source of income. Miscellaneous Assistance is one component of the GA line item which includes burial and emergency assistance. The burial assistance is used to pay for funeral expenses for indigent tribal members which live on or in a designated near reservation area and the rate used is the approved trial rate. This is the only resource available for tribal members as the county is unrecognized for welfare programs and the high amount of alcohol and drug abuse, which can be attributed to social ills, we have seen an increase in burial assistance requests and approvals in recent years. Statistics indicate an average of 12 deaths per month on the Rosebud Reservation. Emergency Assistance is primarily used for house fires, a minor portion of this is used as a last resort for indigent tribal members with little or no income for their heating needs as low energy funds are never sufficient to last through the winter. The Tribal work Experience Program provides job training to the general assistance recipients in an effort to get them prepared for employment, this program will become increasingly important due to welfare reform. Child and Family Services provides child protection for tribal members in the area of residential care, without these funds, we always run the risk of a child hurting themselves or others.

2. **What will the additional funds provide?** This level will allow the program to provide optimum services to all eligible clients.

a) **What will be done?** Provision of necessary services to all eligible clients.

b) **How will it be done?** In a manner which services are now provided.

c) **Why is it important to your organization that this be done?** With the socio-economics the way there are on the reservation and the unemployment rate at a high, it is important to assist the eligible members to regain a sense of self-economic well being

d) **What is the impact to your organization of this not being done?** We have eligible members that are under serviced.

3. **How many additional FTE are needed?** 0 **What is the cost per FTE?**

4. **Can these funds be 100% obligated within the 2-year fund availability?** If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year

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2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website www.opm.gov/cca/payrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number _RST-6Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Job Placement & Training	206	824	618

Justification for Increased Amount

1. **Briefly describe the current program:** This program was formally known as the Adult Vocational Training program. This program provides funding to help defray costs associated with vocational training pursuits.
2. **What will the additional funds provide?** This level will allow the program to operate at a level which will allow for the additional funding for approximately 90-100 eligible program participants.
 - a) **What will be done?** Provision of necessary services for growing number of local students seeking to gain required skills for employment in areas that correspond to tribal needs and priorities.
 - b) **How will it be done?** In a manner which services are now provided.
 - c) **Why is it important to your organization that this be done?** To have the budget funded at an adequate funding level to provide services to all students that are eligible for services, a large percentage of whom must currently wait for 1-2 years until funding is available.
 - d) **What is the impact to your organization of this not being done?** Need sufficient funds to provide services for an under serviced population.
3. **How many additional FTE are needed? 0 What is the cost per FTE?**
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.
2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/ccr/pavrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number RST-7Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Tribally Controlled Com Colleges	206	700	494

Justification for Increased Amount

1. **Briefly describe the current program:** This line item has been contracted to the Sinte Gleska University since 1976 with funds designated to defray faculty and support staff salaries and for costs associated with the operation of the SGU Student Transportation. Current funding level does not allow for necessary staff increases and for leases and costs associated with the transportation program.

2. **What will the additional funds provide?** This level will allow the program to operate at a level which will allow for the most competitive of salaries for staff, which may allow for recruitment of much needed additional staff and will allow for the enhancement and replacement of vehicles for the transportation program.

a) **What will be done?** Provision of necessary services which correspond to increasing student population and demand for new and expanded program delivery.

b) **How will it be done?** In a manner which services are now provided.

c) **Why is it important to your organization that this be done?** To have the budget funded at an adequate level so that future institutional plans can be implemented for the benefit of post secondary students on the Rosebud Reservation.

d) **What is the impact to your organization of this not being done?** Need sufficient funds to provide competitive salaries for staff and to provide transportation services to students.

3. **How many additional FTE are needed? 0 What is the cost per FTE?**

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

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2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pavrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number RST-8Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Indian Child Welfare Act	85	180	95

Justification for Increased Amount

1. Briefly describe the current program: The ICWA was enacted by Congress in 1973 to curtail the massive removal (primarily by state agencies and courts) of Indian children from their homes. The intent of ICWA is to assure that those children, who must be removed, be placed in homes that reflect their unique cultures and traditions. The ICWA program is the central point of contact for Tribal government and families seeking temporary and permanent placement of children.

2. What will the additional funds provide? This funding level will provide professional staffing and legal representation, counseling to families and consultation services to tribal government.

a) What will be done? This will provide the Rosebud Sioux Tribe with a system to license and regulate Indian foster homes and adoptive homes, provide parental training on how to care for children with the goal of eliminating neglect and abuse and provide the resources to work harmoniously with the tribal court in the implementation of the Act.

b) How will it be done? By redesigning of the current ICWA program: selection of qualified professional personnel who will administer the program achieving a consistent application of the law as intended by Congress.

c) Why is it important to your organization that this be done? To enable the tribe to administer a program using a "Best Interest of the Child" standard in denying transfers of child custody proceedings involving Indian children from state to tribal courts.

d) What is the impact to your organization of this not being done? Inadequate funding prohibits the tribe from addressing the problem of culture dissonance, caused by the federal and state efforts to destroy Indian cultures, in a culturally neutral arena without external value judgements eroding the process. Adequate funding will permit the tribe to resolve the social and family problems internally and bring back into the fold many of their children torn away because of the past efforts of assimilation. This process will be a long and arduous one, but it has an effective underpinning because of the enactment of ICWA, the historical lack of funding has prohibited this tribe from fully implementing the intent of ICWA.

3. How many additional FTE are needed? 0 What is the cost per FTE?

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

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FY 2002 Budget Formulation

Budget C

Reference Number _RSI-9

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Adult Education	50	300	250

Justification for Increased Amount

1. **Briefly describe the current program:** This line item helps defray the personnel costs and other minimal adult education program operating costs.
2. **What will the additional funds provide?** This level will allow the program to expand and enhance the program so that it will be more accessible to the masses on the reservation.
 - a) **What will be done?** Provision of necessary services to all 20 tribal communities including GED tutoring/tutoring programs and ongoing community activities such as literacy, financial management and other life coping skills.
 - b) **How will it be done?** In a manner which services are now provided.
 - c) **Why is it important to your organization that this be done?** To have the budget funded at an adequate level to provide continuing services to those isolated portions of the reservation which are under services due to current funding limitations.
 - d) **What is the impact to your organization of this not being done?** Need sufficient funds to provide services for an under serviced population.
3. **How many additional FTE are needed? 0 What is the cost per FTE?**
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

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 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/payrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number RSI-10Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT
Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Johnson O'Malley	18	25	<u>300</u>

Justification for Increased Amount

1. **Briefly describe the current program:** The Johnson O'Malley Program provides support for supplemental programs in public schools. This portion of the fund provides salary increases to the staff of the program.
2. **What will the additional funds provide?** Salary increases.
 - a) **What will be done?** Salaries will be increased.
 - b) **How will it be done?** This will be at the discretion of the Tribal Council.
 - c) **Why is it important to your organization that this be done?** It is important that staff be properly compensated for their work.
 - d) **What is the impact to your organization of this not being done?** We will continue as we are.
3. **How many additional FTE are needed? 0 What is the cost per FTE?**
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

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2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pavrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number _RST:

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
NRP	Real Estate Services (Unresolved Rgt)	30	110	80

Justification for Increased Amount:

1. Briefly describe the current program: The existing program is contracted by the Rosebud Sioux Tribe. The ongoing issues that are currently being researched are: 1) investigate the impact of diminishment of the 1889 Rosebud Sioux Indian Reservation and change on the jurisdictional boundaries as a result of the US Supreme Court holding in Rosebud Sioux Tribe V Kneip; 2) Assist in the development of tribal policies and assist the tribal council and legal counsel in obtaining remedies in connection with land taken from the tribe and its members through condemnation, legislation and administrative rulemaking in connection with the Pick-Sloan Plan, Ft. Randall Project and other similar matters involving the tribe's interests; 3) Investigate and actively address contemporary issues affecting the ability of the tribe and its members to expand the trust land base with the 1889 Rosebud Sioux Indian Reservation by conversion of tribal and individually owned land from fee to trust under the IRA, 25 U.S.C. §§ 463, and the Isolated Tracts Act, P.L. 88-196, 77 Stat. 346, as amended; and 4) Work in cooperation with the tribe's legal counsel and resource managers to address illegal diversions of the Big White River, and impacts to the Reservation environment and natural resource base.

2. What will the additional funds provide? Additional funds will provide the tribe with adequate staff to devote more time to these issues.

a) **What will be done?** Funding level will provide for more time to be devoted to these on going issues.

b) **How will it be done?** Status quo.

c) **Why is it important to your organization that this be done?** The issues at hand are extremely vital to the tribe and its membership. The restoration of the reservation back to its original boundaries and getting the individually owned land back into trust are possibilities that are invaluable to the tribe and its membership.

d) **What is the impact to your organization of this not being done?** Impacts have adversely affected the tribe, its land base, services, etc. the impacts of this not being done are innumerable.

3. How many additional FTE are needed? 0 What is the cost per FTE?

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

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FY 2002 Budget Formulation

Budget C

Reference Number _RST_

Organization: 07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
NRP	Endangered Species		2,060	2,060

Justification for Increased Amount

1. Briefly describe the current program: We have no current program.
2. What will the additional funds provide? This will provide a program to reverse the downward trend caused by prairie dogs. the tribe will propose to restore the prairie ecosystem by controlling prairie dogs, establishing cross fences, constructing livestock and wildlife water developments, mechanical treatments, replanting of native grasses and implementation of range use management plans to migrate the repopulation of previously controlled dog towns for the improvement of all trust lands.
 - a) What will be done? The tribe realizes that the funds cannot be utilized at this time for chemical control of prairie dogs due to the jeopardy biological opinion that was issued by the US Fish & Wildlife Service in the Financial Environmental Impact Statement issued in 1995 for Livestock Grazing and Prairie Dog Management for the Rosebud and Cheyenne River Sioux Reservations. The Rosebud Sioux Tribe has met with FWS and the Rocky Mountain Black-footed Ferret Recovery Foundation in regard to the possible establishment of a black-footed ferret recovery area on the reservation. If funded, a recovery area can be established and the FWS indicated it will withdraw the jeopardy opinion and assist the tribe and the Bureau in amending the EIS which subsequently would allow for use of funds for control work outside the recovery area.
 - b) How will it be done? Through a cooperative effort with the FWS and the Bureau of Indian Affairs.
 - c) Why is it important to your organization that this be done? To protect the native grasslands, trust lands of the tribe and to protect the land base from further erosion of prairie dog infestation.
 - d) What is the impact to your organization of this not being done? As of 1995 an estimated 100,000 acres of trust land on the Rosebud Reservation were infested with prairie dogs and are expanding at an annual rate of five percent. Prairie dog infestations decrease the value of the land, lowers income to individual members and the tribe, and also can eventually lead to situations where it is no longer feasible to lease or permit these lands because the carrying capacity is at or near zero. Without funding for this project, these infestations are eroding the tribe's most important resource, its land base.
3. How many additional FTE are needed? 0 What is the cost per FTE?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

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2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/payrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number RSI-

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT
Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
NRP	Unresolved Hunting & Fishing Rights		150	150

Justification for Increased Amount

1. **Briefly describe the current program:** We have no current program.
2. **What will the additional funds provide?** This funding will allow for the assessment and possible litigation of hunting rights and protection in Tripp County.
 - a) **What will be done?** This will provide funding for a full assessment of hunting rights in Tripp county.
 - b) **How will it be done?** Through the existing process of the tribe.
 - c) **Why is it important to your organization that this be done?** To protect the hunting and fishing rights of the tribe in Tripp county.
 - d) **What is the impact to your organization of this not being done?** An assessment will determine the impact at this point we really do not know if any rights are being violated in this area.
3. **How many additional FTE are needed? 0 What is the cost per FTE?**
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

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Budget C

Reference Number ..RST..

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT
Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
NRP	Technical Assistance Grants		200	200

Justification for Increased Amount

1. Briefly describe the current program: There is no current program
2. What will the additional funds provide? This funding level will allow for the provision of a line item to allow the tribe to develop grants for other resources for the tribe and its membership.
 - a) What will be done? Provide for adequate staff to develop and seek outside resources for the tribe.
 - b) How will it be done? Standard operating process.
 - c) Why is it important to your organization that this be done? Important to fund the tribe at a level for providing optimum services to its membership.
 - d) What is the impact to your organization of this not being done? Lack of adequate funding hinders tribal operations creating inadequate provision of services to its membership.
3. How many additional FTE are needed? What is the cost per FTE?
4. Can these funds be 100% obligated within the 3-year (fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

1 FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.
 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/ccapayrates/index.htm

Budget C

Reference Number _RST_Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
SPP	Law Enforcement Initiative	1,538	2,990	1,452

Justification for Increased Amount

1. Briefly describe the current program: This program provides for the public safety and enforcement of tribal and federal laws on the reservation.
2. What will the additional funds provide? This funding level will allow for the provision of adequate funding to support the necessary staff to uphold its responsibility in the area of law enforcement.
 - a) What will be done? Provide for adequate staff and maintain staff's training needs.
 - b) How will it be done? Standard operating process.
 - c) Why is it important to your organization that this be done? Important to fund the tribe at a level for providing optimum services to its membership.
 - d) What is the impact to your organization of this not being done? Lack of adequate funding hinders tribal operations creating inadequate provision of services to its membership.
3. How many additional FTE are needed? What is the cost per FTE?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

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1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.
 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/ecc/pavrates/index.htm.

FY 2002 Budget Formulation

Budget C

Reference Number: RST-

Organization: 307-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Wildlife and Parks		30	30

Justification for Increased Amount

1. **Briefly describe the current program:** This program supports the preservation of cultural, historical, and natural resources of the tribe.
2. **What will the additional funds provide?** This funding level will allow for on-going projects of the tribe such as the buffalo restoration project for cultural and historical preservation.
 - a) **What will be done?** Provide for adequate staff and maintain staff's training needs.
 - b) **How will it be done?** Standard operating process.
 - c) **Why is it important to your organization that this be done?** Important to fund the tribe as a whole for preserving its cultural and natural resources.
 - d) **What is the impact to your organization of this not being done?** Lack of adequate funding hinders preservation activities of the tribe.
3. **How many additional FTE are needed? What is the cost per FTE?**
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year

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2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM

website: www.opm.gov/cca/payrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number _RST_

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
NRP	Water Mgmt., Plng. & Pre-Develop.	66	90	24

Justification for Increased Amount

1. Briefly describe the current program: This program is responsible for the protection, development and regulation of all surface and groundwater related to trust property owned by the Rosebud Sioux Tribe and its members. The program is also responsible for the disposal of solid waste and control of noxious weeds.

2. What will the additional funds provide? This funding will allow for a feasibility study to be conducted on the remediation alternatives for the groundwater contamination by nitrate and arsenic.

a) **What will be done?** Obtain a feasibility study on remediation alternatives for groundwater contamination by nitrate and arsenic.

b) **How will it be done?** Through the existing process of the tribe.

c) **Why is it important to your organization that this be done?** At the present time, the nitrate contamination is much too close to the Rosebud Rural Water System production wells. Alternate remediation will ensure safe water and future contamination.

d) **What is the impact to your organization of this not being done?** We run the risk of continued contamination to the production wells.

3. How many additional FTE are needed? 0 What is the cost per FTE?

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

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FY 2002 Budget Formulation

Budget C

Reference Number _RSL:

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT
Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
NRP	Forestry		150	150

Justification for Increased Amount:

1. **Briefly describe the current program:** This program is a component of the CTGP of the Rosebud Sioux Tribe and is responsible for the maintenance and protection of the tribe's forest resources.

2. **What will the additional funds provide?** The tribe has been trying to expand their forest operations. If funding becomes available, the tribe will further develop the program by hiring a professional forester and by purchasing a sawmill so that marketing of various woods can be done.

a) **What will be done?** Hiring a professional forester and for the purchase of a sawmill.

b) **How will it be done?** Through the existing process of the tribe.

c) **Why is it important to your organization that this be done?** It is important to be able to harvest existing resources and to replenish what is harvested and still provide for a more economic base for this program.

d) **What is the impact to your organization of this not being done?** This program has been severely underfunded since the beginning of the program. If more funding is obtained, the tribe may be able to hire a professional forester to administer the program and its total operations.

3. **How many additional FTE are needed?** 0 **What is the cost per FTE?**

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

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 2 For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pavrates/index.htm

Budget C

Reference Number: RST-

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
NRP	Noxious Weed Eradication	23	50	27

Justification for Increased Amount

1. **Briefly describe the current program:** This program is responsible for eradication and maintenance of noxious weeds on the trust lands of the Rosebud Sioux Tribe.
2. **What will the additional funds provide?** The tribe is in desperate need of aerial spraying of infested areas that have not been dealt with because of the lack of funding.
 - a) **What will be done?** This will allow for the contracting of aerial spraying.
 - b) **How will it be done?** Through the contractual process of the tribe.
 - c) **Why is it important to your organization that this be done?** This is critical to control the infestation of noxious weeds in a manner that will assure maximum eradication.
 - d) **What is the impact to your organization of this not being done?** Without the funding to do this, we will continue to have unattended infestation.
3. **How many additional FTE are needed? 0. What is the cost per FTE?**
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

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FY 2002 Budget Formulation

Budget C

Reference Number ...RSL:

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
NRP	Technical Assistance Grants		200	200

Justification for Increased Amount

1. Briefly describe the current program:
2. What will the additional funds provide?
 - a) What will be done?
 - b) How will it be done?
 - c) Why is it important to your organization that this be done?
 - d) What is the impact to your organization of this not being done?
3. How many additional FTE are needed? 0 What is the cost per FTE?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year.

-
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 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pavrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number RST-

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Tribal Courts		500	500

Justification for Increased Amount

1. **Briefly describe the current program:** The tribal court performs the administrative functions to support the Civil, Criminal, Children's and Appellate Court Systems for the Rosebud Sioux Tribe and the reservation.
2. **What will the additional funds provide?** The additional funding will provide the court with the necessary staff to be totally and fully operational in the provision of the required services.
 - a) **What will be done?** The court will be able to maintain current staffing and hire an additional Public Defender, Court Associate Judge and administrative support staff and would provide funding for juror services, building maintenance and operating costs.
 - b) **How will it be done?** The existing program will be modified to strengthen program service delivery which will include jury services, public defender office enhancements, technological updates, office equipment, courts service officer vehicles, court house repairs and maintenance.
 - c) **Why is it important to your organization that this be done?** Without adequate funding for the court, the administration of justice will continue to be scrutinized by the legislative and administrative body of the tribe as well as the public.
 - d) **What is the impact to your organization of this not being done?** The needs of the citizens of the reservation and tribe are not being addressed and the court itself will never be fully operational or able to meet those needs without adequate funding.
3. **How many additional FTE are needed? 0 What is the cost per FTE?**
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year

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2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found in the OPM website: www.opm.gov/cca/payrates/index.htm

FY 2002 Budget Formulation

Budget C

Reference Number: RSI-

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Housing Improvement Program	140	504	364

Justification for Increased Amount

1. **Briefly describe the current program:** This program is responsible for providing renovation/repair to families who were not eligible to obtain housing assistance from other available sources.

2. **What will the additional funds provide?** The additional funding would expand the general operations budget and construction budget to complete 25 additional projects.

a) **What will be done?** Renovate/repair 25 additional eligible projects.

b) **How will it be done?** Standard operating process.

c) **Why is it important to your organization that this be done?** To bring substandard houses up to code to provide a safe environment for eligibles members to reside in.

d) **What is the impact to your organization of this not being done?** We have families without any other resources living in substandard housing which creates a number of other problems including unsafe living conditions, health hazards and health risks.

3. **How many additional FTE are needed?** 0 **What is the cost per FTE?**

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

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FY 2002 Budget Formulation

Budget C

Reference Number: RST1

Organization: A07-Rosebud_Agency

JUSTIFICATION STATEMENT
Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Other Aid to Tribal Government		50	50

Justification for Increased Amount

1. Briefly describe the current program: There is no current program.
2. What will the additional funds provide? This funding level will allow for the provision of a line item to allow the tribe to review tribal structure for possible revision.
 - a) What will be done? Review of tribal structure
 - b) How will it be done? Standard operating process
 - c) Why is it important to your organization that this be done? Important to fund the tribe as a whole for providing optimum services to its membership.
 - d) What is the impact to your organization of this not being done? Lack of adequate funding hinders tribal operations creating inadequate provision of services to its membership.
3. How many additional FTE are needed? What is the cost per FTE?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be obligated each year

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.
 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pa/vrates/index.htm

Budget C

Reference Number: RST-

Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
CON	Res. Mgmt: Safety of Dams	400	4,100	3,700

Justification for Increased Amount

1. **Briefly describe the current program:** This program supports the renovation and rehabilitation of identified and prioritized high hazard dams on the reservation.
2. **What will the additional funds provide?** This funding level will allow for on-going projects of the tribe and will maintain funding at a level to keep up with inflation costs.
 - a) **What will be done?** Provide for adequate funding for restoration and renovation of high hazard dams.
 - b) **How will it be done?** Standard operating process.
 - c) **Why is it important to your organization that this be done?** Important to fund the tribe at a level which enables the tribe to restore and renovate dams to a safe level.
 - d) **What is the impact to your organization of this not being done?** Funding is inadequate and has not kept up with the rate of inflation. In addition to this funding is needed in order to restore and/or renovate dams so they do not pose a risk to the members of the tribe and/or the trust lands of the reservation.
3. **How many additional FTE are needed? What is the cost per FTE?**
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

-
1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.
 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pavrates/index.htm

FY 2002 Budget Formulation

Reference Number RST-9

Region: Great Plains
 Organization: RST

BUDGET C

JUSTIFICATION STATEMENT
 Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TPA</u>	<u>Housing Improvement Program & Housing Development Costs</u>	<u>432</u>	2,000,000	<u>1,568</u>

Justification for Increased Amount:

1. **Briefly describe the current program:** Housing Improvement Program is a safety net program and is administered by the RST through a P.L. 93-638 contract with the BIA. It provides a grant to fund services to repair, renovate, replace and provide housing for the neediest families having substandard housing.

2. For FY 2003, what additional funds are needed? Calculate unmet need as follows:

- 400 Total # of eligible applicants 100 - HIP/ 300 - PHAP
- 500 Total # of housing shortages (Figures from occupancy)
- 9.40 Total funding associated with these shortages (400 Repairs, 500 New, \$35,500)
- 6.28 Housing development costs, (i.e. inspection, processing applications, administration, estimating flood insurance costs, NEPA reviews)

3. **What will the additional funds provide?** Bring substandard units to a safe and liveable standard. Replace or provide new units for condemned units.

- a) **What will be done?** Total rehabilitation/replacement or condemned.
- b) **How will it be done?** Force account. Through the hiring of tribal members.
- c) **Why is it important to your organization that this be done?** To bring substandard units up to standard/replace condemned units. To lesson the demands for rental units.

¹FY 2003 Planning Base is the FY 2001 Enacted level

d) What is the impact to your organization of this not being done? Many families are living in substandard housing which greatly impacts the poor health of some of our tribal members and the socio-economics of the reservation.

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes, if the funding was provided, the projects could be completed within the 2 year fund availability.

Budget C

Reference Number *RST-3*

Organization: A07-Rosebud Agency - RST

BUDGET C

JUSTIFICATION STATEMENT
Unmet Need

Budget Category	Program Title	FY 2003 Planning Base	Total Need	Unmet Need
TPA	Scholarship/Higher Education	\$708	\$2,142	\$1,434

Justification for Increased Amount

1. Briefly describe the current program: The Higher Education Scholarship Program provides supplemental scholarships to tribal students pursuing a degree in an institution of higher education.
2. What additional funds are needed? Calculate unmet need as follows:
 - // Projected growth of student population
 - 1,028 # of students accepted into college
 - \$566,490 Dollar amount of unfounded scholarship need for existing students (please estimate cost for state tuition, books, room and board less any costs already provided by tribe)
 - \$867,755 Dollar amount of unfounded scholarship need for projected student population (please estimate using cost for state tuition, books, room and board)
3. What will additional funds provide? Additional funds will provide additional scholarships to eligible students. Currently we do not fund over 500 students who are eligible for scholarships.
 - a) What will it be done? More eligible students will be granted scholarships
 - b) How will it be done? We will continue to use the same process we use now.
 - c) Why is it important to your organization that this be done? It is important to us that all students desiring a higher education be able to get a degree without a financial barrier preventing them from going to college.
 - d) What is the impact to your organization of this not being done? We will continue to fund only those students for whom we have sufficient funds and we will continue to not fund in excess of 300 students each year.
3. How many additional FTE are needed? 0 What is the cost per FTE? _____
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be fully obligated each year.

1. FY 2003 Planning Base is the funding level included in the FY 2002 President's Budget.
2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/payrates/index.htm

Budget C

Reference Number __RST__Organization: A07-Rosebud Agency

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
CON	Res. Mgmt: Dam Maintenance	75	100	25

Justification for Increased Amount

1. **Briefly describe the current program:** This program is charged with all on-going maintenance for the dams currently in the program. These include moving of grass around appurtenances, removing debris from service spillways, reading piezometers and lake water levels, and routine visual inspections of the dams on a regular basis.

2. **What will the additional funds provide?** Provide for adequate funding for full O&M operations:

a) **What will be done?** Status quo operations

b) **How will it be done?** Standard operating process.

c) **Why is it important to your organization that this be done?** Important to fund the tribe at a level which enables the tribe to provide routine operation and maintenance on the dams.

d) **What is the impact to your organization of this not being done?** No impact at this time, but without adequate O&M funding, low hazard dams and renovation work on high hazard dams could pose imminent threat if not properly maintained.

3. **How many additional FTE are needed? What is the cost per FTE?**

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

All funds will be obligated each year.

1. FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.

2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/payrates/index.htm

FY 2002 Budget Formulation

FY 2003
TRIBAL UNMET NEED WORKSHEET
(Dollars in Thousands)

Trib: ROSEBUD SIOUX TRIBE

RANK (Top 10 Only)	PROGRAM TITLE	(a) FY 2003		(b) TOTAL NEED		(c) [(b)-(a)]		REFERENCE JUSTIFICATION STATEMENT NUMBER
		Tentv Planning Base		FOR PROGRAM		UNMET NEED		
		\$\$	fte	\$\$	fte	\$\$	fte	
14	TPA Other Aid to Tribal Govt							RST-14
	TPA Consolidated Tribal Govt Program (CTGP)	1,798		6,823		5,025		
	TPA Self Governance Compacts							
	TPA New Tribes							
	TPA ISD Fund							
7	TPA Contract Support (Non-Base)	692		2,500		1,808		RST-7
5	TPA Tribal Courts							RST-5
27	TPA Svcs. to Children, Elderly, Families							RST-27
8	TPA Indian Child Welfare Act	85		500		415		RST-8
11	TPA Welfare Assistance (Non-Base)	1,723		2,500		777		RST-11
	TPA Adult Care Facility Rehabilitation							
9	TPA Housing Improvement Program (Non-Base)	432		2,000		1,568		RST-9
	TPA Other, Human Services							
3	TPA Scholarships	708		2,142		1,434		RST-3
17	TPA Adult Education	50		300		250		RST-17
6	TPA Tribally Control Comm. Colleges	200		700		500		RST-6
13	TPA Johnson O'Malley	245		300		55		RST-13
18	TPA Other, Education			250		250		RST-18
	TPA Community Fire Protection							
12	TPA Job Placement & Training	206		800		594		RST-12
4	TPA Economic Development							RST-4
2	TPA Road Maintenance (Non-Base)	297		3,500		3,203		RST-2
10	TPA Natural Resources, General							RST-10
	TPA Agriculture							
15	TPA Forestry							RST-15
16	TPA Water Resources							RST-16
	TPA Wildlife and Parks							
	TPA Minerals and Mining							
	TPA Trust Services, General							
	TPA Other Rights Protection							
	TPA Real Estate Services							
	TPA Real Estate Appraisals							
	TPA Probate							
	TPA Environmental Quality Services							
	TPA IANILCA							
	TPA ANCSA							
	TPA Executive Direction							
	TPA Administrative Services							
	TPA Safety Management							
	ORP School Ops: ISEP (Formula Funds)							
	ORP School Ops: ISEP (Prog Adjusts.)							
	ORP School Ops: Early Childhood Develop.							
	ORP School Ops: Student Transportation							
	ORP School Ops: Institutionalized Disabled							

FY 2003
TRIBAL UNMET NEED WORKSHEET
(Dollars in Thousands)

Tribal: ROSEBUD SIOUX TRIBE

RANK (Top 10 Only)	PROGRAM TITLE	(a) FY 2003 Tentv Planning Base		(b) TOTAL NEED FOR PROGRAM		(c) [[b)-(a)] UNMET NEED		REFERENCE JUSTIFICATION STATEMENT NUMBER
		\$	fe	\$	ite	\$	ite	
	ORP School Ops: Facilities Operations							
	ORP School Ops: Administrative Cost Grants							
	ORP School Ops: Area/Agency Tech. Support							
	ORP School Ops: School Statistics ADP							
	ORP TCCCs: Operating Grants							
	ORP TCCCs: Technical Assistance							
	ORP TCCCs: Endowment Grants							
	ORP Irrigation O&M							
	ORP Rts. Protect: Western Washington-Boldt							
	ORP Rts. Protect: Wash. State Timber-Fish-Wildlife							
	ORP Rts. Protect: Columbia Riv. Fisheries Mgt.							
	ORP Rts. Protect: Great Lakes Area Res. Mgt.							
	ORP Rts. Protect: Chippewa/Ottawa Treaty Fish.							
	ORP Rts. Protect: US/Canada Pacific Salmon							
	ORP Rts. Protect: Upper Columbia United Tribes							
	ORP Rts. Protect: Lake Roosevelt Mgt.							
	ORP Rts. Protect: Wetlands/Waterfowl Mgt.							
	ORP Fish Hatchery Operations							
	ORP Fish Hatchery Maintenance							
	ORP Alaska Subsistence							
	ORP Tribal Management/Development							
	NRP Self Governance Grants-Shortfall							
	NRP Technical Assistance Grants							
26	NRP Agric: Noxious Weed Eradication			95		95		RST-26
	NRP Agric: Gila River Farms							
	NRP Irrigation Drainage							
	NRP Forestry							
23	NRP Water Mgmt., Planning, & Pre-Develop.	35		90		55		RST-23
	NRP Lake Roosevelt Council							
	NRP Unresolved Hunting & Fishing Rights							
	NRP Minerals & Mining							
	NRP Endangered Species							
	NRP Ind Rts. Protect: Litigation Support							
	NRP Ind. Rts. Protect: Water Rts. Negotiation/Litig.							
	NRP Ind. Rts. Protect: Attorneys Fees							
	NRP Fed. Energy Regulatory Commis.-FERC							
24	NRP Real Estate Services (Unresolved Rights)	30	*	975		945		RST-24
	NRP Environmental Management							
	NRP Navajo-Hopi Settlement							
	COP Community Services, General							
	COP Tribal Government Services							
	COP Svcs. to Children, Elderly & Families							
	COP Housing Development							
	COP Alcohol and Substance Abuse Prevention							
	COP Community Development							
	COP Natural Resources, General							
	COP Trust Services							
	COP Real Estate Services							
	COP Land Records Improvement							

FY 2003
 TRIBAL UNMET NEED WORKSHEET
 (Dollars in Thousands)

Trib: ROSEBUD SIOUX TRIBE

RANK (Top 10 Only)	PROGRAM TITLE	(a) 1/		(b) 2/ 3/		(c)		REFERENCE JUSTIFICATION STATEMENT NUMBER
		FY 2003		TOTAL NEED		[(b)-(a)]		
		Tentative Planning Base		FOR PROGRAM		UNMET NEED		
		\$\$	fte	\$\$	fte	\$\$	fte	
	COP American Indian Trust							
	COP Office of Self-Governance							
	COP Audit & Evaluation							
	COP Policy Analysis and Planning							
	COP Executive Direction & CEO							
	COP Administrative Services							
	COP Personnel Services							
	COP Safety Program Management							
	COP ADP Central Program Management							
	COP ADP Systems Support							
	COP Education Program Management							
	COP Education Personnel Services							
	COP Indian Gaming							
	ROP Community Services, General							
	ROP Aid to Tribal Government							
	ROP Svcs. to Children, Elderly & Families							
	ROP Housing Development							
	ROP Adult Vocational Training							
	ROP Economic Development							
	ROP Natural Resources, General							
	ROP Agriculture							
	ROP Forestry							
	ROP Forest Marketing Assistance							
	ROP Water Resources							
	ROP Wildlife & Parks							
	ROP Minerals and Mining							
	ROP Trust Services, General							
	ROP Other Rights Protection							
	ROP Other Real Estate Services							
	ROP Environmental Quality Services							
	ROP Land Titles & Records							
	ROP Land Records Improvement							
	ROP Executive Direction & EEO							
	ROP Administrative Services							
	ROP Personnel Services							
	ROP Safety Management							
	ROP Facilities Management							
	ROP ADP Decentralized Support							
	SPP Post Secondary Schools							
	SPP Special Higher Education Scholarships							
	SPP Indian Police Academy							
	SPP Substance Abuse							
1	SPP Law Enforcement Initiative	1,698		4,497		2,799		RST-1
	SPP Indian Arts & Crafts Board							
	SPP United Tribes Technical College							
	SPP United Sioux Tribes Develop. Corp.							
	SPP National Ironworkers Training Program							
	SPP Crownpoint Institute of Technology							
	SPP Indian Integrated Resources into Prgm							

Reference Number RST-44

Region: Great Plains Region
 Organization: RST

BUDGET B

JUSTIFICATION STATEMENT
 Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<i>TPA</i>	Other Aid to Tribal Gov't	293	593	300

Justification for Increased Amount:

1. **Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** This line item funds 11 programs in the Tribe's Consolidated Tribal Government Program Contract. The programs within this contract aid in supports services of being able to bring services and assistance to and in the following areas: Resource/Economic Development, Forestry, Natural Resources, Spotted Tail Crisis Center, Tourism, Truancy Intervention, Tribla Utilities Commission, Tribal Work Experience Administration, Water Resources, Enrollment, and Tribal Court. These funds are used to improve and enhance the above referenced programs. These programs make up the structure that helps aide in the development and expansion of the Reservation.

2. **What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?** If the CTGP was funded at 100% need, then the swervices to the people on the Rosebud would be close to the level of true need that is experienced within a year's time. This line item is continually under funded and maintains some of the most crucial and detrimental programs to the people within the tribe.
 - a) **What will be done?** Delivery of services at the quality of standards that are needed.
 - b) **How will it be done?** Adequate staffing for better manage and deliery of services to the people.
 - c) **Why is it important to your organization that this be done?** The quality of life that is needed by our tribal membership is and should not be determined by minimum funding but the maximum, which would provide what the tribe needs to better insure the most possible and adequate services for the tribe and its members. The tribe would strengthen their economic development needs. To help aid in sustainability for tribal members, adequate record keeping, maintaining statistical data of population, land base, businesses, schools and water management. Insure that we could maintain our lands at a level of optimum quality. Also, the growth in popluation that is being experienced throughout our reservation causes a need for increase of services needed by tribal members.
 - d) **What is the impact to your organization of this not being done?** Funding is inadquate and has not kept up with the rate of inflation. In addition to this, fuding is neede in order to restore and/or renovate dams so they do not pose a rist to the members of the tribe and/or the trust lands of the reservation.

¹FY 2003 Planning Base is the FY 2001 Enacted level.

3. How many additional FTE are needed? What is the cost per FTE² ?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes, all funds will be obligated.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site. www.opm.gov.

Reference Number AST-5Region: Great Plains Region
Organization: ASTJUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>FPA</u>	<u>Tribal Courts</u>	<u>411</u>	<u>1,448</u>	<u>1,007</u>

Justification for Increased Amount:

1. **Briefly describe the current program:** The tribal court provides for the administration of justice in the civil, criminal, children's and appellate court systems. Currently, a total of 33 people are employed by the court constituting a total of \$1,163,370 in wages and \$359,820 in fringe.

2. For FY 2003, what additional funds are needed? Calculate unmet need as follows:

<u>23</u>	Total # of additional FTE's (i.e. public defenders, victim advocates, judges, court staff)
<u>746,955</u>	Estimate of total funding needed for these FTEs
<u>671,859</u>	Costs associated with development of codes, refinement of court systems; development of court procedures
<u>600</u>	Projected increase case load due to increase Law Enforcement Initiative, (i.e. criminal, civil, adult, juvenile, child welfare)
<u>350</u>	Current case load backlog

3. **What will the additional funds provide?** The additional funding would provide the court with the following:

Necessary base funding to fully support its current workforce without diminishing the current level of services once the funding from various grants is expended and depleted (within the next three years). Without the funding from the various grants, the court's current services would be severely impeded due to the absence of a total of twenty one staff members including the services of three judges, a prosecutor, three assistant prosecutors, one clerk of courts, three court services officers, three secretaries, two process services, one data entry clerk, manager, two wellness counselors, juvenile justice court coordinator and two diversion officers.

¹FY 2002 Planning Base is the funding level included in the FY 2001 President's Budget.

a) **What will be done?** This will enable the court to hire an additional public defender, civil associate judge, administrative secretary/receptionist, law clerk, juror services, court building maintenance and supplies.

b) **How will it be done?** Staff will be hired, and the court will be able to strengthen the program service delivery of jury services, public defender office enhancements, technology updates, office equipment, court services officer vehicles, courthouse repairs and maintenance, etc.

c) **Why is it important to your organization that this be done?** Without adequate funding for the court, the administration of justice will not be able to remain at the current level.

d) **What is the impact to your organization of this not being done?** There is a severe lack of services to the population of the reservation.

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.**

Budget C

Reference Number *RST-11*Organization: *RST*
~~A07 Rosebud Agency~~*BUDGET C***JUSTIFICATION STATEMENT**

Unmet Need

Budget Category	Program Title	FY 2002 Planning Base	Total Need	Unmet Need
TPA	Welfare Assistance	1,723	2,500	777

Justification for Increase Amount

1. **Briefly describe the current program:** The Bureau of Indian Affairs administers the General Assistance program which allows General Assistance payments to families and certain single clientele that have little or no income. Our payments are set by the State of South Dakota rates, which only brings these people's income up to 85% poverty level and in many cases, this is the families' only source of income. Miscellaneous Assistance is one component of the GA line item, which includes burial and emergency assistance. The burial assistance is utilized to pay for funeral expenses for indigent tribal members who live on or in a designated near reservation area. This is the only resource available for the tribal members as the county is unrecognized for welfare programs and the high amount of alcohol and drug abuse, which can be attributed to social ills, we have seen an increase in burial assistance request and approvals in recent years. Statistics indicate an average of 12 deaths per month on the Rosebud Reservation. Emergency Assistance is primarily used for house fires, minor portion of this is used as a last resort for indigent tribal members with little or no income for their heating needs as low energy funds are never sufficient to last through the winter. The Tribal Work Experience Program provides job training to the general assistance recipients in an effort to get them prepared for employment, this program will become increasingly important due to welfare reform. Child and family service provides child protection for tribal members in the area of residential care, without these funds, we will always run the risk of a child hurting themselves or others. We also handle over 150 minor IIM accounts and over 50 adult IIM accounts, which one is under a social service hold.

2. For FY 2003, what additional funds are needed? Calculate unmet need as follows:

100 Total # of eligible cases not served during past year (please breakdown by category of service) i.e.

<u>25</u>	General Assistance	\$100,000.00
<u>20</u>	Child Assistance	\$114,000.00
<u>10</u>	Burial Assistance	\$ 25,000.00
<u>10</u>	Emergency Assistance	\$ 10,000.00
<u>10</u>	TWEP	\$ 48,000.00

100 Projected # of cases resulting from state/tribal TANF Termination
\$480,000.00

† FY 2003 Planning Base is the FY 2001 Enacted level

FY 2003 Budget Formulation

\$747,000.00 Dollar amount associated by above cases

\$50,000.00 Total unmet need based on implementation of new regulations

\$777,000.00 Total dollar amount of unmet need for overall operation of program; including administration (please indicate how total unfounded program amount was determined)

Near reservation area needs to start assisting other tribal members, need additional for child welfare due to increase in Juvenile offenders.

3. **What will the additional funds provide?** This level will allow the program optimum service to all eligible clients. We will better serve children under child welfare and help additional clients in near reservation area.

- a) **What will be done?** Implement new regulations; provide needed services to child welfare children, financial assistance to all eligible members.
- b) **How will it be done?** Provided per new regulations with agency developing day-to-day policy & procedures.
- c) **Why is it important to your organization that this be done?** With high unemployment which results in high alcohol and drug abuse. The additional funding would be used to try to assist eligible members regain a sense of self worth.
- d) **What is the impact to your organization of this not being done?** Eligible adults and children would not be serviced or receive adequate services which would result in further problems on the reservation which would lead to more members being incarcerated and affected.

4. **How many additional FTE are needed? What is the cost per FTE?** 2 FTE needed to handle additional caseload at \$43,000.00 per.

5. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project).** Yes.

² For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site www.opm.gov/

Reference Number RST-27Region: Great PlainsOrganization: RST

JUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TPA</u>	Svs. to Children, Elderly, Families	391	300	409

Justification for Increased Amount:

1. Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):

2. What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?
 - a) What will be done?

 - b) How will it be done?

 - c) Why is it important to your organization that this be done?

 - d) What is the impact to your organization of this not being done?

3. How many additional FTE are needed? What is the cost per FTE²?

¹FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Reference Number RST-4Region: Great Plains Region
Organization: RSTJUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TBA</u>	<u>Economic Development - CTGP</u>	<u>348</u>	<u>1,250</u>	<u>902</u>

Justification for Increased Amount:

1. Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc): The Economic Development Office is the hub and nucleus of the Rosebud Sioux Tribe. This program plays a major role in Tribal program development and economic business endeavors in strengthening tribal sovereignty and self-sufficiency. The Economic/Resource Development Program develops, implements and monitors plans and programs for the contractor and tribal members in social, natural resources and economic development areas for the strengthening of tribal government. The Economic Development office conducts long-range planning for the tribe. Assists in seeking funding for and initiates approved tribal plans, assists in developing tribal budgets, maintains Bureau contracted programs, monitors the Consolidated Tribal Government Programs contract, other P.L. 93-638 contracts and programs, and provides technical assistance when needed with tribal programs.

2. What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?
The ability to assist in the developing on a progressive level that would allow the tribe to move forward without restraint due to the shortage of funding.

a) What will be done? Statistical studies and updates to current reports regarding population, land and overall economic and developmental needs of the Rosebud.

b) How will it be done? Increase staffing shortfalls for the tribe. Upgrade with technology systems throughout the tribal structure.

c) Why is it important to your organization that this be done? The importance of self-sustainability for the tribe is of high priority. In order to stay and become self-sustaining we need to expand into technology development and work towards the economic development for the betterment of our tribal members. The increased population growth that the tribe is experiencing is on the rise in the areas of our younger population. The areas where the tribe is lacking into development as we move forward into the 21st century.

d) What is the impact to your organization of this not being done? Levels and the quality of services that are required and needed are nowhere close to being addressed.

¹FY 2003 Planning Base is the FY 2001 Enacted level.

3. How many additional FTE are needed? What is the cost per FTE³ ?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.

³For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Reference Number RST-10Region: Great Plains Region
Organization: RSTJUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TAA</u>	<u>Natural Resources - CTGP</u>	<u>197</u>	<u>1 028</u>	<u>831</u>

Justification for Increased Amount:

- Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** The Natural Resource program provides for the protection, preservation, planning, development, administration and regulation of the tribe's valuable land, water, air, wildlife and the various natural resources found on the Rosebud Indian Reservation.
- What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?** To adequately staff and manage the vast amount of resources on the Rosebud. By the purchasing of necessary equipment that would allow for management of the above mentioned resources.
 - What will be done?** The staffing numbers would be increased to help aid in delivery of services on a level closer to manageability.
 - How will it be done?** The purchasing of equipment or help aid in the enhancement to the delivery of services. The shortfall experienced in staffing would be addressed to what is adequate in the amount of acreage that is needed to be covered.
 - Why is it important to your organization that this be done?** The resources of the tribe are of extreme importance due to the value in which they hold to the quality of life that is attributed to our tribal members. The purity of our waters and the cleanliness of our lands and the growth of our wildlife is of great value and importance to our people. This is on the lines of preservation and protection to our reservation.
 - What is the impact to your organization of this not being done?** Lack of manageability at the level that should be and is expected of what a 100% funding level would accomplish.
- How many additional FTE are needed? What is the cost per FTE² ?**
- Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.**

¹FY 2003 Planning Base is the FY 2001 Enacted level.²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov

Reference Number RST-15

Region: Great Plains Region
 Organization: RST

JUSTIFICATION STATEMENT
 Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
TPA	Forestry - CTGP	70,000	750,000	680,000

Justification for Increased Amount:

1. Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc): This program is a component of the CTGP of the Rosebud Sioux Tribe and is responsible for the maintenance and protection of the tribe's forest resources.
2. What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?
 - a) What will be done? Hiring a professional forester and for the purchase of a sawmill.
 - b) How will it be done? Through the existing process of the tribe.
 - c) Why is it important to your organization that this be done? It is important to be able to harvest existing resources to replenish what is harvested and still provide for a more economic base for this program.
 - d) What is the impact to your organization of this not being done? This program has been severely under funded since the beginning of the program. If more funding is obtained, the tribe may be able to hire a professional forester to administer the program and its total operations.
3. How many additional FTE are needed? What is the cost per FTE² ?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes, all funds will be obligated.

¹FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Reference Number RST-16Region: Great Plains Region
Organization: RSTJUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TPA</u>	<u>Water Resources - CTGP</u>	92	984	892

Justification for Increased Amount:

- Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc): This program supports the preservation of all water resources for the Rosebud Sioux Tribe.
- What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)? This funding level will allow for on going projects of the tribe.
 - What will be done? Provide for adequate staff and maintain staff's training needs.
 - How will it be done? Standard operating process.
 - Why is it important to your organization that this be done? Important to fund the tribe at a level for preserving one of its most important natural resources, water.
 - What is the impact to your organization of this not being done? Lack of adequate funding hinders preservation activities of the tribe.
- How many additional FTE are needed? What is the cost per FTE²?
- Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.

¹FY 2003 Planning Base is the FY 2001 Enacted level.²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov

Region: Great Plains Region
 Organization: RST

JUSTIFICATION STATEMENT Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TPA</u>	Contract Support Funds	709	2,506	<u>1,791</u>

Justification for Increased Amount:

1. Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc): This line item funds the indirect costs associated with the tribes administering programs contracted from the Bureau of Indian Affairs.

2. What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?
 The funds will assist with adequate upgrade to the administrative support structure of the Rosebud Sioux Tribe.
 - a) What will be done? Delivery of services required for the operation and implementation of the contracts.
 - b) How will it be done? In the most efficient means provided by the administrative services from the tribe.
 - c) Why is it important to your organization that this be done? To adequately be able to operate the large amount of 638 contracted programs that the tribe has.
 - d) What is the impact to your organization of this not being done? The tribe currently needs to have sufficient funds to provide the administrative support to cover the workload that is generated by the high volume of accountability required for the 638 programs. The most accurate accountability for the Financial Management is crucial to the sustainability of the existing contracted programs. So the tracking and management for the tribe takes an increased amount of man-hours that would management for the tribe takes and increased amount of man-hours that would not be necessary otherwise.

3. How many additional FTE are needed? What is the cost per FTE² ?

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.

¹FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Region: Great Plains Region
 Organization: RST

JUSTIFICATION STATEMENT Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TAA</u>	Indian Child Welfare Act	85	290	415

Justification for Increased Amount:

1. **Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** The ICWA was enacted by Congress in 1978 to curtail the massive removal (primarily by state agencies and courts) of Indian children from their homes. The intent of ICWA is to assure that those children, who must be removed, be placed in homes that reflect their unique cultures and traditions. The ICWA program is the central point of contact for Tribal government and families seeking temporary and permanent placement of children.
2. **What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?** Professional staffing and legal representation to provide counseling to families and consultation to tribal government.
 - a) **What will be done?** Provide the Rosebud Sioux Tribe with a system to license and regulate Indian foster homes and adoptive homes, provide parental training on how to care for children with the goal of eliminating neglect and abuse and the resources to work harmoniously with the RST court in the implementation of the Act.
 - b) **How will it be done?** Redesigning of the current ICWA program, selection of qualified professional personnel who will administer the program achieving a consistent application of the law as intended by Congress.
 - c) **Why is it important to your organization that this be done?** To enable the tribe to administer a program using a "Best Interest of the Child" standard in denying transfers of child custody proceedings involving Indian children from state to tribal courts.
 - d) **What is the impact to your organization of this not being done?** Inadequate funding prohibits the tribe from addressing the problem of culture dissonance, caused by the federal and state efforts to destroy Indian cultures, in a culturally neutral arena without external value judgement eroding the process. Adequate funding will permit the tribe to resolve the social, and family problems internally and bring back into the fold many of their children torn away because of past efforts of assimilation. This process will be a long and arduous one, but it has an effective underpinning because of the enactment of ICWA, the historical

¹FY 2003 Planning Base is the FY 2001 Enacted level.

3. How many additional FTE are needed? What is the cost per FTE² ?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Reference Number KJF-21Region: Great Plains
Organization: RSTJUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TPA</u>	Svs. to Children, Elderly, Families	391	800	409

Justification for Increased Amount:

1. Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):

2. What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?
 - a) What will be done?

 - b) How will it be done?

 - c) Why is it important to your organization that this be done?

 - d) What is the impact to your organization of this not being done?

3. How many additional FTE are needed? What is the cost per FTE²?

¹FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Reference Number RJ-4Region: Great Plains Region
Organization: RSTJUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TPA</u>	<u>Economic Development - CTGP</u>	<u>343</u>	<u>1,250</u>	<u>907</u>

Justification for Increased Amount:

- Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** The Economic Development Office is the hub and nucleus of the Rosebud Sioux Tribe. This program plays a major role in Tribal program development and economic business endeavors in strengthening tribal sovereignty and self-sufficiency. The Economic/Resource Development Program develops, implements and monitors plans and programs for the contractor and tribal members in social, natural resources and economic development areas for the strengthening of tribal government. The Economic Development office conducts long-range planning for the tribe. Assists in seeking funding for and initiates approved tribal plans, assists in developing tribal budgets, maintains Bureau contracted programs, monitors the Consolidated Tribal Government Programs contract, other P.L. 93-638 contracts and programs, and provides technical assistance when needed with tribal programs.
- What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?**
The ability to assist in the developing on a progressive level that would allow the tribe to move forward without restraint due to the shortage of funding.
 - What will be done?** Statistical studies and updates to current reports regarding population, land and overall economic and developmental needs of the Rosebud.
 - How will it be done?** Increase staffing shortfalls for the tribe. Upgrade with technology systems throughout the tribal structure.
 - Why is it important to your organization that this be done?** The importance of self-sustainability for the tribe is of high priority. In order to stay and become self-sustaining we need to expand into technology development and work towards the economic development for the betterment of our tribal members. The increased population growth that the tribe is experiencing is on the rise in the areas of our younger population. The areas where the tribe is lacking into development as we move forward into the 21st century.
 - What is the impact to your organization of this not being done?** Levels and the quality of services that are required and needed are nowhere close to being addressed.

¹ FY 2003 Planning Base is the FY 2001 Enacted level.

3. How many additional FTE are needed? What is the cost per FTE¹ ?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.

¹For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov

Reference Number RST-10Region: Great Plains Region
Organization: RSTJUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TPA</u>	<u>Natural Resources - CTGP</u>	197	1,028	831

Justification for Increased Amount:

- Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** The Natural Resource program provides for the protection, preservation, planning, development, administration and regulation of the tribe's valuable land, water, air, wildlife and the various natural resources found on the Rosebud Indian Reservation.
- What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?**
To adequately staff and manage the vast amount of resources on the Rosebud. By the purchasing of necessary equipment that would allow for management of the above mentioned resources.
 - What will be done?** The staffing numbers would be increased to help aid in delivery of services on a level closer to manageability.
 - How will it be done?** The purchasing of equipment of help aid in the enhancement to the delivery of services. The shortfall experienced in staffing would be addressed to what is adequate in the amount of acreage that is needed to be covered.
 - Why is it important to your organization that this be done?** The resources of the tribe are of extreme importance due to the value in which they hold to the quality of life that is attributed to our tribal members. The purity of our waters and the cleanliness of our lands and the growth of our wildlife is of great value and importance to our people. This is on the lines of preservation and protection to our reservation.
 - What is the impact to your organization of this not being done?** Lack of manageability at the level that should be and is expected of what a 100% funding level would accomplish.
- How many additional FTE are needed? What is the cost per FTE² ?**
- Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.**

¹FY 2003 Planning Base is the FY 2001 Enacted level.²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Reference Number AD-10Region: Great Plains Region
Organization: RSTJUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TPA</u>	<u>Forestry - CTGP</u>	70,000	750,000	680,000

Justification for Increased Amount:

- Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc): This program is a component of the CTGP of the Rosebud Sioux Tribe and is responsible for the maintenance and protection of the tribe's forest resources.
- What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?
 - What will be done? Hiring a professional forester and for the purchase of a sawmill.
 - How will it be done? Through the existing process of the tribe.
 - Why is it important to your organization that this be done? It is important to be able to harvest existing resources to replenish what is harvested and still provide for a more economic base for this program.
 - What is the impact to your organization of this not being done? This program has been severely under funded since the beginning of the program. If more funding is obtained, the tribe may be able to hire a professional forester to administer the program and its total operations.
- How many additional FTE are needed? What is the cost per FTE² ?
- Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes, all funds will be obligated.

¹FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site. www.opm.gov.

Region: Great Plains Region
 Organization: RST

JUSTIFICATION STATEMENT
 Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TFA</u>	<u>Water Resources - CTGP</u>	92	984	892

Justification for Increased Amount:

1. Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc): This program supports the preservation of all water resources for the Rosebud Sioux Tribe.
2. What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)? This funding level will allow for on going projects of the tribe.
 - a) What will be done? Provide for adequate staff and maintain staff's training needs.
 - b) How will it be done? Standard operating process.
 - c) Why is it important to your organization that this be done? Important to fund the tribe at a level for preserving one of its most important natural resources, water.
 - d) What is the impact to your organization of this not being done? Lack of adequate funding hinders preservation activities of the tribe.
3. How many additional FTE are needed? What is the cost per FTE² ?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.

¹FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov

Region: Great Plains Region
 Organization: RST

JUSTIFICATION STATEMENT

Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TPA</u>	Contract Support Funds	709	2,500	<u>1,791</u>

Justification for Increased Amount:

1. **Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** This line item funds the indirect costs associated with the tribes administering programs contracted from the Bureau of Indian Affairs.

2. **What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?**
 The funds will assist with adequate upgrade to the administrative support structure of the Rosebud Sioux Tribe.
 - a) **What will be done?** Delivery of services required for the operation and implementation of the contracts.
 - b) **How will it be done?** In the most efficient means provided by the administrative services from the tribe.
 - c) **Why is it important to your organization that this be done?** To adequately be able to operate the large amount of 638 contracted programs that the tribe has.
 - d) **What is the impact to your organization of this not being done?** The tribe currently needs to have sufficient funds to provide the administrative support to cover the workload that is generated by the high volume of accountability required for the 638 programs. The most accurate accountability for the Financial Management is crucial to the sustainability of the existing contracted programs. So the tracking and management for the tribe takes an increased amount of man-hours that would management for the tribe takes and increased amount of man-hours that would not be necessary otherwise.

3. **How many additional FTE are needed? What is the cost per FTE² ?**

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.**

¹ FY 2003 Planning Base is the FY 2001 Enacted level

² For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Region: Great Plains Region
 Organization: RST

JUSTIFICATION STATEMENT

Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TAA</u>	Indian Child Welfare Act	85	500	415

Justification for Increased Amount:

1. **Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** The ICWA was enacted by Congress in 1978 to curtail the massive removal (primarily by state agencies and courts) of Indian children from their homes. The intent of ICWA is to assure that those children, who must be removed, be placed in homes that reflect their unique cultures and traditions. The ICWA program is the central point of contact for Tribal government and families seeking temporary and permanent placement of children.

2. **What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?** Professional staffing and legal representation to provide counseling to families and consultation to tribal government.
 - a) **What will be done?** Provide the Rosebud Sioux Tribe with a system to license and regulate Indian foster homes and adoptive homes, provide parental training on how to care for children with the goal of eliminating neglect and abuse and the resources to work harmoniously with the RST court in the implementation of the Act.

 - b) **How will it be done?** Redesigning of the current ICWA program, selection of qualified professional personnel who will administer the program achieving a consistent application of the law as intended by Congress.

 - c) **Why is it important to your organization that this be done?** To enable the tribe to administer a program using a "Best Interest of the Child" standard in denying transfers of child custody proceedings involving Indian children from state to tribal courts.

 - d) **What is the impact to your organization of this not being done?** Inadequate funding prohibits the tribe from addressing the problem of culture dissonance, caused by the federal and state efforts to destroy Indian cultures, in a culturally neutral arena without external value judgement eroding the process. Adequate funding will permit the tribe to resolve the social, and family problems internally and bring back into the fold many of their children torn away because of past efforts of assimilation. This process will be a long and arduous one, but it has an effective underpinning because of the enactment of ICWA, the historical

¹FY 2003 Planning Base is the FY 2001 Enacted level.

3. How many additional FTE are needed? What is the cost per FTE² ?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Reference Number KST-7

Region: Great Plains
 Organization: RST

BUDGET C

JUSTIFICATION STATEMENT
 Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TPA</u>	Housing Improvement Program & Housing Development Costs	<u>432</u>	2,000,000	<u>1,565</u>

Justification for Increased Amount:

1. Briefly describe the current program: Housing Improvement Program is a safety net program and is administered by the RST through a P.L. 93-638 contract with the BIA. It provides a grant to fund services to repair, renovate, replace and provide housing for the neediest families having substandard housing.

2. For FY 2003, what additional funds are needed? Calculate unmet need as follows:

- 400 Total # of eligible applicants 100 - HIP/ 300 - PHAP
- 500 Total # of housing shortages (Figures from occupancy)
- 9.40 Total funding associated with these shortages (400 Repairs, 500 New, \$35,500)
- 678 Housing development costs, (i.e. inspection, processing applications, administration, estimating flood insurance costs, NEPA reviews)

3. What will the additional funds provide? Bring substandard units to a safe and liveable standard. Replace or provide new units for condemned units.

- a) What will be done? Total rehabilitation/replacement or condemned.
- b) How will it be done? Force account. Through the hiring of tribal members.
- c) Why is it important to your organization that this be done? To bring substandard units up to standard/replace condemned units. To lesson the demands for rental units.

¹FY 2003 Planning Base is the FY 2001 Enacted level

d) **What is the impact to your organization of this not being done?** Many families are living in substandard housing which greatly impacts the poor health of some of our tribal members and the socio-economics of the reservation.

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)** Yes, if the funding was provided, the projects could be completed within the 2 year fund availability.

Budget C

Reference Number RST-3Organization: A07-Rosebud Agency - RSTBUDGET C

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2003 Planning Base	Total Need	Unmet Need
TPA	Scholarship/Higher Education	\$708	\$2,142	\$1,434

Justification for Increased Amount

1. Briefly describe the current program: The Higher Education Scholarship Program provides supplemental scholarships to tribal students pursuing a degree in an institution of higher education.

2. What additional funds are needed? Calculate unmet need as follows:

<u>10</u>	Projected growth of student population
<u>1,028</u>	# of students accepted into college
<u>\$566,490</u>	Dollar amount of unfounded scholarship need for existing students (please estimate cost for state tuition, books, room and board less any costs already provided by tribe)
<u>\$867,755</u>	Dollar amount of unfounded scholarship need for projected student population (please estimate using cost for state tuition, books, room and board)

3. What will additional funds provide? Additional funds will provide additional scholarships to eligible students. Currently we do not fund over 500 students who are eligible for scholarships.
 - a) What will it be done? More eligible students will be granted scholarships.
 - b) How will it be done? We will continue to use the same process we use now.
 - c) Why is it important to your organization that this be done? It is important to us that all students desiring a higher education be able to get a degree without a financial barrier preventing them from going to college.
 - d) What is the impact to your organization of this not being done? We will continue to fund only those students for whom we have sufficient funds and we will continue to not fund in excess of 500 students each year.

3. How many additional FTE are needed? 0 What is the cost per FTE? _____

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)

All funds will be fully obligated each year.

1. FY 2003 Planning Base is the funding level included in the FY 2002 President's Budget.
2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/payrates/index.htm

Region: 7KCTLLHIN
 Organization: BST

Budget B

JUSTIFICATION STATEMENT Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
TPA	Adult Education	50	300	250

Justification for Increased Amount:

1. Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):

The Adult Education Program is responsible for the provision of adult education and GED services for tribal members and tribal communities on the Rosebud Reservation.

2. What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?

Additional funding will allow the program to expand through added personnel positions and thus reach a greater percentage of our 20 tribal communities.

a) What will be done? Services extended to all 20 tribal communities including GED tutoring/testing and other ongoing direct services related to adult education needs.

b) How will it be done? In the same manner as currently provided except with more personnel and direct services within each community.

c) Why is it important to your organization that this be done? Adequate funding will provide continuing and new services to those isolated portions of the reservation which are historically underserved.

d) What is the impact to your organization of this not being done? Current level of funding provides direct services to only 33% of total reservation communities.

3. How many additional FTE are needed? What is the cost per FTE¹ ?

¹FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Region: GREAT PLAINS
 Organization: BST

Reference Number RST-6**Budget B**

JUSTIFICATION STATEMENT
 Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
TPA	Tribally Controlled Com. Colleges	200	700	500

Justification for Increased Amount:

1. Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):

This program defrays faculty and support staff salaries associated with academic delivery and student services at Sinte Gleska University.

2. What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)? Additional funding will allow for added instructional positions and salary increases so that SGU can attract the most qualified faculty/staff for its students.

a) **What will be done?** Academic program expansion and a strengthening of existing services in order to meet growing student population and higher education demands of the 21st century.

b) **How will it be done?** In the same manner as currently provided except with increased positions to enable greater opportunities for student access and success.

c) **Why is it important to your organization that this be done?** Student population increases call for expanded curriculum and workforce development for our tribal nation.

d) **What is the impact to your organization of this not being done?** Instructors are not receiving competitive salaries and academic delivery is not expanding at the same rate as new technological and professional requirements.

3. How many additional FTE are needed? What is the cost per FTE¹?

¹FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Budget C

Reference Number RST-13Organization: A07-Rosebud Agency - RST

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2003 Planning Base	Total Need	Unmet Need
TPA	Johnson O'Malley Program	\$245	\$300	\$55

Justification for Increased Amount

1. **Briefly describe the current program:** The Johnson O'Malley Program provides support for supplemental programs in public schools to reduce the drop-out rate, improve attendance and provide culturally appropriate activities which enhance and reinforce academic achievement.
2. **What will the additional funds provide?** Additional services to children and families
 - a) **What will be done?** Funds will be made available to each school's Indian Education Committee to create their program.
 - b) **How will it be done?** Each Indian Education Committee will design their program according to the needs of the particular school and students, then budget the funds accordingly.
 - c) **Why is it important to your organization that this be done?** Tribal students have low academic success, high drop-out rates and very poor attendance, these funds will help schools alleviate these problems through special program that will target highly at-risk students.
 - d) **What is the impact to your organization of this not being done?** We will continue to combat these problems without adequate resources to impact the problems.
3. **How many additional FTE are needed?** 0 **What is the cost per FTE?** 0
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**
These funds will be fully obligated each year.

-
1. FY 2003 Planning Base is the funding level included in the FY 2002 President's Budget.
 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/payrates/index.htm
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Budget C

Reference Number RST-18Organization: A07-Rosebud Agency - RST

JUSTIFICATION STATEMENT

Unmet Need

Budget Category	Program Title	FY 2003 Planning Base	Total Need	Unmet Need
TPA	Other Education Tribal Education Department	\$0.00	\$250	\$250

Justification for Increased Amount

1. **Briefly describe the current program:** The Tribal Education Department is authorized by Rosebud Sioux Tribe Ordinance 91-04 to administer the Tribal Code of Education. The responsibility of the department is to monitor schools compliance with the Tribal Code of Education, monitor student performance, to develop tribal specific curricula, develop education standards and assessments, develop and monitor teacher re-certification, and provide technical assistance to schools to assist them in meeting requirements of the Tribal Code of Education.

2. **What will the additional funds provide?** The funds will provide the department the capacity to fulfill its responsibilities as outlined in the Tribal Code of Education.
 - a) **What will be done?** The department will develop its capacity and infrastructure to administer the Code.
 - b) **How will it be done?** Additional staff will be hired to develop technical capability to monitor compliance, develop tribal specific curricula, and provide technical assistance to schools.
 - c) **Why is it important to your organization that this be done?** It is important that the Tribal Education Department fulfill its responsibility to the Rosebud Sioux Tribe because Code compliance will strengthen tribal sovereignty, preserve, protect and perpetuate the Rosebud Sioux Tribe by providing a framework for culturally appropriate education, ensuring that students reach their potential, and that education to tribal children is provided in a manner that is acceptable to the people of the Rosebud Sioux Tribe.
 - d) **What is the impact to your organization of this not being done?** We will continue to operate without sufficient funding to fulfill the responsibility and Code compliance and monitoring will be inadequate to meet the intent of the law.

3. **How many additional FTE are needed?** 4 **What is the cost per FTE?** \$35,000

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)**

Funds will be fully obligated each year.

-
1. FY 2003 Planning Base is the funding level included in the FY 2002 President's Budget.
 2. For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM website: www.opm.gov/cca/pavrates/index.htm
-

Region: GREAT PLAINS
 Organization: RST

Reference Number RST-12

Budget B

JUSTIFICATION STATEMENT
 Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
TPA	Job Placement & Training	206	800	594

Justification for Increased Amount:

- Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):
 The Job Placement and Training Program provides support costs for vocational educational opportunities for both SGU students and students attending off-reservation institutions.
- What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?
 Additional funding will allow the program to expand and operate at a level which provides financial assistance to approximately 100 more program participants
 - What will be done? Annual student applications will be awarded at the time of acceptance into an approved vocational training institution.
 - How will it be done? In the same manner as currently provided except that more students will be funded each year.
 - Why is it important to your organization that this be done? Program funding does not correspond to the number of yearly applicants and the result is that tribal entities do not gain necessary skilled workforce.
 - What is the impact to your organization of this not being done? Insufficient funding combined with number of applications means that a large percentage of students must wait for 1-2 years prior to attendance.
- How many additional FTE are needed? What is the cost per FTE²?

¹FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Region: Great Plains Region

Organization: _____

JUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>TPA</u>	Road Maintenance	297	3,500	3,203

Justification for Increased Amount:

1. Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc): This program is responsible for the maintenance and repairs of roads and bridges that are a part of the Federal Aid Indian Road System.
2. What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)? This funding will provide the program with the necessary equipment, supplies, etc. to make major repairs to existing equipment and to replace dated and unserviceable equipment and machinery. This level of funding will also provide for overtime, fuel, and road patching materials expenses.
 - a) What will be done? Repair/replace existing equipment and machinery.
 - b) How will it be done? Standard operating process.
 - c) Why is it important to your organization that this be done? The current budget does not allow for anything other than status quo operations. There is and has been a definite need for major repair or replace to existing, dated equipment and machinery. We continue to expend operating funds on old and sometimes unserviceable equipment and machinery; this is the long term, costs the program more direct dollars in man-hours, overtime, and supplies because of downtime.
 - d) What is the impact to your organization of this not being done? The impact of this program not having the funding to correct the problems will continue to cost the program unnecessarily in repairs on dated equipment. Without the fully operational equipment and machinery, it takes longer to get projects completed; and damaged roads and bridges create safety hazards and risks to the users.
3. How many additional FTE are needed? What is the cost per FTE² ?

¹FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes, all funds will be obligated.

Region: Great Plains Region

Organization: _____

JUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>NRP</u>	Noxious Weed Eradication		95	95

Justification for Increased Amount:

1. **Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** This program is responsible for eradication and maintenance of noxious weeds on the trust lands of the Rsoebud Sioux Tribe.

2. **What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?** The tribe is in desperate need of aerial spraying of infested areas that have not been dealt with because of the lack of funding.
 - a) **What will be done?** This will allow for the contracting of aerial spraying.
 - b) **How will it be done?** Through the contractual process of the tribe.
 - c) **Why is it important to your organization that this be done?** This is critical to control the infestation of noxious weeds in a manner that will assure maximum eradication.
 - d) **What is the impact to your organization of this not being done?** Without the funding to do this, we will continue to have unattended infestation.

3. **How many additional FTE are needed? What is the cost per FTE²?**

4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)** Yes, all funds will be obligated.

¹ FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Region: Great Plains Region
 Organization: RST

JUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<u>NRP</u>	Water Management	35	90	55

Justification for Increased Amount:

1. **Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** This program is responsible for the protection, development and regulation of all surface and groundwater related to trust property owned by the Rosebud Sioux Tribe and its members. The program is also responsible for the disposal of solid waste and control of noxious weeds.
2. **What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?** This funding will allow for a feasibility study to be conducted on the remediation alternatives for the groundwater contamination by nitrate and arsenic.
 - a) **What will be done?** Obtain a feasibility study on remediation alternatives for groundwater contamination by nitrate and arsenic.
 - b) **How will it be done?** Through the existing process of the tribe.
 - c) **Why is it important to your organization that this be done?** At the present time, the nitrate contamination is much too close to the Rosebud Rural Water System production wells. Alternate remediation will ensure safe water and future contamination.
 - d) **What is the impact to your organization of this not being done?** We run the risk of continued contamination to the production wells.
3. **How many additional FTE are needed? 10 What is the cost per FTE² ?**
4. **Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.**

¹FY 2003 Planning Base is the FY 2001 Enacted level.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Region: Great Plains
 Organization: RST

JUSTIFICATION STATEMENT Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<i>NAP</i>	Real Estate Services (Unresolved Rights)	30	975	945

Justification for Increased Amount:

1. **Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** The existing program is contracted by the Rosebud Sioux Tribe. The ongoing issues that are currently being researched are: 1) investigate the impact of diminishment of the 1889 Rosebud Sioux Indian Reservation and change on the jurisdictional boundaries as a result of the US Supreme Court holding in Rosebud Sioux Tribe V Kneip; 2) Assist in the development tribal policies and assist the tribal council and legal counsel in obtaining remedies in connection with land taken from the tribe and its members through condemnation, legislation and administrative rule making in connection with the Pick-Sloan Plan, Ft. Randall Project and other similar matters involving the tribe's interests; 3) Investigate and actively address contemporary issues affecting the ability of the tribe and its members to expand the trust land bases with the 1889 Rosebud Sioux Indian Reservation by conversion of tribal and individually owned land from fee to trust under the IRS, 25 U.S. C. Ss 465, and the Isolated Tracts Act, P.L. 88-196, 77 Stat. 346, as amended; and 4) Work in cooperation with the tribe's legal counsel and resource managers to address illegal diversions of the Big White River, and impacts to the Reservation environment and natural resource base.
2. **What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?** Additional funds will provide the tribe with adequate staff to devote more time to these issues. The issues at hand are extremely vital to the tribe and its membership.
 - a) **What will be done?** The goal is to restore the reservation back to its original boundaries and getting the individually owned land back into trust are possibilities that are invaluable to the tribe and its membership.
 - b) **How will it be done?** Status quo.
 - c) **Why is it important to your organization that this be done?** Impacts have adversely affected the tribe, its land base, services, etc.

¹FY 2003 Planning Base is the FY 2001 Enacted level.

d) What is the impact to your organization of this not being done? The impacts of this not being done are innumerable.

3. How many additional FTE are needed? What is the cost per FTE²?

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) All funds will be obligated each year.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Region: Great Plains
 Organization: Rosebud Sioux Tribe

JUSTIFICATION STATEMENT
 Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
	Law Enforcement	1,698	4,497	2,799

Justification for Increased Amount:

1. **Briefly describe the current program:** This program provides the Tribe with enforcement of Federal and tribal laws throughout the reservation boundaries and for the tribal membership. Provides Safety of both tribal members and non-members on both state and tribal highways. Works with local communities within the reservation to seek advice and leadership on how to better serve the members of the tribe. Contributes to community you to aid in the betterment of our local youth by teaching and assuming the lead in alternatives to substance abuse and gang activity.

2. For FY 2003, what additional funds are needed? Calculate unmet need as follows:

- 3.1 Total # of additional FTE's needed for reservations with 24 hour coverage
- 1748 Estimate of total funding needed for these FTEs
- 1,057 Total funding needed for detention services and/or facilities \$

3. **What will the additional funds provide?** If law enforcement services were funded at 100%, the tribe would have sufficient coverage throughout the reservation boundaries and for the large population in which they are expected to cover. To enhance safety and protection at the level in which is needed and deserved.

a) **What will be done?** Increased staffing and upgrade of equipment and expansion of technology services to also cover the expected continual training needs for personnel

b) **How will it be done?** With adequate staffing and proper equipment and vehicles the broad range of duties in which are required and expected to be handled would allow LES to cover and properly address the high volume of calls in which they receive. Time management would better be enforceable. Relief to excessively overworked and understaffed law enforcement employees would cause the necessary downtime needed to cover reports and required days off

¹FY 2003 Planning Base is the FY 2001 Enacted level.

c) **Why is it important to your organization that this be done?** To allow for safety of not only the members of the tribe but for the employees of law enforcement services. Better delivery of services that are needed for the protection of human life.

d) **What is the impact to your organization of this not being done?**

The delivery of services are being met, but it would be of utmost improvement if the assistance could be given to each and every call from individuals requiring service. Overworked staff operating on long shifts and not be able to get the required days off at times, fatigue and stress levels are increased by this happening. Thus having an end result of quality of service possibly jeopardizing the members of the tribe. Leaving too much possibility room for error with lack of basic needs for staff than has an effect on the people that they are expected to serve.

4. Can these funds be 100% obligated within the 2-year fund availability? Yes, all funds will be obligated each year. If not, then why not? (i.e., external factors such as construction project)

Region: Great Plains Region
 Organization: RST

JUSTIFICATION STATEMENT Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
<i>SPP</i>	Facilities Mgt: Facilities Operations		600	600

Justification for Increased Amount:

1. **Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** The Juvenile Detention center will provide services two fold; one type of service will be dealing with comprehensive services to the tribal youth that will involve education, traditional teachings, holistic healing, mental and physical improvement of one's self-esteem; second, will entail youth that have been through the adjudication process on a tribal state, or federal level for placement at the facility and they will participate in all the comprehensive services that are available through the facility.
2. **What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?** The tribe is currently non serviced in this area. We have numerous youth offenders that are sent to facilities off-reservation; the funding will allow for the tribe to operate its new facility and keep our youth at home where they can be given the nurturing and healing from a cultural and traditional based methodology.
 - a) **What will be done?** Certified and secured staff that meet all the requirements of P.L. 101-630 will be retained to work with the youth within the facility. Operating costs are necessary to provide optimum services in the tribe's endeavor to assist the youth during their detainment in the facility.
 - b) **How will it be done?** The implementation of staff and delivery of services will attribute to the manageability of the facility bringing it up to maximum operations.
 - c) **Why is it important to your organization that this be done?** It is the tribe's goal to offer these services to the tribe and its own membership. A facility such as this will not only give the youth offenders a place to go for the assistance that they may need, but will also allow for family intervention, healing, counseling, etc.
 - d) **What is the impact to your organization of this not being done?** 100% of the youth offenders are sent to off reservation facilities. This is not consistent with the cultural and traditional methodology for correcting inappropriate behavior of our young. Also, when the youth are returned home, there is no facility to allow for follow up or after care treatment when needed. The youth often fall back into the wrong behavioral patterns and continue this through adult hood.

¹FY 2003 Planning Base is the FY 2001 Enacted level.

3. How many additional FTE are needed? What is the cost per FTE² ?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Reference Number RST-20Region: Great Plains Region
Organization: RSTJUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
SPP	Facilities Mgt: Facilities Maintenance		344	344

Justification for Increased Amount:

1. **Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** The Juvenile Detention center will provide services two fold; one type of service will be dealing with comprehensive services to the tribal youth that will involve education, traditional teachings, holistic healing, mental and physical improvement of one's self-esteem, second; will entail youth that have been through the adjudication process on a tribal state, or federal level for placement at the facility and they will participate in all the comprehensive services that are available through the facility.

2. **What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?**

The tribe is currently non serviced in this area. We have numerous youth offenders that are sent to facilities off-reservation; the funding will allow for the tribe to operate its new facility and keep our youth at home where they can be given the nurturing and healing from a cultural and traditional based methodology. The funding will provide for the necessary maintenance to keep the facility operational and safe.

a) **What will be done?** Certified and secured staff that meet all the requirements of P L. 101-630 will be retained to work with the youth within the facility. Maintenance costs are necessary to meet and maintain safety and health requirements for a 24 hour, 7 day a week facility.

b) **How will it be done?** The implementation of staff and delivery of services will attribute to the maintenance of the facility according the health and safety standards.

c) **Why is it important to your organization that this be done?** It is the tribe's goal to offer these services to the tribe and its own membership. A facility such as this will not only give the youth offenders a place to go for the assistance that they may need, but will also allow for family intervention, healing, counseling, etc.

d) **What is the impact to your organization of this not being done?** 100% of the youth offenders are sent to off reservation facilities. This is not consistent with the cultural and traditional methodology for correcting inappropriate behavior of our young. Also, when the youth are returned home, there is no facility to allow for follow up or after care treatment when needed. The youth often fall back into the wrong behavioral patterns and continue this through adult hood.

¹FY 2003 Planning Base is the FY 2001 Enacted level.

3. How many additional FTE are needed? What is the cost per FTE²?
4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Region: Great Plains Region
 Organization: RST

JUSTIFICATION STATEMENT
 Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
CON	Pub.Saf.&Just:Facilities Improve. & Repair		1,000	1,000

Justification for Increased Amount:

1. **Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** The Rosebud Sioux Tribal Court currently provides for the administration of justice in the criminal, civil, children's and appellate courts systems on the Rosebud Indian Reservation. We currently have a staff of 33.
2. **What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?**
 The additional funds would allow for the court to expand the present facility. Preliminary cost estimates to remodel and do the expansion totaled \$825,550 when we received the estimate in 1999; but due to inflation, the cost today would exceed \$1,000,000.
 - a) **What will be done?** An increase in grant monies has also increased the staffing and workload of the tribe court. The current structure has one courtroom and uses the jury assembly room for a second court room which causes a lot of confusion and delays when you have all three courts scheduled for the day, or when there is a jury trial and both rooms are needed for criminal court. When this occurs, the other two courts have to either reschedule their cases, or hold court in their chambers.
 - b) **How will it be done?** The addition and improvements will completed according to standard operating procedures.
 - c) **Why is it important to your organization that this be done?** This is an important function of the tribe in its assertion of self-determination and sovereignty. The increased workload and staffing has necessitated the need for expanding the current facility.
 - d) **What is the impact to your organization of this not being done?** Without adequate space available, the court system has difficulty providing the necessary and required court services to the tribe and its membership. When court cases have to be rescheduled, this causes an adverse impact on all those involved in the case.

¹FY 2003 Planning Base is the FY 2001 Enacted level.

Tribal Court Statement

3. How many additional FTE are needed? What is the cost per FTE² ?

4. Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes.

²For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Reference Number RST-21Region: Great Plains Region
Organization: RSTJUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
	Res Mgmt: Safety of Dams	8500	8900	400

Justification for Increased Amount:

- Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc):** This program supports the renovation and rehabilitation of identified and prioritized high hazard dams on the reservation.
- What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?**
This funding level will allow for on going projects of the tribe and will maintain funding at a level to keep up with inflation costs.
 - What will be done?** Provide for adequate funding for restoration and renovation of high hazard dams.
 - How will it be done?** Standard operating process.
 - Why is it important to your organization that this be done?** It is important to fund the tribe at a level which enables the tribe to restore and renovate dams to a safe level.
 - What is the impact to your organization of this not being done?** Funding is inadequate and has not kept up with the rate of inflation. In addition to this, funding is needed in order to restore and/or renovate dams so they do not pose a risk to the members of the tribe and/or the trust lands of the reservation.
- How many additional FTE are needed? What is the cost per FTE²?**
- Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project)** Yes, all funds will be obligated.

¹ FY 2003 Planning Base is the FY 2001 Enacted level.² For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

Reference Number RST-22Region: Great Plains Region
Organization: RSTJUSTIFICATION STATEMENT
Unmet Need

BUDGET CATEGORY	PROGRAM TITLE	FY 2003 ¹ PLANNING BASE	TOTAL NEED	UNMET NEED
	Res. Mgmt. Dam Maintenance	145	876,000	731

Justification for Increased Amount:

- Briefly describe the current program (include staffing levels, workload data (i.e., cases processed, cases pending, agriculture tracts responsible for, etc): This program is charged with all on-going maintenance for the dams currently in the program. This includes the mowing of grass around appurtenances, removing of debris from service spillways, reading piezometers and lake water levels, and routine visual inspections of the dams on a regular basis.
- What will the additional funds provide (include for example the existing shortfall, need, # of Tribal constituents not served due to lack of funds and this requested increase will serve # of those constituents not currently served, backlog of work, etc pending, etc)?
 - What will be done? Provide for adequate funding for full O&M operations.
 - How will it be done? Status quo operations.
 - Why is it important to your organization that this be done? Important to fund the tribe at a level which enables the tribe to provide routine operation and maintenance on the dams.
 - What is the impact to your organization of this not being done? No impact at this time, but without adequate O&M funding, low hazard dams and renovation work on high hazard dams could pose imminent threat if not properly maintained.
- How many additional FTE are needed? What is the cost per FTE² ?
- Can these funds be 100% obligated within the 2-year fund availability? If not, then why not? (i.e., external factors such as construction project) Yes, all funds will be obligated.

¹ FY 2003 Planning Base is the FY 2001 Enacted level.² For standardization purposes, use the current Federal pay scale for your locality. Information can be found at the OPM web site: www.opm.gov.

“DRAFT”

The Rosebud Sioux Tribe received a grant under the Construction of Correctional Facilities in American Indian and Alaska Native Communities Discretionary Grant Program administered through the Office of Justice Programs, Corrections Program Office on September 30, 1999. The amount of the grant was for \$6,100,770. On October 1, 2000 we were awarded a supplemental grant in the amount of \$3,168,000 for a total of \$9,268,770. Since that time, we have been working on the Architectural Plans and are hoping to break ground on the facility early this fall with completion being anticipated for April 2003.

At this point we are gearing up for transition. Transition is where we go from no facility to one which is fully operational. It involves the preparation of all of the procedural manuals, the forms and data collection methods, hiring procedures, and training requirements. It includes the cementing of all the partnerships with the existing Service providers. Then proceeding through the hiring of all of the staff, performing background checks and training them so that when the facility does open its doors the staff is fully capable of dealing with whatever situation may arise and the possibility of error is eliminated.

It is the desire of the Rosebud Sioux Tribe that this not be a facility that merely warehouses troublesome juveniles but rather one that prepares them for the future. To be productive and responsible members of our society and to be good parents to future generations of youth.

To accomplish this goal is going to require the acquiring of a professional and well trained staff of sufficient size to provide all of the individualized services that will be needed by the youth under its care.

Due to the time constraints imposed by the budgetary cycles we have had to begin by preparing anticipated budgets without the benefit of going through the Transition development process which allows for the evolution of the programs and the budgetary requirements that this will entail. This process might also ultimately require the supplementing of the budgets of existing service programs as the needs of the facility are more fully articulated. This is a new program for us and we want to do it right.

Failure is the inability to provide those services to our youth which would have positive impact on their lives. Without the specifically correct services - a half hearted attempt - will most likely do more harm than good. The long term result would be more lives wasted - more youth entering a life of criminal behavior at best non-productive lives. The long term cost is far greater than the immediate cost of meeting those needs. ((do we want to add something here about remedying those injustices which have been created historically???)

Failure is not an acceptable alternative for the Rosebud Sioux Tribe.

We have our preliminary proposed budgets included in our documentation. Again due to the nature of the budget cycle it may be in need of refinement as we go through our

SOCIAL SERVICES:

The FY 2002 Bureau of Indian Affairs President's Budget request identifies a 2.5 million reduction in the Welfare Assistance Program, a program intended to meet certain specified unmet financial needs of eligible tribal members, residing within each Tribe's designated service area. This program includes direct payment to individuals, who qualify according to the requirements set forth by the Bureau of Indian Affairs; custodial care for adults; a portion of the contractual Tribal Work Experience Program (TWEP); Miscellaneous Assistance, i.e., burial and emergency assistance and specific child welfare needs.

If passed the reduction will affect the neediest of the neediest, according to the Indian Labor Force Report - 1999 "Unemployment, as a percent of the available labor force, increased by one percent in 1999 to 43 percent from 42 percent, as reported in 1997". Documentation at the local BIA Social Service Agencies will show that a large percentage of that 43 percent as being on the General Assistance Program.

Based on the special relationship that exists between the Federal Government and the separate Indian nations, the Bureau of Indian Affairs has a responsibility to provide, when and where needed, social services to children and families. In addition to providing the basic financial assistance, via General Assistance, the Bureau has the responsibility of providing social services for the general welfare of Indian children and youth.

The proposed reduction will cause children, currently served by the program and those other children who are in need of social services because of neglect, abuse, abandonment, birth to a single parent, a mental or physical handicap, emotional problems caused by lack of parental capacity or parenting skills or lack of suitable guardianship. Currently the Bureau of Indian Affairs and Tribal Governments (P.L. 93-638 contract) have the custodial responsibility of hundreds of Native American children who are either in foster homes (therapeutic and regular) and residential homes. The cost of care, in most instances, costs upward and beyond \$100.00 per day. Annually anyone BIA Social Service Program will pay approximately \$500,000 for residential treatment of children who are between birth and 18 years of age. In some instances those children who are between the ages of 18-21 who are receiving Child Welfare Assistance in substitute care (foster home residential/ institutional care) prior to age 18 are eligible for continued care through the age of 21. Children who are living independent of their parents or guardians because of neglect, abandonment or other circumstances under the supervision of the Bureau of Indian Affairs or Tribal Government (P.L. 93-638 contract), and are still attending high school are eligible to receive assistance to meet their basic needs.

Interior Secretary Gale Norton's statement before the Senate Indian Affairs Committee on February 28, 2001, that "no child be left behind" is what will happen if the FY-2002 budget reduction in Welfare Assistance is approved. Indian country is well aware of President Bush's commitment to Education, let's not forget those special need children who must first become healthy both emotionally and physically prior to and while they pursue their education. The Rosebud Sioux Tribe's unmet need in Welfare Assistance grant has been 2.5 million dollars, which includes funding all aspects of Welfare Assistance for the programs on the Rosebud reservation, i.e., General Assistance, Child & Family Services (foster care, residential care) and the ICWA grant line item.

The Indian Child Welfare Act Program is grossly inadequate with an annual funding amount set at \$80,000. Current statistics show we have 1,800 cases within our Indian Child Welfare Act Program, each case consisting of estimated 1-10 siblings, depending on the nature of the case. We receive an average of 255 inquiries a month, approximately 50% are determined ineligible. The average notification process for incoming inquiries takes at least 3 to 5 working days to complete. In addition, for children deemed ineligible for enrollment, a case may take up to 1 to 2 days.

The Indian Child Welfare Act Program staff consists of two people, an administrative assistant and an ICWA Specialist. In conforming to the statistics, we have determined a need of four additional advocates, a program director or coordinator, and three support staff. Therefore, we are requesting additional funding of no less than \$280,000.

To adequately address the needs of our children currently in the state court systems within the United States, we are in desperate need of this additional funding.

A 1976 study by the Association on American Indian Affairs found that 25 to 35 percent of all Indian children were being placed in out-of-home care. Eighty five percent of these children were being placed in non-Indian homes off the reservation or in institutions.

In response to this overwhelming evidence from Native Communities, the loss of their children meant destruction of Native Culture, Congress passed the Indian Child Welfare Act of 1978.

The Act, designed to protect Native families, thus the integrity of Native Culture, has two primary provisions. First, it sets up requirements and standards for child placing agencies to follow in the placement of Native Children. Many States do not follow this standard and do not know what the Indian Child Welfare Act is. This places an additional burden on the Tribes as they must also educate State Social Service Agencies and State Courts on the Indian Child Welfare Act to insure their children and families are taken care of.

The Act also provides Tribes with the ability to participate in child custody proceedings, which gives the Tribes the opportunity to intervene or transfer jurisdiction of a child who is a Tribal member. We need to be able to provide this service to our children, who through no fault of their own, are in State Court Systems. In addition, we need to respond to our Indian Child Welfare Cases on a National level in a consistent manner.

This increased levels of funding will enable us to respond to every child custody proceeding received by the Rosebud Sioux Tribe. As a Tribe, we need to be able to take care of our children and we cannot do this if adequate resources are not available to us. So often in Indian Country, we are not allocated adequate funding to do the best job we can. Instead, we are allocated resources which are profoundly inadequate then blamed for not providing services in an adequate manner.

This Nation saw the need for passage of the Indian Child Welfare Act in 1978. With the passage of this Act comes the responsibility and accountability of Sicangu Lakota Children who are in State Court Systems within the United States.

EDUCATION:

The Rosebud Sioux Tribe has placed a high priority on the education of Tribal students. It is very difficult for the tribe to designate any one education program that is provided by the Bureau of Indian Affairs as their highest priority because all of the programs need sufficient funding in order for the tribe to provide a balance of services for our young people. Our population continues to grow, however, we are held at historical funding levels in the Tribal Priority Allocation, thus we continue to see the gap between actual funding and actual need grow. Of significant impact to our tribe are the figures from the 2001 Census which show that 47% of our on-reservation population is under 18 years of age. We need at least a 100% increase in Higher Education Scholarships and Adult

Vocational Training funds to meet the increases in the number of students requiring funding for post-secondary education.

School construction is a primary concern of the Rosebud Sioux Tribe. We have four schools which were former BIA Day Schools. In the 1950's the Bureau of Indian Affairs wanted out of the education business, thus an agreement between Todd County Public School District and the Bureau of Indian Affairs were initiated. Todd County School District provides educational delivery services to these former BIA schools; the BIA provides the educational facilities and maintains them. These schools are now dilapidated and overcrowded. They are not part of the BIA school system because the BIA does not fund the schools; but the facilities belong to the Bureau of Indian Affairs. Todd County School District applied for new school construction in the BIA's last round of applications, however, they scored extremely low because there is nowhere in the application process that addresses this unique situation. In the meantime, we have over 800 students attending school in facilities that are unsafe and overcrowded. We would like the Bureau of Indian Affairs to construct four new schools on our reservation to take care of their obligation for providing safe educational facilities for our children. We feel this is a treaty obligation of the Federal Government as agreed to in the Great Sioux Nation Treaty of 1868.

We urge the Senate to appropriate funding for our Tribal Education Department, so the department can develop and implement the Tribal Code of Education. It is important that the Tribal Education Department fulfill its responsibility to the Rosebud Sioux Tribe because Code compliance will strengthen tribal sovereignty, preserve, protect and

perpetuate the Rosebud Sioux Tribe by providing a framework for culturally appropriate education, ensuring that students reach their potential. Education to tribal children is provided in a manner that is acceptable to the people of the Rosebud Sioux Tribe.

Adequate funding of our tribal college, Sinte Gleska University, our tribal school, St. Francis Indian School, our dormitory, Rosebud Dormitory, are also primary concerns for the Rosebud Sioux Tribe. These institutions are significant to the educational development of our tribal nation and is a high priority for funding.

HEALTH:

The single most important thing Congress can do for Native American/Alaska Natives, is Re authorization of the Indian Health Care Improvement Act (IHCA), and passing appropriations matching the per capita rate paid for Medicaid recipients annually. Additional appropriations to cover the “wrap around” services provided by IHS, is a necessity, if IHS is to improve the current health status on Native Americans.

Indian Health Services “Wrap around Services” include the components creating a complete health care delivery system integrating preventive, curative, rehabilitative, environmental services, and access to health care, while incorporating direct outpatient and inpatient facilities, and contracting for the provision of specialty services from the private sector. This approach is comprehensive and includes dental, optometry and pharmacy services, public health nurses, community health representatives, sanitation initiatives, housing quarters for providers in remote areas and ambulance services.

The final draft of the IHClA (before any proposed amendments in 1999) was legislation agreed upon by most of tribes who had been working for three years to have the bill include all that we needed, without excesses. The bill as drafted included many issues facing Indian health care today, encompassing, Patient Bill of Rights of Indian People, Current Federal Policy, Inadequate Funding for Indian Health, State/Tribal funding, increasing patient needs. Tribal Contracting/Compacting, IHS Restructuring, Complexity and Disparity in the System, Managed Care, Partnering, Urban Populations, Adherence to the Consultation Policy, Public Health Infrastructure, Psycho Social and Behavioral Health, Tribal Self Determination and Self Governance, Facilities, Health Care and Manpower Issues, Billing, Reimbursement and Financing, Emergency Medical Services, Data and Technology, Long Term Care, Health Care to the Indian People is a prepaid (through loss of land, culture, language, traditions and other atrocious acts against Indians) health care plan, and Congress must move to eliminate disparities through adequate funding. Appropriations for Indian Health Care needs a budget distribution formula, which includes inflation costs, estimated population growth, health disparities by Area.

In summary the Rosebud Sioux Tribe's largest immediate health care needs include funding for the ambulance service. We have the highest call volume of trauma in the State of South Dakota, with funding for one half the need. Every year for the last six years it has been a struggle to remain operational and we are now at a point we can no longer "Rob

Peter to pay Paul,” and increased additional funding for contract health services. The costs of Contract Health Services are directly related to the high call volume seen by our ambulance service.

Passage of the Indian Health Care Improvement Act would greatly reduce many of our unmet needs. Admittedly the entire bill is costly initially, but would do much in the long run to improve the health care of this Nation First Citizens making the United States of America a creditable world power.

ROADS MAINTENANCE:

A list of unmet equipment needs for the Roads Maintenance Program. Included justification for each piece of equipment.

- Two fully equipped dump trucks with one-way snowplows and sander boxes. These are needed as our present dump trucks are over 20 years old and over the years the sand has caused the sander boxes to rust out so many times that they are almost beyond repair anymore. Estimated cost: \$100,000.00 each.
- One motor grader equipped with a “V” snowplow and a snow wing. This is needed as our present motor grader is very old. Estimated cost: \$150,000.00
- Three tri-axle belly dump gravel trailers. These are needed because the trucks we presently have do not meet the required state regulations to travel on the

highways off the reservation. Estimated cost: \$37,000.00 each.

- One portable screening plant. This is needed so we can screen for gravel. At the present time, we have to borrow equipment from other departments; such as the Todd County Highway Department; and not only is their equipment old and in the past has had several breakdowns, but we can only use their equipment when these aren't. Estimated cost: \$180,000.00.
- One front-end wheel loader. This is needed as the one we presently have is very old and is too small for most needs; meaning we have to borrow from another department when a bigger front-end loader is needed. Estimated cost: \$180,000.00
- One back-hoe. This is needed for cleaning around the bridges in the area. Right now we do not have a back-hoe and once again we have to borrow one from another department when we need one. Estimated cost: \$79,000.00.
- One skid-steer loader. This is needed where larger loaders and back-hoe can not go; in tight hard to work areas. Estimated cost: \$35,000.00.
- Personnel: This line item should include at least five more heavy equipment operators, provided we can get the above equipment. This unmet need amount to \$189,612.00.
- Maintenance: Our FY-2001 budget reflect \$23,628.00 for the maintenance of equipment and roads; but our unmet needs realistically should be doubled at \$47,256.00. Maintenance includes 73.7 miles of paved roads. (See attachment #3)

The total estimated costs for the listed equipment is \$997,868.00.

I am hoping that if not all these needs can be met, at least a portions of them will be as it will greatly improve the quality of road maintenance on the reservation.

TRANSPORTATION PLANNING:

A list of unmet needs for TEA-21.

- **Road Construction:** There are 32.6 miles of gravel surface roads (see attachment #4) These roads should be paved instead. Using the formula for complete new construction at \$1,000,000.00 per mile; this unmet need totals \$32,600,000.00.
- **Building:** The current Roads administrative office is over 63 years old. It houses the shop, warehouse and vehicle maintenance area. The building is 50 foot by 100 foot. The other storage building is 28 years old and measures 50 foot by 140 foot, which stores vehicles and equipment. Future space expansion are planned to house administrative office space to include Roads Maintenance Department, TEA-21 Transportation Planning and BIA Engineers. A line item for office space with a Maintenance shop should measure 13,225 sq. ft. @ \$85.00 per sq. foot = \$1,124,125.
- **Shop/Vehicle Inventory:** New basic tools, specialized tools and technical equipment are needed for everyday use and would cost at least \$30,000.00.
- **Sub-stations:** With almost 1,000,000 acres covering the counties of Todd, Tripp, Mellette and Gregory; the 20 communities are vastly scattered. Due to the distance between communities, 3 sub-stations would be justified; each would have the following:

1-heavy equipment operator	\$ 37,923.00
1-front-end loader (leased)	\$ 56,400.00
1-road grader (leased)	\$ 80,000.00
1-skid-steer loader	\$ 24,000.00
	<u>\$198,723.00</u>

If three sub-stations were equipped, this line item would total \$596,169.00.

Totals: Road Construction	\$ 32,600,000.00
Building	\$ 1,124,125.00
Shop/Vehicle Inventory	\$ 30,000.00
Sub-Stations	\$ 198,723.00
 Total Unmet Needs:	 \$ 33,952,848.00

- Attachments: #1 - FY-2001 Roads Maintenance Budget
- #2 - FY-2001 Roads Maintenance Inventory
- #3 - page 3/item #3
- #4 - page 4/item #4

Detention Facility

The Rosebud Sioux Tribe received a grant under the Construction of Correctional Facilities in American Indian and Alaska Native Communities Discretionary Grant Program administered through the Office of Justice Programs, Corrections Program Office on September 30, 1999. The amount of the grant was for \$6,100,770. On October 1, 2000 we were awarded a supplemental grant in the amount of \$3,168,000 for a total of \$9,268,770. Since that time, we have been working on the Architectural Plans and are hoping to break ground on the facility early this fall with completion being anticipated for April 2003.

At this point we are gearing up for Transition. Transition is where we go from no facility to one which is fully operational. It involves the preparation of all of the procedural manuals, the forms and data collection methods, hiring procedures, and training requirements. It includes the cementing of all the partnerships with the existing Service providers. Then proceeding through the hiring of all of the staff, performing background checks and training them so that when the facility does open its doors the staff is fully capable of dealing with whatever situation may arise.

It is the desire of the Rosebud Sioux Tribe that this not be a facility that merely warehouses troublesome juveniles but rather one that prepares them for the future. To be productive and responsible members of our society and to be good parents to future generations of youth.

To accomplish this goal is going to require the acquiring of a professional and well trained staff of sufficient size to provide all of the individualized services that will be needed by the youth under its care.

Due to the time constraints imposed by the budgetary cycles we have had to begin by preparing anticipated budgets without the benefit of going through the Transition development process which allows for the evolution of the programs and the budgetary requirements that this will entail. This process might also ultimately require the supplementing of the budgets of existing service programs as the needs of the facility are more fully articulated. This is a new program for us and we want to do it right.

Failure is the inability to provide those services to our youth which would have positive impact on their lives. Without services which are appropriate to the specific needs of these youth - a half hearted attempt - will most likely do more harm than good. The long term result will be more lives wasted - more youth entering a life of criminal behavior or at best non-productive lives. The long term cost is far greater than the immediate cost of meeting those needs.

Failure is not an acceptable alternative for the Rosebud Sioux Tribe.

While the rest of the country appears to have turned the tide on its juvenile problems ours continue to escalate. We need the ability to utilize all the available resources and the best available technologies to meet our goals.

We have our preliminary proposed budgets included in our documentation. These budgets may be in need of refinement as we go through our process. The total need for fiscal year 2003 including Transition, Start-up and ½ year of operations is \$6,573,096. Many of these costs will be non-recurring however our anticipated annual operations cost will be in the vicinity of \$6, 015,000.00.

Transition and Start up Budgets

The following Transition budgets are computed based upon an anticipated opening date for the facility of April 1, 2003. The staff would be hired prior to this opening in order that all of the background checks and extensive training could be accomplished prior to opening the doors of the facility. The following chart indicates the sequence of hiring that is planned

Mo/Yr Position	July 2001	Sept 2001	Aug 2002	Oct 2002	Dec 2002	Jan 2003	Feb 2003
Facil. Admin.	X						
Program Coord	X						
Admin. Aide	X						
Senior Supv.		X					
Sergeants			X				
Det. Officers				X			
Case Workers					X		
Computer Spe					X		
Finance Mgr.						X	
Academic Sta						X	
O&M Staff					X		
Cooks							X
Secretarial Sta							X
Medical Staff							X

The Start-up budgets include the equipment, furnishings, supplies, and materials which will be needed to make the facility operational.

Transition and Start Up
Fiscal Year 2003

	Detention	Education	M & O
Staffing	\$ 1,384,663.00	\$ 246,907.32	\$102,729.00
Furnishings	426,725.50	476,019.00	
Detention Area	201,047.80		
Kitchen	32,081.24		
Advertising	1,200.00	1,200.00	
Background checks	140,000.00	77,500.00	17,500.00
Travel	122,500.00		
Travel Local	12,000.00		800.00
Phones	3,600.00		
Supplies	7,800.00	4,800.00	
Postage	720.00		
Rent	15,000.00		
Tools and Equip.			86,406.00
TOTAL	\$ 2,347,537.54	\$ 806,426.32	\$ 207,435.00

Medical

Staffing	\$ 69,708.33
Furnishings	78,000.00
Supplies	48,000.00
Background Checks	6,000.00
Travel	720.00
Training	1,600.00
Total	\$ 204,028.33

Total Start-up and Transition **\$3,565,427.19**

Item	Quantity	Cost per	Total
Hygiene kits	300	0.47	141
Soap	5	50	250
Jump Suits	200	25	5000
socks	400	0.75	300
underwear	600	0.4	240
Sports bra	200	5	1000
Sandals	450	2.85	1283.5
Jackets	200	60	12000
Mattress	120	45	5400
Blankets	480	12	5760
Pillows	100	2.15	215
Mattress covers	120	50	6000
Towels	480	2.16	1036.8
2-way radios	50	360	18,000
Base station	2	3,000	6,000
Radio Charger	2	600	1,200
Staff Uniforms Winter	200	100	20,000
Staff Jackets	50	160	8000
Shoes	50	60	3000
Duty Belt	50	50	2,500
Radio Pouch	50	22	1,100
Boots	50	80	4000
Patches	200	5	1000
Ball caps	100	6.5	650
Badges	50	8	400
Staff Uniforms Summer	200	75	15000
Handcuffs	15	22	330
Shackles	15	33.7	505.5
Restraint Chairs	4	850	3400
Transport Vehicle	1	40,000	40000
Van- Cell	1	6,800	6800
Clothes check bag	60	7.5	450
gun Locker	1		880
Literature Cart	1	200	200
Laundry Basket	2	180	360
Push Cart	2	160	320
Television	4	200	800
Valuable Storage bags	5	45	225
Femine Items			800
Lice Control Shampoo	2	33	66
Shampoo	8	23	184
Tooth Paste	200	0.34	68
Soap	1000	0.053	53
Tissue	250	0.48	120
Toilet Paper	1200	0.25	300
Sport and entertainment			6000
Belly chains	6	54	324
Transport Hood	2	38	76
I.D. Camera	1	660	660
Drug screen test	4	244	976
Clothes check Rack	1	250	250
Television Security Cab	4	165	660
Commissary stock			8000
Fingerprint Station	1	139	139
Fingerprint ink pads	2	64.5	129
Fingerprint retabs	2	25.5	51
Flag Rosebud	1	150	150
Evidence Bag	1	300	300
Evidence Tape	1	17	17
Property Bags	1	40	40

Item	Quantity	Cost per	Total
Mixing Bowl 4 qt.	3	2.49	7.47
Mixing Bowl 8 qt.	3	3.89	11.67
Mixing Bowl 16 qt.	3	8.99	26.97
Mixing Bowl 20 qt.	3	9.99	29.97
Pastry Brush (12/case)	1	63.48	63.48
Rolling Pin Maple (17.5")	1	26.99	26.99
Utility Cart (ex. Large)	1	259.45	259.45
Colander (20" deep)	1	79.99	79.99
Colander (15" deep)	1	46.99	46.99
Pizza Cutter	2	10.99	21.98
Cutting boards (set of 6)	1	131.7	131.7
French whip (SS 12")	1	4.09	4.09
French Whip (SS 18")	1	5.29	5.29
French whip (SS 24")	1	6.49	6.49
Ladle ((SS 4oz.)	2	4.49	8.98
Ladle (SS 6 oz.)	2	5.39	10.78
Ladle (SS 8 oz.)	2	5.89	11.78
Ladle (SS10 oz.)	2	6.79	13.58
Ladle (SS 12 oz.)	2	7.19	14.38
Measuring cup set	2	29.99	59.98
Measuring Spoon set	2	14.99	29.98
Oven mitt	1	36	36
Kettle tools (stirring paddle)	1	219.95	219.95
Sheet pans (12/case)	1	87.48	87.48
Stock pots (12 qt.)	2	23.19	46.38
Stock pot lids	2	5.09	10.18
Stock pot (24 qt.)	2	34.49	68.98
Stock pot lids	2	7.39	14.78
Stock pot (40 qt.)	2	47.19	94.38
Stock pot lids	2	8.79	17.58
Ice Cream Kit scoops	2	4.89	9.78
Hand held scoops (64 oz.)	2	2.59	5.18
Dough scraper 6x3	2	5.99	11.98
Griddle scraper 4"	2	6.49	12.98
Flour sifter	1	23	23
Skimmer (roundSS 7x20)	1	2.49	2.49
Spoon solid 13"	3	1.29	3.87
Spoon slotted 13"	3	1.29	3.87
Tongs 16"	3	2.79	8.37
Bakers spatula 13 1/2"	2	1.99	3.98
Bakers spatula 16 1/2"	2	2.99	5.98
Potato peeler 6"	3	1.19	3.57
Pancake turner (3/case)	1	14.97	14.97
Dredges Alum	4	1.39	5.56
Pancake dispenser	1	159.95	159.95
Knife leash	4	19.99	79.96
Knife set	2	180	360
Carving fork	2	22	44
Hot pads (case of 12)	1	36	36
Oven thermometer	1	2.79	2.79
Pocket thermometer	2	2.99	5.98
Refrig- freezer thermometer	1	2.69	2.69
Can opener	1	140	140
Mixer w/ Stand	1	3860	3860
Mobile ingredient bins	3	158	474
Raising Pan	1	34	34
Mobile cooling rack	1	375	375
Slicer	1	560	560
Meal delivery cart	2	1235	2470
Toaster	1	395	395

Microwave Oven	1	3395	3395
Tray Storage cart	1	880	880
Ice machine	1	1469	1469
Mobile cup rack	2	860	860
Coffee brewer	1	145	145
Cafe counter refrig	1	600	600
Refrig /freezer	2	2745	2745
Shredder	1	415	415
Scale	1	300	300
Kitchen timers	3	15	45
Pot scrubber	3	8	24
First aide kit	1	57	57
Hot & cold trays	60	22	1320
Sporks (36 doz/case)	4	81.9	327.6
Glasses 9.5 oz. (48/ pk)	2	26.7	53.4
Glasses 16 oz. (48/ pk)	2	45.55	91.1
Mugs (48/pk)	2	73	146
Cereal bowl (48/pk)	2	57.24	114.48
Compartment trays	4	52.8	211.2
Insulated Beverage servers	3	84.95	254.85
Thermal pitchers	8	12	96
Water coolers	4	25.99	103.96
Misc. Storage Containers			800
Spice Rack	1	45	45
			25081.24
Food supplies			7,000.00
			32,081

205

property bags	1	38	38
35 mm Camera	1	110	110
CATV Video camera	1	450	450
Fire Extinguishers	5	68	340.00
Identification Badge System	1	7,000	7,000
Total			201047.8

Item	Quantity Facility	Quantity School	Quant'	.M	Price/ea	Total Facility	Total School	Total O&M
Secretary Chair	13	1			259	3367	349	
Exec. Chair		2			349	349	349	
Guest Chair	22	1			129	2838	258	
Desk (w credenza, bridge, hutch)	13	1			1214	15782	1,214	
Exec Desk	1				3500	3500		
File cabinets Letter	15	1		1	259	3885	259	
File cabinets Legal	8	1			288	2880	288	
File cabinets Horizontal	15	5			1127	9016		
Accessory Package	16	7			210	3150	1,050	
Wall Clock	20	4		1	40	640	280	
Telephones	1			1	240	4800	960	
Telephone switch board	1				800	60000		
Time Clock	3				52.5	800		
Time card rack	1				157.5	157.5		
Receptionist Stool	2				259	259		
Paper shredder	1				1600	3200	1600	
Copy Machine	1				27,000	27000		1600
Fax Machine	1				300	300		300
Rectangular Conf. tables	7	1			421	2947		
Trapezoidal Conf tables	2				426	852		
AV/TV cart	1				620	620		620
Tape recorder	1				629	629		629
Easel	1				198	198		198
VCR	3				120	360		240
Television	3				250	750		500
Bulletin board	2				558	1116		6696
Portable Podium	1				230	230		
Conf Room chairs	16				119	1904		
Console	1				279	279		279
Class Room Chairs	70				69			4,830
Teachers chairs	8				258			2,072
Carmels	22				450			9900
Computer Desks (classroom)	20				1560			31200
Waiting Room chairs	16				149	2384		
Magazine rack	3				160	480		
Teachers desks	6				500			4,000
Dining tables W/ benches	5				800			4,000
Break Room Tables	2				360			720
Break room refig	1				300			300
Break room Microwave	1				200			200
Break room coffee pot	1				80			80
Break room chairs	8				119	952		
Chairs (stuffed)	5				360	1800		
Stationary, forms etc						36,000		18,000
Rules Video						4,000		
V-tel systems	2				75,000			150,000

Computers	1	131,000	64,000
System Installation		22,000	
Software		75,000	32,000
Medicine Refrig	1		66,000
Class Curriculum		300	2,400
Books			51,000
Library			11,400
Art Supplies		425	1,275
Periodical and book cart	3		2,500
Miscellaneous Supplies			
		428,725.50	478,019

**FACILITY OPERATION AND MAINTENANCE
EQUIPMENT**

1. TRACTOR WITH MOWER, SNOW REMOVAL BACKHOE AND BUCKET		1	\$27,000
2. TABLE SAW, 10-IN		1	\$959.00
3. DRILL PRESS, 15-IN BENCH		1	\$316.00
4. HAND DRILL 3/8" VARIABLE SPEED ELECTRIC		1	\$109.00
5. HAND DRILL 3/8" VARIABLE SPEED BATTERY		1	\$320.00
6. LADDERS, FIBERGLASS			
4FT		1	\$96.00
6FT		1	\$123.00
8FT		1	\$169.00
EXTENSION LADDER 20 FT		1	\$324.00
7. DRILL BITS 2 SETS VARIOUS SIZES	EA	\$47.00	\$94.00
8. PIPE WRENCHES			
8 IN	EA \$11.00	2	\$22.00
10 IN	EA \$11.00	2	\$22.00
14 IN	EA \$13.00	2	\$26.00
18 IN	EA \$21.00	2	\$42.00
24 IN	EA \$29.00	1	\$29.00
36 IN	EA \$69.00	1	\$69.00
9. VISE GRIPS, 4 PIECE SET	EA \$35.00	2	\$70.00
10. MACHINISTS VISE, BENCH		1	\$431.00
11. SEWER AUGER, WATER JET,		1	\$2498.00
12. SEWER AUGER, AUTOMATIC FEED WITH 5/8-IN OR 3/4-IN CABLE		1	\$1562.00
13. POWER FEED DRAIN GUN		1	\$343.00
14. 7-IN CIRCULAR SAW W/CASE		1	\$187.00
15. COMPOUND MITER SAW		1	\$282.00
16. JIG SAW		1	\$90.00
17. TILE CUTTER		1	\$324.00
18. ROTARY HAMMER, VARIABLE SPEED WITH CASE		1	\$469.00
BITS KIT		1	\$29.00
19. ROUTER		1	\$264.00
BITS, KIT		1	\$27.00
20. DRILL 1/2-IN		1	\$136.00
21. WIRE FEED WELDER		1	\$1768.00
22. FLOOR JACK 5 TON HYDRAULIC		1	\$439.00
23. AIR COMPRESSOR, ASME STAMPED 30 GAL		1	<u>\$819.00</u>
SUBTOTAL			\$39,458.00

24. WATER SOFTNER	1	\$875.00
25. WET AND DRY VACUUM 16 GAL	1	\$144.00
26. COMMERCIAL VACUUMS	EA \$554 2	\$1108.00
BAGS	PKG OF 3 \$4.00/PKG 2	\$8.00
27. WALK BEHIND SCRUBBER W/TRACTION DRIVE		
BATTERY OPERATED 20-IN	1	\$8205.00
28. BATTERY POWER BURNISHER, 20-IN		
WALK BEHIND, 2600 RPM	1	\$3466.00
29. SMALL ELECTRIC SCRUBBER 20-IN	1	\$1281.00
2-SPEED		
30. PADS FOR 2 SPEED SCRUBBER	1	\$285.00
31. ELECTRIC BURNISHER SMALL 20-IN	1	\$1900.00
32. BUFFING PADS, 20 IN	EA \$30.00 6	\$180.00
33. BURNISHING PADS 20-IN	EA \$30.00 6	\$180.00
34. CARPET EXTRACTOR 17-IN	1	\$1874.00
WITH ACCESSORIES		
35. SAWSALL	1	\$400.00
36. FIRE CABINET 60 GAL	1	\$947.00
37. OIL SPILL CONTAINMENT PLATFORM	1	\$175.00
38. 5 GAL METAL GAS CANS	EA \$30.00 2	\$60.00
39. 6 GAL METAL OIL WASTE CAN	EA \$52.00 2	\$104.00
40. HAND TOOLS		
A. SCREW DRIVES		\$14.00
B. ALLEN WRENCHES SET		\$10.00
C. T-HANDLE FOR ALLEN WRENCHES		\$17.00
D. WALKIE TALKIES, W HOLSTER, BATTERY CHARGER,		
& BATTERY REPLACEMENT	EA \$386.00 4	\$1544.00
E. CRESCENT WRENCHES UP 18-INCH		
18-IN	1	\$57.00
12-IN	EA \$14.00 2	\$28.00
10-IN	EA \$11.00 2	\$22.00
8-IN	EA \$9.00 2	\$18.00
4-IN	EA \$9.00 2	\$18.00
F. HAMMERS CLAW	EA \$11.00 2	\$22.00
G. TOOL BOX	EA \$18.00 2	\$36.00
H. LEVELS CARPENTERS 24-IN	1	\$15.00
48-IN	1	\$40.00
I. SQUARES COMBINATION	1	\$21.00
CARPENTERS SQUARE	1	\$9.00
J. NUT DRIVERS SET	1	\$23.00
K. SOCKETS 1/2-IN , 3/8-IN AND 1/4-IN IN METRIC AND SAE		
1/2-IN SAE SET	1	\$85.00
3/8-IN SAE SET	1	\$75.00
1/4-IN SAE SET	1	\$15.00
3/4-IN SAE SET	1	<u>\$186.00</u>
SUBTOTAL		\$23,447.00

L. METRIC SOCKETS SET	1	\$86.00
M. MEASURING TAPES 25 FT EA \$14.00	2	\$28.00
50 FT	1	\$18.00
N. HACKSAWS	1	\$18.00
O. CHISELS METAL - 7 PIECE SET	1	\$44.00
P. WOOD CHISELS- 6 PIECE SET	1	\$60.00
Q. PLIERS, NEEDLE NOSE EA \$13.00	2	\$26.00
R. BALL PEEN HAMMER 16 OZ	1	\$10.00
S. PUNCH SETS 7 PIECE	1	\$66.00
T. CENTER PUNCHES 5 PUNCHES SET	1	\$23.00
U. MULTIMETER	1	\$171.00
V. RECEPTACLE TESTER	1	\$16.00
W. GFCI RECEPTACLE TESTER	1	\$24.00
X. STEEL FILE SET 9-PIECE	1	\$67.00
Y. WOOD PLANE	1	\$40.00
Z. PIPE CUTTER 2-4 INCH	1	\$287.00
AA. PIPE CUTTER 1/8-IN TO 1-IN	1	\$23.00
BB. PIPE CUTTER 3/16 TO 15/16	1	\$14.00
CC. SOLDERING GUNS	1	\$42.00
DD. FACE GUARD FOR ARC WELDER	1	\$40.00
EE. WELDING AIR FILTER	1	\$18.00
FF. WELDING APRON	1	\$30.00
GG. TRY SQUARE	1	\$14.00
HH. CROW BAR	1	\$14.00
II. SHOVELS, SPADE, SNOW	3	\$36.00
JJ. RAKES	2	\$50.00
KK. FLARING TOOL	1	\$38.00
LL. TAP AND DIE SET	1	\$84.00
MM. BEARING PULLER	1	\$142.00
NN. BENCH GRINDER W/STEEL BRUSH	1	\$100.00
OO. SCREW EXTRACTOR	1	\$67.00
PP. LUG WRENCH	1	\$6.00
QQ. COMBINATION WRENCHES		
SAE SET EA \$63.00	2	\$126.00
METRIC SET EA \$94.00	2	\$188.00
RR. PRY SCRAPER	1	\$5.00
SS. CAULKING GUN	1	\$4.00
TT. TIN SNIPS	1	\$9.00
UU. BOLT CUTTERS 24-IN	1	\$55.00
VV. RIVET GUN	1	\$32.00
WW. PLIERS EA \$6.00	2	\$12.00
XX. SIDE CUTTERS EA \$8.00	2	\$16.00
YY. SLIDE CALIPERS	1	\$68.00
ZZ. METAL STAMPING DIE	1	<u>\$30.00</u>
SUBTOTAL		\$2,247.00

AAA.	ELECTRIC ETCHER	1	\$22.00
BBB.	UTILITY KNIFE EA \$2.00	2	\$4.00
UU.	TROWEL	1	\$11.00
41.	DOLLY HEAVY DUTY	1	\$110.00
42.	ELECTRIC MAN LIFT UPTO 30 FT TO FIT THRU 36-IN DOOR	1	\$6000.00
43.	BATTERY CHARGE 6-12 VOLT, W/ENGINE START	1	\$165.00
44.	TROUBLE LIGHT 50FT	1	\$50.00
45.	EXTENSION CHORDS 25 FT EA \$16.00	2	\$32.00
	50 FT	1	\$24.00
46.	CHAINS, TOW	1	\$21.00
47.	MALL	1	\$21.00
48.	ANVIL	1	\$80.00
49.	WIRE STRIPERS EA \$5.00	2	\$10.00
50.	CRIMPING TOOL EA \$13.00	2	\$26.00
51.	C CLAMPS VARIOUS SIZE 4-IN EA \$16.00	4	\$64.00
	6-IN EA \$19.00	4	\$76.00
52.	PUTTY KNIVES EA \$2.00	2	\$4.00
53.	ICE SCRAPERS	1	\$18.00
54.	ICE CHIPPER FOR SIDEWALKS	1	\$18.00
55.	INSPECTION MIRRORS EA \$18.00	2	\$36.00
56.	FLASHLIGHTS EA \$17.00	2	\$34.00
57.	HYDRAULIC JACK 4TON	1	\$24.00
58.	SPRINKLERS EA \$8.00	5	\$40.00
59.	HOSE 50 FT EA \$15.00	3	\$45.00
	100 FT EA \$28.00	2	\$56.00
60.	SAFETY CONES 18-IN HIGH EA \$6.00	3	\$18.00
61.	RIGHT TO KNOW STANDARD CENTER	1	\$125.00
62.	RIGHT TO KNOW EA \$52.00	2	\$104.00
63.	CAUTION WET FLOOR SIGNS EA \$20.00	6	\$120.00
64.	ROOF ANCHOR KIT	1	\$349.00
65.	HARNES	1	\$156.00
66.	LANYARD	1	\$101.00
67.	TROWEL EA \$11.00	2	\$22.00
68.	CROSSCUT SAW	1	\$9.00
69.	KEYHOLE SAW	1	\$7.00
70.	DISC SANDER	1	\$162.00
71.	IMPACT WRENCH	1	\$257.00
72.	ADJUSTABE JOINT PLIERS		
	12-IN EA \$14.00	2	\$28.00
	16-IN EA \$21.00	2	\$42.00
	8-IN EA \$8.00	2	\$16.00
73.	PUSH MOWER	1	\$300.00
74.	JANITORS CART EA \$135.00	2	\$270.00
75.	WHEEL BARROW	1	\$44.00
	SUBTOTAL		\$9,121.00

76. TRASH CANS 32 GAL EA \$28.00	5	\$140.00
77. WASTE BASKETS 14-1/2 IN HIGH EA \$7.00	10	\$70.00
78. WASTE BASKETS 29-IN HIGH EA \$19.00	35	\$665.00
79. WORK SURFACE BRUSH EA \$5.00	6	\$30.00
80. WINDOW SQUEEGEE WITH HANDLE EA \$17.00	2	\$34.00
81. WET MOP WRINGER AND BUCKET SET EA \$42.00	6	\$252.00
82. WET MOP HANDLES 60-IN LONG EA \$8.00	6	\$48.00
83. MOP HEADS EA \$8.00	6	\$48.00
84. FLOOR SQUEEGEE 24-IN W/HANDLE EA \$12.00	2	\$24.00
85. SCRUB BRUSH EA \$2.00	6	\$12.00
86. PUSH BROOM 30-IN W/HANDLE EA \$24.00	6	\$144.00
87. PUSH BROOM 18-IN W/HANDLE EA \$17.00	6	\$102.00
88. DUST PAN EA \$2.00	6	\$12.00
89. DUST MOP 32-IN EA \$10.00	6	\$60.00
90. DUST MOP HANDLE EA 16.00	6	\$96.00
91. TOILET BRUSH EA \$3.00	6	\$18.00
92. TOILET SWAB EA \$2.00	6	\$12.00
93. SELF CONTAINED BREATHING APPARATUS (SCBA) EA \$2612.00	2	\$5224.00
94. FURNITURE DOLLY (DESK)	1	\$214.00
95. PLATFORM CART (PLASTIC)	1	\$366.00
96. PROPANE TORCH KIT, PLUMBERS	1	\$30.00
97. THERMISTOR THERMOMETERS EA \$53	2	\$106.00
98. LOCKOUT SAFETY KIT	1	\$150.00
99. ELECTRICAL SERVICE KIT, INDUSTRIAL	1	\$359.00
100.HVAC SERVICE KIT	1	\$300.00
101.FIRST AID KIT	1	\$68.00
102.BLOODBORNE PATHOGEN KIT W/CASE EA \$33.00	2	\$66.00
103.COMBINATION FIRE HYDRANT/SPANNER WRENCH ADJUSTABLE	1	\$55.00
104.AIR HOSE W/COUPLINGS CHUCKS 50-FT	1	\$50.00
105.PORTABLE AIR TANK, ASME	1	\$105.00
106.ELECTRICIANS KIT	1	\$1065.00
107.STEEL BIN UNIT 21 BINS	1	\$216.00
108.SECURITY CABINETS EA \$495.00	2	\$990.00
109.INDUSTRIAL WORK BENCH 30 X 96	1	\$200.00
110.RACHET PULLER MAX PULL 15 FT	1	\$72.00
111.DESK, STEEL	1	\$330.00
112.FILE CABINET LEGAL SIZE 4 DRAWER	1	\$237.00
113.CHAIR	1	\$150.00
114.BULLETIN BOARD	1	\$26.00
115. KEY CABINET, 30 KEYS	1	<u>\$37.00</u>
SUBTOTAL		\$12,133.00
TOTAL 5 PAGES		\$86,406.00

Operation Budget Fiscal Year 2003 (1/2 year)

	Detention	Education	Maint. & Oper.
Staff	\$ 1,384,663.00	\$493,814.63	\$
Audit	10,000.00	3,500.00	
Advertising	1,200.00	800.00	
Background chk.	14,500.00	14,500.00	
Training	15,000.00	4,000.00	
Uniforms	14,700.00		
Staff Personal			
Supplies	14,700.00		
Meetings	3,300.00	1,650.00	
ACA Accreditation	5,400.00		
Equipment	2,800.00	3,600.00	
Vehicle Exp.	4,320.00	19,152.00	5,400.00
Insurance	150,000.00		
Subscriptions	900.00	1,800.00	
Commissary	3,000.00		
Drug Screening	4,000.00	1,000.00	
Staff Counseling	7,200.00	6,050.00	
Travel	25,000.00	10,000.00	
Laundry Supplies	6,000.00		
Athletic Equipment	1,200.00		
Software	1,800.00	3,500.00	
Legal Services	6,000.00		
Food & Kitchen	73,000.00		
Visitor Hospitality	800.00		
Detainee Supplies	10,000.00		
Bathroom Supplies	4,800.00		
Phones	7,200.00	10,000.00	
Supplies	7,200.00	28,800.00	
Postage	600.00	960.00	
Television	600.00		
Utilities			37,500.00
Custodial			167,945.50
Preventative Maint.			37,497.00
Unscheduled Maint.			29,402.00
Program Admin.			23,825.00
Leave			23,825.00
Pest Control			200.00
Refuse			12,650.00
Site			10,023.50
Expendable Equipment			4,747.00
TOTAL	\$ 1,779,883.00	\$ 603,126.63	\$ 353,015.00

Operations Budget 2003 continued (1/2 year)**Medical Area**

Staffing	\$ 209,125.00
Supplies (Medical)	36,000.00
Supplies	14,400.00
Travel	4,320.00
Training	3,000.00
Meetings	4,800.00
Total	\$ 271,645.00

Total Operations Fiscal year 2003 (1/2 year)**\$ 3,007,669.63**

Education Area Staffing: (1/2 year)

Position	Number	Cost
Educational Admin.	1	\$ 24,000.00
Secretary	1	12,500.00
Teachers	15	244,500.00
Aides	11	149,000.00
Bus Drivers	2	9,984.00
Academic Counselor	1	<u>23,250.00</u>
Sub-Total		\$ 413,234.00
Fringe @ .195		<u>80,580.63</u>
Total		\$ 493,814.63

Staffing Detention: (1/2 year)

Position	Number	Cost
Facility Administrator	1	\$ 30,000.00
Senior Supervisor	1	24,000.00
Program Coordinator	1	24,000.00
Finance Manager	1	18,000.00
Computer Specialist*	1	19,750.00
Administrative Aide	1	14,000.00
Reception/ Secretary	3	37,500.00
Case Worker	2	35,000.00
Sergeant	5	110,000.00
Detention Officer III	12	204,000.00
Detention Officer II	14	196,000.00
Detention Officer I	14	161,000.00
Transportation Officer	3	54,000.00
Chief Cook	1	11,825.00
Cook	3	<u>26,520.00</u>
Sub-Total		\$ 965,595.00
Fringe @ .195		188,291.00
Overtime		193,119.00
Overtime fringe		37,658.00
Total		\$1,384,663.00

Medical Area Staffing (1/2 year)

Position	Number	Cost
Physician	(1/4 FTE)	\$ 45,000.00
Nurse	(1/2 FTE)	26,000.00
Psychologist	2	104,000.00
Sub-Total		\$ 175,000.00
Fringe @ .195		34,125.00
Total		\$ 209,125.00

**TESTIMONY PRESENTED BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
GOALS AND PRIORITIES FOR THE 107TH CONGRESS**

Submitted by the Tribes of the Great Plains Region

June 26, 2001

I.

INTRODUCTION

II.

FY 2002 BUDGET APPROPRIATIONS

III.

FARM BILL/AGRICULTURAL POLICY

IV.

ECONOMIC DEVELOPMENT

The Tribal leaders in the Great Plains Region would like to take this opportunity to thank Senator Tom Daschle and Senator Tim Johnson for introducing legislation that will provide economic development and regional job opportunities for the Tribes in the State of South Dakota. Senate Bill 493, a bill to provide for the establishment of the Sioux Nation Economic Development Council, will provide the resources needed to coordinate economic development projects and centralize expertise and technical support to help tribes obtain assistance as well as raise funds from private organizations to match federal contributions. We encourage this Committee to consider this Bill and the benefits it will provide to the Tribes in South Dakota. We would also encourage your support of Section 439 of the Bill providing for a direct congressional appropriation, for without the appropriation, the legislation would be meaningless.

Economic development, as you know, is slow in coming to the Great Plains Region. The reasons for this are many and varied. Despite the modest success of Indian gaming in our area, the long winters (6 months), low population¹, long term capital debt repayment for casinos², lack of infrastructure, and location in isolated/rural areas, guarantee only modest returns for most tribes. Additionally, in South Dakota, the State continues to limit the

¹ The population in North Dakota according to the 2000 US Census is 642,200. The population of the State of South Dakota according to census figures is 754,844. Nebraska's population is 1,717,263. It should be noted that Nebraska's higher population is due to its major metropolitan area that is not located in close proximity to Nebraska's 4 Indian Reservations.

² Average repayment in the area is 15 years.

economic growth of Tribes by limiting the number of gaming devices each Tribe may operate to a total of 250. Class III gaming devices generate more than 85% of the gross revenue for tribal gaming operations.

Unemployment rates in the Great Plains Region are the highest of any area in the Country. On most of our reservations, the poverty levels and standard of living are comparable to third world countries. According to Bureau of Indian Affairs labor statistics, unemployment rates in the Great Plains Area are often over 50% of the adult working population, with some Tribes facing unemployment rates as high as 80%. For example, Bennett and Shannon Counties in South Dakota, part of the Oglala Lakota Nation, are consistently listed as the poorest counties in the Nation. The same is true for Ziebach County, South Dakota, which includes the Cheyenne River Indian Reservation. It is shocking and disheartening that these conditions continue to exist for Native people.

Some of the objectives that will stimulate economic growth and may be achieved with federal assistance include:

- Infrastructure improvements- this includes roads, sewer and water systems, and improved telecommunications among other things. For example, a portion of the proposed Dakota Water Resources Act as introduced by our North Dakota Congressional delegation would assist in improving municipal, rural, and industrial water projects on the North Dakota Indian Reservations. Those funds are needed now.
- Indian Business Loans and Grant Programs- Tribes and individual tribal members need continued assistance. Tribal members and Tribes have benefited greatly from such programs as the BIA Direct Loan and Loan Guaranty Program. Programs like these and the Indian Business Development Grants and Indian Business Technical Assistance Programs need to be reinstated and funded.
- Native American tax incentives- With only two years remaining before tax incentives expire, many businesses are now reluctant to commit to locating or expanding on our reservations. Economic planning and construction can take months and sometime years to develop from start to finish.
- Tribal Court development- A strong court system is the key to a strong Nation. Private businesses feel more secure forming relationships/partnership when they are sure that they have an equitable dispute resolution mechanism. Additional funding is necessary to enhance tribal courts.
- Technical Assistance- Tribes need technical assistance to allow them to take advantage of the many opportunities available to spur economic growth. There are many opportunities available with tax incentives, tax exempt bond financing, Department of Justice Grant Programs and initiatives available under the Native American Housing and Self-Determination Act. Tribes need assistance to understand the opportunities available and to be able to pursue them.
- The protection of tribal sovereignty- Congress and this Committee must do its utmost to ensure that tribal sovereignty is preserved and protected so that

Tribal Nations may regulate and control the economic activities within their jurisdictions. Congress must wholly reject legislation detrimental to Tribal sovereignty, like the previous initiatives proposed by Representative Ishtook regarding disputes over state government attempts to tax economic activities on our reservations.

- Upholding tribal treaty rights and honoring trust responsibility- Congress must not only continue to provide appropriations for essential tribal programs guaranteed by our Treaties with the United States; Congress must ensure that these programs are funded at the level of need for each individual Tribe within our Region. This will ensure the health, education and welfare of our people in the future to continue economic growth.

We are encouraged by Senate Bill 343, which was introduced by Senator Campbell, entitled the Indian Tribal Development Consolidated Funding Act. The Bill will establish a demonstration project to authorize the integration and coordination of federal funding dedicated to community, business and economic development in Native communities. We would ask this Committee to give this Bill serious consideration to provide alternative avenues for Native communities to pursue economic development opportunities. The Committee should also consider whether adequate technical assistance and funding is available to Tribes so that they may take advantage of the opportunities created by this Bill if it becomes law.

Meaningful tax incentives for private investment in Indian Country are an important factor in spurring economic development. Legislative proposals to amend the Internal Revenue Code to provide tax credits for investment in Indian Country and to provide for the issuance of tax-exempt bonds by Indian tribal governments are a necessary part of the effort to spur that growth. The issuance of tax exempt bonds will provide a viable conduit for Tribes to develop tribal infrastructure, one of the most essential components of economic success.

I would like to stress that there are Tribes in the our Region that need federal financial and technical assistance to promote their efforts to develop energy resources. This is a key to economic success. Tribes in the Great Plains Region with viable energy resources are requesting federal financial and technical assistance to pursue this type of development. For example, many Tribes are pursuing the development of renewable energy sources such as wind generation. This type of infrastructure development is vital to our economic success.

V. ENERGY AND RESOURCE DEVELOPMENT

VI. HOUSING

It is difficult to identify a top area of priority in the Great Plains Region. Our issues are many and varied. Housing ranks at or near the top of the list of priority concerns for the Tribes in the Great Plains Region. Statistics regarding housing needs and homelessness on the reservations are startling.

HOUSING CONDITIONS:

In the Great Plains Region there is a need for _____ additional homes.³

Lack of available housing is not the only problem for our tribal people. Substandard homes and living conditions present another serious concern. It is estimated that ___% of the homes on reservations in the Great Plains Region are in substandard condition.

The following is an example of the numbers of homes on three Indian Reservations that in North Dakota and South Dakota that are in sub-standard conditions:

- Cheyenne River Reservation- 1,648 substandard homes
- Pine Ridge Indian Reservation- 1,883 substandard homes
- Turtle Mountain Chippewa Reservation- 1,555 substandard homes

The living conditions of these homes are deplorable and can only be comprehended by actually viewing these homes. Senators from our states may be familiar with these conditions because they have taken the opportunity to visit our reservations. Many of these homes lack adequate utilities including standard plumbing, running water, hot water, safe electrical equipment, efficient energy supply. Many homes lack the basic appliances that most Americans take for granted: refrigerators, stoves and water heaters. Homes built with funds from the Department of Housing and Urban Development in the 1970's and 1980's are not energy efficient. They lack storm doors, storm windows, and adequate insulation. With the high cost of heating and the long, sub-zero winter we recently faced, it is a miracle that our people were able to survive. Tribal government often times finds itself in the position of having use much needed tribal funds to pay its membership's heating bills; there is no other immediate alternative. There is however, long term solutions to these problems. Our tribal governments and housing programs desperately need additional funds to bring those units that are capable of rehabilitation back to standard living conditions.

³ The following details the number of homes needed on three of the reservations in South and North Dakota: Cheyenne River Indian Reservation: 500 homes. Pine Ridge Indian Reservation: _____ homes. Fort Berthold Indian Reservation: _____ homes. Spirit Lake Indian Reservation: _____ homes. These numbers are based on Housing Authority waiting lists and may not represent the actual needs as they exist.

APPROPRIATIONS UNDER NAHASDA

Our Tribe's recognize that the initiatives developed by the Native American Housing and Self-Determination Act have provided new opportunities for Tribes to develop model housing programs and to leverage NAHASDA funds to provide long term financing for additional housing development. We appreciate the improvements that have been made in the area of Indian Housing. The objectives of the NAHASDA cannot be met, however, without adequate funding to the Tribe's in the Great Plains Area. The prior year appropriations under the NAHASDA are inadequate⁴. The estimated actual need for housing in all of Indian Country is \$1.2 billion. Congress must increase funding under NAHASDA to level of need so that Housing in Indian Country does not continue to be one of the top social issues for our people in the twenty first century.

NAHASDA REAUTHORIZATION

The reauthorization of NAHASDA is also a concern of our Tribes.

PROPOSED ELIMINATION OF PROGRAMS SERVING TRIBAL HOUSING NEEDS

THE BIA HOUSING IMPROVEMENT PROGRAM

The Housing Improvement Program administered by the Bureau of Indian Affairs remains underfunded in our Region. According to the Bureau of Indian Affairs, the HIP Program is under-funded by approximately \$32 million dollars.⁵ The Housing Improvement Program provides a safety net for needy families in our Region who do not qualify for assistance from other housing programs because they do not have sufficient income to either pay for or maintain a home once it is built and occupied. In FY 2001, the Tribes in our Region received \$2,272,811 in HIP funds. These funds will be used to complete an estimated 45 individual HIP projects of the 615 documented HIP eligible applicants. Unfortunately, Tribes must use as much as thirty percent of their share of HIP funds to cover the administrative cost of the programs because the Region only receives \$197,684 of Housing Development funds to support a regional housing technical staff of 2 persons.

Tribal Leaders have done what they can within their power to address housing concerns and improve living conditions for our people. Congress must now do what is within its power to honor the Treaty Rights of the Tribes in the Great Plains Region and uphold the Trust responsibility by taking steps to ensure that adequate housing is provided for tribal

⁴ FY 1999 \$613,900,878; FY 2000: \$611,197,404; FY 2001 \$641,407,594

⁵ The current funding level for the Great Plains Region HIP Program is \$2,272,811 for HIP and \$197,684 for Housing Development. The Total funding need is \$34,852,000

people and that funds are made available to begin the process of bringing reservation homes into standard living conditions.

VII. LAW ENFORCEMENT

VIII. INDIAN GAMING AND THE INDIAN GAMING REGULATORY ACT

Indian Gaming and the proposed amendments to the Indian Gaming Regulatory Act set out in Senate Bill 832 present another area of concern for the Tribes of the Great Plains Region. Of the 16 Tribes that comprise the Great Plains Area, 14 of those engage in gaming activities pursuant to the Indian Gaming Regulatory Act. The majority of those do so with moderate economic success. The notion that Indian Tribes have become wealthy from gaming is a fallacy. This is particularly true of the Tribes in the Great Plains Region.

BENEFITS OF INDIAN GAMING

As the members of this Committee are fully aware, Indian Gaming has proven a positive influence in Indian Country. Perhaps the most positive economic impact created by gaming in the Great Plains Region is the creation of employment opportunities and the resulting reduction in employment rates.

Indian Gaming has created approximately 4000 jobs for Tribes in the states of South Dakota, North Dakota and Nebraska. Jobs have been created both by direct employment with tribal casinos and by jobs created within tribal governmental operations that are financed with gaming revenues. The number of jobs created per individual Tribe range from 45 to 1100. Along with these jobs comes the creation of benefits previously unknown in our members. These include medical, dental and life insurance and retirement programs.

It is important to note that the above constitutes only those jobs created directly from the operation of tribal gaming enterprises. Hundreds of other jobs have been created indirectly by Indian gaming. These include jobs created from economic development activities financed with gaming revenues and from positions financed with gaming revenues within tribal governmental operations.

Gaming has also provided tribal government with revenue to build and enhance tribal infrastructure. For instance, some Tribes have used gaming revenue to build new clinics, new offices for tribal government, tribal courts and other tribal programs. It is important to point out that not every Tribe within the Great Plains Region has been able to use gaming revenue in this manner. Due to isolated location and limited markets, many

Tribes realize only marginal annual returns. The primary benefit for most of our Tribes continues to be employment opportunities for tribal members.

Finally, Tribes have been able to use gaming revenues to provide financial assistance to tribal programs that have been historically underfunded by the Bureau of Indian Affairs and Indian Health Services. Some of these include elderly food programs, youth activities, tribal health clinics, scholarship programs, law enforcement and social services and direct member assistance.

We respectfully ask that the members of this Committee keep in mind the positive benefits that gaming has created for our member Nations when considering legislation that is detrimental to tribal gaming.

INDIAN GAMING REGULATORY ACT AMENDMENTS

The discussion of Indian Gaming ultimately invokes the issue of sovereignty for the Tribe's of the Great Plains Region. Our Tribe's stand by the position that the tribal/state compact provisions of the Indian Gaming Regulatory Act are an unwarranted intrusion into tribal sovereignty. Reluctantly, our Tribal Nations have entered into compacts under IGRA in order to realize the opportunities and benefits of tribal gaming. Some have done so with better success than others.⁶ Unfortunately, Tribal officials have been forced to compromise tribal sovereignty in order to better the lives of their people, balancing tribal sovereignty against money.

While the Tribe's of the Great Plains support Senator Campbell's and Senator Inouye's efforts to improve the Indian Gaming Regulatory Act as proposed in Senate Bill 832, we have two issues of concern regarding the proposed legislation that we would address to this Committee.

In 1996 the United States' Supreme Court struck down an essential component of the IGRA compacting procedures. As this Committee knows, the Supreme Court's decision in *Seminole Tribe of Florida v. Florida* left Tribal Nations without a remedy under the IGRA when a State refuses to negotiate in good faith with a Tribe for a tribal/state compact. The result has been to leave our Tribal Nations in an extremely unfair bargaining position when negotiating new compacts or when renegotiating compacts that are due to expire. For instance, Tribes in the State of South Dakota have been forced to enter into compacts that unfairly limit the number of class III gaming devices a Tribe can operate thereby limiting a Tribe's ability to fully utilize its market capability and raise

⁶ For instance, Tribes in the State of South Dakota have been limited under their respective Compacts to 250 class III gaming devices, thereby limiting ability to fully market their gaming facility. Additionally, they have been limited to slot machines and blackjack. In contrast, the Tribes in the State of North Dakota have been granted liberally machine numbers and are authorized to conduct a wider variety of games including keno, craps and roulette. In Nebraska, the Santee Sioux Tribe continues in its 6 year struggle to compact for class III gaming. The State of Nebraska has refused to negotiate with the Tribe.

With those matters in mind, we request that the Committee consider these concerns in its review of S. 832.

IX. ROADS

There are over 1800 miles of roads and highways within the Great Plains Region Reservations. The Road Programs administered by the Bureau of Indian Affairs are severely under-funded. At the current level of funding, it will take almost fifty years to improve the roads systems within our Region. According to the Bureau of Indian Affairs, the estimated cost to improve our roads systems to current safety standards is \$932,941,400.

Roads conditions on the Reservations in our region are a serious concern. The lack of adequate funding to improve and maintain our roads coupled with the severe winters and flooding in our Region have elevated our Roads concerns to a level of top priority. Current road conditions have created dangerous safety hazards for our people. Without adequate transportation systems, it becomes difficult, if not impossible at times, to provide essential services to our people. The delivery of ambulance, fire and law enforcement services are hampered by road conditions. These conditions and lack of funding for improvement have made it difficult in many rural isolated areas to provide transportation for our children to and from school.

This portion of the Great Plains testimony will address three specific issues:

INDIAN RESERVATIONS ROADS PROGRAM

The Indian Reservation Road Program which is administered by the Bureau of Indian Affairs though funding under the Transportation Equity Act for the Twenty First Century, provides funds for road construction in Indian Country. Currently, there is \$200 million appropriated for Indian Country. Our Region received \$20,732,335 of those funds in FY 2001. According to the Bureau of Indian Affairs, the total funding needed for the Great Plains Region is \$45,000,000. This leaves our Tribes under-funded by \$24,263,717. We therefore request that funding for the Indian Reservations Road Program be increased to \$45,000,000.

ROAD MAINTANENCE PROGRAM

According to the Bureau of Indian Affairs, the Great Plains Region Road Maintenance Program is funded at about 30 percent of the actual need. Ironically, funding for this Program has decreased rather than increased. The lack of adequate funds has lead to a decreased life of service for our roads and bridges. This of course has a direct impact on the Indian Reservation Roads Program funds as roads have to be reconstructed or rehabilitated long before their life of service because funding for maintenance is so severely limited.

revenues for essential governmental services.⁷ In addition, our Nations have been forced to enter into provisions ceding tribal jurisdiction and sovereignty in matters that are wholly unrelated to the conduct and regulation of Class III gaming.

Unfortunately, Tribal Nations outside of the Great Plains Region have entered into compacts that provide for a percentage of either net or gross profits to be shared with State government. These provisions are in direct violation of the IGRA. The Tribes of the Great Plains have legitimate concern that the precedent set outside our Region will make its way into the Great Plains and compact provisions of this nature will be forced unto us in compact renewal negotiations. For those reasons, the Tribes of the Great Plains Region cannot support legislation amending the IGRA that does not provide a remedy to the problem created by *Seminole*.

The Second issue with S.832 deals with the amendment proposing to add a new Section 23 to IGRA, providing for the establishment by the National Indian Gaming Commission of minimum standards for class II and class III gaming.

The notion that tribal gaming lacks adequate regulation is erroneous. Contrary to that notion, tribal gaming is highly regulated, more so than other types of gaming. First, tribal gaming is regulated by federal law pursuant to IGRA. Second, it is regulated under state law according to tribal/state compacts. Finally, tribal gaming is regulated by tribal law pursuant to tribal ordinances and regulations, promulgated pursuant to IGRA and tribal/state compacts. Adding an additional level of regulation and bureaucracy via the National Indian Gaming Commission will only create confusion and add additional burdens to tribal gaming operations for which there exists no evidence or data those additional regulations are necessary.

Proposed Section 23 purportedly authorizes Indian Tribes to retain primary jurisdiction to regulate class II and class III gaming. Section 23 goes on, however, to authorize the NIGC to promulgate broad regulations over class II and class III gaming. The broad authority conferred upon the NIGC by Section 23 tends to negate the preservation of primary jurisdiction to Indian Tribes set out in sub-sections (b) and (c) of Section 23.

Finally, the Tribes of this Region perceive the broad delegation of authority granted to the NIGC as a further intrusion into sovereignty. While the legislation's effort to clarify the Commission authority to regulate class II and class III gaming under the IGRA is understandable, it fails to take into consideration our Tribal Nations authority to regulate its own affairs and is contrary to the concept of tribal sovereignty and tribal self-determination.

⁷ As stated in footnote 6, the Tribes in the State of South Dakota are limited to 250 class III gaming devices under tribal/state compacts. The Tribes in South Dakota have taken the position in negotiations that machine numbers should be dictated by market capability rather than an arbitrary number dictated by the State. Essentially, the State of South Dakota by means of the compact process set out in federal law is able to dictate the amount of revenue a tribe can earn. The Tribes in South Dakota are sure this was not the intent of Congress in passing the IGRA.

Currently, the Great Plains Region Roads Maintenance Program is funded at a meager \$3,697,284. This is 30% of the actual need. According to the Bureau of Indian Affairs, the total funding needed to provide adequate maintenance for the roads in our Region is \$15 Million. To demonstrate the significance of the under-funding, this Committee should be aware of the level of funding our Region receives compared to other state and local governments. Our Roads Maintenance program is funded at approximately \$1800 per mile while the national average is funded at approximately \$4500 per mile. The funding shortfalls make it impossible to provide preventive maintenance that would preserve our roads up to their estimated life of service.

DEVILS LAKE PRECIPITATION LEVELS

The problems with the rising level of Devils Lake has been identified as a top issue of concern. Precipitation levels that have been described as "far exceeding normal" were experienced in the Devils Lake drainage basin of North Dakota during the period of July 1993 to August 1999. This excess precipitation has caused the Lake's level to increase from an elevation of 1442.6 feet in 1993 to 1447.1 feet in 1999, a vertical rise of 24.5 feet. Numerous homes have been destroyed or relocated under emergency conditions.

Several roads around Devils Lake are holding back water although they are not designed as dams. The Federal Highway Administration will not allow the use of emergency federal highway funds for any future work on the roads serving as dams unless the Army Corps of Engineers can certify their safety. There are no other federal funds to address the dam problems.

A task force consisting of representatives of the Spirit Lake Sioux nation and federal, state and local governments was established in 1999. The task Force developed a report with different alternatives to address the rising waters of the Lake. The Task Force developed a report in May 2000 with specific recommendations but nothing favorable has resulted since that time.

Bureau of Indian Affairs recommends that the federal government implement alternative three of the task Force Report. (is this what spirit lake wants??)

X. EDUCATION

XI. TRIBAL COURTS

XII. LAND INTO TRUST

XIII. TRUST FUND MANAGEMENT

XV. WATER RIGHTS



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SENATE COMMITTEE ON INDIAN AFFAIRS

Hearing on the Issues and Priorities of the Nations of the Great Plains Region 107th CONGRESS

Testimony of John Yellow Bird Steele, President of the Oglala Sioux Tribe

June 26, 2001

I. Introduction

The Oglala Sioux Tribe has compiled this testimony to enumerate the needs of its tribal members and provide insight into determining appropriations for treaty tribes as the current methods do not reflect the appropriate considerations to do so in an effective manner. To understand the condition of the Oglala necessitates looking to the history of tribal-federal relations and the federal government's historical, legal, and moral obligations with respect to Indian tribes. Such a re-examination reveals that although the federal government has at times addressed the needs of Indian people with specific legislative action, much of the intent embodied in the words of the federal laws has yet to come to full fruition. For example, in 1970 when President Nixon enacted the Indian Self-Determination and Education Assistance Act, he stated the following:

"The special relationship between Indians and the federal government is the result ... of solemn obligations which have been entered into by the United States Government. Down through the years, through written treaties and through informal agreements, our government has made specific commitments to the Indian people. For their part, the Indians have often surrendered claims to vast tracts of land ... In exchange, the government has agreed to provide community services such as health, education, and public safety, services which would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans.

This goal, of course, has never been achieved. But the special relationship between the Indian tribes and the federal government which arises from these agreements continues to carry immense moral and legal force."

President Richard Nixon, Special Message to the Congress on Indian Affairs, July 8, 1970.

As a leader entrusted with the duty to ensure that the needs of tribal members are met to the fullest extent possible, I come before you today to remind the federal government of its obligations to the Oglala Sioux Tribe as one of the treaty tribes in this country. The 1851 and 1868 Treaties of Fort Laramie and Article 5 of the 1877 Black Hills Act (19 Stat. 254) guaranteed lifetime services and benefits from the United States in exchange for cession of millions of acres of land. Subsequent to this law and the treaties with the United States, what was hoped by the Lakota people to be a peaceful and uninterrupted phase in their lives has been marked by the disruptive and devastating effects of continued efforts throughout history by the federal government to alter the lives of Indian people. To deprive the Oglala Sioux of its lands, culture and resources, the federal government forced the Tribe onto a reservation. In doing so, the federal government aimed not only to usurp the Tribe's assets was to constrain cultural practices of tribes and force Indian people to exchange their traditional ways for western modes of culture and subsistence. The Allotment Act of 1887 continued to have a pulverizing effect on tribal culture by fragmenting tribal lands and denying Indian people the ability to exist as unified, separate entities in accordance with their culture and tradition.

With that in mind, I come before you to remind you of the federal government's trust responsibility and treaty obligations to the Oglala Sioux Tribe and present for your consideration the legislative priorities of the Oglala Sioux people. Although the list is varied, it is indicative of the aftermath of historical and contemporary policies that have detrimentally impacted the lifeways of the Oglala Sioux people. The devastating effects on the Tribe continued through the establishment of the Pine Ridge Reservation in 1889 which is now the homeland of the Oglala Sioux Tribe.

The Pine Ridge Reservation is located in the Great Plains Region which encompasses approximately 7 million acres of Indian lands in North Dakota, South Dakota and Nebraska. This region is home to 16 tribes. The Oglala Sioux Tribe consists of 39,734 enrolled members with about 50,000 enrollment applications submitted for review. 38,000 members live on the Pine Ridge Reservation, which spans approximately 2.8 million acres.

The Oglala have remained prominent figures in this nation's history with such individuals as Crazy Horse, Black Elk and others. The tradition of producing strong leaders for the Oglala and for all Indian people continues in modern times with such figures as Billy Mills, the first American Indian and American to win a gold medal in the 10,000 meter race at the Olympics and our host of war veterans who steadfastly served the United States in the World Wars, Korea, Vietnam and the Persian Gulf. In addition to producing prominent figures in history, the Oglala have remained a fiercely proud and determined people despite the massacre at Wounded Knee in 1890 and the persecution of the Ghost Dance practitioners which are representative of the continued battles that the Oglala people face today.

The modern battles facing the Oglala people is not a war fought with military force—but that is not to say that the results of these contemporary battles are no less pivotal in determining

the future of the Oglala people. The greatest battle currently facing the Lakota people in modern times is overcoming the socio-economic conditions that face tribal members. These conditions, unfortunately, affect all facets of life on the reservation from health care to education to poor roads and inadequate law enforcement. They are of such a nature that they would have the potential effect of undermining the strength and determination of even the most tenacious people if left unchecked.

II. Creating Economic Opportunity for the Oglala Sioux Tribe

Representatives of the Oglala Sioux Tribe have been coming to Washington, D.C., for decades to present the needs and concerns of their people. In fact, I, myself, first testified before this Senate Committee when it was a select committee in 1978 to express the Tribe's need for assistance in education, health and general welfare. Prominent among the issues affecting the welfare of our members has always been the need for economic development. Unfortunately, almost twenty-five (25) years later, I find myself testifying again before this committee to emphasize the same problem: the lack of economic opportunity for our people. Joblessness leads to hopelessness and poverty - - and as we all well know, the cycle of poverty carries with it a set of unwelcome woes including despair, substance abuse, domestic violence, poor health, malnutrition and alcoholism. Such woes are cross-generational and plague the daily lives of many of our members. Jobs and economic opportunity are needed to break this viscous cycle.

The Great Plains Region suffers from astronomical unemployment rates. The Oglala Sioux is not an exception. Unfortunately, the Tribe has the unpleasant distinction of encompassing one of the poorest counties in the United States. It is our hope, of course, that we can change these statistics. Change will only come, however, with pro-active steps and forward thinking by both the Tribe and the federal government. For many years tribes have struggled to provide adequate resources to create and sustain economic development. Often times this process is undertaken through identifying and obtaining grants. Under the grant-writing approach, financially challenged tribes often spend too much of their precious resources searching for a funding source to achieve greater economic self-sufficiency. Tribes end up changing from funding source to funding source espousing philosophies depending on what the grant dictates rather than the philosophies of their people or philosophies that will work toward true progress. This method, however, is outdated and short-sighted. An overall environment that is more conducive to achieving economic independence must be created if tribes are to create sustained growth and economic development. Such an environment requires attention to many of the issues mentioned elsewhere in this testimony, such as health care, roads, housing, tribal courts and basic services for tribal members.

Certain matters are clear when seeking to build a strong economy. There must be a stable infrastructure to sustain flourishing economy; businesses must be able to exist on the Reservation. The Tribe needs an adequate water supply (and is working on this with the Mni Wiconi Project), an appropriate and efficient wastewater treatment system, and easy access to utility lines, telecommunications facilities, the Internet and technological aids. We also need a strong judiciary

system and a functioning full service financial institution for our people. Strong judiciary systems are necessary to ensure that non-Indian people will conduct business on the reservation. At present, many are wary of the seemingly unpredictable nature of dispute resolution in Indian country and choose not to do business rather than subject themselves to tribes' judiciary systems.

The federal government must assist tribes in the broad realm of building institutional capacity. This includes maintaining strong institutions of governance, along with independent judicial systems and bureaucracies that are funded to meet the need and can complete their jobs efficiently and effectively. This would be in partial fulfillment of the federal government's responsibility to guarantee the Oglala Sioux Tribe an "orderly government" under Article 5 of the 1877 Act.

The Oglala Sioux Tribe desperately needs a full-service financial institution. At present, if our members need to cash a check, they not only have to undergo burdensome travel, but their options are limited as to where they can go. Further, our members must pay a fee, which they cannot afford, to simply cash a check. Establishing a bank on the Pine Ridge Reservation is necessary to instill competition with the other banking institutions. It is our hope to have a convenient, full-service, user-friendly bank on the reservation so our people can have the same opportunities for handling finances as those off the reservation, including lending options, certificates of deposit as well as simple savings and checking accounts. A bank would also attract investments and business on the reservation and help our economy turn over the dollar within the borders before it makes its way to Rapid City or the border towns of Nebraska.

The Pine Ridge Reservation has been deemed an Enterprise Zone in an effort to spur economic development and investment on our lands. While this has been helpful, more needs to be done. We need assistance with establishing small businesses. To do this, we not only need feasibility studies to determine what businesses for goods and services would work and are necessary to create a sustainable mixed economy on the reservation, but we also need start-up capital, which is one of the Tribe's and tribal members' major stumbling blocks when trying to make economic progress. For instance, the Tribe is currently working towards the acquisition of an apparel manufacturing company, but while we have money earmarked for training, payroll and raw materials, we do not have capital (as of yet) to purchase a majority share of the business. Such a venture would be perfect for the Tribe as it would be an ongoing stable, labor-intensive business that could provide up to one thousand jobs through federal procurements. It could also be used as a model for establishing successful businesses on the reservation. We could then look further to wholesale and distribution warehouses and bulk operations for fuel, sand or gravel. A shopping mall and grocery store are also desperately needed for the convenience of our people. The only obstacle holding us back, however, is start-up funding.

The Tribe believes that venture capital funds that are a mixture of private and government funding need to be developed for Indian Country. Tribes and individual members also need loan assistance. The BIA Direct Loan and Loan Guaranty Program should be expanded but the process for tribes to access it should be streamlined. Further, the Indian Business Development Grants must be funded.

Tribes also need tax incentives to attract reservation investors as well as expanded bonding authority for economic development purposes under 29 U.S.C. § 7871. In fact, Section 7871 (c)(1) of the Internal Revenue Code should be amended to remove the “essential governmental function” restriction on tribal governmental bonds. This would allow tribes to be treated as state and local governments -- and allow for tribes to issue government bonds to finance any type of tribally-owned facility that complies with the private use restrictions applicable to all other governmental bonds. S. 660, H.R. 178 and H.R. 2253, which have been introduced in the 107th Congress, would accomplish this goal. We ask that the Committee support these bills.

The Tribe also urges the Committee to provide direct technical assistance to the Oglala Sioux Tribe for writing business proposals, pro formas, market plans and feasibility studies. Such training and assistance can give the Tribe and its members the leg-up they need to not only start businesses but also maintain them as productive contributors to the reservation and national economies. Further, regulations and statutes that hinder business on reservations, such as the burdensome requirements for business leases of tribal lands, should be streamlined to facilitate development rather than impede it.

Lastly, tribes must have adequate funding for job training to ensure that their members are prepared for the workforce. With this, any federal program that has a job training component should have a tribal set-aside so tribes can set up adequate job training opportunities for their members.

As mentioned above, economic development and jobs are the means for our members to break out of the vicious cycle of poverty. We ask the Committee to study the possibilities and act accordingly toward true progress. We cannot return to testify in 2020 and be discussing the same needs that we are today. Instead, at that time we should be talking about how far we have come.

III. Healthcare: Strengthening and Promoting the Well-being of the Oglala Sioux Tribe

Paramount among the issues facing the Tribe to ensure the continued vitality of the Oglala people is healthcare. The socio-economic conditions of the Great Plains Region has a significant impact on the health and well-being of Indian people. Tribes in the Region face what may be described as the worst health status in the United States. It is not unlike conditions found in Third World countries. The Oglala Sioux Tribe is especially hard hit. A large portion of our reservation (Shannon County) has the unpleasant distinction of being deemed one of the three poorest counties in the nation. Health indicators of the Oglala Sioux Tribe include a life expectancy of barely 60 years, high instances of diabetes, heart disease, cancer, substance abuse, and high rates of infant mortality. One method of improving the overall health status for the Oglala Sioux and all tribes of the Region is to substantially increase funding for the Indian Health Service (IHS) which is the primary healthcare provider for Indians in the area. An increase in program funding would provide much needed expansion in terms of both capacity to serve and the extent of services provided.

Among the needs of the Oglala Sioux Tribe is the need to increase the number of qualified facilities to treat tribal members and to do so on a full-time basis, not just for life-threatening circumstances which is the practice under current funding levels. Specifically, to better serve members of the Tribe, the Bennett County hospital must be deemed a federal qualified healthcare facility so it can receive federal funding for services provided to tribal members. There is an IHS clinic in Wanblee but this is too far for some members to travel. Instead, they use the Bennett County Hospital or Martin Clinic. Under the current practice and guidelines of the IHS, however, most of the care that is provided is done on a referral basis which has become unworkable for tribal members that go to Bennett County Hospital or Martin Clinic because the IHS often does not pay the bills at these facilities. IHS will only pay the hospital contract health service costs and costs for life-threatening matters.

This must change as we have already had tragic mishaps as a result of this restrictive policy. Recently, a young female tribal member was taken to the Bennett Hospital for treatment of asthma. The hospital determined that her ailment was not life-threatening and subsequently shipped her to the Pine Ridge clinic where she could receive treatment that would be funded by the IHS. Unfortunately, the girl died en route. In fact, her ailment turned life-threatening and needed to be treated.

Further, the expansion of facilities to serve tribal members would aid in treating preventable diseases which are occurring in epidemic proportions -- specifically diabetes. Since 1995 the prevalence of diabetes among the Oglala Sioux populace has increased by 214 percent leading to a 1000 percent increase in members in need of dialysis. This epidemic must be addressed through more funding, better healthcare and easier access to healthcare. Finally, the Tribe is very interested in constructing a nursing home on the reservation so our members can live their elder years close to home instead of in Rapid City or farther away. We need the Committee's assistance in helping us obtain adequate operating costs for such a facility and in ensuring that the Tribe can directly access Medicaid for the care provided to the residents of the facility.

It is important for the Tribe to receive preventative health care services. This would ensure better use of Indian health care monies as they would be spent in reasonable amounts to catch medical problems before they become medical emergencies. Spending fifteen dollars on a prescription for controlling high blood pressure is a sound investment if it is going to stave off a heart attack that will ultimately cost thousands of dollars for surgery and post-operative care. Preventative health care services cannot be simply in terms of pamphlets and education. The Tribe should be able to design and manage a preventative health care program, which should include multi-phasing screening on an annual basis, that will work for the Oglala people. Resources and assistance from the federal government, however, are needed to carry out this goal.

IV. Engaging in Nation-building: Placing Lands into Trust

An essential element to ensure the long-term survival and self-sufficiency of the Oglala Sioux Tribe is exercising the sovereign right to consolidate its land holdings by placing land into trust. Acquiring trust title to lands has always been one of the most significant issues for tribes. The Secretary was delegated the authority to acquire trust title to lands for tribes and Indians in an attempt to ameliorate the devastating effects of the General Allotment Act of 1887 (GAA) which broke up tribal land holdings and resulted in the loss of more than 90 million acres of tribal lands. Acquiring land in trust status is also a necessary component of the Self-Determination Policy which calls for renewed tribal control over tribal affairs. Establishing an adequate land base over which a tribe can exercise its governmental authority is crucial to self-determination and tribal sovereignty.

Because the process for acquiring trust title to lands for tribes and Indians is so important, most tribes became involved in the process when regulations to alter 25 C.F.R. Part 151 were proposed on April 12, 1999. Tribes, however, were not the only ones. Several states and local governments also participated in the development of the final January, 2001 rule. The tribes, especially, worked long and hard to research and submit well-reasoned and strong comments. By no means, however, did the Department accept all of the tribes' views in the final regulations. Rather, the Department ultimately set forth a process which places great weight on the concerns of state and local governments. The Department explains that it established a process that reflects "a more demanding standard for the acquisition of title when the application involves title to lands located outside the boundaries of a reservation" and that the rule "creates a framework that more adequately addresses concerns non-Indian governments may have about the potential ramifications of placing off-reservation lands into trust." (66 Fed. Reg. 3452). States and local governments have long asked for a greater role in the fee-to-trust process -- and the new regulations provide this increased role.

The entire framework of the new regulations heed state and local concerns more than the current process and flat out reject tribal views on certain significant issues. The primary issue is the treatment of contiguous lands. The new regulations, in direct contradiction to the current process, would handle contiguous lands as off-reservation acquisitions. This change makes contiguous lands much more difficult for tribes to acquire as applications for off-reservation lands are subject to stricter scrutiny and tougher standards, require substantial information from the tribal applicant and require the Secretary to rely more heavily on the concerns of the state and local governments when deciding whether to take the land into trust. (66 Fed. Reg. 3462-3463 (Subpart C)).

The Tribe adamantly opposes the change in how the acquisition of title to contiguous lands would be handled under the January 2001 version of the regulations. Such acquisitions should continue to be considered as on-reservation as they are under the current process.

The Allotment Era had longstanding devastating effects on tribes. More than 90 million acres of tribal lands that were previously guaranteed to tribes by treaties and federal law were lost to non-Indian ownership. This was more than two thirds of the tribal land base. Much of the lands that remained were discontinuous and fractionated, rendering them useless for economic development purposes. Congress ultimately enacted the Indian Reorganization Act (IRA) in 1934 as an effort to reverse the disastrous effects of the GAA.

The IRA is comprehensive legislation designed to stop the allotment of tribal lands, continue the federal trust ownership of tribal lands in perpetuity, encourage economic development and provide a framework for the reestablishment of tribal governmental authority over their lands. Section 5 of the IRA specifically provides the authority to the Secretary of the Interior to put land into trust for the benefit of tribes and Indians. It states:

“The Secretary of the Interior is hereby authorized, in his discretion, to acquire, through purchase, relinquishment, gift, exchange, or assignment, any interests in lands, water rights or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians.”
25 U.S.C. §465 (5).

The IRA was enacted to rebuild tribal governments and tribal economies by, in part, authorizing the Secretary to take land into trust for tribes so they could establish workable land bases over which they could exercise their governmental authority.

One of the primary authors of the IRA, Congressman Howard, acknowledged that another purpose the IRA was to “permit progress toward the consolidation of badly checkerboarded Indian reservations . . .” 78 Cong. Rec. 11730 (1934). The consolidation of land holdings is extremely important for tribes, and especially for the Oglala Sioux Tribe. It converts useless, fractionated tracts into land with potential for economic development and alleviates the jurisdictional problems that plague checkerboard reservations. Congressman Howard explained that the IRA intended not only to rectify the devastating loss of land from the Allotment Era but also to help Indians become self-reliant and off the welfare rolls. 78 Cong. Rec. 11730 (1934). (Stating it “is indeed a very modest restitution; and it is moreover an investment that will many times repay itself by taking Indians off the relief and ration rolls”).

It is clear that the intent of the IRA was to ameliorate the devastation of the Allotment Era and instill a new policy of self-determination and tribal governmental authority over tribal lands. The IRA authorizes the Secretary to acquire trust title to land for all tribes to promote tribal sovereignty and self-determination. The IRA never intended for the states and local governments to have veto authority over trust land decisions. Their role in the process should not be so great that it moots the purposes of the IRA. The statute was enacted for the benefit of tribes; their interests must be paramount in its interpretation and implementation. We ask the Committee’s assistance in ensuring that the Department’s regulations -- which affects one of the tribes’ greatest

issues the re-acquisition of land -- properly adhere to the provisions and intent of the IRA and do not defer to state and local governments' interests where not warranted.

It concerns the Tribe that little to no attention is given to the process of how land is taken out of trust and the fact that more land goes out of trust each year than into trust. The Tribe still suffers from the effects of the Allotment Era and terrible fractionation problems. In light of this and the amount of lands leaving trust status, the Tribe believes that it should be given the option to have Section 4 of the Indian Reorganization Act (IRA) reinstated and be exempt from subsequent statutes regarding the supervised sale of allotment lands. Instead, a fund should be created by the federal government to assist the Tribe in buying back allotment parcels and placing them into trust.

V. Improving Infrastructure: From Education to the Environment

There are a myriad of infrastructure issues that must be addressed to improve the standard of living of the Oglala Sioux people. An efficient, functioning infrastructure will facilitate economic and human development, as well as self-determination and sovereignty.

Education

A fundamental area in need of greater consideration is improving educational opportunities for tribal members. Well-educated tribal members will be able to become self-supporting. Increased funding is needed to improve both the quality of education offered at all levels and the schools and facilities in which the learning takes place. Within the Great Plains Region alone there are 35 Bureau of Indian Affairs funded schools. This comprises 18 percent of all BIA funded schools in the country. These schools provide an education to over 11,258 students from pre-school through high school.

The Oglala Sioux Tribe has the majority of these schools on the Pine Ridge Reservation. We manage a school system of thirteen schools, one of which is a BIA school, six are tribally-owned and operated, four are Shannon County schools and 2 are parochial schools. Education is the issue that affects virtually every facet of life on the Pine Ridge Indian Reservation. The quality of education a child receives dictates that child's job prospects, sense of hope, creativity and entrepreneurship. We need to ensure that our children are given the best -- because that is what they deserve. They should not be transported across horrendous roads in buses beaten up by such conditions to dilapidated schools only to be taught by energetic and well-rearing teachers who may or may not commit to teaching a second year at Pine Ridge due to non-competitive salaries or unfamiliarity with very rural living. We need adequate appropriations for state-of-the-art schools with libraries and Internet access, safe and sturdy school buildings and buses, and teacher recruitment and retention. We also need funding for adult education programs to ensure workforce preparedness among our tribal members and that our members who may have abundant ingenuity possess the skills to implement it for the betterment of our people.

Related priorities include the need for increased funding for Tribal Priority Allocation Programs (TPA) which include Johnson O'Malley, adult education, and scholarships. Greater funding is also needed for the tribally run colleges in the Great Plains Region -- specifically our college on Pine Ridge. The college has become increasingly important in educating our membership and fostering our peoples' efforts towards brighter futures.

Housing

Overall the need for housing in the Great Plains Region is severe. Addressing the housing needs of the Region would include building roughly 12,121 homes and rehabilitating an additional 5,181 homes. Pine Ridge, alone, needs over 950 homes. We have a desperate situation with over crowding of homes. For example, many children have no room to study in the home and young couples break up due to the pressures of being forced to live with in-laws. These statistics, however, are only the beginning of the Region's housing problem. Many existing homes provide substandard living conditions ranging from the lack of standard plumbing to an inadequate electrical supply. Additionally, many of the homes are not energy efficient, resulting in exorbitant heating bills which the tribal government is often called upon to help pay.

Some recommendations to begin addressing this problem include increasing appropriations to the NAHASDA, support re-authorization of NAHASDA as written in H.R. 1873, and maintain existing programs especially those proposed to be cut. Two important programs serving Indian housing needs proposed for elimination in the President's FY 2002 proposed budget are the Drug Elimination Program and the Rural Housing and Economic Development Program. These programs have proven very useful in building capacity for rural housing and economic development to support housing activities as well as for eradicating substance abuse and its accompanying problems from the home. The elimination of these programs would add to the problem rather than aid in solving the housing problems of the Great Plains Region.

Roads

Another critical component necessary for tribes to provide services and opportunity to their members is improving and expanding the system of roads on the reservations. The current lack of adequate quality and quantity of roads hinders economic development and the provision of essential services such as ambulance, fire and law enforcement. The poor conditions of our roads create difficulties in transporting children from rural areas to school as well. Glancing at a map of our roads system makes one thing quite apparent -- why sustainable economic development on Pine Ridge is so difficult. The BIA routes run north and south across the reservation. It was explained once to me that our roads were designed like this to facilitate our members' shopping habits of going to Rapid City or the border towns of Nebraska. The very design of the roads sends dollars directly off the reservation. We need east-west roads for community building and to facilitate economic development on the reservation. We need to capture the dollar that follows the current BIA routes directly off the reservation into non-Indian businesses.

Funding levels for roads in the region are currently determined by the Department of Transportation working in concert with the BIA. The allocations, however, have consistently been made in a manner unfavorable to large land-based tribes like the Oglala. The Tribe believes a direct working relationship with the Department of Transportation may address the problem. At the very least, more money must be allocated to the Tribe. There are approximately 513 miles of road on the Pine Ridge Reservation and we only receive about \$516,000 for road maintenance. This is wholly inadequate and falls far short of the dollar per mile for state roads. In addition, the Oglala Tribe also wishes to gain access to better equipment to service the roads on the Pine Ridge Reservation. We currently employ army surplus equipment that is unreliable. In fact, if we could simply access some dependable surplus graders, trucks and front-end loaders, we could place the gravel on the roads ourselves. We have the gravel and the work force, we just need dependable equipment to get the job (a very significant job that will change the day-to-day lives of our members) done.

Tribal Courts

Within the last twenty-five years the growth of tribal court competence has taken place at such a rate, their newly arising needs are difficult to understand for those not in regular association with these court systems. Most tribal courts experience an extreme backlog of cases due to under funding and inadequate staffing. The needs of tribal courts must be addressed to keep pace with the increased law enforcement activities and economic growth on the reservations. Further, competent, stable tribal courts must be maintained to attract companies to do business on the reservation.

The unmet need of tribal courts exists against the backdrop of increased crime rates in Indian Country and the amount and complexity of civil cases before the courts. Despite these statistics, funding from the BIA for the operation of tribal courts has actually decreased despite the increase in caseloads. We need adequate appropriations. The Oglala Sioux Tribe is in desperate need of funding for our judicial system. We need to hire more judges, police officers, court staff and process servers to ensure justice is effectuated efficiently on the Pine Ridge Reservation. Tribes, of course, are capable of handling judicial issues within their borders, we simply need assistance in funding the infrastructure of our judicial systems.

The Tribe also desperately needs to establish adult and juvenile drug courts. Another need is to update the Tribe's code of law. The current code is of 1930 vintage and needs to be overhauled to serve the nation in the 21st Century. Our tribal government has had to evolve to meet the needs of the members in modern times but the code by which we function has not kept pace with the nation's needs. The Tribe needs resources and technical assistance to embark on such a project.

Law Enforcement

Although the funding levels for law enforcement have shown promise, the level of funding remains greatly below the resources available to non-Indian communities. In FY 2001 the actual need of the Great Plains Region to provide law enforcement services was \$36.5 million. The Region, however, only received \$19.8 million. This translates into a great need for more law enforcement personnel. To give one an idea of the magnitude of the problem, on the Pine Ridge Reservation, there are only 10 to 12 officers to patrol and provide law enforcement service to roughly 39,000 people dispersed on 2.8 million acres of land.

In order for these law enforcement personnel to perform their duties properly they need vehicles, equipment, support staff and detention facilities. Most of the time the personnel are faced with limited options when detention becomes necessary—they must either house the individual in the local substandard facility run by their department or take an officer off patrol to transport the person to another facility. The Tribe is currently working with the Department of Justice pursuant to their CIRCLE Project to establish a comprehensive rehabilitation and detention center. We would appreciate your support towards the quick construction and continued operation of this much needed facility.

Social Services

In an era of increased assertion of tribal sovereignty one area that tribes hope to develop is the administration and provision of social services by tribally-run programs with the goal of ending dependence on state run programs. Of particular interest to tribes is being able to administer foster care and related programs so that the best interests of the tribes are served to the fullest extent possible. A recent bill, S. 550, provides for direct payment of foster care services to tribes and permits greater tribal court involvement in the placement of children. The Oglala Sioux Tribe welcomes this legislation as it deals with one of the Tribe's most valuable resources upon which its future will depend: our children.

Increasing pressure is being placed on tribes to provide other social services in the wake of welfare reform which limited the time frame for individuals to be able to draw benefits. -- one such program is the Temporary Assistance to Needy Families (TANF) program which is being curtailed to the extent that individuals are allotted a predetermined number of years to receive benefits under the program. Once the allotted time is used by the individual they become ineligible for benefits. As a result, tribes are struggling to meet the needs of these members who are cut off from assistance by such limits. This becomes further complicated for all parties when inadequate funding and economic opportunity to alleviate the needs of the people are unavailable.

The food distribution program also requires much needed attention to adjust the food choices for our people. There must be better quality and better tasting alternatives. The program must also, however, be reformed in a way to address the dietary needs of tribal members. A healthier diet will help lessen the risk of developing preventable diseases now prevalent among the Indians in the Great Plains Region.

Environmental

Certain activities of the federal government have negatively impacted the environment of the Pine Ridge Reservation. The Tribe undergoes constant efforts to safeguard its lands, waters, vegetation and wildlife. A matter of redress currently being sought by the Oglala Sioux Tribe relates to the construction of the Angostura Dam, a Bureau of Reclamation project located twenty miles upstream from the Tribe on the Cheyenne River. The dam was built for irrigation and flood control purposes. Yet, due to the impoundment of flows upstream the flows to the reservation were substantially diminished. This resulted in a decline in riparian vegetation and degradation of animal and plant life in the river. The Tribe seeks redress through a proposed draft bill which would provide for rehabilitation and betterment of the Angostura unit and compensation for the environmental and economic harm attributed to the project. A key provision of the bill would be the establishment of a trust fund for the Oglala Sioux Tribe to address the harm suffered from the construction and operation of the project.

Another key project that will improve not only the lives of the people of the Pine Ridge Reservation but also a great number of people throughout southwestern South Dakota is the completion of the Mni Wiconi Project. The Mni Wiconi Project is a monumental engineering effort, which was authorized by Public Law 100-516, enacted in October 1988. Its purpose is to provide clean drinking water from the Missouri River to the Pine Ridge Reservation, the Lower Brule Reservation, the Rosebud Reservation, and numerous farms, ranches, and communities off the reservations in an area known as West River/Lyman-Jones in southwestern South Dakota. The Project will provide much-needed safe drinking water to the people living within these areas who are currently stricken with water borne diseases at a much higher rate than the mainstream population because of unsafe drinking water supplies. The Project will also have other positive effects on the communities involved in the Project. Supplying the area with a clean water source lays the groundwork for economic development and raising the standard of living for the Project beneficiaries.

Economic activity and population growth (as members move back to lands made liveable by the Project) are anticipated with the timely completion of an efficient water system. Federal projections estimate the economic benefit to be as much as \$.5 to \$1.0 billion. Such possibilities provide great hope to communities plagued by high unemployment rates, drastic poverty and health-related problems. Funding the Project at its level of need will help to address the dire needs of the beneficiaries and create an improved quality of life on the reservations involved in the project -- something which is desperately needed.

Unfortunately, while much progress has been made on the Project since the enactment of the Mni Wiconi Project Act in 1988, yearly federal appropriations levels have not met the Projects' need. The Project has the capability to use more than \$54 million for project construction, operations and maintenance purposes. Such amount would ensure speedy completion and efficient functioning of the system. The federal government, however, has consistently appropriated a little more than half of this capability level each year. We respectfully request your assistance in obtaining higher funding levels for this project -- which will

substantially benefit the day-to-day lives of not only our members but all of southwestern South Dakota as well.

The Tribe is also concerned with noxious weed eradication and protection. The BIA is entrusted with the duty to oversee the eradication of noxious weeds from lands it is charged to protect. Unfortunately, it has fallen far short of its duty. The lack of protection affects the productivity of the lands and, thus, reduces the potential benefits of leasing the land. Unmet need in this area to gain control of this situation would total \$19 million annually for the Region. The tribe is also plagued by prairie dogs which have the tendency to ruin acres of land and pester households. We desperately need appropriations to fund a program to control these animals. While funding has been allocated in the past, the monies have run out, but, unfortunately, the problem remains.

Technology

The Tribe cannot be forgotten as American turns the corner into a new age of technology. In fact, the new technology could very well be the tool to solve some of the Tribe's economic problems. The information superhighway is where the modern-day economy travels. Businesses can sell their goods and services via the highway without regard to where they are located. This could change the economy of the Pine Ridge Reservation which has historically had a difficult time attracting businesses to its rural locale.

Further, the Tribe requests assistance in establishing a federally funded project for a reservation-wide telecommunications system that would be owned and operated by the Oglala Sioux Tribe. This would ensure that the Tribe has state-of-the-art technology and is up to speed with the economy of mainstream America.

VI. Conclusion

This hearing on the issues and priorities of the Indian nations of the Great Plains is an historic occasion for true government to government consultation. The Oglala Sioux Tribe appreciates the opportunity to present its needs and concerns. We hope that you will heed our words and take quick action towards progress. We also hope that you will call on us to participate in developing policy and laws that will affect our future. Thank you for your hard work thus far.

FORT PECK TRIBES

Assiniboine & Sioux

ARLYN HEADDRESS, CHAIRMAN
ASSINIBOINE AND SIOUX TRIBES
OF THE
FORT PECK RESERVATION
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS

July 20, 2001

I. INTRODUCTION

I am Arlyn Headdress, Chairman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. There are eight Reservations in the Billings Area. Over 60,000 people live on these Reservations. One-third of the Indian people are under the age of 16. Thus, for the tribal leaders in the Billings area, the number one priority for our people is ensuring that our youth, who make up the largest segment of our population and more importantly who make up our future, will have opportunities in areas of education, health, and employment that we did not have.

To do this will not be easy. The high school graduation rate for Indian people is 65%. This is far below the national average. The infant mortality rate for tribes in Montana is 15. This means that fifteen out of every 1000 Indian babies born in Montana will die. This is 150% higher than the national average. Indian people suffer from disease that most people thought to be eradicated. For example, the Tuberculosis death rate for Indian people is 6.2% higher than the national average. We face new challenges with the onslaught of AIDS and Hepatitis C in our communities, while the old challenges of diabetes and alcoholism continue to plague our communities.

The unemployment rate for Indian people in Montana is 49%, and on some Reservations like mine it is higher. Almost 70% of the all Indians living on or near the seven Reservations in Montana earn less than \$7,000 and the per capita income on the Wind River Reservation in Wyoming is just \$4,340. This means that the majority of Indian families living on or near the Reservations in the Billings Area live far below the poverty rate.

In addition to addressing the challenges that face our people in the areas of education, health care, and employment, we are responsible for the land and resources that our ancestors preserved for us. In the Billings Area we have over 9 million acres of Indian trust land, which includes miles of rivers, valuable mineral resources and rich agricultural lands. We are the stewards of these resources and must ensure that they will be able to support our people for generations to come.

II. Tribal Authority

As this Committee is no doubt is aware, Indian Country has recently experienced some devastating defeats in the Courts. The Supreme Court's recent decisions in *Atkinson Trading Post* and *Nevada v. Hicks*, and the Ninth Circuit's decision in *the Big Horn Electrical Cooperative* last year, have placed into serious jeopardy tribal authority to tax, regulate and adjudicate cases involving commercial enterprises that use our reservation lands and require our governmental services. The Fort Peck Tribes have already been delivered a blow in the Federal District Court of Montana, which held that in light of *Atkinson*, the Tribes do not have the authority to tax a railroad, which crosses the entire Fort Peck Reservation for over eighty miles. The activities of this railroad require tribal law enforcement services, impair our environment and require substantial tribal planning for possible emergencies, including derailments and spills of hazardous and toxic cargo. These Court decisions have resulted in a 30% reduction of the tribal revenue. As a result, we have had to lay people off and cut our governmental services to our people.

Mr. Chairman, for over three decades, the Federal Indian policy of the Congress and Executive has been to encourage tribes to govern their reservations and promote their economic self-sufficiency. Before the late 1960's, tribes were stifled by federal paternalism and were made dependent on the federal government. Under the tribal self-determination policy, tribes have come to control their own political and economic destinies.

But this policy is being threatened by the recent decision of the federal courts. Self-determination and self-sufficiency are not within reach for tribes if they cannot tax commercial enterprises that run through their lands to defray the costs of essential governmental services, or regulate activities that impact the tribe's environment. The courts in recent years have been supplanting the wise Federal Indian policy set by the elected officials of this country, which enjoys broad public support both among tribes and more generally among the American people.

The courts are placing at issue the authority of the tribes to operate as governments and serve the needs of our people. These decisions replace independence with object dependence on the United States, a rejected and discredited policy, dead since the 1960's, and deservedly so. This Committee, with the input of tribal leaders, need to craft and develop a legislative solution to this judicial usurpation, so that the political branches once again set and control national Indian policy.

III. BUDGET NEEDS

It is clear that the needs for tribes, not only in the Billings Area, but all tribes are great and cannot be resolved in one budget cycle. Rather, this must be tackled by setting long-term goals. This means that the Congress and the Administration will have to set Budget priorities and a time frame for achieving the goals within these priorities.

In considering the priorities for Indian people, it has become clear to me that our priority

must be developing and maintaining basic infrastructure for our communities. Indian communities need better roads, we need safe and adequate water to drink, we need schools to educate our children and we need homes to live in. This infrastructure serves as the foundation of our communities and without it all other aspects of our communities will suffer. I will highlight three areas of concern to the Billings Area.

A. Law Enforcement

I applaud the Administration's continuing support for the Law Enforcement in Indian Country Initiative. This initiative is a model for how to attack challenges facing Indian communities. This Initiative is a holistic approach to meeting the law enforcement needs of our communities, including funding for drug treatment, tribal courts, police officers, and detention facilities. We would urge this Committee's continuing support of this initiative.

B. Roads

There is an enormous need for transportation infrastructure on Indian reservations throughout this country. Over 66% of the roads serving Native American communities are unpaved. Many of these roads are dirt or clay, and typically in a washboard and deeply rutted condition. On many reservations, the roads regularly turn to mud or wash out in spring and fall rains. The poor condition of roads in Indian country impedes economic progress -- as it is impossible to attract business development where normal transportation is unavailable because of road conditions. Likewise, the lack of adequate roads makes life in Indian country harsh and sometimes tragic -- as Indian people are often prevented, by the road conditions, from attending school, obtaining needed health care, and getting to work. Overall, the lack of adequate roads is a major impediment to improving the quality of life in Indian country.

Moreover, funding of Indian Reservation Roads has lagged far behind funding for other roads. For example, Indian reservation roads make up 2.63% of all existing roads on the federal-aid highway system, but historically have received less than 1% of the aid provided under other federal highways. Thus, given the enormous need it is troubling to the Tribes in the Billings Area that there has not been an increase in the Roads Maintenance Account in several years. In fact this year, while the BIA has a goal of expanding the number of road miles to be maintained by 200 miles, the BIA proposed no increase for this account. This should not be repeated next year.

In addition, we would like to express our strong support of S. 344, which would amend TEA-21 to better improve the IRR program. Of particular significance to the Tribes in the Billings Area, is correcting the problem created by the obligation limitation. S. 344 would finally correct this problem, which has cost the IRR program millions of dollars. In addition, we strongly support the provision in S. 344 that would make tribal governments eligible for Seat Belt Safety and Intoxicated Driver Safety incentive grant programs. As the Committee knows, vehicular deaths in Indian

country is the number one cause of death for our young people. In too many of these accidents, alcohol has played some role.

We also encourage the Committee to begin preparing for the reauthorization of TEA-21. There are a number of powerful interest who will be vying for the resources of this bill. Tribes and our supporters must begin now, if we are to enjoy the full benefits that the reauthorization offers us.

C. Environment

The stewardship of our natural resources is an important role of tribal governments. The tribal natural resources programs have not received an increase in the last ten years, while the cost of undertaking these efforts has increased significantly. Moreover, there has never been adequate funding for the Indian Agricultural Resource Management Act programs, which were authorized by Congress over six years ago. We would also encourage the Committee to continue to consider work on the Native American Fish and Wildlife Enhancement Act, which would provide specific Congressional authorization for the Bureau's natural resource programs.

IV. **Economic Development**

Economic development is a major challenge in federal Indian policy. Although improvements have occurred in the past 25 years, the high levels of pervasive poverty are simply unacceptable, for it denies the American dream to a majority of the Indian people living on reservations. Thus, the major Indian problem facing our country today is unquestionably one of providing Indian economic development, of creating jobs on reservations, of treating Indians fairly as part of the American economic commonwealth.

Nearly half a million Indians live on reservations. Over 100,000 of these adult Indians are unemployed, and about half live in poverty. Pervasive Indian poverty today in part results from misguided, even ill-intentioned, policies at the turn of the century that deliberately or not left Indian tribes with too few lands and resources on which to build productive economies. In part, it has also resulted from economic decline in the isolated, rural areas where most reservations are located. This must change.

First, it is critical that Congress ensure that Tribes' ability to restore our homeland is not lost. The Indian Reorganization Act recognized that restoring the tribal land base is critical to building an economic base. This principle should be affirmed.

Second, to further expand private economic development in Indian Country, we encourage the Committee to strongly support the permanent extension of the current employment tax credit and S.588, the Indian Reservation Economic Investment Act.

Third, we would also ask Congress to begin to amend the HubZone Act, which limits contract amounts that a tribal HubZone contractor can receive to \$5 million. The Fort Peck Tribes

own and operate A&S Tribal Industries, which during Dessert Storm was the largest employer in the State of Montana. However, with the downsizing of the Defense Department and the movement of manufacturing overseas, A&S was on the verge of closing forever. We are pleased to report that A&S, under new leadership, is turning the corner. But, the need for more contracts to keep A&S on the right track is dire. Thus, while the HubZone classification is positive, because the amount of contracting is so limited, A&S is unable to enjoy any of the intended benefits from the classification.

Finally, we would also like the Committee to support a change in the Small Business Reauthorization Act, that would amend the Section 8(a) program to allow tribally-owned businesses located on reservations to have permanent 8(a) status.

V. Energy Legislation

I would like to thank the Committee for taking the lead in ensuring that Indian country will benefit from any energy package considered by Congress. As the Committee well knows, Indian country already supplies almost 10% of this Nation's energy resource needs.

Nevertheless, the problem of dual taxation as a result of the Supreme Court's decision in *Cotton Petroleum Corp.* remains a significant impediment to the development of tribal oil and gas resources. The only way a tribe could avoid the disadvantage *Cotton* creates is to forego entirely its right to tax. That is not a feasible option because most tribes depend on tax revenues to provide governmental services on their reservations. A possible solution is a federal income tax credit to developers that pay taxes with respect to activities on Indian lands.

Last year, this Committee removed a significant hurdle to leasing with the passage of the Indian Land Consolidation Act, which allows for greater leasing opportunities for allotted lands by requiring only a majority consent for most leases. We thank the Committee for its leadership on this issue.

In addition to increasing opportunity for resource development, we would urge the Committee to strongly support the further development of wind energy and other renewable energies. We believe this is an important part of the solution to our nation's energy crisis and our dependence on foreign oil supplies. Specifically, we urge the Committee's support for the extension of the federal tax credit for wind energy production.

The Tribes in the Billings Area have found that the biggest problem in developing wind energy is a lack of transmission line capacity. The solution for this problem lies with Congress. Specifically, WAPA needs the resources to build the required new lines, and the direction to use the new lines to transport energy from new wind energy facilities. We would urge the Committee in your work on this matter to support legislation that would accomplish this.

VI. Indian Health Care Improvement Act Reauthorization

One of the greatest needs in Indian country is access to adequate health care for Indian people. While there has been some headway by the Indian Health Service in improving the health conditions of Indian people, a great deal remains to be done. For instance, for Indians residing in IHS service areas, the maternal mortality rate dropped from 27.7 (rate per 100,000 live births) in 1972-74 to 10.2 in 1987-89 which is a decrease of 63 percent. The infant mortality rate dropped from 22.2 (rate per 1,000 live births) in 1972-74 to 10 in 1996. While this is a decrease of 50 percent, when compared to non-Indian infant mortality it is still almost twice as high. Moreover, death from diseases such as: tuberculosis is 520 percent greater; by alcoholism 433 percent greater; by diabetes 188 percent greater; and by pneumonia and influenza 44 percent greater than in the non-Indian populations.

This nation's trust responsibility to Indian tribes requires us to continue to provide comprehensive health care services to Indian people in order to elevate their health status to the highest level. Currently, fewer federal monies are spent on the health care of an Indian patient than a non-Indian patient receiving federal assistance. One way to address this severe shortfall is through the reauthorization of the Indian Health Care Improvement Act. This Act sets the Nation's major health status goals and authorizes the major health care programs provided to Indian people throughout the country.

As you know, in addition to reauthorizing several critical Indian health care programs, the legislation would substantially improve tribal access to Medicare, Medicaid and other third party payments for health care. This would bring millions of additional dollars to the Indian health care programs, which are severally underfunded now. Thus, while these particular provisions are within the jurisdiction of the Congressional tax committees, I would urge you to ensure that they are a part of any package enacted by Congress. Without these provisions, this legislation could result in promises that are never funded by the Appropriations Committees.

Thank you for the opportunity to discuss these issues with you.

Ruben McCloskey
Employment Assistance Director
United Sioux Tribes of South Dakota Development Corporation

United Sioux Tribes History

United Sioux Tribes of South Dakota Development Corporation (hereinafter called UST) was formed May 19, 1970, as a private non-profit organization. Nine (9) Tribal Chairpersons, the elected representatives of the Sioux Reservations, chartered the organization/corporation. The purpose in creating and organizing the UST was to encourage social cultural, political, and economic development. By bringing the individual Tribes together, UST would find methods to utilize all of the available resources for the benefit of Indian people in South Dakota.

The purpose and objectives of UST as outlined in its charter are to "promote, inspire, encourage and help bring about the social and economic well-being of the Indian people of South Dakota." More specifically, the purposes are to develop Tribal resources through a central agency, to act as an information service to the reservations, to contract for programs to meet the needs of the reservations providing economic, educational, social, and cultural as well as employment assistance to the reservations. UST acts as a liaison between federal and state governments, industrial firms, private foundations, and the eleven (11) Sioux Tribes of North/South Dakota and Nebraska. In this role, UST explicitly promotes economic development, employment, and training opportunities for the Tribes. Examples of corporate economic development on reservations are its resource programs: Workforce Investment Act, formally (JTPA) Job Training Partnership Act Program, Direct Employment and *Employment Assistance* Programs.

United Sioux Tribes also provide for the continued organization of social, cultural and political initiatives of the member Tribes. UST has long been relied on by the member Tribes for services, programs and advocacy efforts.

The present objective of the UST is to serve as an alliance of the eleven (11) Sioux Tribes; facilitate employment on and off the Sioux reservations; provide educational and cultural opportunities; and encourage economic development by performing contracts for the non-profit purposes of the United Sioux Tribes of South Dakota Development Corporation.

Program

It is the policy of the Bureau of Indian Affairs Employment Assistance Program to exert a continuing effort to provide a flexible and comprehensive program necessary to enable Indian people to transform their ambitions, desires, and aspirations into economic independence and full participation in the economic life available to other citizens.

Per the attached budget, we are asking for fiscal year 2002, an annual budget of Three Hundred and Fifty Thousand dollars (**\$350,000.00**) to provide services to Indian clients leaving their respective reservations to seek a job of substance in the urban community. The Employment Assistance Program provides them an opportunity to obtain employment skills, while they are receiving services under this program; such as,

subsistence, supportive services, follow-up services, placement services, employment counseling, and community services.

It is the Employment Assistance Program Director's responsibility to ensure services are being provided to Indian clients seeking employment and assistance. On the average, the Director spends three (3) days to one (1) week for each client to ensure that the client knows and receives those services. So you can see, that if you have thirty clients, it requires up to thirty (30) weeks out of the year. The Director spends fifty-two (52) weeks each year assisting not only the clients on the program, but providing services to the drop-ins that are requesting assistance. The Director assists the drop-ins with all available services except for funding. The program is under-funded and that is why each fiscal year we are seeking an increase in the budget.

The Employment Assistance Director spends numerous hours working in the areas of community service, housing, health issues, family planning, emergency assistance for families, transportation, clothing, licensing assistance, tribal enrollments, budget checks for individuals, and other necessary tasks.

The Employment Assistance Director must justify his time and services to tribal governments who question why their clients are not getting the services needed for their people. The Director must work with tribes on the problem of urban services because they spend very little money assisting their own people in urban areas.

The Employment Assistance Director performs individual tasks for clients such as, intake on applications, welfare services for Indians by working with state agencies and contacting organizations for client referrals; act as family counselor, contacting Indian reservations for services, request financial support from the tribes for clients, attend meetings regarding welfare services for clients, attend rural initiatives meetings with the Rural Development Council in the state to include clients on all employment issues. Furthermore, required to attend domestic violence meetings to explain services available to clients.

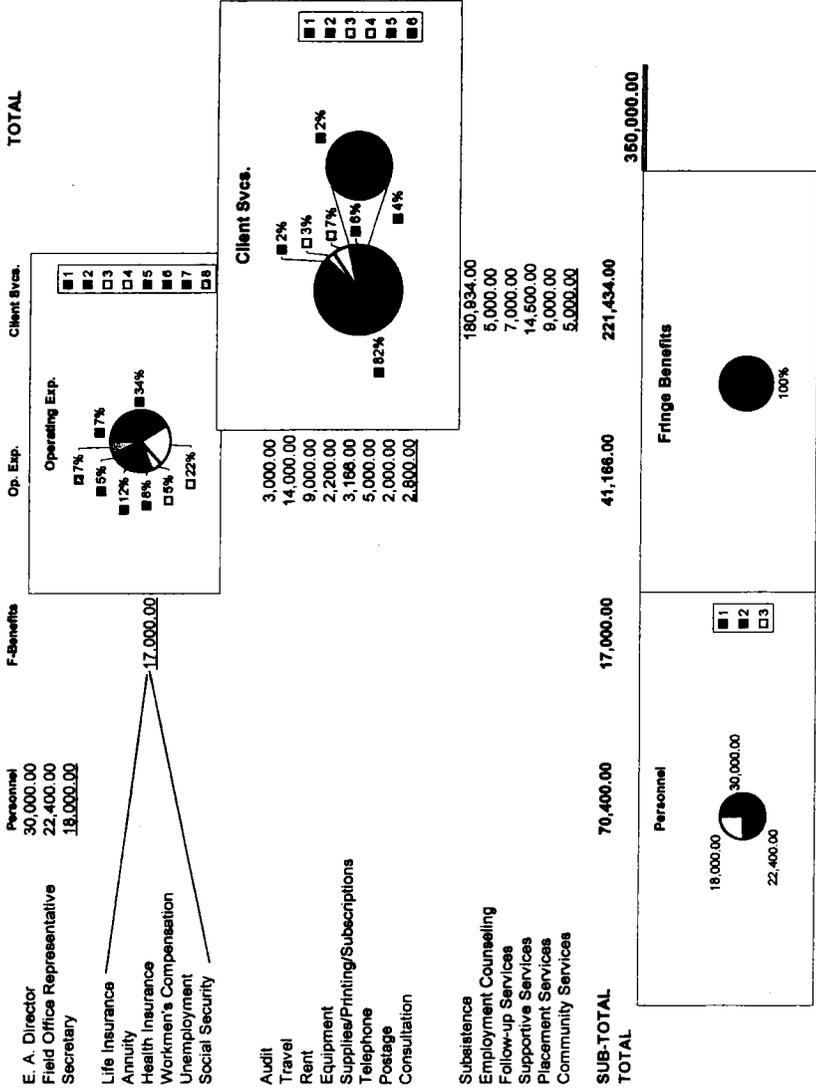
The Employment Assistance Director must work with the food pantry establishments around the state to ensure the clients receive the proper food items, perform follow-up services to ensure the children of clients attend school regularly. The Employment Assistance Director provides services not only in the Aberdeen area, but also includes employment assistance services nationwide as clients from all over the United States have been requesting assistance from the United Sioux Tribes of South Dakota Development Corporation's Employment Assistance Program since 1971.

The influx of clientele wanting services will increase tremendously impacting the Employment Assistance Program due to the recent increase of the American Indian population in South Dakota which rose to 62,283 in 2000, a 23 percent increase during the 1990s, according to U.S. Census Bureau.

American Indians, the state's largest minority group, now make up more than 8.2 percent of South Dakota's total population. Of the 15 largest cities in South Dakota, Rapid City had the most diversity; 10.1 percent of the population was American Indian followed by Pierre at 8.6 % followed by East River towns of Sioux Falls and Brandon.

In 2001, the Employment Assistance Program provided over ~~\$1,000,000.00~~ worth of services to Indian clients in areas such as placement, referrals, community support, housing and employment services, employment counseling, assisting abused mothers, crisis center support, homeless assistance, child care services, food, and shelter.

**EMPLOYMENT ASSISTANCE BUDGET
FY 2002**



**UN-MET NEEDS COST ANALYSIS
FY-2000**

FISCAL YEAR 2000

1. **Average Hourly Wage: \$5.15**
2. **Average Subsistence Cost Per Clients: \$1,000.00**
3. **Total Subsistence: \$30,000.00**
4. **Average Time Spent With Drop-Ins: 30 minutes per client**
5. **Total Number of Drop-Ins: 3,671**
6. **Number of Job Development Contacts: 640**
7. **Employment Research in a Five State Area: 180 Hours**
8. **Backlog of Indian people requiring employment assistance: 86%**

COMPARISON OF STATISTICS FROM FY-1999

1. **Average Hourly Wage: \$5.00**
2. **Average Subsistence Cost Per Client: \$1,000.00 per unit**
3. **Total Subsistence Cost: \$40,000.00**
4. **Total Number of Drop-Ins: 3,500**
5. **Total Amount of Job Development by Percent: Increased by 86%**

In 2000, the Employment Assistance Program provided over \$1,000,000.00 dollars worth of services to Indian clients in areas such as placement, referrals, community support, housing services, employment services, employment counseling, assisting abused mothers, crisis center support, homeless assistance, child care, food and shelter.

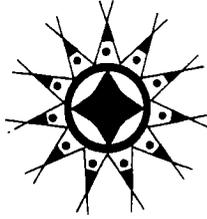
The American Indian population in South Dakota rose to 62,283 in 2000, an 23 percent increase during the 1990's, according to new data from the U.S. Census Bureau creating a larger influx of American Indians requesting services from our program. This is one of the reasons why we are requesting an increase of up to \$35,000.00 dollars in our testimony for F-Y 2002

**UNITED SIOUX TRIBES
OF SOUTH DAKOTA**

Development Corporation

P. O. Box 1193
Pierre, SD 57501

Administration 945-3075
Employment Assistance 945-3074
J.T.P.A. 224-9865
Business Office 224-9864
E-mail usdc@sd.cybernet.net
Fax (605) 224-0069



- Standing Rock
- Lower Brule
- Fort Totten
- Flandreau
- Rosebud
- Santee
- Crow Creek
- Pine Ridge
- Cheyenne
- Sisseton
- Yankton

Field Offices
Rapid City 343-1100

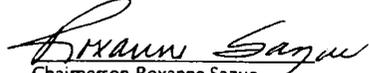
To Whom It May Concern:

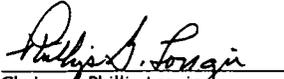
We the undersigned Chairpersons of the Lakota, Dakota, and Nakota Sioux Nations support the Employment Assistance Program contracted with the Bureau of Indian Affairs and the United Sioux Tribes Development Corporation.

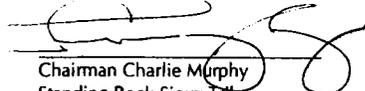

Chairman Michael Jandreau
Lower Brule Sioux Tribe

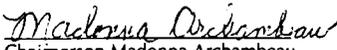

President William Kindle
Rosebud Sioux Tribe


Chairman Roger Trudell
Santee Sioux Tribe

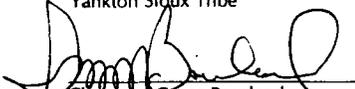

Chairperson Roxanne Sazue
Crow Creek Sioux Tribe

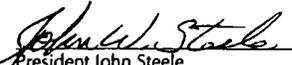

Chairman Phillip Longie
Spirit Lake Sioux Tribe

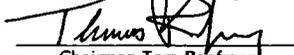

Chairman Charlie Murphy
Standing Rock Sioux Tribe


Chairperson Madonna Archambeau
Yankton Sioux Tribe


Chairman Andrew Grey, Sr.
Sisseton-Whape-ton/Sioux Tribe


Chairman Gregg Bourland
Cheyenne River Sioux Tribe


President John Steele
Oglala Sioux Tribe


Chairman Tom Ranfranz
Flandreau-Santee Sioux Tribe

June 14, 2001

Cora Jones, Regional Director
Great Plains Regional Office
115 4th Avenue SE
Aberdeen, South Dakota 57401

Attached please find the issues and priorities as requested by the Chairmen of the Great Plains Region.

This information represents a summary of the central issues and priorities resulting from the Regional Director/Superintendents meeting held in Rapid City, SD on June 10 – 12, 2001. Crucial to enhancing operational effectiveness and efficiency is to increase resources. We need increased budgets to deal with the greater demand, complexity, and workload faced by all the agencies.

As you can see from the priorities list, budget for roads and staff development ranked the highest as an agency need. Staff development is an integral component to all items identified on the priority list.

The issues and priorities were identified by the superintendents. Each superintendent identified all the issues facing their agency and all were asked to identify in rank order 1-15 (1 being the highest) those issues of greatest importance to each superintendent.

**Agency Superintendents
Great Plains Region**

Major Issues Identified by SuperintendentsIssue 1

- (1) Flooding (Devils Lake) on the Fort Totten Reservation (1)
 -Home-site Leases: problems and Disputes
 -Losing Contracts: a better record system is needed to ensure contracts are managed without fear of losing or misplacing contracts.
- (6) Lack of Administrative Support (10) (2) (6) (7) (2) (1)
 Additional staff (Budget, Accounting, Contracting, Property, Personnel) is needed at each agency.
- (4) Contract Compliance (14) (2) (9) (2)
 -Level of acceptance by tribes running BIA Programs
 -Did the contract perform to renew.
 There is a concern that contracts are not being performed to standard. The challenge is improve quality and adherence to what the contracts dictate.

Issue 2

- Lack of technical assistance TA (available to the agencies)
- (2) There is a need for 638 Contract Training for Tribes to take BIA Programs.
 (1) (10) (8)
- (1) Role of OST. There is a need to clearly define the role of Office of Special Trustee.
 (15)
- (3) Sufficient Resources for Agencies and Tribes to contract – (3) (4) (5)
- (2) Tribes need flexibility to design programs to contract – (10) (9)
 In addition to flexibility, the contract needs a contingency statement to make the contracts work.

Note: the numbers 1-15 at the end of each comment represent the priority need Superintendents gave to each item.

Hyphens in front of each phrase represent direct quotes from the meeting.

GREAT PLAINS REGION

CONTENTS

Superintendents' Issues

Other Issues:

Line Authority

Eight-Year Strategy (Michael Hughes, Consultant on Indian Affairs)

Facilities Management

Accounting Management

Records Management

Personnel

Contracting

Information Resource Management

Natural Resources

Tribal Courts

Economic Development

Real Estate Services

Land Titles and Records

Road Maintenance/Road Construction

Housing Improvement Program (HIP)

GREAT PLAINS REGION

ISSUES

TRIBAL PRESENTATION

OVERSIGHT HEARING

SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

TUESDAY, JUNE 26, 2001

Issue 3

-Realty vs. Expectations to contract programs – more clarity is needed around the issue of contracting the Realty Program.

- (3) Develop scholarship programs for expertise in-house – (9) (5) (11)
 Mission Statement of the BIA is to self-determinate or to self sustain?
 -Orientation for new council members

- (8) Audits on 638 Contracts – (5) (3) (9) (2) (10) (8) (8)
 -BIA and not the tribe should do audits. There is a concern that if the auditors are paid for by the Tribe, is the Tribe in fact getting the best advice. And in this case, we may be in the best position to do the audits.

Issue 4

- (1) BIA's position to reassume a program back from the tribe – (8)
 The concern is: Does the Bureau have the resources necessary to reassume programs back from the tribe? At this time, the Bureau lacks the resources to reassume a program function.
- (4) Agriculture and Realty need more resources and definition to adequately effect the changing reservation economy dependent on both. – (14) (7) (12) (3)
- (4) Housing needs additional funds – (13) (13) (13)
 To meet housing shortages and security; in short, to enhance the quality of life on the reservations.
- (5) Roads Maintenance/Construction needs additional funds – (1) (4) (4) (5)
 -Roads Maintenance vs. Construction
 Clarity needs to be maintained in the program monitoring of maintenance and construction in addition to meeting funding requirements.
- (4) Staff burnout – (10) (12) (3) (5)
 Staff development
 Staff morale
 Staff development ranked high among concerns of the Superintendents, burnout is high and staff morale suffers from lack of resources and shortage of personnel.

Issue 5

- (8) Loss of expertise due to staff retirement – (7) (4) (12)
 We need to develop specialized courses for staff development – (8) (6)
 Need to work with the Community College to develop appropriate classes to assist staff development – (7)
- (2) National Energy Plan for the tribes – (12) (5)
 Tribal Council Training program regionally – (5) (13) (14)
 There is a need to establish a regional training program for Tribal councils on Federal regulations, guidelines and Budget processes.
- (4) Think Tank needs to be established to solicit ideas and approaches to address problems facing both Tribal and Bureau concerns.

BIA and Tribe need to work closer together.

Issue 6

- (1) Support of Field Decisions.
- (2) CFR updated – (10) (13)
 -Superintendent in control of Law Enforcement
 It was suggested that Law Enforcement be returned to BIA Line Authority.
- (7) Police – (12) (10) (7) (6) (11) (11) (11)
 -Sharing of information
 -Safety issues
 -Coordination with agencies to address problems and issues
 -Property inventory for accountability
 -Need a stronger working relationship between Law Enforcement and Bureau.
- (4) Leasing – (12) (13) (5) (7)
 Clarify language to know what can be received and/or distributed from Trust, i.e. Social Services.
 The issue is to develop specific language and parameters for distribution of trust monies.
- (3) What is Trust Money? – (15) (3) (5)
 Specific language and workshops need to be developed and ongoing.
- (4) Field Solicitor at Aberdeen – (6) (10) (14) (15)
 Establish a Field Solicitor position at the Great Plains Regional Office.



IN REPLY REFER TO

Regional Director's Office
MC-100

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Great Plains Regional Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401



Honorable Michael Jandreau, Chairman
Lower Brule Sioux Tribe
P. O. Box 187
Lower Brule, SD 57548

Dear Chairman Jandreau:

At your request, we held a meeting in my office on Thursday, June 7, 2001. You requested assistance from the Great Plains Regional Office staff to assist the tribes in identifying critical issues and concerns respective to our Region. These issues will be presented on June 26, 2001, at an Oversight Hearing with the Senate Select Committee on Indian Affairs. The sixteen tribes of the Great Plains Region will testify to their needs.

Enclosed is a summary of critical issues submitted by our Regional Office staff. A copy of this summary is also being sent to Tex Hall, Chairman, Three Affiliated Tribes, and Chairman, Great Plains Tribal Chairmen's Association; and Thomas Ranfranz, President, Flandreau Santee Sioux Tribe, and Vice-Chairman, Great Plains Tribal Chairmen's Association, at their request.

Please let me know if additional assistance is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Cora L. Jones".

Cora L. Jones
Regional Director

Enclosure

*Michael B. Jandreau,
Chairman*



**PO Box 187
321 Sitting Bull St.
Lower Brule, SD 57548
605-473-5561 - Phone
605-473-5606 - Fax**

July 3, 2001

Marilyn Bruce
Senate Indian Affairs Committee
838 Hart Senate Office Building
Washington, DC 20510

Dear Ms. Bruce:

Attached please find documents received from the Bureau of Indian Affairs in regard to Regional and our local Agency budget.

You will find in our Agency budget that there are figures for housing and justice that reflect our total cost. We are looking at utilizing other programs for supplementation, for instance NAHASDA.

I believe that the attached documentation will provide justification for our request for assistance from the Great Plains Regional Office. Should you have any further questions please do not hesitate to contact my office.

Sincerely,


**MICHAEL B. JANDREAU, CHAIRMAN
LOWER BRULE SIOUX TRIBE**

MBJ/slc

xc: file

- (2) Training on all new laws and regulations before they are implemented, i.e., Indian Land Consolidation Act, Probate training – (15) (12)
- (4) Space needs – (7) (9) (4) (9)
Office space and records storage space are critical at all agencies and the regional office.
- (3) Records – (11) (3) (12)
- IRA vs. Tradition
 - Grassroots support or not the Tribal Government.
 - Role of the government
- (1) Role of the BIA – (8)
Need for continued dialog on the role of the Bureau in a time in which strengthening Tribal Government is the central theme.
- (1) Treaties – (9)
- (7) Economics – (6)
- (5) Land Resources – (2) (4) (4) (15) (8)
- (6) Tribal Courts – (4) (6) (14) (9) (11) (15)
- (3) Training in Trust Regs – (7) (15) (9)

Issue 7

- (5) Education – (6)
 - Bureau (OIP) needs to be in charge of Facilities – (6)
 - The Agency Superintendent and Regional Director needs to be in charge of this program.
 - Cooperation to work on like problems, i.e. snow removal.
- (3) Structural Fires – (13) (11) (14)
 - Sharing resources
 - BIA needs authority, training and funding to deal with structural fires.
- (4) Roads – (1) (2) (1) (3)
 - Additional roads need to be added to BIA Road System, and additional funds are needed to address this shortfall.
- (2) Trust Funds & IIM Funds – (6) (6)
 - Combine training sessions

GREAT PLAINS REGION

Fort Berthold Agency

Need for additional FTE to establish BIA Drug Enforcement Investigator or a Uniform Detective at the agency level to focus fulltime efforts in developing leads, and to conduct joint investigations concerning drug trafficking with existing resources. This is necessary to effectively address the growing drug problems proactively and effectively. The incumbent must meet the guidelines under a Critical Sensitive Security Clearance to maintain the integrity of this position.

Hi Paige:

The subject issue is what was discussed at the Supt's. meeting:

The existing Regulations prohibit BIA Road Maintenance funds being expended on any roadways which are not included on the BIA's Road System, consequently any access roads that may have been constructed by the Tribe or Tribal member for access from their residence to an existing BIA road, cannot be maintained in any manner. Unfortunately, because homesites that are located next to BIA roads have already been identified and are being used, the members and Tribal Government is compelled to develop tracts of land, which are located 1/4 to 1 mile from an existing BIA road. There well may be several families with numerous school ages children (head start through high school) located some distance from the BIA. Because of the semi-artic weather conditions at Turtle Mountain, as well as other Reservations in North and South Dakota, it has become an established practice for the school bus drivers to drive the school children up to the residence. Unfortunately, the buses get stuck in the snow or mud. At Turtle Mountain, everyone relies upon the "Bureau" to find a way to get the bus from the BIA road to the homesite. The only alternative is to drop the children off at the approach and hope they don't get frostbite or worse.

Therefore, the Turtle Mountain Agency and the Turtle Mountain Tribe is requesting supplemental funding, plus authorization for the BIA to "officially" plow snow and provide gravel on access roads that are being used by Education bus drivers for delivery of children to their homes.

Because of the relationship with school children, we are further requesting the OIEP to not only support the OIP's request for supplemental funding, but to actively seek additional funding, which would be specifically targeted for BIA snow removal and/or minimal road maintenance of residential access roads to an existing BIA road.

Priorities:

- 1) Roads - 9
- 2) Development of Staff - 9
- 3) Economics - 7
- 4) Audits on 638 Contracts - 8
- 5) Police - 7
- 6) Lack of Admin Support - 6
- 7) Tribal Courts - 6
- 8) Land Resources - 5
- 9) Education - 5
- 10) Contract Compliance - 4
- 11) Field Solicitor - 4
- 12) Space Needs - 4
- 13) Housing Needs - 4
- 14) Agriculture vs. Realty - 4
- 15) Leasing - 4

"Line Authority"

Imposing Division and Centralization:

Serious Impacts to Small and Needy Tribes

Introduction

Proper management, by definition, includes striving to sustain improved direct services to clientele while increasing productivity, reducing overhead cost burdens, and successfully achieving an organization's mission statement.

The Bureau of Indian Affairs Mission Statement and Guiding Principles are as follows:

Mission Statement

The Bureau of Indian Affairs mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian Tribes and Alaska natives. We will accomplish this through the delivery of quality services, maintaining government-to-government relationships within the spirit of Indian self-determination.

Guiding Principles

The Bureau of Indian Affairs takes pride in our ability to successfully manage a complex, multi-faceted organization. Integrity, accountability and excellence are never compromised. We treat everyone with respect, trust and dignity. Customers are the focus of everything we do. We set priorities and execute plans consistent with our strategic objectives. Employees are our most important assets. We achieve results through teamwork. Continuous improvement in the quality of service is vital to our success. Our priority is to support and enhance tribal governments. We encourage innovation and risk taking and share responsibility for the result.

The Bureau must regard Indian Self Determination as prerequisite to reorganization.

The Bureau of Indian Affairs has in recent years implemented a major reorganization process wherein it subdivides, splitting up once consolidated programs into independent, totally separate organizational divisions termed "Line Authority" programs. The first such new Division created was Education (Office of Indian Education Programs, OIEP), the second new Division was Law Enforcement (Office of Law Enforcement Services, OLES). The remaining "Balance of the Bureau" makes up the final independent division, the Office of Indian Programs (OIP).

Line Authority – Stewardship and Self Determination, Continued:

According to recent reports from the Central Office of the Bureau, now still other programs are proposed for Line Authority status.

Decentralization - Trends in Management of Federal Resources

Most agencies of the federal government have undergone tremendous decentralization efforts in recent years. Authority has been moved as close to the local service level as possible to improve responsiveness to the served client.

Federal bureaucracy centralization is one of the worst possible actions the federal government could take in regards to tribal self-determination. Centralization removes resources, control, and authority from the Tribal, Agency and Regional levels and correspondingly increases resources, control, and authority at the central office level.

Amazingly, within the Bureau of Indian Affairs, its Central Office has pursued a combination of simultaneous division/deconsolidation and centralization of its Federal Trust Responsibilities through major reorganizations it calls, "Line Authority".

Reducing Overhead - Consolidation of Offices Performing Like Functions

Properly managed organizations will consolidate to reduce overhead costs and remain competitive and productive. These actions are generally taken when, through reorganizations, acquisitions, or technological advancements, organizations find parallel functions being performed by two separate divisions, (or even two completely separate companies owned by the same parent corporation), especially if they are in the same location, or able to be served via technology by a single consolidated office.

Decentralizing to Improve Services and Productivity

Organizations move authority and resources to field locations (decentralize) to improve services where a central office is not able to simultaneously respond to a large and/or growing number of major field clients to dedicate and move authority and resources closer to a major client being served, increasing the number of offices/locations and manpower.

Decentralization is generally done when:

- o Budgets are growing
- o Demand, both current and future, is so strong as to force growth
- o A centralized office's economy of scale no longer offsets losses in distance/proximity to major client locations;

Line Authority - Stewardship and Self Determination, Continued:

- Competitors establish local field locations close to the demand given significant advantage due to physical proximity;
- Corrective measure where
 - Centralized sub-organization has grown lethargic and unresponsive to its clientele
 - Where a central office has grown so large that it exerts excessive oversight and control on its organization:
 - Hampering flexibility and creativity
 - Consuming disproportionately large shares of overall resources, impairing productivity, curtailing production and responsiveness.

Fundamental Weakness - Department of Defense

The United States Defense Department's most fundamental weakness is its fractured organization. It has an inherent inability to present a coordinated front with all branches of the Department of Defense (Navy, Air force and Army) because all have their own air force, ground troops and navies. all have their own independent supply systems, support services, and administration. The waste, inherent mismanagement, and discord generated by this fractured organizational structure is far from a model organizational structure. Attempts to unify and make the Army, Navy and Air Force work together in strategic combat are continually frustrated by this fundamental organizational weakness. It is nearly impossible to obtain the benefits of overall team synergy in such an organization.

Stewardship - Multiple-Program Federal Trust Responsibilities at the Tribal Level

The traditional organizational structure of the Bureau of Indian Affairs is decentralized. The vast array of differing tribes, the need for local representation, and many cultural factors culminated in an organizational structure that placed the Agency Superintendent as the local authority responsive to the local Tribes needs, accountable for the consolidated management of the collective, multiple-program Federal Trust Responsibilities at the local level.

Line Authority - New Divisions Within the Bureau

Line Authority programs in the Bureau of Indian Affairs become independent divisions of the Bureau. Program Directors are created at the central office level and report directly to the Assistant Secretary. A Line Authority program's organizational chart does not connect with other sub-organizations of the Bureau below the Office of the Assistant Secretary. A pure "Line Authority" program is totally separate, completely self-sufficient division. Line Authority status includes dedicated funding strictly for that program, eliminating the need to compete for resources from general accounts serving multiple non-line authority programs. Consolidated administration

Line Authority – Stewardship and Self Determination, Continued:

programs (personnel, budget, accounting, contracting, purchasing, real property, information management, records management...) are sub-divided (de-consolidated) as Line Authority programs establish their own independent parallel administration functions.

In the Great Plains Region, there are 16 Tribes, almost all with their own local Agency Superintendents. Implementation of Line Authority in the Great Plains Region divides services formerly consolidated under the control of the local Agency Superintendent serving the one Tribe at a given location. Each Line Authority Bureau Division has its own representative assigned to each location, and each have authority to establish their own totally independent parallel administrative functions and overhead burdens.

Far from the increased services promised, the new Division managers typically service more than one tribe and do not report to the local Regional Office, but rather report to the Central Office, or through a network of reduced numbers of new Regional Offices (greater distance and serving greater numbers of Tribes).

De-consolidating, or increasing the number of independent offices to perform the same workload, without corresponding increases in available manpower and budget resources to fund the additional overhead, necessarily reduces a program's overall resources dedicated to providing direct services. Each time a program goes "Line Authority", less of the Bureau's budget is applied to direct services and more is applied to overhead.

As more and more programs are given "Line Authority" status, the overhead costs compound, and support programs find sub-division under increasing cut-backs, dividing and establishing more and more parallel support offices for the Line Authority programs, but with fewer and fewer resources due to the compounding increases in overhead from all the duplicate parallel administration offices created in the de-consolidation.

Striving to join the ranks of programs that have been given Line Authority status, Program Directors hope to protect their programs from the destructive sub-division and reduced direct services that otherwise occurs if their program resources are subdivided to support Line Authority programs.

The Line Authority movement becomes a self-sustaining movement in an organization, dramatically increasing overhead, until financial pressure from the increases in overhead, and complaints from decreasing services are so great that management no longer seeks further division. Without offsetting increases in overall organization resources, resources dedicated to direct services necessarily are reduced to fund the growing overhead costs.

Traditional Organizational Structures & Self Determination

The great asset of traditional Bureau organizational structures is the ability of tribal leaders to sit

Line Authority – Stewardship and Self Determination, Continued:

down with local Agency Superintendents and negotiate for the implementation of local priorities in all local programs of the Federal Trust responsibilities.

Under the Line Authority movement, no one at any level below the ASIA has the authority to coordinate policy and procedures between the multiple Divisions of the Bureau. Divisions compete and duplicate efforts, and are less accountable to local tribal leaders. Divisional line officers often serve more than one tribe, and report to distant supervisors at the central office who are dealing with all the tribes in the nation.

The traditional Bureau organizational structures with one overall local leader (Agency Superintendent), responsible for the consolidated Trust Responsibilities to the local Tribe, is reasonably compatible with the traditional Tribal governments organizations.

Line authority categorically removes federal trust responsibilities once held by local Agency Superintendents and places it in the office of the ASIA.

Instead of a tribal leader, embarking to achieve self determination, assuming consolidated federal trust responsibilities of one federal organization under one Agency Superintendent, now a tribal chairman is faced with assuming responsibilities that the ASIA alone has authority to perform: to coordinate the often competing and conflicting policies, procedures and goals of the growing number of divisions of the Bureau. This must be done from the local level – an almost impossible task.

Administrative Cost Burdens

Line Authority favors certain programs and authorizes them to create their own stand-alone organizations, fully independent of the parent organization, having their own administrative functions (personnel, accounting and budget, contracting, real property, records and information management, telecommunications). The massive redundancy in administrative burden is undeniably wasteful, draining away scarce resources from program functionality, straining already inadequate budgets further, and degrading services. Attempts to force the independent programs to work together in concert are frustrated by the independence and competitive divisiveness that "Line Authority" fosters. "Line Authority" brings out the most divisive elements within an organization. Like the Department of Defense, It is nearly impossible to obtain the benefits of team synergy in such an organization.

Accountability

Line Authority ends the Bureau's ability to locally represent the federal government as one voice; it makes far more difficult an individual tribe's ability to hold the federal government accountable to its trust responsibilities.

Line Authority – Stewardship and Self Determination, Continued:

Line Authority in the Great Plains Region literally means to a tribe that they can no longer hold an Agency Superintendent responsible for that program. Indeed, that they now have an additional local line officer for a specific isolated program – a new line officer generally serving multiple tribes, and not supervised by the local Regional Director.

Summary

As tribes have tribal chairpersons and presidents so that they can speak with one voice, so too was the Bureau of Indian Affairs originally structured with Agency Superintendents so the federal government would have a like authority head locally, government to government negotiations, accountability. However, under "Line Authority":

- o A Tribe can no longer hold the Bureau accountable locally for the proper management of its collective Federal Trust Responsibilities because:
 - The bureau is divided into Line Authority (program) Divisions
 - Line Authority local program managers no longer collectively answer to any one office locally or regionally
 - Competing Divisions of the Bureau, replace the once consolidated programs that were once controlled by the local Tribe's Agency Superintendent.
 - Formal direction of the Line Authority divisions (programs) rests in the Office of the Assistant Secretary - Indian Affairs. Inter-program coordination and direction that once took place on the reservation, subject to the review of the Tribes, becomes an inherent Federal responsibility in Washington DC, via Line Authority .

Through Line Authority, local consolidation and control of Federal Trust responsibilities is largely lost to both the Bureau and Tribe. By definition, Line Authority incorporates a shift of authority and resources to the central office level, away from local and regional levels, away from tribal influence and control, creating divided organizational structures that undermine self-determination. Bureau programs that go "Line Authority" generally reduce the number of regional offices, or totally eliminate them, and the number of tribes serviced by field level program Line Officers increases.

Also, overall administrative costs of the bureau increase as Line Authority programs create their own independent administrations, complete with their own Personnel, Budget, Accounting and Contracting Offices. The added administrative burden generated by Line Authority further degrades services to the Tribes as more and more of the fixed, limited resources of the Bureau are diverted for greater and greater levels of administrative overhead to support the independent Divisions. The overall percentage of bureau resources at work at the local level serving federal trust responsibilities necessarily declines as a result of Line Authority – in stark contrast to the promises of net increases in resources.

Line Authority – Stewardship and Self Determination, Continued:

As more and more programs seek and obtain Line Authority status, the percentage of federal resources appropriated to meet the Federal Trust Responsibilities expended at the central office level continues to grow. Such programs, once divided off from the balance of the Bureau, are easily contracted out to other agencies and consultants, or transferred completely outside the Bureau (e.g. OTFM, and nearly OLES/DOJ).

Finally, at the Central Office level, outside the influence and control of the served Tribes, the programs are easily redirected, if not shifted completely outside the Bureau (OIRM) and performed by other Federal Agencies and contractors whose mission statement does not involve Federal Trust Responsibilities to American Indians. Such changes are viewed as internal actions at the central office level, inherently Federal functions, and are often directed by Departmental Directives or congressional actions, and are rarely subject to Tribal consultation.

Contracting all but truly inherently federal functions becomes more and more unattainable for small and/or needy tribes. Self Determination yields to Line Authority, often without real Tribal Consultation. The damage to the Self Determination movement within small and/or needy tribes due to the Line Authority movement will have long lasting, serious impacts.

Local Inter-Program Coordination and Management

Line Authority yields to central office federal managers tremendous increases in control and power over their programs with corresponding decreases in control and power of local federal managers.

Under Line Authority:

- Authority for local coordinated provision of federal trust responsibilities is:
 - o Removed from the Office of the local Agency Superintendent
 - o Removed from oversight of local Regional Directors
 - o Placed within the Office of the Assistant Secretary – Indian Affairs
 - Removed from the access and influence of the tribes
 - The Office of the ASIA is an inherently Federal function and generally not subject to 93-638
 - Few tribes that can afford the resources to present a sustained presence at the Office of the ASIA level.
- Coordinated program accountability of the Federal Government is degraded significantly

Line Authority also:

- Fosters federal bureaucracy growth
- Increases overhead and manpower costs to perform essential functions
- Increases shares of overall resources performing administrative duties generally considered as inherent federal functions
- Reduces resources dedicated to true program services
- Represents a major departure from the mission of the Bureau of Indian Affairs

Line Authority – Stewardship and Self Determination, Continued:

Incredibly, a tribal leader must now literally approach the Office of the Assistant Secretary of Indian Affairs (ASIA) in Washington DC to address someone with the authority to discuss, negotiate, and direct resolutions in the means by which all programs of the Bureau of Indian Affairs collectively meet, or fail to meet, trust responsibilities of the Federal Government at the local level. Few greater disservices to American Indians, few greater affronts to Self Determination, could be conceived.

Preeminence in Facilities

Providing preeminence in facilities on the reservation is attainable, given adequate resources. Federal facilities on the reservations should be the absolute best maintained and best designed and best funded facilities in the Department of Interior – a model for others to follow. Funding distributed for the operation and maintenance, replacement, improvement and repair of federal facilities on the reservations must first be sustained at established need levels. Facilities deterioration cannot be constrained. The programmatic, chronic constraint applied to regional and local facilities program funding must be eliminated. The reprogramming of scarce program resources reported by the Office of Facilities Management and Construction in other regions must be curtailed.

Final Recommendations

1. The Facilities Management Program has been added to the list of programs proposed for Line Authority status, in order to control resources and improve facilities on the reservations. However, the main problem with the facilities program (as in many programs in the Bureau of Indian Affairs), is not organizational in nature, but simply one of chronic and severe lack of resources at all levels except the central office level.

Instead of centralization under Line Authority, the facilities program's regional and local chronic funding constraints should be made highly visible in all budget proposals to Congress and efforts must be made to eliminate the constraint permanently, bringing parity with like program funding levels throughout the Department of Interior. Restrictions against reprogramming of facilities funding for use in other programs should be implemented.

2. Bureau-wide (All Programs): Furthermore, as formal organizational Divisions within the Bureau of Indian Affairs create:

- Serious impacts to the hopes of Self Determination of Small and Needy Tribes
- Degradation to sustained direct services to Native Americans
- Decreases in Bureau productivity
- Increases in Bureau overhead cost burdens
- Conflicts with the Bureau of Indian Affairs' mission statement

Line Authority - Stewardship and Self Determination, Continued:

Therefore, existing OIEP, OLES and OIP Divisions, largely implemented without proper Tribal Consultation, should be subject to immediate re-consolidation.

- A final review should also be performed to document an exhaustive accounting of existing Line Authority program resources with comparative, before and after, analyses, including all administrative and program resources expended at all levels, including the central office level, including resources expended using outside contractors, other agencies, central office level staff and consultants.

II. CAPITOL HILL

On April 6, Senator Tom Daschle (D-SD) and Senator Pete Domenici (R-NM) proposed an amendment to the Senate version of the FY 2002 Concurrent Resolution on the Budget to increase the IHS budget from \$2 billion to \$6 billion over a ten-year period. There seems to be a recognition on Capitol Hill of the major funding needs for Federal Indian programs and a willingness to consider long-range strategies.

For several years, Senator Domenici called for major increases in funding for Indian school construction. Finally, the Clinton Administration requested \$126 million to build six new schools. The Bush Administration maintained the funding level and requested \$128 million to build another six schools in FY 2002.

III. UNMET NEEDS DATA

In planning the FY 2003 budget, the BIA used an unmet needs format that collected information from tribal and BIA programs on current funding levels and projected funding needs. The responses were remarkably similar across BIA regions, tribal governments and programs – showing that the current funding levels provide one-third of the resources needed. Now it is possible to quantify the funding needs for most BIA programs based on fairly good data.

IV. TRIBAL PLANNING

Consistent and reliable annual funding increases will allow tribes to strengthen their administration of BIA-funded programs in an orderly manner. The massive amounts of time currently spent by tribal leaders trying to protect the BIA budget from reductions would be better spent on Indian community development.

Tribes that are fortunate enough to have revenues from tribal enterprises could use those revenues for economic development, instead of subsidizing underfunded BIA programs.

Tribes could work with the BIA to target additional resources to high priority programs including Tribal Priority Allocations, contract support, education, natural resources, trust programs and law enforcement.

EIGHT-YEAR STRATEGY TO INVEST IN TRIBAL GOVERNMENTS
DRAFT TRIBAL LETTER TO GALE NORTON

The Honorable Gale Norton
Secretary of the Interior
Department of the Interior
1849 C Street, NW
Washington, DC 20204

Dear Secretary Norton,

The ____ Tribe recommends that the Bush Administration adopt an Eight-Year Strategy to Invest in Tribal Governments. The basis of the strategy would be fifteen percent increases in the BIA budget every year for eight years.

The Bush Administration has requested \$2,203,554,000 for the BIA for FY 2002. The ____ Tribe supports the request and notes that it includes an increase of \$65,937,000 (+3.1%) over the FY 2001 level of \$2,137,617,000. The ____ Tribe also notes that FY 2002 budget for the entire Department of the Interior would decrease by 3.4 percent while the BIA budget would increase, and that the BIA budget would receive the third largest percent increase, after the National Park Service and the Minerals Management Service. The ____ Tribe supports the funding increases for real estate and trust services, education, law enforcement, and water claims settlements.

Nevertheless, the funding needs of the tribes are overwhelming. The backlog of school construction and repair needs has been estimated at over \$800 million. The backlog of irrigation construction needs is \$1.5 billion. Tribes are forced to subsidize underfunded BIA programs operated under self-determination contracts.

The unmet funding needs were not created overnight, and they cannot be solved instantly. It will take a long-term, sustained commitment on the part of the Bush Administration to assist tribal governments to develop and maintain healthy Indian economies. The tribe recommends that the Bush Administration adopt a strategy to increase the BIA budget by 15 percent per year over the next eight years.

An increase of fifteen percent over the FY 2002 budget request would total \$330.5 million. The FY 2003 budget request for the BIA would be \$2,534,087,000.

By following the eight-year strategy, the BIA budget would be doubled during the first four years of the Bush Administration. By the end of eight years, the BIA budget would be increased by \$4.5 billion (~206%) over the FY 2002 request of \$2.2 billion. This long-term, phased approach would be consistent with the approach the Bush Administration is taking with the budget of the National Park Service.

Once the Bush Administration adopts the eight-year strategy, tribal governments would work with the Bureau of Indian Affairs to plan the annual BIA budgets and to target

the additional resources to high priority areas of the budget including Tribal Priority Allocations, contract support, education, trust and natural resources programs, and law enforcement.

Bureau of Indian Affairs Budget			
15 Percent Annual Increases Over 8 Years			
Fiscal Year	Prior Year Funding	15% Increase	Budget Request
2003	2,203,554,000	330,533,100	2,534,087,100
2004	2,534,087,100	380,113,065	2,914,200,165
2005	2,914,200,165	437,130,025	3,351,330,190
2006	3,351,330,190	502,699,528	3,854,029,718
2007	3,854,029,718	578,104,458	4,432,134,176
2008	4,432,134,176	664,820,126	5,096,954,302
2009	5,096,954,302	764,543,145	5,861,497,448
2010	5,861,497,448	879,224,617	6,740,722,065

Tribal Priority Allocations

The Tribal Priority Allocations (TPA) part of the BIA budget provides funds to tribal governments to carry out a wide range of community service and natural resource management functions including higher education scholarships, social services, tribal courts, agriculture, forestry and real estate services. The TPA funds make up 34% of the BIA budget. Over 60% of the TPA funds are operated directly by tribal governments through self-determination contracts or self-governance compacts. The TPA funds allow tribes to target additional resources where they are needed, as determined by the tribes themselves. TPA programs operated by BIA Agencies include real estate programs which are essential for maintaining the Federal government's trust responsibilities.

Contract Support

Contract Support funds are added to self-determination contract funds to support the indirect costs incurred by tribal governments in operating BIA-funded programs. The indirect costs are based on rates negotiated annually by tribes and the Department of the Interior Office of Inspector General. The tribes' indirect cost pools include the costs of Federally-mandated functions such as liability insurance and annual single-agency audits. Unfortunately, the BIA funding for contract support has never been adequate to fully fund the needs. Tribes are forced to use scarce program dollars to cover their indirect costs, which diminishes services to Indian people. The Bush Administration should fully fund the BIA Contract Support cost account in the FY 2003 budget.

Law Enforcement

The funds available to provide law enforcement services in Indian communities are far below the resources available to non-Indian communities. A lack of law enforcement services makes it difficult for families to function and for businesses to prosper on Indian lands. The BIA has been successful in obtaining increases of \$20 million in FY 1999, \$20 million in FY 2000 and \$9 million in FY 2001 for law enforcement services. The BIA has requested an increase of \$5 million for FY 2002 for detention services. While this is a positive beginning, much more funding is needed to provide law enforcement services on a parity with non-Indian communities. The ____ Tribe urges the Bush Administration to continue to support the Indian law enforcement program in the FY 2003 budget.

Trust and Natural Resources Programs

The Federal government spends three to four times more money per acre for the U.S. Forest Service and the Bureau of Land Management than it gives to the BIA and tribes to operate Indian forestry and land management programs. The BIA has been criticized for its failures to meet its responsibilities for Indian trust assets. However, it is fundamentally unfair to expect the BIA to meet its responsibilities with only a fraction of the funds available to other Federal land management agencies. The ____ Tribe urges the Bush Administration to support increased funding for Indian forestry, agriculture, real estate, environmental protection and water management programs in the FY 2003 budget.

Misconceptions About the BIA Budget

The BIA budget is not an easy budget to understand, and there are many misconceptions about it. For example, some say that the BIA spends 90 percent of its budget on administration and only 10 percent to benefit Indian people. That simply is not true. Counting all BIA administrative costs -- which include Central Office operations, Regional Office operations, Agency, education and construction administrative costs -- the BIA will spend \$232.2 million to manage a \$2.1 billion budget in FY 2001. The BIA's overhead rate for FY 2001 is 11 percent, not 90 percent.

BIA FY 2001 ADMINISTRATIVE COSTS	
TPA General Administration	\$23,497,192
Education Superintendents	7,370,749
Central Office	57,736,698
Regional Offices	55,312,044
Pooled Overhead Administration	80,064,470
Construction Administration	8,213,889
TOTAL	\$232,195,042

The ____ Tribe urges you to resist recommendations to cannibalize BIA central office and regional office funding through the "tribal shares" process which has been promoted by the Office of Self-Governance. The "tribal shares" process resulted in the loss of 30 percent of central office and area office funding in FY 1996. The money taken away from the BIA was not distributed to tribes but was given to other Federal agencies such as

the Fish and Wildlife Service, the National Park Service and other agencies. The ____ Tribe urges the Department of the Interior to protect the BIA budget from the misguided efforts of the Office of Self-Governance.

Conclusion

The ____ Tribe believes that the Eight-Year Strategy to Invest in Tribal Governments is the best approach to meeting the funding needs of Indian tribes. Thank you for your support for the BIA budget.

Sincerely,

JUN 15 2001

Facilities Repair Construction Project Funding

Great Plains Region

FY 2002

Unmet Needs

PROGRAM TITLE	ESTIMATED FY 2002 BASE	ESTIMATED TOTAL NEED	ESTIMATED UNMET NEEDS
CONSTRUCTION	\$10,000,000	\$50,000,000	\$40,000,000

1. Brief Program Description:

The Region's Facility Management Program (FMP) is the second largest and most complex regional facilities management program of the Bureau of Indian Affairs, with responsibilities including design, construction, improvement, repair, renovation for over 5,800,000 square feet of federal facilities and federally funded tribal schools in the Great Plains Region on the sixteen different Indian Reservations, serving the sixteen different Tribes and twelve Agencies of the Great Plains Region in the states of South Dakota, North Dakota and Nebraska comprising over 1,200 separate buildings plus structures, equipment, grounds improvements, utility, and communications systems situated on approximately 3,000 acres of government land at 50 plus sites. Replacement value of plant inventory exceeds 1 billion dollars. A significant percentage of the Region's facilities are located in the arctic climate areas of the States of North and South Dakota. The aging of the Region's facilities inventory combined with the growing amount of deferred maintenance (from chronic national facilities O&M budget constraints) increasingly challenge the effective operation of the FMP.

Federal school building deterioration cannot be constrained. In spite of the unprecedented support for increased funding for federal schools for American Indian children, again in Fiscal Year (FY) 2001/2002, the Bureau of Indian Affairs Office of Indian Education Programs (OIEP) FMP constrained Operation and Maintenance (O&M) funding by 21.19 percent. Fiscal Year (FY) 2000/2001 Office of Indian Education Programs (OIEP) FMP Operation and Maintenance (O&M) funding was constrained by 29.75 percent. This pattern was already chronic for years prior.

The impact in our Region on Maintenance is far greater than just the % constraint however. Due to our arctic climate and high operations costs that must be funded at 100%, maintenance continually shoulders the entire burden of these now chronic constraints in O&M funding for the FMP.

This neglect is not just occurring in the schools of American Indian children, but even greater constraints against Federal facilities O&M are being applied throughout the rest of the Bureau.

 FY 2002 Unmet Needs

Page No.

1 of 2

JUN 15 2001

**FY 2002 - Great Plains Region
Facilities Repair Construction Project Funding Unmet Needs - Continued:**

Regionally, Operations is approximately two thirds of our O&M budget. Operations (utilities and other mandatory fixed costs) must be funded at 100 percent to keep our buildings open. Therefore, the entire O&M budget shortfall has to come out of the much smaller (one third of the overall O&M budget) Maintenance program, dramatically increasing the effective constraint on Maintenance.

Most of the building inventory in our region is being used well beyond its design life. The crippled Maintenance program rarely keeps up with the cost impacts of chronic deferred maintenance in buildings used beyond their design life, much less achieves any recognizable preventative maintenance program. Many locations have no Maintenance funds left over after covering the Operations constraints and the resultant ever-growing levels of unscheduled maintenance and repairs.

A major rebuilding program for the region has now become critical to sustaining federal trust responsibilities of the BIA in the Great Plains Bureau. Policies are needed to eliminate all constraints and subsequent federal facilities neglect.

Deterioration is nationwide, throughout the Bureau, in all federal facilities, and policies are needed to ensure proportionate shares of major replacement and major repair project funding is distributed to each Region, based solely on facilities inventory size. Present ranking systems are controlled by a small number of Bureau staff, and priorities are dictated to the Regions, based on the level of deterioration reported and approved into the deferred maintenance backlog.

Moreover, Regional control and ranking of their major repair and replacement projects priorities has been removed and heavily automated. Regional control of large projects must be restored to minimize litigation and emergencies unforeseen by programmers.

2. What the Additional Funds Will Provide:

A major rebuilding program (\$50,000,000 annually for 15-years) is proposed to rebuild the facilities of the reservations of the Great Plains Region. Adequate facilities are critical for the provision of all programs of the BIA. The region's facilities are largely being used beyond their design life, and, due to chronic budget shortfalls in Maintenance, and the compounding impacts of deferred maintenance, have deteriorated such that program effectiveness is already being impacted.

A major rebuilding program for the region has now become critical to sustaining federal trust responsibilities of the BIA in the Great Plains Bureau. More and more facilities emergencies and legal actions are occurring in the Great Plains Region due to the now chronically constrained

JUN 15 2001

FY 2002 - Great Plains Region

Facilities Repair Construction Project Funding Unmet Needs - Continued:

Operation and

Maintenance budgets with the resulting programmatic deferred maintenance, creating an infrastructure of rapidly deteriorating and unsafe/inadequate buildings used well beyond their design life.

JUN 15 2001

GREAT PLAINS REGION

ISSUES**Regional Office Operations - Branch of Accounting Management****1. Issue Statement:**

To receive extensive on-site training regarding financial management systems so we can continue to contract with federal agencies.

2. Impact:

The lack of certified financial systems would lead to non-compliance with P.L. 638 regulations. Sanctions would be imposed because of lack of financial accountability of federal funds.

3. Recommendation:

An individual with expertise in accounting, internal controls, P.L. 638 contracting, and financial reporting to assist our tribes/tribal organizations.

4. Current Funding: \$262,000

Current FTE: 4

5. Total Funding Need: \$412,000

Total FTE Need: 5

6. Unmet Funding Need (5-4 = 6): \$150,000

Unmet FTE Need (5-4=6): 1

JUN 15 2001

GREAT PLAINS REGION

ISSUES

REGIONAL OFFICE OPERATIONS

Program: Branch of Management Research and Evaluation (MR&E)

1. **Issue Statement:** Records Management is recognized as a material weakness throughout the Bureau of Indian Affairs. There simply is not a full-time, permanent position at each agency location to deal with records management issues, to include Cobell litigation.

2. **Impact:** Records Management will continue to be a material weakness throughout the Bureau of Indian Affairs. The volume of records in our Region alone will continue to grow faster than our ability to properly dispose of them. Additional FTE will address the issue of records management being a material weakness and allow us to be more proactive in administering our Region's records management program.

Each position can also assist in Cobell litigation by helping the local Individual Indian Money (IIM) Coordinator accession records as needed. Specifically, all eligible records will be inventoried, boxed, documentation prepared, and shipped as required.

3. **Recommendation:** Thirteen additional FTE for a Records Management Specialist position at the GS-5 journeyman level are needed (1 at each agency location and the Regional Office). The position at the Regional Office will be used for scanning trust records prior to shipment. The cost per each FTE at the GS-5 journeyman level is \$35,000.00.

- | | |
|--|--------------------------------------|
| 4. <u>Current Funding:</u> | 0 |
| <u>Current FTE:</u> | 0 |
| 5. <u>Total Funding Need:</u> | \$455,000.00 (\$35,000.00 X 13 FTE). |
| <u>Total FTE Need:</u> | 13 |
| 6. <u>Unmet Funding Need (5-4=6):</u> | \$455,000.00 |
| <u>Unmet FTE Need (5-4=6):</u> | 13 |

JUN 15 2001

BUREAU OF INDIAN AFFAIRS

GREAT PLAINS REGION

ISSUES

Regional Office Operations - Branch of Personnel Management

1. **Issue Statement:** There is a shortage of funds to hire additional staff needed to meet required mandates by law and directives. We have lost staff because of buy-out, transfers, and resignations. With the overall shortage of administrative funds, we are unable to fill our vacant positions. Available program funds do not cover salaries for the 7 ½ employees we have now. Other program monies have been redistributed to help cover the difference.

2. **Impact:** Our branch has been understaffed for several years and since has seen an increase in personnel needs to support services to Indian people. We have had a lot of reorganizations to restructure due to the 1995 downsizing, the sudden addition of numerous fire and realty positions, and the increased workload and budgets to support higher level background investigations for employees. Our current staff finds it extremely difficult to meet the needs of agencies and branches to fulfill our commitment to the tribes.

3. **Recommendation:** Provide additional funds to hire 1 Personnel Management Specialist and 1 Personnel Clerk.

4. Current Funding:	459,000.00
Current FTE:	7.5
5. Total Funding Need:	561,000.00
Total FTE Need:	9.5
6. Unmet Funding Need (5-4 = 6):	102,000.00
Unmet FTE Need (5-4=6):	2

JUN 1 5 2001

GREAT PLAINS REGION

ISSUES**Regional Office Operations - Branch of Contracting**

1. **Issue Statement:** Shortage of funds to hire staff to meet required mandates by the law and directives. Have lost key staff due to Buy-out, transfer, or resignation. With overall shortage of Administrative Services funds, we are unable to fill three vacant positions. Available program funds are used to cover projected deficits for other programs within Administration (rob Peter to pay Paul process).

2. **Impact:** In some instances, unable to meet mandated time frames for review and approval of Public Law 93-638 "new" contracts and recontracting applications. Unable to complete required yearly monitoring of all 638 contracts. Failure to meet mandates of 638 law regarding technical assistance upon request.

3. **Recommendation:** Provide additional funds to hire 1 Contract Specialist and 2 Procurement Assistants and associated operational costs.

4. **Current Funding:** \$ 350,000

Current FTE: 5

5. **Total Funding Need:** \$ 500,000

Total FTE Need: 8

6. **Unmet Funding Need (5-4=6):** \$ 150,000

Unmet FTE Need (5-4=6): 3

JUN 15 2001

Great Plains Region

ISSUES**1. Issue Statement:** Program of Information Resources Management (IRM)

The Branch of Information Resources Management (IRM) is responsible for providing Area Wide technical support for automated data processing (ADP) activities, including developing and maintaining the website; utilizing, operating, maintaining national and local hardware, software, telecommunications equipment, and application systems; serving as the Region's point of contact for information resources management (IRM) budgeting; coordinating and planning work assignment; and maintaining Region-wide compliance with Federal, Department of the Interior (DOI), and Bureau information resources management policies, procedures, and guidelines.

2. Impact:

With the current staffing, we are already under scrutiny by the Department of Interior and the IG Office on lack of security and technology standards. We have a shoestring budget to maintain the Wide Area Network (WAN) and the Local Area Network (LAN) within our region. In order to keep up with technology and implement security, hardware, and software standards, we are requiring additional funding. We do not have Firewall security protection to protect the data of our Indian people within the entire Bureau of Indian Affairs; this is a critical and sad situation.

3. Recommendation:

Our Information Technology office needs additional staff and training funds. Hire an IT Office Manager, GS-14, two (2) additional Computer Specialists, GS-11/12, and 1 Computer Specialist, GS-5/7 for our regional office. We require 5 Computer Specialists, GS-7/11, for the larger agencies: Cheyenne River, Rosebud, Standing Rock, Turtle Mountain and Pine Ridge.

As of today, we have agency staff doing computer technical support to keep and maintain outdated hardware and software with the assistance of the IRM staff from the regional office with on-site visits or via telephone.

JUN 1 5 2001

4. Current Funding:	\$311.0
Current FTE:	5
5. Total Funding Need:	
9 FTE salaries	\$571.0
10 % additional cost for equipment, training, software	<u>\$ 58.0</u>
	\$629.0
Total FTE Need:	9
6. Unmet Funding Need (5-4 = 6):	\$318.0
Unmet FTE Need (5-4 = 6):	4

JUN 15 2001

GREAT PLAINS REGION

ISSUES

1. **Issue Statement:** There are approximately 6,000,000 acres of trust land in the Great Plains Region. The BIA Great Plains Region has only five range professionals throughout the Great Plains Region. These individuals serve approximately 250,000 acres each. It would take an additional 19 range professionals to cover the entire Region. This would still leave the BIA well short of the Bureau of Land Management which has one range professional for every 100,000 acres.

2. **Impact:** Rangeland is generally the most valuable natural resource in the Region. Without increased staff, BIA cannot properly protect this trust resource while ensuring maximum return to the landowners.

3. **Recommendation:** Increased funding should be made available for additional professional range personnel to manage trust lands.

4. **Current Funding:** \$300,000

Current FTE: 5

5. **Total Funding Need:** \$1,644,000 (24 positions x \$60,000/postions + \$204,000 support)

Total FTE Need: 24

6. **Unmet Funding Need (5-4 = 6):** \$1,344,000

Unmet FTE Need (5-4=6): 19

JUN 15 2001

GREAT PLAINS REGION

ISSUES

1. Issue Statement: Much of the trust land in the Great Plains Region is administered by the BIA through farm and pasture leases. BIA must derive maximum income for the landowners while ensuring proper management of the land. Some of this land is farmed, and therefore requires management by soil conservation and agronomic professionals. Other portions of these lands are isolated tracts of pasture or range land requiring range management professionals. Additional FTE and funding for development and conservation programs is necessary to provide sustained productivity of these trust lands.

2. Impact: These lands could suffer from mismanagement and misuse if not properly managed by the BIA.

3. Recommendation: Increase funding for manpower, development, and conservation programs.

4. Current Funding: \$1,380,000

Current FTE: 23

5. Total Funding Need: \$5,120,000

Total FTE Need: 36

6. Unmet Funding Need (5-4 = 6): \$3,740,000

Unmet FTE Need (5-4=6): 13

JUN 15 2001

GREAT PLAINS REGION

ISSUES

1. Issue Statement: Noxious weed infestations are increasing rapidly on trust land. Current estimates show 480,000 acres of trust land infestation. Cost per acre to treat these infestations averages about \$40. BIA currently receives less than \$1 per acre.

2. Impact: Productivity is lost on infested land. Neighboring land is threatened. Legal action by adjacent landowners is a possibility.

3. Recommendation: Increase funding for treatment. Elimination of infestations will not only enhance the productivity of the land, but will slow or stop the spread of noxious weeds to adjacent land.

4. Current Funding: \$458,000

Current FTE: NA

5. Total Funding Need: \$19,400,000

Total FTE Need: 2

6. Unmet Funding Need (5-4 = 6): \$18,942,000

Unmet FTE Need (5-4=6): 2

JUN 15 2001

GREAT PLAINS REGION

ISSUES

1. **Issue Statement:** Tribes in the Region are attempting to manage fish and wildlife on nearly 6,000,000 acres of trust land through 638 contracts. BIA only has two employees in the region with a background in fish and wildlife management. The tribes need an additional 22 employees, and the BIA needs a total of 4 to properly manage fish and wildlife, and enforce tribal codes.

2. **Impact:** Inadequate management could result in loss of these valuable natural resources.

3. **Recommendation:** Increase funding.

4. **Current Funding:** \$80,000

Current FTE: 2

5. **Total Funding Need:** \$1,120,000

Total FTE Need: 26

6. **Unmet Funding Need (5-4 = 6):** \$1,040,000

Unmet FTE Need (5-4=6): 24

JUN 15 2001

GREAT PLAINS REGION

ISSUES

1. Issue Statement: Several threatened or endangered species live on or pass through the nearly 6,000,000 acres of trust land in the Region. The black-footed ferret has been reintroduced on Cheyenne River Reservation and near Pine Ridge Reservation. The ferret lives in black-tailed prairie dog towns. The prairie dog has been targeted by several groups as a candidate for the endangered species list. Much of the prime habitat for these species is on trust lands. BIA currently receives virtually no money for dealing with these matters.

2. Impact: Endangered species could be threatened by lack of management on trust lands. BIA and tribes could be in jeopardy of violating provision of the Endangered Species Act.

3. Recommendation: Provide funding for an endangered species coordinator, and for habitat management programs.

4. Current Funding: 0

Current FTE: 0

5. Total Funding Need: \$1,000,000

Total FTE Need: 1

6. Unmet Funding Need (5-4=6): \$1,000,000

Unmet FTE Need (5-4=6): 1

JUN 15 2001

GREAT PLAINS REGION

ISSUES

1. **Issue Statement:** Water is an extremely valuable resource throughout the Region. Several actions are necessary to ensure proper management of these resources on and under trust lands. Activities that would be useful are as follows: compile and evaluate environmental data, acquire digital aerial photography, establish baseline water quality and monitor impacts, characterize aquifer yields, establish stream stability and erosion benchmarks, expand present stream gauging network to observe stream flow variability, delineate flood plain hazards, and establish the suitability of waters for various development options.

2. **Impact:** Lack of adequate information could compromise the tribes' ability to manage their own water resources.

3. **Recommendation:** Provide additional funding for activities mentioned above.

4. **Current Funding:** \$1,300,000

Current FTE: 1

5. **Total Funding Need:** \$3,700,000

Total FTE Need: 1

6. **Unmet Funding Need (5-4=6):** \$2,400,000

Unmet FTE Need (5-4=6): 0

JUN 15 2001

GREAT PLAINS REGION

ISSUES

1. Issue Statement: This Region has 20 dams classified as high hazard because lives would be at risk if the dam were to fail. Many of these dams were constructed over 70 years ago, and are in need of one time and/or annual maintenance actions. Rehabilitation is necessary on 12 of these dams to bring them up to current safety standards. All 20 dams need annual inspections, emergency action plans, early warning systems, and standing operating procedures to ensure safe operation. Annual BIA nation-wide funding for maintenance and construction is not adequate to fix all dams immediately. BIA Great Plains Region receives adequate funding for some dams through a prioritization system. Other dams need immediate attention, but funding is not available.

2. Impact: Lack of proper maintenance, operation, and/or rehabilitation will endanger downstream residents and others. Catastrophic failure of dams lower on the priority list is possible because funding won't be available through the current method of distribution.

3. Recommendation: Adequate funding for maintenance, operation, and rehabilitation should be provided for all high hazard dams.

4. Current Funding: \$8,985,000 (Mostly funding for two rehabilitation projects)

Current FTE: 1

5. Total Funding Need: \$10,985,000

Total FTE Need: 2

6. Unmet Funding Need (5-4=6): \$2,000,000

Unmet FTE Need (5-4=6): 1

JUN 15 2001

GREAT PLAINS REGION

ISSUES

1. Issue Statement: Solid waste is one of the largest problems facing the tribes. Many of the landfills do not meet federal standards. There are also hundreds of illegal open dumps throughout the Region on trust lands. These open dumps range in size from single abandoned vehicles to multi-family or small community dumps. It is impossible on most of these illegal dumps to determine the contributors. Previous attempts to address the problem dealt with only one aspect, primarily landfill closure or dump cleanup. All aspects need to be addressed as a whole: funding for landfill closure, establishment of new EPA certified landfills, transfer stations, trucks, dumpsters, illegal dumpsite cleanup, staffing, and lack of enforcement by the IHS or EPA.

2. Impact: Continued illegal dumping will perpetuate health and sanitation problems related to improper handling of solid waste.

3. Recommendation: Increase funding and personnel to deal with solid waste issues.

4. Current Funding: 0

Current FTE: 0

5. Total Funding Need: \$1,143,000

Total FTE Need: 2.5

6. Unmet Funding Need (5-4 = 6): \$1,143,000

Unmet FTE Need (5-4=6): 2.5

JUN 1 5 2001

GREAT PLAINS REGION

ISSUES

1. **Issue Statement:** Several tribes throughout the Region have irrigation projects. These projects range in size from a few hundred acres to several thousand. These irrigation projects provide subsistence food or income for the tribes as well as a source of much needed employment for individuals. Profit margins are narrow or sometimes nonexistent. In most cases, the projects do not provide sufficient capital to fund needed replacement or upgrades of existing equipment.

2. **Impact:** Failure to replace or upgrade equipment could eventually lead to financial collapse of a project.

3. **Recommendation:** Provide funding for maintenance or rehabilitation of existing projects.

4. **Current Funding:** 0

Current FTE: 0

5. **Total Funding Need:** \$6,000,000

Total FTE Need: 0

6. **Unmet Funding Need (5-4 = 6):** \$6,000,000

Unmet FTE Need (5-4=6): NA

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GREAT PLAINS REGION

ISSUES

1. Issue Statement: The Pick-Sloan Act "promised" development of tribal irrigation in return for the inundation of rich Missouri River bottom lands. To date, very little irrigation development has occurred. Due to the poor farming and reservation economies, tribes must develop their irrigation potential to be competitive with the private sector. These funds are needed to properly prepare for future development.

2. Impact: Some trust lands might be well-suited for irrigation, but cannot be developed for lack of funding to do initial surveys and designs.

3. Recommendation: Provide funding for tribes that want to develop additional land for irrigation.

4. Current Funding: 0

Current FTE: 0

5. Total Funding Need: \$1,200,000

Total FTE Need: 0

6. Unmet Funding Need (5-4 = 6): \$1,200,000

Unmet FTE Need (5-4=6): NA

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GREAT PLAINS REGION

ISSUES

PROGRAM: TRIBAL COURTS (TPA)

1. **Issue Statement:** Recent law enforcement initiatives and economic growth on the reservations in the Great Plains Region have placed additional demands on tribal courts. DOJ grants are presently helping the courts to keep pace with these demands, but these grants are short-lived. In anticipation of retrocession, the Santee Sioux Tribe identified a need of \$1.5 million for tribal court operations for both FY 2002 and 2003.

2. **Impact:** An increase of 12,000 cases is attributed to the Law Enforcement Initiative. Business entities need to have confidence that competent tribal court forums are in place to resolve disputes.

3. **Recommendation:** Additional tribal court funding beyond the DOJ grant periods is needed.

4. **Current Funding:** \$1.9 million

Current FTE: 1 BIA (does not include Pub. L. 93-638 contracted court positions)

5. **Total Funding Need:** \$6.7 million

Total FTE Need: 3 BIA (does not include Pub. L. 93-638 contracted court positions)

6. **Unmet Funding Need (5-4=6):** \$4.8 million

Unmet FTE Need (5-4=6): 2 BIA and 159 additional court positions to be contracted under Pub. L. 93-638

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GREAT PLAINS REGION

ISSUES

1. **Issue Statement:** Economic Development/Program (36710) - Because of the existing shortfall of full-time employees and funding, we cannot meet some of our program goals. Many program functions do not get completed and we are unable to assure our customers timely service.

We are unable to properly market our program, monitor 638 contracts as required, and perform program reviews of the Job Placement and Training Program. Because of time and the budget shortfall, we cannot attend training needed to keep us informed and up-to-date.

2. **Impact:** We miss many opportunities to assist in the development of economic development projects. In our Region, Economic Development is rated one of the top five issues by the Tribes.
3. **Recommendation:** Increase regional program funds by \$250,000 for three additional FTE and perform program reviews of existing programs.

4. **Current Funding:** \$139,788

Current FTE: 2

5. **Total Funding Need:** \$390,000

Total FTE Need: 5

6. **Unmet Funding Need (5-4 = 6):** \$250,000

Unmet FTE Need (5-4=6): 3

JUN 15 2001

GREAT PLAINS REGION

ISSUES

1. **Issue Statement:** Economic Development/Guaranty Loan Program – The Bureau of Indian Affairs Guaranty Loan Program is under funded each year, even though there was an increase in the amount appropriated. There has been a need for additional money for the last several years because the ceiling is used before the end of each fiscal year.

2. **Impact:** Loan applications that are submitted late in the 3rd quarter to the end of the 4th quarter, have to wait for new fiscal year allocations. Our customers, who have a feasible business application, may not have the same opportunity if they wait for new appropriations. Because of the new fiscal year being so late in the year, they may have to wait until spring of the next year to start their business.

3. **Recommendation:** Increase regional guaranty loan funds by \$1,000,000 to provide enough ceiling for loans that will have to wait for the new fiscal year in order to be guaranteed.

4. **Current Funding:** \$59,550,398 Nationally, which is used on a first come, first served basis. There are 12 regions that use this money.

Current FTE: 2

5. **Total Funding Need:** \$71,550,398 Nationally

Total FTE Need: 5

6. **Unmet Funding Need (5-4-6):** \$12,000,000

Unmet FTE Need (5-4-6): 3

JUN 15 2001

GREAT PLAINS REGION

ISSUES

1. **Issue Statement:** Economic Development/Job Placement and Training Program – The Bureau of Indian Affairs Job Placement and Training Program is under staffed regionally. With limited staff, we have been unable to have meetings or training each year as needed.
2. **Impact:** Tribes that administer the program have been given minimum assistance in administering this program. New regulations are being developed by Central and Regional staff, but our staff is usually excluded because of staffing and the staff that we do have, have other duties.
3. **Recommendation:** Increase regional staffing to focus on new and improved regulations; service our customers promptly; and provide better guidance for the Agency/Tribal Job Placement and Training staff.
4. **Current Funding:** Same as program funding.

Current FTE: 2

5. **Total Funding Need:** Same as program funding need

Total FTE Need: 5

6. **Unmet Funding Need (5-4-6):** Same as program funding unmet need

Unmet FTE Need (5-4-6): 3

JUN 15 2001

GREAT PLAINS REGION

ISSUES

1. **Issue Statement:** Reinstate funding for the I.F.A. Indian Business Grants.

PROGRAM HISTORY/STATUS

I.F.A. *INDIAN BUSINESS GRANTS* (commonly known as the Indian Business Development Grant Program)

The purpose of this program was to stimulate/increase Indian entrepreneurship and employment by providing equity capital "seed capital" through nonreimbursable grants. Grants were made for a portion of the funding needed based on the total project costs not to exceed 25%. The applicant must be able to obtain at least 75% of the total project costs from sources other than their own resources, usually a private lending institution.

The Indian Business Development Grant program has not been funded since 1994. This program was highly successful in the Aberdeen Area. The BIA hired a private, objective, contractor to research the success rate of these grants. The contractor visited every participating bank and concluded that this program was very instrumental in increasing capital investment on reservations and had a success rate exceeding 90%.

2. **Impact:** This program fostered many "start-up" businesses that could not have been initiated due to the lack of capital or equity. I believe this program is a vital step in our economic development endeavors. It addresses the equity stumbling block that most of our Indian businesses face when trying to obtain financing.

3. **Recommendation:** It is hard to estimate a true dollar figure when calculating demand for this program due to the fact that we were never really fully funded. We always depleted our allocation around the second quarter of the fiscal year and competition for these limited funds was quite high. However, I believe \$20,000,000 per year could be utilized (nation wide). I recommend reinstating this program.

4. **Current Funding:** -0-

Current FTE: -0-

5. **Total Funding Need:** (\$20,000,000.00 in grants, nation wide)

Total FTE Need:

6. **Unmet Funding Need (5-4 = 6):**

Unmet FTE Need (5-4=6):

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GREAT PLAINS REGION

ISSUES

1. **Issue Statement:** Reinstate funding for the I.F.A. Management and Technical Assistance Grants.

PROGRAM HISTORY/STATUS*I.F.A. MANAGEMENT & TECHNICAL ASSISTANCE GRANTS*

As part of the funding authorization for the IFA programs the Act specified that management and technical assistance be made available to a loan or grant applicant prior to or concurrently with their request for financial assistance. These grants were targeted at performing business development or management building activities. Successful applicants were those that need assistance to improve management capacity of their enterprise. This included, receiving training in developing a business accounting system, developing a pricing strategy, completing required financial statements, feasibility assessments, loan applications, etc. Existing IFA program participants received first priority; funds were used to ensure that IFA loans and grants would be successful. Second priority was to those eligible applicants that are seeking IFA financing. The last year of funding was 1995.

2. **Impact:** This program helps borrowers boost their chances for success which in turn substantially lowers the BIA's default rate.
3. **Recommendation:** This program funding was a percentage of the dollar amount of grants and loans appropriated. Regardless of the amount of other appropriations, I recommend this program be directly funded in the amount of \$4,000,000 nationwide.
4. **Current Funding:** -0-
Current FTE: -0-
5. **Total Funding Need:** \$4,000,000.00 nationwide
Total FTE Need:
6. **Unmet Funding Need (5-4 = 6):**
Unmet FTE Need (5-4=6):

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GREAT PLAINS REGION

ISSUES

Real Property Management
Regional Office Operations

1. Issue Statement: Recent plans for development of a proposed training center in Denver, Colorado by Central Office, Washington, D.C. with funding removed from each regional office's budget without tribal consultation.

2. Impact: \$336,000. was taken by Central Office from the Great Plains Regional Office in May, 2001 to support a training center. The tribes should have been included in the consultation and planning process before Central Office took any action. The funds appropriated by Congress were to assist the Real Property Management program to provide the much needed services to individual Indians and all treaty tribes within the Great Plains Region.

The extra funding was to be utilized by the regional office to hire additional staff to assist the realty programs for training, technical assistance, program reviews, etc. and enhance services to the agencies and to the tribes.

The training center is not cost effective because 3 SES positions will be hired for 3 divisions among other costs. Travel costs and per diem to Denver, Colorado or any other location will be extremely high for each training session. The costs of contracting instructors or hiring individuals will be a detriment UNLESS they are knowledgeable in the real estate programs of this region.

Regional and agencies have a restricted budget especially for travel and training and will not be able to provide the extremely important services that tribes require or request and fulfill their obligations.

The tribes, nationwide, are the entities that obtained these appropriations through meetings with Congress and their respective congressional delegation. Without consultation, the Central Office has implemented a proposed center and removed funding without the tribe's knowledge.

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3. Recommendation: We do not want any further funding to be removed at the regional and agency level to support this center without consulting with the Regional Tribes. Further in our region we have 11 tribally controlled community colleges plus the United Tribes Tribal Technical College all of whom could develop curriculum and provide training in this activity in our Region.

4. Current Funding: NA

Current FTE: NA

5. Total Funding Need: Restore the \$336,000* that was removed from the Regional Office's budget.

Total FTE Need: NA

6. Unmet Funding Need (5-4 = 6): NA

Unmet FTE Need (5-4=6): NA

*	283,904	Real Estate Services
	<u>52,662</u>	Trust Services, General
	336,000	Total

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GREAT PLAINS REGION**ISSUES**

Real Property Management
Regional Office Operations

1. Issue Statement: The Great Plains Region (North Dakota, South Dakota, Nebraska, and Iowa) consists of:

Tribal acres:	2,936,535.40
Individual:	3,011,318.29
Government:	4,508.44
TOTAL:	5,952,362.13

Lease Compliance funds for the Great Plains Region was allocated by the Office of Trust Responsibilities as follows:

01/22/01	\$50,000.	02/22/01	\$156,900	TOTAL: \$206,900.
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This is a totally inadequate distribution for a region of our size.

2. Impact: The funds were distributed as follows:

Regional Office	-0-
**Cheyenne River Agency	19,600
**Fort Berthold Agency	19,600
Pine Ridge Agency	19,600
Rosebud Agency	19,600
Standing Rock Agency	19,600
**Winnebago Agency	16,300
**Turtle Mountain Agency	16,300
Fort Totten Agency	15,260
Yankton Agency	15,260
Sisseton Agency	15,260
**Lower Brule Agency	15,260
**Crow Creek Agency	15,260
Total	\$206,900

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****Compliance inspections include those lands owned by the respective tribes as off-reservation that requires monitoring for lease violations, trespass, and other violations.**

The amount allocated to this region is extremely inadequate. It does not pay the salary for 1 Lease compliance inspector and it does not include: benefits, travel, training, supplies, equipment, vehicle, gas, or other operating expenses.

The tribes are not receiving the benefits of inspections on their tribal lands nor are the individual landowners.

The 3 reservations (i.e. Cheyenne River, Fort Berthold, and Turtle Mountain) have oil & gas activities, and yet lack sufficient funding to monitor oil & gas leases (producing and abandoned & plugged oil & gas wells).

3. Recommendation: The amount of allocation and the reasoning by the Central Office of this inadequate funding distribution needs to be revisited. The tribes have been actively involved at all budget meetings and yet this region has been allocated insufficient funding to meet the needs and more attention needs to be paid to equitable distribution.

4. Current Funding: \$206,900

Current FTE: .5 at each agency

5. Total Funding Need: \$450,000 (1 GS-9 Lease Compliance Officer) for each reservation & \$500,000. for operating expenses) This includes travel to remote areas and off reservation. Total: \$950,000

Total FTE Need: 12 at each agency

6. Unmet Funding Need (5-4 = 6): \$743,100

Unmet FTE Need (5-4=6): 12

JUN 1 5 2001

GREAT PLAINS REGION

ISSUES

Real Property Management
Regional Office Operations

1. Issue Statement: Nationwide competition by tribes to obtain funding to purchase undivided interests in allotted lands resulting from the Indian Land Consolidation Act (ILCA).

2. Impact: The Great Plains Region has the largest number of landowners on allotted lands, nationwide, for surface and mineral ownership. We feel that this region should have direct funding and not have to compete with ALL regions, nationwide, for funding purposes.

Other regions do not have the large amount of allotted lands that is found in the Great Plains Regional Office.

For example, the Central Office issued a memorandum to ALL regions requesting nominations and ranking of reservations in each region to compete for Indian Land Consolidation Act funding. The deadline for these nominations was JUNE 1, 2001. EACH reservation within the Great Plains Region is equally important to us and when we were ordered to rank the Tribal Projects we refused and chose to prioritize each as number 1.

3. Recommendation: Any funding for proposed land consolidations should be provided to the regions with the most heirship problem and the Great Plains Region should be a priority based upon our statistics (number of allotments, number of acres, number of landowners, and number of mineral owners). We are one of the regions that has both surface and mineral ownership in allotted lands.

4. Current Funding: None

Current FTE: None

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5. **Total Funding Need:** \$10,000,000.00. This is the amount proposed for FY-2002 and it is not sufficient to meet the needs of 12 reservations & 15 tribes within our region.

Total FTE Need: 13 (1 for each agency & 1 for regional office)

6. **Unmet Funding Need (5-4 = 6):**

Unmet FTE Need (5-4=6):

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GREAT PLAINS REGION

ISSUES

1.) **Issue Statement:** There are an estimated 6,665 probates (1986 – 1994) that resulted from the Indian Land Consolidation Act (ILCA) that require immediate processing in the Land Records Integrated System (LRIS) as well as the updating of the land indexes which require manual posting. These pending probates affect all realty activities. Such as A & D, Leasing, Grazing, Range, Rights of Ways, and Probate transactions at the field level. Title Status Reports cannot be accomplished timely, because of the pending probates associated with this issue.

2.) **Impact:** The effect of these “pending” probates is that thousands of Indian beneficiaries through this region are not shown on the Title as the title holder in LRIS and are not receiving their trust income. It should also be mentioned that there is a United States Supreme Court order, finding that the ILCA was unconstitutional.

3.) **Recommendation:** Hire additional conveyance staff to process probate backlog, modifications, corrections and Judges’ Orders, as well as Certify Title Status Reports with a Special Project to focus on this issue. An estimated 3 years, is needed to complete the special project.

4.) **Current Funding:** \$1.895m

Current FTE: 31

5.) **Total Funding Need:** \$4.0m

Total FTE Need: 43

6.) **Unmet Funding Need (5-4 = 6):** \$2.105m

Unmet FTE Need (5-4 = 6): 12

JUN 15 2001

**GREAT PLAINS REGION
ISSUES****1. Issue Statement:**

The Great Plains Region Road Maintenance Program is funded at about 30% of our actual need. Also, funding has been steadily decreasing for years while our needs are increasing.

2. Impact:

The impact of our under-funded Road Maintenance Program is decreased life of service of our roads and bridges. This also affects our road construction program because our roads have to be reconstructed or rehabilitated years sooner because we are unable to perform needed routine maintenance. Many of our roads are very old, unsafe and are long overdue to be upgraded to current standards. Inadequate maintenance funding delays this critically needed upgrading.

3. Recommendation:

We recommend funding for the Road Maintenance Program in the Great Plains Region be increased from its current funding of \$ 3,697,284 to \$15 million per year. This increased annual funding would also allow for needed periodic equipment replacement. Most of our road maintenance equipment is very old and needs to be replaced because of our continued high maintenance costs. Therefore, we recommend one-time special funding of \$ 21 million for replacement equipment and necessary additional equipment.

**4. Current Funding: \$3,697,284
Current FTE: 58**

**5. Total Funding Need: \$15,000,000
Total FTE Need: 80**

**6. Unmet Funding Need: \$11,302,716
Unmet FTE Need: 22**

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**GREAT PLAINS REGION
ISSUES****1. Issue Statement:**

We have an unmet need that we believe has not before been identified and is affecting the education of our children. That need is for improved home access roads. Most tribal members who have homes located off from public road systems do not have the resources to build and maintain an all-weather home access road. This becomes a significant problem during our severe winters and stormy springs for busing our children to and from schools. Often times our school buses become stuck in the snow or mud and the Bureau of Indian Affairs' Road Maintenance personnel are called upon because of their equipment and personnel resources. We believe this is justified because this happens when life and safety are a real concern. Our Education programs and our Road Maintenance program are not funded for these expenses. It becomes a very significant and costly problem considering we have hundreds of miles of home access roads on our reservations in the Great Plains Region.

2. Impact:

The impact is often first on the education of our children. We believe our children should not be deprived of their formal education because of this situation. The cost of providing the needed assistance for school bussing during severe weather is now being born by our Road Maintenance Program that is critically under-funded.

3. Recommendation:

We recommend the tribal governments and the BIA work together as soon as possible to estimate the cost of this educational support activity and to identify personnel and equipment needed to adequately maintain our home access roads. Once this is done, we will provide this information to the appropriate committees in the Senate and in the House of Representatives to pursue appropriations need to fund this activity. The understanding and support of Congress is truly needed.

**4. Current Funding: None
Current FTE: None****5. Total Funding Need: To be determined
Total FTE Need: To be determined****6. Unmet Funding Need: To be determined
Unmet FTE Need: To be determined**

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**GREAT PLAINS REGION
ISSUES****1. Issue Statement:**

The Transportation Equity Act for the Twenty-first Century (TEA-21)(PL 105-85) authorizes funding for the Indian Reservation Roads (IRR) Program. The IRR Program provides about \$200 million for road construction on Indian Reservations. IRR Program funding for the Great Plains Region is \$20,732,335 in Fiscal Year (FY) 2001. We have 1800 miles of roads and highways on the Bureau of Indian Affairs public road system in the Great Plains Region. The estimated cost to improve this road system to current safety standards is \$932,941,400.

2. Impact:

Even though we have seen significant improvement of our BIA public road system because of the IRR Program, it will take almost 50 years to improve our BIA road system with the present level of funding without considering inflation. Considering the negative effects of an under-funded Road Maintenance Program and the need to make safety improvements that normally would be funded by a road maintenance program, we find our IRR program making very slow progress in improving our aged road system to current safety standards.

3. Recommendation:

We recommend increasing our annual funding for the IRR Program for the Great Plains Region to \$45 million per year.

**4. Current Funding: \$20,736,283
Current FTE: 43**

**5. Total Funding Need: \$45,000,000
Total FTE Need: 75**

**6. Unmet Funding Need: \$24,263,717
Unmet FTE Need: 32**

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**GREAT PLAINS REGION
ISSUES****1. Issue Statement:**

The rising level of Devils Lake is unprecedented in present times. Precipitation levels that have been described as "far exceeding normal" were experienced in the Devils Lake drainage basin of North Dakota during the period from July 1993 to August 1999. This excess precipitation has caused the level of Devils Lake to increase from an elevation of 1422.6 feet in 1993 to 1447.1 feet in 1999, a vertical rise of 24.5 feet. Numerous homes have been destroyed or relocated under emergency conditions. Residents are exhibiting a higher level of stress related illnesses.

Several roads around Devils Lake are holding back water although they are not designed as dams. These include ND 20 and 57, and Bureau of Indian Affairs (BIA) Routes 1, 4 and 5. The Federal Highway Administration (FHWA) will not allow the use of emergency federal highway funds for any future work on the BIA roads serving as dams unless the US Army Corps of Engineers can certify their safety. Subsequently our roads have been identified as water barriers and the BIA, like the proverbial Dutch boy, have their finger in these water barriers holding back the flood. Without certification, FHWA funds for road raises will not be authorized. Currently there are no other Federal funds to address the dam problem.

A task force consisting of representatives of the Spirit Lake Sioux Nation and Federal, State, and local governments was established in 1999. This task force developed a report with different alternatives to address the rising waters of Devils Lake. This task force developed a report in May 2000 with specific recommendations but nothing favorable has resulted since that time.

2. Impact:

The impact of the rising level of Devils Lake has been very significant to the Spirit Lake Nation on the Fort Totten Reservation in North Dakota. Thousands of acres of tribal land and many of our tribal people have been forced to move. Water systems and sewer systems along with utilities have been relocated. Many roads on the BIA public road system have been raised three times in order to provide needed access throughout the reservation.

3. Recommendation:

We recommend that the Federal government implement Alternative 3 of the Task Force Report.

**4. Current Funding: None
Current FTE: None**

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5. **Total Funding Need:** \$95million
Total FTE Need: Uncertain
6. **Unmet Funding Need:** \$95million
Unmet FTE Need: Uncertain

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GREAT PLAINS REGION

Housing (TPA & ROP)

ISSUES

1. Issue Statement: The Housing Improvement Program (HIP) provides a safety net for needy American Indian families who do not qualify for assistance from other housing programs because they do not have sufficient income to neither pay for or maintain a house once it is built and occupied. The Housing Development (HD) provides administrative funds to provide housing services to eligible HIP applicants. Both of these programs are severely under funded.

In FY 2001 this region received \$2,272,811 of HIP funds that will provide funds to complete an estimated 45 individual HIP projects of the 615 documented HIP eligible applicants. The tribes must use as much as 30 per cent of their share of HIP funds to cover the cost of overseeing the completion of these estimated 45 funded HIP projects because the region only receives \$197,684 of HD funds to support a regional housing technical staff of 2 persons.

The total historical funding need has always been between \$51 to \$137 million based upon the old HIP funding formula and we show a total current need of \$35,243,909 under the new HIP funding formula. We have always received around \$200,000 of annual HD funds. In fact we had 455 documented HIP eligible applicants in FY 2000 and 615 in FY 2001, which is an increase of 160 HIP eligibles. So our housing backlog increases each year and the funding levels for both of these programs remains constant and doesn't even keep up with higher building material and labor costs.

This Region ranked third in service population of 133,389 and serves the poorest American Indian population in America.

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2. Impact: Our service population has to live in condemned and unsafe housing units. We have had to resort to accepting excess Air Force housing units that Air Force personnel and families won't live in and excess FEMA manufactured units that are not well built and are small. The heating costs are high because they weren't built to handle the severe climate of this region. But these units are better than nothing. Without special funding to address the severe housing shortages facing our tribes in this region our people will have to continue to endure third world living conditions.

3. Recommendation: We need additional housing funds now because the longer we wait on addressing our housing problem the backlog grows and those units that could be repaired will be added to the replacement list of families needing new houses. Houses costs increase each year, so, we need the dollars now in order to address this problem that is now a crisis situation.

4. Current Funding: \$2,272,811 (HIP) \$197,684 (HD)

Current FTE: 16 Tribal 2 BIA

5. Total Funding Need: \$34.852 M

Total FTE Need: 32 Tribal 5 BIA

6. Unmet Funding Need ($5-4=6$): \$32.381 M

Unmet FTE Need ($5-4=6$): 19

BUREAU OF INDIAN AFFAIRS FUNDING TO LOWER BRULE SIOUX TRIBE - UNMET NEEDS

PROGRAM	FUNDED	UNMET NEED	DESCRIPTION
Contract Support	129,000	365,000	Fully fund Tribe for administering 638 contracts at negotiated rate
Tribal Courts	135,000	255,000	New positions Trial Judge, Court Administrator, Children's Counselor, Juvenile Clerk
Services to Children, Elderly, Families	151,000	44,000	New position Child Welfare Specialist
Indian Child Welfare Act	43,000	27,000	Professional counseling for clients
Law Enforcement	1,080,000	1,200,000	Additional staff to provide 24 hour patrol, full staff for new Detention Facility
Public Safety & Justice: Detention Facility Replacement		5,200,000	Design & construct new Jail/Detention Facility, existing facility condemned
Housing Improvement Program (HIP)	80,000	20,358,000	Housing Shortage, 250 new homes
ISEP (Indian Student Equalization Program)	1,746,400	726,567	Funded at \$3,531 per WSU (weighted student unit) should be funded at \$5,000 per WSU
Scholarships/Higher Education	57,000	108,000	Fund 90% of 50 college student needs

PROGRAM	FUNDED	UNMET NEED	DESCRIPTION
Adult Education	16,000	9,000	Instructor Fees, para-professional college courses for GED preparation
Johnson O'Malley	5,000	10,000	Fully fund Head Start Teacher Aid
Job Placement & Training: Adult Vocational Training	44,000	56,000	Fund additional 5-6 students to obtain marketable job skills
Job Placement & Training: Direct Employment	22,000	13,000	Assist additional 10 clients to relocate to obtain jobs
Economic Development	29,000	136,000	Set up Tribal Economic Development Office to assist Indian business development, fully fund BIA Credit Officer to services loans
Economic Development: Indian Financing Act	0	500,000	Fund Direct Loan & Indian Business Development Grant Programs
Facility O & M (Operation & Maintenance	543,535	194,498	Currently receive only 21.2% need to maintain Education facilities. Receive only 36.9% of need to maintain Jail and Administrative buildings
Road Maintenance	202,000	377,000	Full maintenance to 74 miles of reservation roads, hire additional Mechanic/Operator, to preserve capital investment in roads/bridges

PROGRAM	FUNDED	UNMET NEED	DESCRIPTION
Road Construction	0	9,232,800	Reconstruct 17.1 miles & 1 bridge on Route 10
Road Construction	0	4,500,000	Construct new road from Hwy 47 to Oacoma, 7.5 miles
Road Construction	0	3,200,000	Overlay 15 miles Hwy 47 from I-90 to Big Bend Dam
Natural Resources	0	60,000	Hire 1 Range Technician to develop and implement conservation and grazing plans for new acquisitions of tribal trust land
Wildfire Management: Preparedness	199,113	60,000	Equipment & labor to establish range crossings
Agriculture	158,000	200,000	Rangeland improvements to tribal trust land, construct/repair 10 stock dams, 2 wells, install 10 miles pipeline, build 20 miles boundary fencing
Agriculture: Noxious Weeds	30,000	200,000	Eradicate 100% of 3000 acres infested with Canada Thistle, Musk Thistle, Leafy Spurge

PROGRAM	FUNDED	UNMET NEED	DESCRIPTION
Agriculture: Irrigation System Construction	0	1,400,000	Design & construct 15 pivot irrigation system on newly acquired tribal farmland
Water Management, Planning, & Design	74,000	26,000	Water quality assessment on water flowing into Missouri River
Real Estate Services	296,697	55,000	Additional Realty Clerk and raise grade level of Realty Specialist and Range Technician to GS-9
Real Estate Services: Lease Compliance	14,000	28,000	93 additional inspections to farm pasture leases to protect trust land
Wildlife & Parks	119,000	75,000	Hire additional Conservation Officer and Wildlife Biologist to manage and protect elk and bison herds
Executive Direction	96,000	34,000	Raise grade level of Superintendent to level required for executive responsibilities
Administrative Services	115,000	85,000	Hire Self Determination Specialist to administer and service 10 tribally contracted programs under PL 93-638

Administrative Services: Records Management	0	203,000	Records Management Staff and equipment to properly protect and manage trust records
TOTAL UNMET NEED		48,937,865	

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