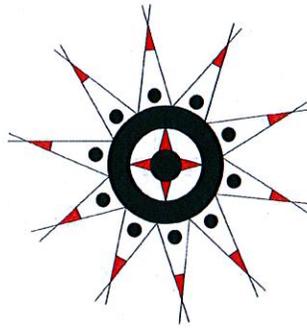


# UNITED SIOUX TRIBES

## Development Corporation

P.O. Box 1193  
Pierre, SD 57501



- Standing Rock
- Lower Brule
- Fort Totten
- Flandreau
- Rosebud
- Santee
- Crow Creek
- Pine Ridge
- Cheyenne
- Sisseton
- Yankton

Administration (605) 945-3075  
Indian Jobs Placement (605) 945-3074  
Workforce Investment (605) 224-8865  
Business Office (605) 224-8864  
Web Site <http://unitedsioux.com>  
Facsimile (605) 224-0069

**Field Office**  
Rapid City, SD (605) 343-1100

May 3, 2011

**Clifton W. Skye**

**Executive Director, Acting**

**United Sioux Tribes of South Dakota Development Corporation**

**Testimony before the U.S. House of Representatives, Committee on Appropriations,  
Subcommittee on Interior, Environment and Related Agencies for FY 2012 Budget**

Good afternoon Chairman Michael Simpson (R-ID), ranking member James Moran (D-VA), and honorable members of the U.S. House of Representatives, Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies. Allow me to recognize important changes within the subcommittee by offering my congratulations to Chairman Simpson on being selected as the new subcommittee chairman, and to recognize the service of former Chairman James Moran (D-VA). The tradition of allowing Public Witness Testimony on Native American Issues is an important Congressional venue for tribes and tribal organization nationwide. As the Executive Director, Acting, of United Sioux Tribes of South Dakota Development Corporation, my staff and I serve the elected tribal leaders from eleven *Lakota-Nakota-Dakota* (Sioux) tribes in North Dakota, South Dakota and Nebraska with outreach to the Sioux in Minnesota and Montana. I respectfully offer this testimony to the subcommittee for Fiscal Year (FY) 2012. A summary of our FY 2012 funding request is as follows:

### **Agency, Programs and Funding Request**

1. To authorize and appropriate \$1.2 million for the **Indian Jobs Placement Program-United Sioux Tribes Development Corporation** (CFDA No.15.061) or otherwise listed as the United Sioux Tribes' Employment Assistance Program; and
2. To authorize and appropriate \$1.2 million for the **National Tribal Cultural Resources Database Program**.

### **Early History of the United Sioux Tribes**

The United Sioux Tribes is the oldest *Lakota-Nakota-Dakota* (Sioux) tribal organization in the Great Plains region. We are a non-profit 501 (c)(3) inter-tribal corporation chartered by the Sioux Chairmen, Presidents and Tribal Chairs. Our organization dates to 1952, which is three years before the African-American Civil Rights Movement began. The Sioux had concerns over federal Indian policy changes that began with the enactment of House Concurrent Resolution

108 on August 1, 1953. The 83<sup>rd</sup> Congress passed Public Law (P.L.) 83-280 fifteen days later, embarking on the termination of 109 Indian tribal governments. United Sioux Tribes faced the enactment of Public Law 280 by the State of South Dakota on March 15, 1963. We spearheaded a statewide referendum vote, which stopped South Dakota from assuming jurisdiction over nine Indian tribal governments on November 3, 1964.<sup>1</sup> The federal statute was amended four years later to require tribal consent in 1968. The United Sioux Tribes incorporated in South Dakota two years later on May 19, 1970. The late President Richard Milhous Nixon officially ended the federal Indian policy of termination fifty days later on Wednesday, 8 July 1970.

### **Role of the United Sioux Tribes**

I recite these historical milestones to inform the Congress and its Tea Party membership that former President Nixon provided the greatest relief and compassion for all Native Americans before and since his presidency. President Nixon articulated a federal Indian policy, which set the present course of Indian self-determination within the first 18 months of his presidency... "Termination implies that the Federal government has taken on a trusteeship responsibility for Indian communities as an act of generosity toward a disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis whenever it sees fit."<sup>2</sup> U.S. Senator Rand Paul (R-KY) introduced Senate Bill 162 on Wednesday, 26 January 2011, which called for the elimination of the U.S. Bureau of Indian Affairs as a cost saving measure; however, I point to history that termination is a tried and failed policy. Indian nations, especially the Sioux tribes, agreed to exchange land and resources for United States promises set forth in treaties. The Bureau of Indian Affairs carries out those promises. President Nixon continues, "This, then, must be the goal of any new national policy toward the Indian people to strengthen the Indian's sense of autonomy without threatening this sense of community... And we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support."<sup>3</sup> I support President Obama on his current practice of meeting with Indian tribes on a government-to-government basis. The President affords Indian tribes an opportunity to set the agenda; yet, the American Indian agenda will not be forthcoming. If 435 members of Congress cannot agree to a budget, then why would 564 Indian tribal governments agree to a national Indian agenda? Why presume all Indian nations are the same. We are not. We are not like states, which Jacqueline Johnson Pata, Executive Director of the National Congress of the American Indian often quips. In fact, Indian tribal governments are superior to states since treaties are, "not a grant of rights to the Indians, but a grant of rights from them."<sup>4</sup> Indian tribal organizations such as the United Sioux Tribes of South Dakota Development Corporation provide an important function to Congressional delegations because we educate everyone. We

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<sup>1</sup> Wilkinson, Charles, 2005. Blood Struggle: The Rise of Modern Indian Nations. W.W. Norton & Company, New York, New York, p. 124.

<sup>2</sup> Public Papers of the Presidents of the United States: Richard Nixon, 1970, p. 564-567, 576-76., <http://www.epa.gov/tp/pdf/president-nixon70.pdf> (accessed on April 7, 2011).

<sup>3</sup> Ibid.

<sup>4</sup> United States v. Winans, 198 U.S. 371, 25 S. Ct. 662, 49 L. Ed. 1089 (1905)

contribute to the Indian agenda sought by the White House since we were created by Indian leadership for this purpose. Tribal organizations ideally identify problems and offer solutions. I testify before this subcommittee to offer a solution regarding an unfunded mandate created by Presidential Executive Order (EO) 13175.

#### **National Tribal Cultural Resources Database**

Government-to-government consultation and coordination with Indian tribal governments began with EO 13175 signed by former President Bill Clinton on November 6, 2000. The practice of consultation between Indian tribes and federal agencies such as the Bureau of Indian Affairs, Bureau of Land Management, and Forest Service is inequitable at best. Federal land and resource management agencies use remote sensing data and geospatial information systems (GIS) to plan and solve land management problems. Few tribes have these tools. I respectfully request \$1.2 million be added to the Interior Appropriations bill as a line item for the Bureau of Indian Affairs for the next five years. These funds would be included in the Community and Economic activity for the Operation of Indian Programs to support the United Sioux Tribes. These funds will be used for Native American interdisciplinary projects administered by the United Sioux Tribes and supported in partnership by the Bureau of Indian Affairs and U.S. Geological Survey scientists. Goals of this partnership include increased employment for Native Americans, pooling resources and expertise for research, economic development, inventory of natural resources and tribal lands, water resource management, assessment of cultural resources, and earth science education and training. The United Sioux Tribes is working with the U.S. Geological Survey toward reauthorizing a memorandum of understanding originally signed on October 27, 2004. We anticipate supporting the database with the Indian Jobs Placement Program-United Sioux Tribes to maximize opportunities for Native Americans in information technology and other high-technology fields. The National Tribal Cultural Resources Database focuses on National Forest System Lands of the U.S. Forest Service. Public Law (PL) 110-246, Section 8106, prohibits the disclosure of traditional and cultural resources used by an Indian tribe. The database is a national effort supporting cultural resource management for Indian tribal governments, by allowing tribes to evaluate federal land and resource management proposal in a near equitable basis. For example, if federal agencies consult with tribes on activities lying within their traditional cultural properties, then what recourse do tribes have concerning assertions made by the federal government? Congressional trust obligations to tribe include tools needed to evaluate public land initiatives on their traditional cultural properties. Briefly, the database supports tribal cultural resource management and utilizes remote sensing or Digital Orthographic Quadrangles (DOQ). The DOQ data is simply aerial photography, which undergoes a mathematical process to adjust for camera tilt and topographical variations in the surface of the earth. Again, tribes accessing the database are protected from the Freedom of Information Act under Public Law 110-246, Sections 8106. The Flandreau-Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska passed a resolution to participate in a demonstration project. The South Dakota State Legislature urged Congress to include funding for the National Tribal Cultural Resources Database in HCR 1011, which passed the bicameral legislative body on February 25, 2009.

### **Indian Jobs Placement Program-United Sioux Tribes (CFDA 15.061)**

Glenn Emmons, Bureau of Indian Affairs' Indian Commissioner, initiated the Indian relocation programs in 1948. Over 33,466 Native Americans were relocated by 1960.<sup>5</sup> The Indian Jobs Placement Program assists urban Indian populations, easing transitions of chronic unemployment on the reservations. Kendal Johnson, Acting Chief, Census 2010 Publicity Office, stated that *64.1 percent of Native Americans reside off the reservation*.<sup>6</sup> The United Sioux Tribes administered the Indian Jobs Placement Program from the mid 1970's until about 1994. Ada Deer, Assistant Secretary-Indian Affairs, my aunt, cut my program during the first term of the Clinton Presidency. We anticipate supporting the National Tribal Cultural Resources Database with the Indian Jobs Placement Program. Therefore, I respectfully request \$1.2 million be added to the Interior Appropriations bill for fiscal year (FY) 2011 as a line item for the Bureau of Indian Affairs for the next five years. These funds would be included in the Community and Economic activity for the Operation of Indian Programs to support the United Sioux Tribes Development Corporation. These funds will be used for the Indian Jobs Placement Program-United Sioux Tribes (CFDA 15.061). The goals of the Indian Jobs Placement Program-United Sioux Tribes include increasing employment for American Indians, pooling resources and expertise for research, and economic development. I testified before the subcommittee in FY 2008, and submitted testimony in FY 2009. Clarence Skye testified for FY2011. North Dakota Governor John Hoeven (R-ND), and South Dakota Governor Michael Rounds (R-SD) issued letters of support in FY 2006. The Honorable Joseph Brings Plenty, Chairman of the Cheyenne River Sioux Tribe, made a request to the subcommittee in FY 2007 to fund the Indian Jobs Placement Program-United Sioux Tribes. U.S. Senator Tim Johnson (D-SD) listed funding requests for the program in FY2010; however, former U.S. Representative Stephanie Herseth-Sandlin (D-SD) refused to include us in her House appropriation request for FY2010. South Dakota elected U.S. Representative Kristi Noem (R-SD) as her replacement. The South Dakota State Legislature approved House Concurrent Resolution (HCR) 1010, which called upon Congress to include the Indian Jobs Placement Program-United Sioux Tribes in the Interior appropriations on February 25, 2009. The program offers job placement, job referral services, education assistance, direct employment activities and other features to Indian people working on and off the reservation; however, United Sioux Tribes core services are for urban Indians since Indian tribal governments are reluctant to service off-reservation needs.

### **Conclusion**

Thank you, Chairman Simpson, Ranking Member Moran, and members of the Subcommittee on Interior, Environment and Related Agencies for this opportunity to testify before this committee. I urge the committee to act upon this request. Thank you again.

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<sup>5</sup> The Newberry Library. Inventory of the Bureau of Indian Affairs Indian Relocation Records, 1936-1975, bulk 1956-1958. Chicago, IL, <http://www.newberry.org/collections/FindingAids/relocation/Relocation.html> (accessed on March 15, 2010).

<sup>6</sup> Johnson, Kendall. 2009. C2PO. 2010 Census Integrated communication Research Memoranda Series, No. 6. U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau. November 10. p. 6.

**UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

**TESTIMONY OF MCCOY OATMAN  
CHAIRMAN, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE**

**MAY 3, 2011 PUBLIC WITNESS HEARINGS ON NATIVE AMERICAN ISSUES**

Honorable Chairman and members of the Committee, as Chairman of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe to this Committee as it evaluates and prioritizes the spending needs of the United States regarding IHS, BIA, EPA, the Forest Service and the Fish and Wildlife Service. I would like to give special thanks to Chairman Mike Simpson from our state of Idaho.

As with any government, the Nez Perce Tribe does a wide array of work and provides a multitude of services to the tribal membership as well as the community at large. Congressman Simpson has seen in person the variety and the quality of the work done by the Tribe. The Nez Perce Tribe has a health clinic with a satellite office, a tribal police force with 16 officers, a social services department, a comprehensive natural resource program that does work in forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and one of the largest fisheries departments of any tribe in the nation working on recovery of listed species under the Endangered Species Act. The Nez Perce Tribe conducts its extensive governmental functions and obligations through a comprehensive administrative framework, which is necessary for a sovereign nation that oversees and protects the treaty rights of the Nez Perce People in addition to providing the day to day governmental services to its members and the surrounding communities. The Nez Perce Tribe has long been a proponent of self determination for tribes and believes its primary obligation is to protect the treaty-reserved rights of the Nez Perce Tribe and its members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for and through Tribes is of vital importance.

The National Congress of American Indians has produced a comprehensive budget request outline for Indian Country which the Tribe supports. I believe that it is a valuable tool that the Committee should use when formulating a final budget for FY12. For the purpose of today's testimony, I would like to give you a idea of some of the specific needs of the Nez Perce Tribe.

**Indian Health Services**

The Nez Perce Tribe was pleased to see President Obama's budget provided for increased spending for Indian Health Services. The request for \$4.6 Billion is an increase of 14% over the FY10 funding and is desperately needed. This equates to an increase in \$571.4 million in spending. Contract Support Cost funding should also be funded at \$615 million. The Tribe's shortfall last year for CSC was \$152,546 and the shortfall for all Idaho Tribes was \$1.27 million. Proper funding for the operations of the clinic is imperative. The Nez Perce Tribe currently

operates one health care clinic, Nimiipuu Health, in Lapwai, Idaho on the Nez Perce Reservation. Nimiipuu Health also has a branch facility 65 miles away in Kamiah, Idaho on the Nez Perce Reservation. Nimiipuu Health has an active patient count of 4504 patients. Our total expenditures for FY2010 were \$13,359,275. Our Contract Health Services (CHS) cost for outpatient services for FY2010 was \$3,696,827. In this fiscal year for the five months ended February 28, 2011 our total expenditures totaled \$5,822,118. Annualized for the full twelve months this will result in a cost of \$13,973,083. Our CHS cost at the end of February was \$2,002,555 and annualized would result in a total expenditure of \$4,806,132. Our revenue from I.H.S. for 2010 was \$9,884,067 and is projected for 2011 at \$9,927,580 but may be reduced to \$9.3 million and therefore we are projected to have a \$1 to \$1.5 million dollar shortfall this fiscal year.

In 2010 the Tribe expended \$3,475,208 of third party billings collected in 2010 in addition to the reserves we had from 2009. If expenditures continue as they are projected based on the first five months of FY2011, the Tribe will have to collect in third party billings \$4,045,503 with only 35% of patients having insurance. This is approximately double what the Tribe normally collects from third party billings. As a result, the Tribe has for the past three months been in priority one status for out CHS patients. This means life and limb are the claims that get approved for treatment. The Tribe has also operationally reduced its overall budget by 5%. When funding for services is rationed, patients are put on a deferred services list. Last year when I testified, the list amounted to \$1,293,434.00 in deferred health care cost. Any shortfall in funding creates a trickle-down effect in emergency and preventative patient care.

#### Bureau of Indian Affairs

For the FY11 budget proposal, the BIA proposed several spending recommendations for improving trust land management that were supported by the Tribe. The Nez Perce Tribe entered into an agreement with the United States in 2005 known as the Snake River Basin Water Rights Settlement Act of 2004 (Title X of Division J of P.L.108-447, 118 Stat. 3431, et seq.). A component of the agreement was the transfer of approximately 11,000 acres of land from the Bureau of Land Management to the Tribe. The lands were supposed to be surveyed as part of the transfer. Funding for those surveys has not been made to this date. The FY11 budget request called for \$695,000 for that fiscal year to begin that process. Although that amount would not cover the full cost of the surveys, it would allow the process to begin. The Tribe supports a renewal of that appropriation request in the FY12 budget that was not funded during this budget cycle.

The Tribe requests more emphasis be placed on funding for contract support costs through the BIA and that it be funded at \$228 million. The Tribe applauded the passage of the Tribal Law and Order Act and the increased emphasis on accountability in the prosecution of crime in Indian Country. However, the on the ground law enforcement still lacks proper funding. The Nez Perce Reservation covers 1200 square miles and covers five counties and has a mixture of tribal and non-tribal residents. Currently, the Nez Perce Tribe contributes \$600,000 per year to cover the shortfall in BIA funding for the Tribe's law enforcement. This funding comes from cigarette taxes levied by the Tribe. This funding is constantly under attack by the state. Addressing this shortfall in BIA funding should be a priority.

The Tribe also relies on the BIA for funding for its work related to endangered species and protection of the Tribe's treaty resources including Chinook and steelhead salmon. The funding has also been used to supplement the research efforts of the Tribe relative to Big Horn Sheep. The BIA Endangered Species Program provides tribes with the technical and financial assistance to protect endangered species on trust lands but funding of this program has declined significantly over the last 8 years.

In addition, the funding provided under the BIA Rights Protection fund is critical as it supports the exercise of off-reservation hunting and fishing for tribes like the Nez Perce. It is important to understand that this funding is not for equipment but is used for job creation. The Tribe has employed two new conservation officers and an additional biologist for our programs under the funding during the last fiscal year. As mentioned with law enforcement, the Tribe has to cover and manage a large area in fisheries related activities from the Lostine River in Oregon to the South Fork of the Salmon River and a capable and adequate staff is vital to continue this work.

The Tribal Management and Development Program also needs increased funding. NCAI has recommended \$20 Million for base and programmatic funding. This program is critical for fish and wildlife management of the Tribe. Programs such as our fisheries programs and outside groups such as the Inter-Tribal Buffalo Council rely heavily on this funding.

The Tribe supports the funding requests for the BIA Wildlife and Parks Tribal Priority Allocations that the Columbia River Inter-Tribal Fish Commission will testify about later today. This funding is allowing important work to be done on fish recovery through hatchery operation and maintenance. As stated earlier, the Tribe has invested a large amount of its personnel and resources in the restoration and recovery of this important resource through its fisheries programs. The state of Idaho directly benefits from this work as well through its sports fisheries. These programs have been successful but more work needs to be done.

#### Fish and Wildlife Service and Forest Service

The Tribe relies heavily on funding sources within the Fish and Wildlife Service and the Forest Service. First, the Tribal Wildlife Grants account for a small pot of money that has resulted in huge returns from the Tribe's perspective. This competitive grant does not simply dole out funds for projects but awards grants based on the quality of the proposal. The Tribe has received funding from this grant four out of the last five years based on the quality of our research work on Big Horn Sheep. The Big Horn Sheep is a treaty resource of the Tribe that is declining rapidly within the Tribe's ceded territory. The funds from this program provide the resources to keep the research going. Funding for these grants was eliminated in some proposals for the FY11 budget. The Tribe strongly urges this committee to not eliminate this funding as it provides a large return in work for a small investment. It is also one of the few sources of funds tribes can tap into for wildlife research.

The Tribe also supports increased funding for the work of the Forest Service in the protection of treaty reserved resources of tribes. The Nez Perce Tribe reservation and its usual and accustomed areas are rich in natural resources and encompass eight different national forests.

The Tribe works closely with each forest administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to managing the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the Forest Service can meet these trust obligations and continue to work with tribes such as the Nez Perce on a government to government basis.

Similarly, the Tribe is looking for funding for solutions to help with its Bison hunt in the Gallatin National Forest near Yellowstone National Park. For the last 5 years, the Nez Perce Tribe has returned to the Gallatin to exercise its treaty right to harvest bison in that area. The treaty hunt has been successful and this year the Tribe harvested over 60 animals. However, there is still concern by the livestock industry over the transmission of disease by the bison and therefore a ship and slaughter program used by the state of Montana to protect domestic livestock has the potential to endanger such treaty based hunts. More funding for work and research to assist in helping the Forest Service, the Fish and Wildlife Service and the National Park Service meet the treaty hunting rights of the Nez Perce Tribe and the Confederated Tribes of the Salish Kootenai is needed.

#### Environmental Protection Agency

The Nez Perce Tribe currently implements, on behalf of the Environmental Protection Agency, the Federal Air Rules for Reservations program (FARR). The program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The Tribe is located in Region 10 of the EPA. The Tribe is currently dependent on several EPA sources for funding for the FARR. Continued funding is needed for Tribes to meet their air quality needs and operate programs under the delegation of the EPA. EPA consistently uses the Nez Perce Tribe's FARR Direct Implementation Tribal Cooperative Agreement (DITCA) program as a model of success but Region 10 is being forced to look for ways that the Nez Perce Tribe can reduce the cost of its FARR DITCA. The Nez Perce Tribe cannot cut its FARR DITCA budget without adversely impacting the Tribe's ability to protect the health and welfare of the 18,000 residents of the Nez Perce Reservation. The Nez Perce Tribe currently operates its entire FARR DITCA program for about the same cost per year as the State of Idaho operates solely an agricultural burning program, therefore, EPA gets a much bigger "bang for their buck" with the FARR DITCA program compared to the state program and is a program worthy of investment.

The Tribe was pleased to see that Administrator Lisa Jackson proposed \$1.3 billion for state and tribal partnerships in the FY11 budget. Funding for this work in FY12 would be important. In addition to the air quality program, the Tribe is currently in facilitated discussions with the state of Idaho that are being funded through grants from the EPA. The facilitated discussions involve the Tribe adopting water quality standards to improve the water quality on the Nez Perce Reservation. The Tribe will be looking to the EPA for continued assistance and funding for these programs. The Tribe also relies heavily on contract support dollars for our water resource programs such as the storage tank remediation issues and watershed restoration. Deep cuts to the EPA budget would severely affect these programs. As you can see, the Nez Perce Tribe does a variety of work, sometimes instead of and sometimes on behalf of the United States but the Tribe still expects the U.S. to provide proper funding under its trust obligations.

**TESTIMONY OF  
Mr. Tracy 'Ching' King  
President  
Fort Belknap Indian Community  
Fort Belknap Indian Reservation, Montana**

**BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

**May 3, 2011**

I am pleased to be here today to provide input for the Bureau of Indian Affairs and Indian Health Service FY2012 Budgets on behalf of the 7,000 Gros Ventre and Assiniboine tribal members of the Fort Belknap Indian Reservation located in North Central Montana.

My testimony today is directed towards the Fiscal Year 2012 Appropriations budget of the Bureau of Indian Affairs, Indian Health Service and Education programs. Tribal governments, just like state and municipal governments, provide critical services, shape values, and promote jobs and growth on our respective reservations. Though federal spending for Indians has lost ground compared to spending for the U.S. population at large, tribal self-governments have proven that the federal investment in tribes pays off.

Our local tribal governments which address the concerns and needs of our local constituents have the most at stake, we are the party responsible for our citizens and ultimately the ones most accountable for the economic conditions, and protection and safety of our tribal members that reside in our reservation communities. The following information is provided to you through the Fort Belknap Indian Community Council and in collaboration with the programs funded through P. L. 93-638 programs contracted by our tribal government from each of the respective entities.

**BUREAU OF INDIAN AFFAIRS**  
**CORRECTIONS, LAW ENFORCEMENT & TRIBAL COURTS**

**Detention/Corrections**

Requesting \$2,000,000. in funding for additional staffing and equipment for our detention officers working in our facility that is to be completed in July 2011. We need 18 staff members to cover rotating shifts, and operation and maintenance of the new facility and remodeled older facility. The current budget for the Fort Belknap Corrections Division is \$214,000. far less that what we need to operate a safe environment for offenders.

**Law Enforcement**

Requesting \$2,000,000. in funding to provide law enforcement services on the 725,000 acre reservation. Basic needs include armored vests, outdated duty weapons, replace old patrol units and updated computer technology. We currently offer inadequate salaries for our law enforcement officers. Tribal police departments cannot compete for officers that are compensated by county, state, and Bureau of Indian Affairs salaries. Once trained in BIA academies, the officers then leave for higher paying jobs which include health incentives and other benefits which attract these officers. The cost of training officers is very high as Tribes must cover their salary of the officer being trained for 12-16 weeks, and their temporary replacements that provide law enforcement services.

**Tribal Courts**

Requesting \$350,000. to fund needed additional staff positions such as public defenders, associate judges, and presenting officers. We also need to update computer software/data collection systems, provide staff training and update technology in our court filing system.

**LAND**

**Tribal Land Department**

Requesting \$2,000,000 to upgrade our tribal land department to develop and implement technology that would put all of the tribal leases and land holdings onto software program to make them compatible with the BIA and state departments.

**ROADS MAINTENANCE**

**Roads Maintenance**

Our roads maintenance department is responsible for the system that encompasses the 725,000 acres of our reservation. The severe Winter this year depleted the funding of this program as our snow plows and crews worked 24/7

during the storms. This department is also responsible for maintaining our road system throughout the fiscal year. This Winter we overspent the budget by \$125,000. for snow removal alone. We may not have enough funding left for regular operation and maintenance on our roads this spring and summer.

## **OIL & GAS & MINERALS**

### **Gas, Oil, and Mineral Development Office**

We are desperately in need of professional staff assisting the Tribal Council in developing an energy department within the tribal structure in order that we will have the expertise in the development of our tribal energy resources of gas, oil and minerals. We are requesting \$200,000 for start up funds for this endeavor.

## **WATER**

### **Indian Water Rights and Water Compact Settlements**

We ask that you continue to recognize the Indian Water Rights of Tribes across this country. Fort Belknap is the home of the Winters Doctrine, where Indian reserved water rights began, and is the doctrine that protects these rights beginning with the U.S. Supreme Court decision. Support for water claims in Congress now and in the future is important. We will be submitting the Fort Belknap Water Compact settlement in excess of \$500 million to Congress in the near future for funding.

### **Irrigation Projects & Attorney Fees**

***Requesting \$1,250,000 for continued operation and maintenance of the Milk River Irrigation Project*** that provides quality water services to area farmers and ranchers for stock and crop production. Additionally, ***we are requesting \$450,000 for Water Rights Attorney fees funding under CFR 89*** to assist the Tribal Council with litigation and assistance in submitting our water compact to Congress.

## **EDUCATION, EMPLOYMENT & TRAINING**

### **Higher Education Scholarships**

Higher Education Scholarship funding for Indian students are needed to attract and support individuals into the education, health other noteworthy professions. These students once graduated would come back to reservations and provide high quality medical services to our tribal members. Increase funding level by \$20 million.

### **Tribal College Funding**

Increase the amount of funding for Fort Belknap College and tribal colleges across the nation for students receiving funding in the amount of \$8,000 per student as they currently only receive half of that amount. Other minority colleges receive funding for their students is twice that amount, and our students deserve

the same.

### **Employment and Training Programs**

Requesting \$2,000,000 for workforce training/development and summer youth employment programs to prepare tribal members for employment, and especially our young adults that would prepare them for future employment. We have over 400 adults and 900 youths needing assistance.

### **CONTRACTUAL SUPPORT**

We request that funds be provided to the Bureau of Indian Affairs for an increase in this line item for all of the P. L. 93-638 programs that Tribes across the country need to support these programs

### **INDIAN HEALTH SERVICE**

### **WATER TREATMENT PLANT**

Fort Belknap requests Operation and Maintenance costs for the following public water supply operations in the reservation communities. On Fort Belknap there are five (5) different water systems that serve the communities of the Agency, Lodge Pole, and Hays. We have a total of 3,000 water users from 591 service connections and it costs \$776,498 annually to operate the system. Limited customer revenue and a small tribally paid subsidy generates \$234,610, leaving a balance of \$543,888, which the Tribe cannot afford. We are experiencing a shortage of operation and maintenance funds. ***We are requesting an annual funding amount of \$543,888.*** to pay the operation and maintenance costs of these systems.

### **Special Diabetes Programs for Indians & Dialysis Center for Patients**

Additional funds for our diabetes patients need increased funding to properly diagnose and treat this deadly disease. ***We strongly support a funding level of \$200 million annually for SPDI for Indian Tribes*** that desperately need dialysis centers on reservations as our people have to travel great distances to receive these treatments causing great hardship to them and also a financial burden on tribes that assist dialysis patients in going to their scheduled appointments.

### **Substance Abuse & Mental Health Services Administration (SAMHSA)**

Request that you increase the funding to SAMHSA grants to \$15 million nationwide in order that Indian tribes such as Fort Belknap can apply for these funds and services.

**Indian Professionals**

We fully support the Indian Health Scholarship funding for Indian students. This is a great opportunity that will assist in attracting and supporting students into the health professions. These students once graduated would come back to reservations and provide high quality medical services to our tribal members.

**Suicide and Methamphetamine Treatment and Prevention Initiative**

We fully support the an increase to \$16.4 million for this program. We have had 1 suicide and 4 attempts this past month. But, we also want the IHS to develop and utilize a distribution plan of these funds in order that all Tribes share equally.

**TESTIMONY OF ROXANN SMITH, VICE CHAIRWOMAN  
ASSINIBOINE AND SIOUX TRIBES  
OF THE FORT PECK RESERVATION  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON INTERIOR AND RELATED AGENCIES  
May 3, 2011**

On behalf of the Fort Peck Tribes, I am pleased to present testimony on the FY 2012 BIA, IHS and EPA Budget. We are a large, land-based tribe. The Fort Peck Reservation encompasses 2.09 million acres. The Reservation population is growing and our Tribal enrollment is approximately 12,500 members. Our greatest need is health care, public safety, infrastructure and education.

The Tribes' unemployment rate on the Reservation is 56%. Of our Tribal members who are working, approximately 43% live below the poverty level. Given the enormous unemployment and poverty rates on the Reservation, our needs for both Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs and services are substantial.

The United States has a continuing trust responsibility to assist Tribes to address the basic governmental services such as safe drinking water, public safety and healthcare. More than 20 years ago, an earlier Congress noted that when there is community stability – with core governmental services being met – “Indian tribes are in the best position to implement economic development plans, taking into account the available natural resources, labor force, financial resources and markets.” If the Federal government could provide greater assistance to us with these core governmental services, our members would be so much better off.

To be clear, the appropriation of funds for Tribal Governments is not a discretionary act, rather these appropriations represent the United States' fulfillment of its mandatory obligation under the Treaties and Agreements entered into with Tribal governments.

**I. Indian Health Service**

Indian country continues to suffer higher rates of infant mortality, suicide, accident, alcoholism, diabetes, and heart disease when compared with other minorities and the general American population. Yet money directed to health care, especially preventative care – such as routine checkups and health education that clearly improves the quality of life and helps avoid more expensive health care costs in the future – has not been provided to Tribal communities. The Federal government has a trust responsibility to provide health care to Native Americans, an obligation that was paid for by the Native people of this country with millions of acres of land, resources, and our traditional way of life.

We are particularly concerned about the IHS mismanagement of the limited resources that are made available to the Agency. We encourage the appropriators to examine the root of this mismanagement and to encourage the IHS to engage with Tribes with regard to this

investigation and to provide us with the information that we need to be assured that these limited resources are properly accounted for.

**A. Mental Health.** During the 2009-2010 school year, five of our middle school children committed suicide, and twenty more of our children have tried. Since October, 2010, two more teenagers committed suicide, including the seventeen year-old son of our former Vice-Chairwoman and several more throughout our Reservation have reportedly tried. Further, between April 2009-April 2010, we had 153 suicide related calls to the law enforcement agencies serving the Reservation. According to recent testimony before the Senate Committee on Indian Affairs, the IHS reported that suicide is the second leading cause of death for Indian youth ages 15-24 and that suicides in this age group make-up 64% of all suicides throughout Indian country.

A loss of a life is tragic in any circumstance, but when this loss happens because a young person cannot see the promise of tomorrow and the hope for a better future, it is not only tragic; it is catastrophic. It is catastrophic for not only the family involved, but the entire Reservation. These young people are the Fort Peck Tribes' future. Addressing suicide requires a multi-prong effort that includes all aspects of health, including substance abuse, mental health, spiritual health and physical health. We know that it requires quick intervention and involvement by all parts of our community from the health professionals, social service agencies, schools, Tribal government, and the families. We don't need anymore reports to tell us this. We need the resources to carryout this work. We urge the Subcommittee to continue to support mental health and suicide prevention programs to respond to this devastating crisis in Indian Country.

**B. Fort Peck Dialysis Center.** There is a desperate need for fully staffed and equipped health facilities capable of providing a full range of medical services. The IHS needs to evaluate and plan the process for new in-patient facilities in Montana, including the urgent expansion of the Fort Peck Tribal Dialysis Unit to 18 stations (from 10) or construction of a new dialysis unit. We are now at capacity, serving 33 patients six days a week. We have an additional 73-100 pre-renal patients. If we cannot expand our services, these patients will have to travel long distances for this life-sustaining care. The reauthorization of the Indian Health Care Improvement Act now allows the Indian Health Service to dedicate resources to dialysis, which is an important aspect of health care in Indian communities. I request that the Subcommittee direct the Indian Health Service to report to Congress on its efforts in the area of diabetes treatment and dialysis.

**C. Contract Health.** We recognize the significance of the requested \$169.3 million increase in Contract Health Care but this increase is inadequate to address the growing health care crisis in Indian country. The Fort Peck Tribes alone need a near doubling of our inadequate Contract Health Care budget – to \$11 million – to meet the growing health demands of our more than 11,000 tribal members. Far too many members are not referred out for Contract Health Care Services that their primary health care professionals determine are medically necessary because we are at life or limb stage treatment.

Currently, the IHS does not refer people with insurance out for necessary medical care, because the IHS does not want to pay the minimal co-pays or deductible for these services.

Thus, people do not get care until it reaches the critical “life or limb” stage of necessity at which this point the IHS would still only have to pay the minimal co-pay or deductible. It would seem that it would be a far better health policy decision to pay the co-pay or deductible long before the health situation has arisen to a life or limb crisis. Yet, the IHS will not reconsider its interpretation of the payor-of-last resort policy to allow for these sound health policy decisions to be made.

## **II. Bureau of Indian Affairs**

**A. The Fort Peck Reservation Rural Water System.** The health status of a community is directly related to the quality of water available, which is why the Fort Peck Tribes took the lead in building the Fort Peck Reservation Rural Water System, a system that will provide quality drinking water to the Reservation and surrounding communities.

Congress enacted the Fort Peck Reservation Rural Water System Act of 2000, Public Law 106-382, to ensure a safe and adequate drinking water supply to all of the residents of the Fort Peck Indian Reservation. The law directs that funding for the operation and maintenance of the water system is to be fully paid for by the BIA. The Tribes and the Bureau of Reclamation have completed construction of many components of this \$200 million project, including the raw water intake facility and will soon complete the water treatment facility. This Water Treatment facility coming on-line this year is vital, as the EPA has determined that the wells that now provide water to the City of Poplar, the seat of tribal government, home to the BIA and IHS agency and the location of the Poplar schools, is contaminated by a brine plume.

While the BIA budget includes \$200,000 for the O&M of this important project, more funding is needed. The BIA is well aware that the O&M costs would rise as the water treatment plant came on line and the Project begins to deliver water to most of the residents on the Reservation. To date the Federal Government has invested \$100 million, to construct this vitally needed project. We now need the Department of the Interior to provide adequate operational funds to ensure that this \$100 million investment does not go to waste. Thus, an additional \$800,000 is needed to fully operate the Fort Peck Reservation Rural Water System.

**B. Funding for Public Safety and Detention.** The need for increased law enforcement and Tribal Courts remains a priority for the Fort Peck Tribes. We greatly appreciate the increases Congress has recently provided for public safety programs. These increases, however, are insufficient to fulfill the United States’ basic trust responsibility in the areas of health and safety. Our Reservation needs more officers and the resources they require to patrol a large land base. This must be matched with additional resources for Tribal Courts. Congress should ensure that the \$20 million proposed increase in law enforcement funding for FY 2012 translates into more officers on the Fort Peck Reservation.

For the period April, 2009-April 2010, there were 17,353 calls for service to the law enforcement agencies serving the Fort Peck Reservation. These calls include driving under the influence (852) aggravated assault (78); sexual assault (142), and domestic violence (462). The Fort Peck Police Department has fourteen officers. This is more than fifty percent below what is considered necessary for adequate coverage for a community the size of Fort Peck. This means

that in most instances when our officers respond to a call they are doing so alone. This places our officers in grave danger, as these circumstances are frequently scenes that involve violence, alcohol or other substances. Thus, while we appreciate the requested increase in funding, emphasis must continue to be placed on ensuring that Tribal law enforcement programs have the resources that they need to keep our communities safe.

I want to particularly support the \$11.4 million requested to fund the operations of the newly constructed detention facilities. The Fort Peck Tribes received a \$1.0 million grant from the Department of Justice to rebuild our detention facilities. We have entered into a contract with the BIA for the operation of this newly expanded facility and are excited. We have broken ground and will be operational in FY 2012. This new facility will allow us to better house and care for our prisoners close to their families and the community support that they need to become productive members of our society again.

### **III. Contract Support Costs.**

The Fort Peck Tribes operate fourteen programs through Indian Self-Determination Act Contracts and grants with the Bureau of Indian Affairs and the Indian Health Service. The fundamental goal of the Indian Self-Determination Act is to empower Tribal governments to operate federal programs to better meet the needs of the people living on the Reservation. After more than thirty years, it is well documented that Tribes have taken up the challenge and are fulfilling the goals of the Indian Self-Determination and Assistance Act. The Act requires that Tribes must have at least as much money as the Federal Government had to operate these programs. Importantly, this includes the administrative costs, which are called Contract Support Costs ("CSC"). Currently, however these costs are not fully funded. At Fort Peck alone we have a \$627,000 shortfall in contract support funding, which means we are forced to use program funds to cover these necessary administrative costs. While we are pleased that Congress and the Administration have provided significant increases for CSC in the last two years, it is important that this trend continue.

### **IV. Environment**

Finally, I want to express the Tribes' strong support for the increased funding for Tribal environmental programs. Specifically, I urge the Subcommittee to support the \$71 million for the Tribal General Assistance Program and the \$20 million for a new initiative to fund Tribal multimedia programs to better implement environmental programs on Tribal lands. The Fort Peck Tribes were one of the first Tribes in the country to obtain Treatment as a State Status under the Clean Water Act and one of the first to obtain Class I air designation for our Reservation. For the Fort Peck Tribes, protecting the land and resources that our ancestors fought so hard to preserve for us is our paramount mission. We work closely with our federal and State partners to accomplish this goal and appreciate the continuing support of Congress for these efforts.

Thank you for providing me the opportunity to present the views of the Fort Peck Tribes.