
GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

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Testimony

**Before the Committee on Resources
United States House of Representatives**

**Hearing on the Reorganization of Trust Management at the
Bureau of Indian Affairs and the Office of the Special Trustee**

May 12, 2004

Good Morning, Mr. Chairman, Mr. Vice-Chairman and honorable members of the Committee. I am honored to be here to testify regarding the Department of Interior's ongoing reorganization of the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians. I am here today representing not only the Cheyenne River Sioux Tribe, but also the Great Plains Tribal Chairman's Association. The Great Plains Tribal Chairman's Association represents 16 tribes in the Great Plains region, encompassing the states of North Dakota, South Dakota and Nebraska. The Great Plains Tribes -- Cheyenne River Sioux, Standing Rock Sioux, Crow Creek Sioux, Turtle Mountain Band of Chippewa, Lower Brule Sioux, Three Affiliated Tribes, Yankton Sioux, Spirit Lake Sioux, Oglala Sioux, Rosebud Sioux, Santee Sioux, Sisseton-Wahpeton Oyate, Winnebago, Flandreau Santee Sioux, Omaha and Ponca - are major stakeholders in the Department of Interior's efforts to "reorganize" the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians.

On March 10, 2004, I testified before the Senate Committee on Indian Affairs on the very same issue: reorganization. In that testimony, I underscored that a majority of Indian tribes were against reorganization, not only because it was put into effect without meaningful tribal consultation, but also because a "one size fits all" approach to trust management reform is certain to fail. Since that time, there has been little progress toward resolution of many of the problems I highlighted in my testimony, including the problematic expansion of the OST, imposition by trust officers with dubious authority at the local level, and shrinking of the BIA's presence on the reservation, among other concerns. However, there has been a positive development, at least from the tribal perspective: more tribes have voiced a desire to take a hard look at how they would reform the system in their region, based on factors that are unique to them.

For instance, the Great Plains Regional Proposal for Trust Reform, which I presented for the first time before the Senate Committee in March this year, is a viable alternative to reorganization that fits our needs *as a region*. Our detailed plan for our Region, along with specific legislative language to accomplish it, is attached to my written statement. The Great Plains region has developed a proposal for a pilot program, similar to that set up by the legislative rider in the FY 2004 Interior Appropriations bill for Self Governance tribes. Differences between regions in population, employment, revenue foundation and even geographic location impact how trust reform measures should vary and be flexible to fit the needs of

the particular region. Three of the Great Plains region tribes have developed plans: Cheyenne River Sioux Tribe, Three Affiliated Tribes and Winnebago. These agency-specific plans compare costs associated with the Department's proposed changes and our own assessment of current and future needs for reforming the trust asset management system. The plans present a simpler, clearer and more cost-effective use of already scarce resources.

I am pleased to report that the Great Plains Region has been joined by the Montana-Wyoming Tribal Leaders Council and the Fort Peck Indian Tribe in our effort. These organizations have passed resolutions renouncing reorganization in its present form and demanding a halt to any reorganization activity until tribal concerns are considered. Moreover, I am quite optimistic that more tribes from other regions will be encouraged to join our efforts in light of Senator Tim Johnson's request that the Government Accounting Office (GAO) investigate the entire management and administrative system of the OST, including its implementation and budget process. We think that it is crucial that a fair and impartial examination be made of the OST's ever increasing role in reorganization, and the circumstances that have led it to go far beyond the statutory duties given it by Congress. We strongly believe that the OST has overstepped its statutorily-mandated role of overseeing reform by implementing measures that would significantly shrink the BIA's management functions at the agency level. Mr. Chairman, for these reasons, today I encourage you to join Senator Johnson in requesting a formal GAO investigation of the OST.

In sum, the idea of reforming the trust management system is a good one. I believe all tribes, not only my own and those in my region, understand that the system is flawed. Despite reports to the contrary, it is not change that tribes fear -- it is change without consultation or consideration for each region's unique trust assets, including those tribes' ideas for change, that we dispute. The Department's plan for reorganization, including the "To-Be" reengineering process, has noteworthy goals. No one disputes that land consolidation is essential if Indian lands are to be prudently managed, nor is there any disagreement with the idea that there is a need to establish better systems to keep track of leases and receivables. Upgrading the computer systems in use would be of substantial benefit, however, going forward with the present program without addressing fundamental deficiencies in basic services provided at the agency level is doomed to be a useless exercise.

We would like to work with the Department to put into effect those elements of reform that we believe will benefit our region. Our legislative proposal would allow that to be done on an expedited basis. We would welcome a cooperative effort to develop regional systems that both region-tribes and the Department can agree upon. We *can* work together to effectuate positive change for the benefit of all. I am happy to report that on April 26, 2004, Special Trustee Ross Swimmer met with a number of tribal leaders here in Washington to explain the present process and to listen to tribal concerns. While no agreements were reached at that meeting, there are future plans for similar meetings. I sincerely hope that we can resolve some of the issues of concern through further dialogue.

Conclusion

On behalf of the Great Plains Tribal Chairman's Association and the Cheyenne River Sioux Tribe, thank you for the opportunity to present my views on reorganization. I look forward to answering any questions you may have.