

**U.S. House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment and Related Agencies**

**Testimony on American Indian/Alaska Native Programs  
By Kevin C. Keckler, Tribal Chairman**

**April 24, 2013**

Good afternoon, esteemed members of the House. My name is Kevin Keckler, and I am the Chairman of the Cheyenne River Sioux Tribe. I was elected to this position three years ago after serving as a representative on my Tribal Council for 8 years, so I have some personal knowledge of how the budgets of the BIA and the IHS impact our tribal members at Cheyenne River.

The Cheyenne River Sioux Reservation is located on the Northern Plains of the United States. Its lands are coterminous with the State of South Dakota, being located in the north-central part of that state. The Reservation is approximately 100 miles by 50 miles in size, which is roughly equivalent to the State of Connecticut. It is sparsely populated: There is an average population of 1.64 people per square mile (p/sm). For the majority of our tribe's members, every day is a struggle for the basics. According to the 2012 US Census, the Cheyenne River Sioux Reservation has the dubious honor of being home to two of the *entire nation's* ten poorest counties. Over one-third of our residents live below the federal poverty level, and an astonishing 64% of the children in Ziebach County (one of the two counties that comprise our reservation) live in poverty. We don't share these statistics with honor. We share them to highlight the fact that our people – especially our youngest members – face a constant battle to survive, let alone thrive.

As a tribal government, our large, remote, and sparsely populated land base translates to high costs for government operations: we have more roads for our law enforcement officers to patrol and for our transportation department to maintain; we have more real estate transactions for our local BIA real estate office to process; we have more water and electricity distribution lines to build and maintain; and we have higher fuel costs because we travel greater distances to service our members' educational, medical, safety, and welfare needs. Because most of our land is in trust status with the federal government, we are prohibited from raising governmental operations revenue from traditional sources like real estate taxation that other governments utilize. Therefore, we are forced to be dependent on the federal government. That is why the continuing resolutions and sequestrations of the past several years have hit our tribe especially hard.

Thanks to sequestration, our BIA realty program is experiencing a severe cutback. We just learned that 2 of the 6 staff in that office will be taking the early retirement offered courtesy of sequestration. This will leave only 4 staff to handle all agriculture, residential, and business leases, all right-of-way applications, all mortgages, and all transfers and conveyances over 1.4 million acres of trust land on our reservation. This will undoubtedly mean a huge backlog in processing times for these transactions, which will mean a halt to any sort of economic development on our reservation. Because of the hiring freeze sequester brings with it, these positions will not be refilled immediately. Thus, we will start FY 2014 with a higher backlog that we are already experiencing. Mr. Chairman, our land leases generate the biggest percentage

of our tribal income, so when we get cuts of this kind, it hits directly in our tribal pocketbooks, and those of many of our tribal members.

Despite our limited income, our Tribe is being forced to pick up costs that we cannot afford just to help our people survive. Our General Assistance Program provided a small but essential monetary supplement to our most impoverished members to help them pay their utility or other necessities not covered by other programs. Now with sequester and other budget limitations the BIA is no longer able to provide that assistance. Because we live in an unfriendly environment where our local utility company does not hesitate to turn off customers' lights and heat for unpaid bills, even in the dead of winter when temperatures can fall to -20 degrees, the Tribe had no choice but to step in and pick up the shortfall. Since November, there have been over 259 GA cases or clients that have been left out in the cold at Cheyenne River. Among those cases are 59 families, 79 single parents with children, 13 couples, and 100 single individuals. In addition to electricity bills, GA funds are used for such things as personal hygiene articles for adults, diapers for infants, propane to heat homes, and cleaning supplies – all items that are necessary but cannot be purchased using other public welfare funds. For FY2013 the Tribe budgeted \$150,000 for these types of “cash relief” payments. However, since funding for the BIA's GA program was eliminated, the cost to the Tribe to provide this type of assistance has doubled. The entire year's budget of \$150,000 was spent by January, and we have now exhausted all available funds from other tribal welfare programs trying to make up the shortfall in the cash relief program. This unanticipated draw on the tribal budget for cash relief to our neediest members in these cold winter months has forced us to take money from other critical non-welfare line items and re-allocate it to members' utility bills and other essential needs. We are robbing Peter to make sure Paul and his children do not freeze to death in their own home.

We have experienced a similar type of Hobson's choice with respect to law enforcement and our criminal justice system on the reservation. Faced with a desperate shortage of patrol officers to cover all shifts over our vast land base, our chief of police recently asked the Tribal Council for additional funding to hire three patrol officers. Our 638 contract funding for law enforcement is already insufficient to cover even the current expenses for the remainder of the fiscal year, so the police chief's request was denied. Now what alternative does the Tribe have? Turn away helpless calls for assistance from terrified victims of domestic violence? Tell car accident victims that they are on their own for emergency medical care? Advise our grandmothers and grandfathers that we cannot help them deal with drunken and violent relatives who are beating down their doors to steal their Social Security checks? Instead, I have made the decision that these 3 officers are critical, life-saving positions that must be filled. So our tribe will again be forced to cut other essential services in order to ensure that we have a bare minimum number of police officers responding to emergency calls. While we applaud and thank the Congress for recognizing the sovereign rights of Tribal nations in the new VAWA, TLOA, and SORNA pieces of legislation, they are in essence unfunded mandates for Tribes. What good is the apparent ability to operate a registry for sex offenders or to prosecute in tribal court those who abuse women, if we have no funds to do so?

I also would be remiss if I failed to remind you again, that law enforcement cannot operate in a vacuum. Our Courts also need attention. At present, we have hard working dedicated individuals operating our courts with inadequate legal materials, inadequate equipment, inadequate storage, and inadequate on-going training. Every time the Congress passes a new and much needed law drawing tribal court decisions on something like domestic violence into state court proceedings, it places an additional burden on our judges, our clerks and our prosecutors

without providing them with the financial means and tools required to meet those new responsibilities. If mistakes are made, for example, as a simple result of failed equipment, our tribal jurisdiction and the full faith and credit that our tribal courts demand is placed at risk. Please take the logical next step and fund the efforts that you agreed were so important when you passed TLOA and VAWA.

Another area in which critical funding is lacking is with respect to water. Water is the key to life. Anywhere on earth, even on our remote tribal lands in north central South Dakota, water is the key to sustaining lives, growing economies, and gaining greater self-sufficiency. Without a steady source of reliable, potable water, our tribe cannot begin to break itself free from the shackles of federal dependency. Ironically, while our tribal members struggle to access clean drinkable water for their families and their livestock, they live next to the largest supply of fresh water in the upper Great Plains – the Missouri River. The reservation's current rural water system, constructed in the 1970's, runs at its maximum capacity 24 hours a day, every day of the year. The current output is 1.4 million gallons of treated water per day, while current need is estimated at 4.4 million gallons per day. Every second of every day, the entire reservation is one waterline break away from a catastrophic loss of potable water. Because of the low capacity of the current system, there has been a moratorium in place since 2006 on any new hookups to the existing water system. No new water hookups means no new businesses, no new homes. All economic development and housing is at a standstill on the reservation. The Cheyenne River Housing Authority's "Badger Park" housing development would be ready for construction but for the water access. Badger Park would bring 183 new homes to the reservation and would be a significant start to alleviating the backlog of 661 families who are currently on the waiting list for homes. In an area where the average nighttime winter temperature often falls to -20 degrees, and where there are no homeless shelters, a lack of housing is not just an inconvenience. It's a matter of life and death. So, once again, the federal government makes a promise, this time in NAHASDA, and fails to fulfill it by denying us the IHS and BIA funding necessary to bring water to those homes. I ask you sir, does this make sense?

We recently heard that our lone BIA specialist for the Guaranteed Loan Program is also taking the early retirement offered thanks to sequestration. Our tribe and many others in the region are losing an important link to accessing and navigating the complicated Loan Guaranty process, which will further hinder any economic development efforts by our Tribe. The indefinite vacancy in that position, combined with the proposed reduction in funding for the program in the FY2014 budget, will make it all but impossible for tribes in the Great Plains to take full advantage of that economic opportunity.

This begs the larger question of why, in the midst of this economy and the financial difficulties that you agree that we have, is the BIA cutting funding for the community economic development programs at OIEED? While we see the words "economic development" spread through the BIA budget, we find no dollars attached to those sentences. Isn't it time that someone told the BIA to start spending money to improve our economies instead of taking away the few dollars that we can access?

Now a quick word about Contract Support. What most people fail to recognize is that these are monies that pay the heating bills, accounting costs, audit fees and phone bills that allow our programs to operate. When BIA and IHS provide us with less than full funding, what they are really saying is: "Tribes, you pick up that bill." P.L. 93-638 as drafted essentially says: "we will give you all of the money that we have to operate the programs that you choose to contract." It

did not say “we will just give you that money that we have in the program account.” When the federal government needs a lawyer it calls the Solicitor’s Office, and when it needs a car it calls GSA. We don’t have that luxury. No federal employee shows up at work and wonders if his lights will be on, or if he will have a file cabinet in which to store his documents. Do not suggest to me that Contract Support Costs are costs that Indian people should pay to deliver the services that you agree that we need. That is not the language nor the intent of PL 93-638.

I would be remiss if I did not talk about our need for additional I H S dollars. The Aberdeen Area IHS has been so poorly managed that it has been the subject of more than one federal investigation in just the last two years. While this is all going on, the people at Cheyenne River continue to fight to wait in long lines for medical assistance, and when they finally do get to see a doctor, they often cannot get the medicines required to treat their disease. The radio talks about the “rapid rise” in health care costs, but we at Cheyenne River have not seen a “rapid rise” in our IHS budgets. What people often forget is our people are caught in a vicious circle caused by underfunding across the board. Poor housing leads to poor health, poor health leads to poor educational achievement, and poor educational achievement leads to a poor economy, which in turns means that fewer and fewer people can afford to address any one of the above. This is why we are so offended with the idea that our programs should be cut to address national budget deficits that we did not create. It is one thing to cut funding for programs that are wasting money. It is another to cut programs that are already hanging by a thread.

As an elected tribal official, I have planned every year for the day when our tribal contract health care dollars run out. Sometimes it is in late August. In a good year it is in early September, and this year I fully expect that it will be somewhere around early July. What does that say about IHS underfunding? I can provide you with lists of people whose health has deteriorated rapidly because basic procedures were not performed in a timely manner, and another list of successful well educated tribal members who have lost their credit and a good part of the livelihood because they got sick and IHS was unable to pay their hospital bills. These are people’s lives that are being played with, and it is time for these types of budget games to stop. You know the cycle; a bad tooth leads to a bad infection and that in turn leads to further and far more costly complications. Isn’t it time for Congress to address this problem once and for all, by providing us with the basic care required to live healthy and productive lives?

Finally, let me close with one final and very direct plea: Pass a FY 2014 appropriations bill so that we have something real to work with. Today, because of the last Continuing Resolution, we are still waiting for over 50% of funding that you appropriated for the October 1<sup>st</sup> thru March 27<sup>th</sup> period. So in essence, we have been fronting the government’s own costs every time we made payroll. This is wrong. While we will continue to hold the government accountable for its promises, we will try to work with you to address our nation’s concerns, because we have to. But we cannot do that with this much uncertainty. The sequester and accompanying hiring freezes and travel restrictions have killed many of our plans and tribal efforts, and another round of unplanned and unforeseen cuts and freezes will destroy our programs. So please get your colleagues in line and do whatever is necessary to pass an appropriations bill and get us some real numbers to work with, so that we can at least try to help ourselves.

Thank you for this opportunity. I will be happy to answer any questions you may have.