



GREAT PLAINS TRIBAL CHAIRMEN'S ASSOCIATION, INC.

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July 15, 2017

Hon. Ryan Zinke, Secretary
U.S. Department of the Interior
Attn: Acting Assistant Secretary for Indian Affairs
Mike Black
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Via email: consultation@bia.gov

Re: BIA Reorganization

Dear Secretary Zinke:

The Great Plains Tribal Chairmen's Association (GPTCA) is composed of the sixteen (16) sovereign Indian nations and tribes located in the BIA Great Plains Region. We are treaty tribes. The United States has pledged peace, friendship and protection through treaty. The United States pledged to assist us with agriculture, economic development, education, health care, housing, law enforcement and the administration of justice, roads, water and sanitation systems, among other things. We stand on our treaties, and call upon the United States to honor our treaties.

I write to express the concerns of the Great Plains Tribal Chairmen's Association (GPTCA) as to the proposed BIA Reorganization. From 2001 forward, the BIA and Indian tribes have already had our budgets cut too much. In 2011, we were subject to sequester. We have a large backlog on infrastructure funding, such as schools, hospitals, health clinics, police departments, courts, detention facilities, roads, water systems, and community, youth activity and elder care centers. We have a large backlog on personnel funding, so we need more funding, not less.

The mission of the Bureau of Indian Affairs is to: "enhance the quality of life, promote economic opportunity and carry out the responsibility to protect and improve the trust assets of Indians, Indian tribes, and Alaska Natives." The BIA is the oldest Agency of the Department of the Interior, which was first established as an Agency of the War Department in 1824 and

transferred to the Interior in 1847. The BIA is essential to carry out the United States' treaty obligation and trust responsibility to Indian nations and tribes.

Executive Order 13781, Comprehensive Plan for Reorganizing the Executive Branch provides: Within 180 days of March 16, 2017, "the head of each agency shall submit to the Director a proposed plan to reorganize the agency, if appropriate, in order to improve the efficiency, effectiveness, and accountability of that agency." Some press commentators suggest that Executive Order 13781 is a cover for dismantling the Executive Branch. We trust that the Secretary of the Interior is opposed to any such dismantling of the BIA.

The BIA has been underfunded for many, many years. The Secretary of the Interior and the Administration should reject cuts for the BIA, especially in the Great Plains Region. In South Dakota, the 3 poorest counties in the Nation are located on the Sioux Reservations, and 7 of the poorest 50 counties in America are located on the Sioux Reservations in North and South Dakota. We need more resources, not less!

The U.N Declaration on the Rights of Indigenous Peoples, the Indian Reorganization Act, the Indian Self-Determination, and Executive Order 13175 require prior informed consultation on matters that impact Indian nations and tribes, including impacts on treaty rights, the trust responsibility, self-government and self-determination.

The BIA Reorganization, proposed by the Secretary and the Department of the Interior, was completely lacking in framework, outline or details and formed an insufficient basis for consultation with Indian nations and tribes. Nevertheless, prior to the end of the public comment period, the Acting Assistant Secretary for Indian Affairs, BIA Director, and other senior officials were reassigned, with authority over Indian Affairs and the BIA apparently arrogated to the Associate Deputy Secretary of the Interior. This approach to "consultation" violates U.S. law and policy, violates the United States treaty obligations and trust responsibility.

Real consultation on any proposed BIA Reorganization should be conducted with Indian nations and tribes before any regulatory, budgetary or statutory proposals are finalized or presented to Congress.

Here is an outline of what the United States should do to reorganize the BIA and Indian Affairs:

The Declaration of Independence declares "All Men [and Women] are Created Equal ... endowed by the Creator with unalienable rights ... to Life, Liberty and the Pursuit of Happiness." Our Indian nations and Native peoples were vested with these inherent natural Human rights, as the Founding Fathers recognized. The Continental Congress set forth the First Federal Indian Policy through the treaties and the Northwest Ordinance of 1787, which pledges:

The utmost good faith shall always be observed towards the Indians, and in their liberty and property they shall never be invaded, except in just wars authorized by Congress....

By treaty and statute, a Federal treaty and trust responsibility was thereby established.

The Constitution of the United States acknowledges the status of Indian nations as prior sovereigns in the Treaty and Supremacy Clauses, where the early Indian treaties were affirmed as “treaties made” and new treaties with Indian nations were authorized. The Commerce Clause empowers Congress to regulate “Commerce with ... the Indian Tribes.” “Indians not taxed” were excluded from taxation and apportionment in Congress because our Native peoples were citizens of our prior Native Sovereign Nations. In the same year that our 1868 Sioux Nation Treaty was entered into, the American People ratified the 14th Amendment to the Constitution affirming tribal government jurisdiction over tribal citizens, and repeating the recognition of “Indians not taxed.”

Background: Treaty Obligations and Federal Trust Responsibilities:

Indian Peoples are Equal to All other Peoples, the Creator vested us with Natural Rights to Life, Liberty and the Pursuit of Happiness. Indian Nations were sovereign, independent self-governing nations prior to the formation of the United States and we have never ceded our original, inherent sovereign authority.

In accordance with its Constitution, treaties, and statutes, the United States should defer to Indian nations and tribes on internal self-governance, self-determination, and territorial management, and resolve issues of mutual concern based upon mutual consent. The United States undertook the Federal Trust Responsibility to protect Indian tribes through treaties. Accordingly, the United States promise to protect our “permanent” home is a promise to assist us to make our Indian lands livable homes. Through treaties, the United States undertook to assist Indian tribes with education, health care, law enforcement and administration of justice, agriculture, roads and economic development.

The Secretary of the Interior should establish a new Office of the Treaty Commissioner to ensure compliance with Indian treaties, agreements and Executive Orders establishing Indian Reservations.

Better Decision-Making:

The Assistant Secretary for Indian Affairs should be elevated to the Under Secretary for Indian Affairs equal to the Deputy Secretary. By increasing the authority of the Assistant Secretary to serve as an Under Secretary, better and more efficient decisions will be made.

The Office of Special Trustee and the Bureau of Indian Education should be re-consolidated as Divisions of the Bureau of Indian Affairs subject to the overall direction of the Under Secretary for Indian Affairs. Some of the high level positions in these agencies can be moved back to the field to provide direct services to Indian tribes.

Improved Services:

In North and South Dakota and Nebraska, we have 7 of the poorest 50 counties in America on our Indian Reservations. We have suffered from budget cuts over the past several years with a decline in actual services.

Our Indian nations and tribes have very basic needs that are not being met through the Federal Government's Budgets:

- Indian Education Funding Must Increase: Our Schools Are Old And Falling Down. We need new school construction.
- We Need More Indian Health Care Funding: Indian Health Care per patient spending is only \$3,000 compared to \$12,000 for Medicare, \$7,000 for Veterans, and \$5,500 for Medicaid.
- Indian housing has been inadequate and we have 2 or 3 families per house. Sometimes 28 people live in a house that is intended for 4 or 5 people.
- Law Enforcement Funding is Inadequate we have only 1/3 as many police officers as we did in the past yet American Indians suffer some of the highest violent crime rates in the country.
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We need improvement in our government services. We need resources for direct services. We need more Doctors for Health Care, more Teachers for Education, more Police Officers. The Administration and Congress need to provide a better budget and streamlined government in our government-to-government relations between the United States and our Indian nations and tribes.

We request a meeting between the Secretary of the Interior and the Great Plains Tribal Chairmen to discuss the BIA Reorganization, Treaty Obligations and the Federal Trust Responsibility. Our Executive Director will be in touch with your office to schedule the meeting. Contact information for A. Gay Kingman is Cell: 605-484-3036 and Email is kingmanwapato@rushmore.com.

Thank you for your thoughtful consideration. We look forward to your inclusion of our message in your BIA Reorganization Plan.

Sincerely,



**Chairman Harold Frazier, Cheyenne River Sioux Tribe, Chairman,
Great Plains Tribal Chairmen's Association, Inc.**