

Boyd I. Gourneau
Chairman



Tribal Administration
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Hon. Ken Calvert
2007 Rayburn House Office Building
Washington, DC 20501

Re: BIA on-reservation leasing authority

Good Morning Mr. Chairman:

My name is Boyd Gourneau and I am the Chairman of the Lower Brule Sioux Tribe. Because so many of my tribal colleagues have and will continue to testify about the totally inadequate, poorly thought out budgets that the Bureau of Indian Affairs, the Office of Indian Education, and the Indian Health Service presented for FY 2019, I will not repeat their comments and simply state how frustrating it is when the Administration forgets the impact that its proposals have on the actual lives of human beings.

Instead, I want to focus my testimony today on a problem which has arisen in the BIA that was totally unanticipated and that is presenting serious problems for the Lower Brule Sioux Tribe: the BIA's apparent loss of authority to lease tribally-owned buildings on federally-recognized reservations. Lower Brule has an existing tribally-owned detention facility which was completed in 2009. We built this building with tribal funds when the BIA was unable to provide the funds necessary to reconstruct a detention facility on our reservation. This facility, which now serves both Lower Brule and Crow Creek, is currently under an existing federal GSA Lease, negotiated by the BIA, which is scheduled to expire in 2019. Unfortunately, this space has now become inadequate to meet our current needs and is also in need of some structural repairs to meet updated federal requirements, which the Lower Brule Sioux Tribe is prepared to fund. Unfortunately, though, we cannot obtain the financing for that work unless our lease is renewed and expanded to accommodate new space, space the BIA agrees is needed.

We approached the BIA about a year and a half ago in an attempt to expand and renew our lease. That is when we learned that the BIA has apparently lost its on-reservation leasing authority. We have attempted to learn how and why this happened, but to date no one seems to be able to give us a straight answer. This is very frustrating because we have been advised that going through the GSA leasing system could take up to two years and cost us a sizable amount of money that we do not have to spend. Lower Brule believes that we can secure the funding required to accomplish the repairs and expansion that are needed, but we have already lost at least one potential source of those

dollars because we have not been able to tell our lenders when and under what conditions our lease can be renewed and slightly expanded or even who has the legal authority to do that.

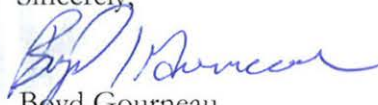
We read with interest the report language that this Subcommittee has incorporated in its last two appropriations reports, encouraging Tribes to find creative ways of funding projects that are not fundable under the existing appropriations systems. Lower Brule followed that advice in 2009 and we want to follow it in 2018, but we can't because of some type of disagreement between GSA, BIA, the Solicitor's Office and others that have yet to be identified.

Mr. Chairman, we at Lower Brule are prepared to do our part to provide much needed services to our people, but we need your help. As we understand it, the money to pay for this new lease is already in the federal system, although some additional dollars may be needed. We just need language in your FY 2019 appropriations bill returning unilateral on-reservation leasing authority to the BIA in those instances where funding from another federal agency is not required for that lease arrangement.

As is the case on many reservations, there are no additional detention spaces available in our area for the federal government to lease pursuant to the Federal Acquisition Regulations, and the needs of two separate tribes are at stake. It is my sincere hope that just a little pressure from this Subcommittee will solve this problem, because nothing else that we have tried over the past two years has accomplished that goal.

Thank you for your kind attention to this matter and we at Lower Brule look forward to working with you to resolve this unfortunate and completely unnecessary problem.

Sincerely,

A handwritten signature in blue ink, appearing to read "Boyd Gourneau".

Boyd Gourneau
Chairman
Lower Brule Sioux Tribe