



## Montana & Wyoming Tribal Leaders Council

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TESTIMONY OF  
**MONTANA-WYOMING TRIBAL LEADERS COUNCIL**  
BEFORE THE  
**SENATE COMMITTEE ON INDIAN AFFAIRS**

OVERSIGHT HEARING ON  
**IMPLEMENTATION OF THE DEPARTMENT OF INTERIOR'S**  
**LAND BUY-BACK PROGRAM**

DECEMBER 11, 2013

Good afternoon. My name is Ivan Posey, and I currently serve as the Chairman of the Montana-Wyoming Tribal Leaders Council, an organization representing the Indian Tribes located within the Bureau of Indian Affairs (BIA) Rocky Mountain Region of Montana and Wyoming. I want thank you for holding a hearing on this very important subject.

As you are aware, the Tribes of the Rocky Mountain Region are large land-based Tribes who have unique situations and priorities. Our Tribes carry broad responsibilities over vast Reservations in rural areas, often hundreds of miles from major metropolitan areas.

Today we have opportunity to help tribes to become more self-reliant and to promote economic development and increase land ownership for tribes in Indian Country, and to curb a small amount of the devastation caused by the Allotment Era. The Land Buy-Back Program can be and should be that vehicle, especially if Tribes are given the opportunity to administer their own programs. However, if the DOI and BIA is allowed to administer this program as it now intends to, we fear this program may become another “hurry-up, hire, spend, and vanish in ten years” program and will result in wasteful spending instead of wisely investing it and making it grow into a long

term and sustainable program.

One of our member Tribes, the Fort Belknap Indian Community has provided this Committee a brief outline, with a budget, of how the Buy-Back Program can be administered efficiently and effectively at the local level, while promoting Tribal Self-Determination and fulfilling the Trust Responsibility to Tribes and individual Indians. Under this scenario, the Program will not disappear in ten years. Instead we will have a perpetual Program, which will provide us with a process which will, help us enhance Self-Determination. What we propose is simple: Tribes should be allowed to develop and administer their own Programs unique to the circumstances and conditions of each individual Reservation. Administrative costs should be passed on to Tribes or left available for land purchase.

Tribal Leaders from our member Tribes have provided information at numerous sessions and meetings including those called by the Department of Interior (DOI) beginning in July 15th, 2011, in Billings, Montana and the concluding session in Seattle, WA on April 13th, 2013. Our leaders have consistently expressed the desire of our Tribes to administer their own Buy-Back Programs. All of the Tribes have reiterated that they have been utilizing their own Land Acquisition Programs for several decades and have expanded their respective land base by thousands of acres during this same period. In the time that has passed since 2011, Tribes could have completed many purchases but have been hindered by lack of funds. The process of allowing tribes to administer their own buy back programs makes complete sense since many have access to local appraisers and know the people from our communities.

The Department of Interior, since its appointment to administer the Buy-Back Program, has totally disregarded the wishes of our Tribes. Year after year, in program after program, the DOI and BIA continue to address the tribes with paternalistic attitudes, and the current approach to administering the Buy-Back Program is no different. Tribes are thwarted in their efforts towards

self-sufficiency.

The Department of Interior has decided that it will keep the entire amount of money set aside for administrative costs. However, it has provided no information as to why the entire set aside is needed. There is no transparency or accountability to Tribes on how this money is being spent and no overall budget has ever been provided to the Tribes as primary stakeholders in the Buy Back Program. If the Tribes were provided the settlement funds, we would be rightfully be required to prove we were using and spending the funds appropriately. We believe that if Tribes are allowed to run Buy-Back Programs themselves, money can be saved, and ultimately used for additional land purchases, rather than administration.

In the mid-seventies, Tribes began to contract the education department functions from the BIA. Prior to that the BIA was satisfied with sending tribal members to boarding schools and a limited number of members on to a two or four year colleges. Since the tribes began to contract this particular program, more students are enrolled in colleges and universities and many tribes have two or four year colleges on their reservations including the Aaniiih Nakoda College at Ft. Belknap, Salish Kootenai College at Flathead, Chief Dull Knife at Northern Cheyenne, Little Big Horn at Crow, Blackfeet community College, Stone Child at Rocky Boy Reservation, Wind River Tribal College on the Wind River Reservation, and Fort Peck Community College.

Tribal success in administering former federal programs is now widely known. Some of our Tribes have exercised their rights to Self-Governance under the Self-Determination Act. Others are operating a wealth of programs on their own Reservations that were formerly operated by the BIA. Overall, Tribes have demonstrated that 638-contracting under the Self-Determination Act, ensures that services are provided to Indian beneficiaries in a manner that is specific to each Reservation's needs and conditions. Decisions are made locally. In addition, more administrative costs are spent

locally, hiring local people to carry out these important functions.

Now is the time that Tribes should be given the opportunity to manage this Program like they have with education and other programs under the Self-Determination Act. In ten years they will have a prosperous and functional Land Acquisition Programs that will last.

I would be also like to add that the efforts of Elouise Cobell remains in the forefront of this issue and I would like to take a moment to recognize her efforts in bringing these important matters to the attention of the federal government. The courts have ruled that there was mismanagement of trust assets and the government has an obligation, through treaties and executive orders, to correct these wrongs. I ask the committee to please hear our concerns and address them for the betterment of all Indian Country.

Thank you for your time and consideration. I'm happy to answer any of your questions.