

**TESTIMONY OF
ALVIN WINDY BOY, SR., CHAIRMAN**

**CHIPPEWA CREE TRIBE
OF THE
ROCKY BOY'S RESERVATION**

**ON
THE GOALS AND PRIORITIES
OF THE
MONTANA AND WYOMING TRIBES
FOR THE
107TH SESSION OF THE CONGRESS**

**BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

**WASHINGTON, DC
JULY 12, 2001**

Good morning, Chairman Inouye, Vice Chairman Campbell and the other distinguished Members of the Indian Affairs Committee. My name is Alvin Windy Boy, Sr., and I am the Chairman of the Chippewa Cree Tribe of the Rocky Boy's Reservation in Montana. I also serve as the Chairman of the Montana Wyoming Tribal Health Board. On behalf of my tribe and the Montana and Wyoming Tribal Leaders Council, I thank you for this opportunity to present to you our legislative priorities for the 107th Congress.

First of all, I would like to commend the Chairman and the Committee Members for conducting these hearings around Indian country to get the perspectives of tribal governments on the goals and priorities for this congressional session. I would like to begin by acknowledging all the tribal leaders that have gone on who fought hard to protect and preserve tribal sovereignty, self-determination and self-governance. The fight to protect tribal sovereignty and preservation of the government-to-government trust relationship continues today more than ever. As the Chairman of my tribe and a tribal leader representing a federally-recognized tribe, I thank the leaders and members of this Committee for acknowledging, respecting and honoring our government-to-government relationship in conducting these hearings and for your continuous commitment to the betterment of our lives as Indian tribes and Indian people.

Protecting Tribal Sovereignty - We have a lot of work ahead of us in this 107th Congress. I say this because of the constant erosion of tribal sovereignty we are experiencing. It would be an understatement to say that the courts have not been very friendly to our effort at protecting tribal sovereignty and the right to self-government. The U.S. Supreme Court has - particularly in the last two decades - consistently decided cases against Indian tribes which have resulted in a significant erosion of our sovereignty and right to self-government. The various decisions of this court have significantly eroded our civil regulatory jurisdiction over those who live and do business within the exterior boundaries of our reservations. In particular, this Court has made it very difficult to develop a tribal tax base involving non-Indians doing business on our reservations. Mr. Chairman, this creates a huge void in the development of our governmental capacity over our homelands. This is particularly true for the tribes of Montana and Wyoming where, due to the relative remoteness and rural nature of our homelands, we have experienced difficulty in attaining economic development. This has not stopped us from trying though, and some tribes in our area have been taxing entities who do business on our reservations for years. However, the U.S. Supreme Court recently told Indian country that we have no right to tax non-Indians who live within reservation borders on fee land. No other government in the world is expected to operate and provide basic service without revenue from taxes. Mr. Chairman, we request the Committee to assist us with legislation to provide us with the ability to create an economic tax base within the exterior boundaries of our reservation. Tribal governmental taxation authority should be allowed to pre-empt state taxation on the same product or service.. The Court's legal contortions and opinions - rulings that are totally at odds to the basic provisions of tribal treaties and other commitments made to the Indian tribes by the United States - have so severely handcuffed our governments as to ensure underdevelopment and poverty for decades to come. I recall when the Supreme Court issued its astonishingly short-sighted decision in the case of *Duro v. Reina*, that this

Committee took the lead in the enactment of legislation that effectively reversed that case. The time has come to now examine the destruction the court has brought in the area of jurisdiction, taxation and economic development and to enact legislation reaffirming the legitimate and long standing rights that our tribes have as governments.

It is impossible in the few minutes I have been allocated to address the numerous issues that are important to my people. I will instead key on a few issues that are of the highest priority but I want to briefly mention other areas that deserve this Committee's attention.

Economic Development - Obviously economic development is critical to the Indian tribes and we hope you will enact the pending bills - including those giving us bonding authority and creating tax incentives - that give us the ability to attract and retain businesses to our homelands. We also want to see Indian country be given a key role as the Congress enacts Energy related legislation. We have the natural resources to greatly assist in the creation of additional energy and doing so would go a long way to help us address the poverty that exists among our people. Enactment of legislation facilitating the creation of banks in Indian country and helping tribes who are caught in the Seminole Catch 22 relative to negotiating good gaming compacts with their state governments would be very helpful.

Tribal Courts - The tribe would like to see the Congress actually fund the legislation already enacted which was intended to create additional funding for our court systems. Our courts are critical components of our government. We need to strengthen our judicial body to build an adequate foundation to support our government and our people while assuring outside entities of the opportunities to do business on the reservation. The tribe is requesting the Congress to support our tribal court systems with adequate funding and training opportunities for our judges and court personnel.

Health Care Needs - I want to focus the remainder of my statement on health care as I believe without doing something to better the health of the Indian people, little else can be accomplished. I have taken a personal interest in the area of health care in Indian Country and am involved in many national and regional health boards and committees. With all due respect Mr. Chairman, there is a great and, frankly, inexcusable disparity between what the Congress provides to the Indian Health Service Indian (IHS) versus what the Congress provides to other federal entities for the provision of health care. I do not understand how it is possible to expect the IHS to provide even remotely decent medical care to my people when you give them just over \$1,400 per eligible Indian, while at the same time providing over \$3,500 per person receiving Medicaid, slightly under \$3,500 for health care per each prisoner in the Bureau of Prisons system and over \$5,000 for each veteran receiving health care from the Veterans Administration! We don't begrudge the veterans the 5,000 plus dollars they are receiving but how can this Congress - if you realize that it costs over \$5,000 per recipient to provide health care to others for whom the federal government has a responsibility - turn around and only allocate the \$1,400 per patient when it comes to Indian people? If you increased the IHS budget by three and one half times what is presently allocated (i.e. the difference between what you allocate to IHS on a per capita basis and what you allocate to the VA for medical care on a per capita basis), you would see a quantum increase in the

general health of the Indian people.

We strongly encourage the enactment of the reauthorization of the Indian Health Care Improvement Act and I have appended to my testimony a separate statement on Diabetes that I believe is critical and deserves this Committee's fullest attention. We strongly urge the elevation of the position of the Director of the IHS to the level of Assistant Secretary. It appears the Senate is going to have to take the lead on this matter and perhaps find another vehicle to attach the elevation to as the pending bill may well end up getting bogged down in the House for yet another Congress. I also want to go on record as the Chairman of the Chippewa Cree Tribe and urge that Dr. Michael Trujillio be reappointed as the Director of the Indian Health Service when his term expires next year. This is not a partisan position and Dr. Trujillio has shown a great degree of responsiveness to the needs of the Indian people. We would be quite concerned about bringing in a new Director when there are so many critical issues that Dr. Trujillio is intimately involved with. Many issues would be put on hold as we waited for a new appointment, for Senate confirmation and for the new Director to get up to speed. We should not change horses in mid-stream and we ask this Committee to communicate with the Bush Administration and urge Dr. Trujillio's reappointment.