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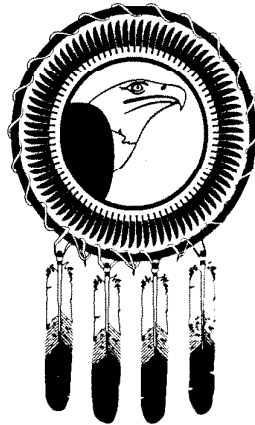
*Evaluating the Impact of Federal Welfare Reform Legislation in Indian
Country: A Case Study of the Rosebud Sioux Reservation*

by

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EXECUTIVE SUMMARY

Recent welfare reform legislation, known as the Family Support Act of 1988 (PL100-485), intends to help welfare recipients make the transition from Aid to Families with Dependent Children (AFDC) to permanent jobs. At the federal level, implementation of the Act falls under the authority of the the Department of Health and Human Services. The reform contains four major components which: 1) improve state child support enforcement services, 2) expand the Aid to Families with Dependent Children-Unemployed Parent (AFDC-UP) to all states, 3) furnish greater transitional child care and Medicaid benefits, and 4) establish state and tribe operated Jobs Opportunities and Basic Skills (JOBS) Programs. As it stands now, however, flaws in the Family Support Act limit its ability to significantly reduce welfare dependency among American Indians living in Indian Country.

Tribal government officials who understand the ramifications of the Family Support Act can respond more effectively to the reform and better recognize what further steps are needed to resolve reservation problems of welfare dependency. Based on a case study of the Rosebud Sioux reservation in South Dakota, our project illustrates how a tribal government can evaluate the welfare reform legislation. In our case study, we: 1) analyze Rosebud's present welfare system, 2) investigate the difficulties that AFDC recipients currently face when they try to leave welfare, 3) critique how the Family Support Act addresses existing problems, and 4) recommend how the Rosebud Tribal Government can respond to specific reform provisions. Finally, through a brief comparison with the situation on the Gila River reservation in Arizona, we assess the broader implications of our Rosebud case findings.

Home to approximately 17,128 enrolled members¹ of the Rosebud Sioux Tribe, the one million acre Rosebud reservation is located in extreme rural isolation. Rosebud is

(iii)

¹ Indian Service Population And Labor Force Estimates Bureau of Indian Affairs, January 1989.p.1.

located in the nation's seventh poorest county and suffers from extremely high unemployment. In 1986, one-third of all tribal members received either AFDC or Bureau of Indian Affairs General Assistance (BIA-GA), the largest cash assistance programs on the reservation. Other social welfare programs include Social Security, Supplemental Security Income, Commodity Foods, Food Stamps, Housing and Urban Development (HUD) Housing Assistance and Veterans Benefits.

In order to become economically self-sufficient, Rosebud AFDC recipients must overcome at least five major kinds of obstacles. These are: 1) few local employment opportunities, 2) inadequate transportation and child care, 3) disabling health problems, 4) limited training opportunities, and 5) work disincentives. The lack of jobs and transportation appear to be the most critical issues.

In its current form, the Family Support Act is not likely to help many Rosebud Sioux recipients leave welfare. First, while the reform mandates stricter child support enforcement and paternity establishment by state agencies, it does not support tribal governments' efforts to upgrade their own child support enforcement systems. Second, program requirements preclude most Rosebud Sioux families from qualifying for the AFDC-UP program and cause the few families, who do qualify, to frequently rotate between the BIA-GA and the AFDC-UP programs. Moreover, since BIA-GA already operates a mandatory Tribal Work Experience Program (TWEP) which provides a work incentive stipend, the work experience requirement for AFDC-UP parents potentially creates inequities. Third, the reform's transitional benefit provisions are problematic because they require extremely complex coordination with state agencies, incorrectly assume an existing supply of on-reservation licensed child care, and fail to address equally significant support needs such as employment counseling and treatment of substance abuse.

Finally, JOBS programs will probably have limited impact on Rosebud recipients.

Because the legislation allows for states to avoid serving remote areas such as Indian reservations, Rosebud recipients will not have access to a state JOBS program. Despite the extremely short time allowed for program planning, Rosebud officials intend, however, to apply for a tribal JOBS program. Although the current lack of program regulations potentially allows for the design of more innovative programs, the estimated federal allocation of \$100,000 limits Rosebud's planning options to either relying heavily upon existing organizations or targeting resources to a small number of recipients. Regardless of the program model, tribal officials will have to become involved in extensive coordination efforts with state and county social service administrators.

In order to make welfare more appropriate to the conditions on Rosebud, the Tribal Government must act independently as well as in concert with others. Because many of the issues on Rosebud are common to the rest of Indian Country, our recommendations are also applicable to many other tribal governments. These recommendations are summarized below.

Child Support:

1. Develop child support guidelines within the Tribal Court.
2. Increase efforts to work with state agencies and other tribes over the establishment of reciprocal enforcement of child support awards.

AFDC-UP:

1. Form a joint committee of county, tribal, and BIA social service administrators to coordinate BIA-GA and AFDC-UP benefits and work requirements. The committee should specifically consider these options:
 - a. Contracting AFDC-UP work activities to the TWEP program.
 - b. Reducing work program inequities by offering a work stipend to participants in AFDC-UP work experience activities. Costs could be covered by the savings accrued through the transfer of recipients from the BIA-GA program to AFDC-UP.

Transitional Services:

1. Develop acceptable child care licensing regulations and procedures for child care centers and family day care.

2. Work with the State to explore the feasibility of establishing low-cost community-based family care homes.
3. Contract out the provision of child care required by the reform from the State.

JOBS:

1. Tribal officials should take into account funding levels, organizational capacities, client needs and the goals of the Tribal Government when designing the JOBS program.
2. Tribal officials should consider a variety of employment and training JOBS program designs. Potential models include:
 - a. Adding support services, such as employment counseling, to existing programs;
 - b. Using case management methods;
 - c. Creating a program designed to offer training or educational services which are either under-provided or non-existent on Rosebud.
3. Establish a task force of tribal, state and county welfare officials to coordinate activities such as JOBS referrals, sanctions, and support services.
4. Demand that the State furnish equal levels of support services for state and tribal JOBS program participants.

By forming a task force of representatives from the nine South Dakota reservations, Rosebud and the other tribal governments can benefit from strength in numbers and the ability to present the State with a cohesive policy position. An inter-tribal task force could initiate the following actions:

Child Support:

1. Lobby for direct federal funding to tribal governments to improve their on-reservation child support systems.
2. Lobby the Secretary of the HHHS to appoint at least one tribal representative to the reform's 15-member inter-state child support commission.

JOBS:

1. Lobby the Secretary of the HHS to establish a reasonable set of guidelines governing the designation of remote status, to ensure against the arbitrary exclusion of reservations from state JOBS programs.

2. Demand that the State furnish equal levels of support services for state and tribal JOBS program participants.
3. Encourage the HHS to grant reservation-specific waivers for JOBS program requirements.
4. Encourage HHS to develop appropriate performance measures for tribal programs which look at their short-term and long-term effects for individuals as well as community benefits.
5. Lobby the Federal Government to reduce funding restrictions which inhibit tribes from combining services provided through training and employment programs such as JTPA, TWEP, BIA Employment Assistance and JOBS.

Furthermore, by briefly comparing Rosebud with the Gila River Indian Community in Arizona, we look at what variables can affect a tribal government's response to welfare reform legislation. Contained within this section are common questions which any tribal government could use to evaluate the ramifications of the Family Support Act for its reservation.

Tribal governments must, however, address issues which lie beyond the limited scope of the Family Support Act if they ever hope to find solutions which significantly reduce welfare dependency. Not only does the reform provide inadequate support services, but also it completely ignores the work disincentives created by the current welfare system. Primarily targeting women with children, the legislation also neglects the enormous problem of male unemployment in Indian Country. Given that two incomes are often necessary to lift families out of poverty, welfare dependency will not be solved until both men and women are able to contribute to the financial well-being of their families. Finally, unless economic development occurs in Indian Country, few American Indian recipients will find the permanent employment they need to achieve financial self-sufficiency.

I. INTRODUCTION

Recent welfare reform legislation, known as the Family Support Act of 1988 (PL100-485), represents one of the most significant federal attempts in the last fifty years to reduce dependency on the federal program, Aid to Families with Dependent Children (AFDC). The new legislation intends to help welfare recipients to make the transition from welfare to permanent jobs which provide enough pay to support their families. Implemented under the authority of the U.S. Department of Health and Human Services, the reform encourages 1) the improvement of state child support enforcement services, 2) the expansion of AFDC to include unemployed two-parent families, 3) greater transitional child care and Medicaid benefits to individuals who work their way off of welfare and 4) states and tribes to offer improved employment and training programs through the Jobs Opportunities and Basic Skills (JOBS) Program.

As it stands, however, the Family Support Act will not help many families in Indian Country become self-sufficient. The reform legislation contains the following flaws with respect to its application to Indian Country:

1. Although tribal governments are essential to the development and implementation of policies which effectively reduce welfare dependency, this reform hinders their participation by largely ignoring the civil and legal jurisdiction of tribes over Indian lands.
2. While the reform addresses some of the issues which prevent individuals from leaving welfare, it neglects the primary barriers on many reservations such as lack of transportation and jobs.
3. By dividing the responsibility for implementing reform between states and tribes, the legislation demands extremely complex coordination between historically hostile governments often inexperienced in working closely together.
4. The tribal JOBS program will probably have minimal effect because of the relatively low level of funding authorized by the reform and the inadequate length of time allotted for program planning.

Tribal government officials who understand the ramifications of the Family Support Act can respond more effectively to the reform and better recognize what

further steps are needed to resolve problems of welfare dependency. Based on a case study of the Rosebud Sioux reservation in South Dakota, our project illustrates how a tribal government can evaluate welfare reform legislation. In our case study, we: 1) analyze Rosebud's present welfare system, 2) investigate the difficulties that AFDC recipients currently face when they try to leave welfare, 3) critique how the Family Support Act address existing problems, and 4) recommend how the Rosebud Tribal Government can respond to specific reform provisions. Finally, through a brief comparison with the situation on the Gila River reservation in Arizona, we assess the broader implications of our findings on Rosebud.

Making welfare reform more sensitive to the conditions in Indian Country requires that tribal governments take specific actions based on the situations existing on their particular reservations. While the unique circumstances of some tribes will dictate some reservation-specific responses, certain issues will have wide-spread impact across Indian Country and require unified action among tribal governments. For example, improving JOBS program provisions seems to necessitate that inter-tribal organizations pursue the following actions:

1. Lobby the Secretary of the Department of Health and Human Services (HHS) to establish a reasonable, non-arbitrary set of guidelines that govern the designation of areas as too remote for the administration of state JOBS services.
2. Demand that states furnish equal levels of supportive services for state and tribal JOBS program participants.
3. Encourage the HHS to give reservation-specific waivers for JOBS program requirements.
4. Encourage HHS to develop appropriate performance measures for tribal programs which look at their short-term and long-term effects on individuals as well as community benefits.
5. Lobby the federal government to reduce funding restrictions which inhibit tribes from combining services provided through employment and training programs such as JTPA, TWEP, BIA Employment Assistance and JOBS.
6. Lobby HHS for opportunities to apply after the April 13, 1989 deadline.

Even after taking such types of actions, tribal governments will need to address issues beyond the scope of the Family Support Act in order to solve the problems of welfare dependency in Indian Country.

II. A CASE STUDY OF THE ROSEBUD SIOUX RESERVATION

After describing the social and economic conditions of the Rosebud reservation, this section of the paper will use the framework described above to develop a Rosebud specific plan for implementing the Family Support Act.

A. Description of the Rosebud Reservation

Home to approximately 17,128 enrolled members¹ of the Rosebud Sioux Tribe, the Rosebud reservation is located in a rural area of south central South Dakota and currently covers nearly 1 million acres of land. A 1977 Supreme Court decision significantly reduced the size of the reservation from a four county area including Mellette, Tripp, Gregory, and Todd to only Todd County. The 80-85 percent² of enrolled members who reside within Todd County comprise 79 percent of the county's population.³

1. Social Characteristics

The population on Rosebud differs from the general U.S. population in several respects. Rosebud residents have a relatively young median age, approximately 19 years compared to the U.S. figure of 30. Over 50% of those living on Rosebud are less

¹ Indian Service Population And Labor Force Estimates Bureau of Indian Affairs, January 1989, p.1.

² County and City Data Book 1983, U.S. Department of Commerce, Bureau of the Census, P.500.

³ Johnson, Douglas, "A Study of The Twenty-Five Poorest Counties in the Continental U.S.A. in 1986." The United Methodist Church, 1987.

than 20 versus only 31.9 % of the U.S. population. Only 6.5% of the population is over the age of 60⁴.

Relatively few children on Rosebud grow up in two-parent families. Only 46 percent of persons under age 18 live with both their parents. In comparison, the percent of children living in a single-parent home was roughly 20 percent for the nation as a whole in 1985⁵. Moreover, Rosebud children tend to grow up in relatively larger households. In 1987, the average size of Todd County households was 3.8 persons versus 2.6 for the state of South Dakota⁶. This statistic conforms to national findings that American Indian peoples have a greater propensity to form family households than whites.⁷

The educational attainment among Rosebud residents is comparable to that in other impoverished areas such as inner-city ghettos⁸ and somewhat lower than that for the nation as a whole. The secondary educational system on the Rosebud consists of two high schools, the Todd County high school in Mission and the Tribe-operated high school in St. Francis. Approximately 50 percent of the population over 25 years of age

⁴ Arwood, Donald, Linda Baer, and Velva-Lu Spencer, "Social Conditions Which Influence Development on Native American Reservations In South Dakota" South Dakota State University, (1987), p.4.

⁵ Ellwood, David, Poor Support: Poverty In The American Family, New York, NY: Basic Books, 1988, p. 45.

⁶ National Planning Data Corporation, 1987, cited in "A study of the Twenty Five Poorest Counties in the Continental U.S.A. in 1986", The United Methodist Church, November 1987, p. 13.

⁷ Approximately 83 percent of Native Americans versus 73 percent of whites form family households. (Source: Sandefur, Gary and Arthur Sakamoto, "American Indian Household Structure and Income," Demography, Vol. 25, No. 1. (February 1988), pp.73.)

⁸ Poor Support, p. 205.

has graduated from high school. However, of the persons 16 to 19 years of age, 32.6 percent were neither enrolled in school or high school graduates in 1980.⁹

2. Economic Conditions

Rosebud represents an extreme of national poverty. According to a United Methodist Church study of the 25 poorest U.S. counties in 1986, Todd County was the seventh poorest. In comparison to its neighboring tribes, however, Rosebud's economic situation does not appear so unique. Eight out of the nine South Dakotan American Indian reservations were included among the 25 poorest counties. All exist in extreme rural isolation.¹⁰

Although South Dakota claims to have an unemployment rate of only 4.6 percent,¹¹ Rosebud appears to have a much higher rate. The actual level is difficult to assess. Whereas Bureau of Indian Affairs statistics claim a 1989 reservation unemployment rate of 90 percent¹², the Census Bureau cites 13.9 percent for Todd County in 1982. The disparity between these two figures stems from differences in the definition of the unemployed. The BIA figure is based on the number of non-disabled Indians of working age without a job. Because it does not distinguish the able-bodied from those who choose not to work such as housewives, it overestimates unemployment. But by only taking into account those who qualify as actively seeking work by applying to the area Job Service offices, the Census Bureau underestimates unemployment by

⁹ Spencer, Velva-Lu and Donald E. Arwood, Reservation Data Book, Department of Rural Sociology, South Dakota State University, February 1987, p. 5.

¹⁰ Methodist Church Study, p.3.

¹¹ Because of how state unemployment is defined, we believe this rate of 4.6 percent does not accurately reflect the unemployment existing on the state's nine Indian reservations.

¹² Indian Service Populations and Labor Force Estimates, January 1989, p.1.

overlooking discouraged workers or individuals unable to find transportation to the area offices.

According to the 1980 Census, the annual median income for Rosebud residents was \$4,518 for men and \$3,621 for women as compared to \$9,750 and \$4,009 for the South Dakota as a whole. Inclusion of transfer incomes somewhat raises the level of available income. Tony Kaliss' 1986 study on sources of non-wage income for the Rosebud reservation indicates that the combination of land rental, BIA-GA, AFDC, and Food Stamps programs provides, on average, almost \$2,000 of each family's annual income¹³.

Like other Indian reservations, the Rosebud economy includes an informal sector, an "invisible network of self-employed individuals and families who produce goods and provide services for the benefit of the community"¹⁴. The 1988 study of the neighboring, but slightly poorer¹⁵, Pine Ridge reservation found that households participating in informal economic activities realized a median income of \$4,425 from such activities. Since not all Pine Ridge families are involved in formal sector economic activities, household incomes are not increased by this full amount. "When that figure [\$4,425] is factored into the total household income, the per capita income is increased to \$3,050"¹⁶.

¹³ Kaliss, Tony, A Study of Income Received on the Rosebud Sioux Reservation From Land Lease Rentals, The General Assistance Program (BIA), The Food Stamp Program, The Program of Aid To Dependent children In 1986, for Sinte Gleska College, Institute on Economic Development, Rosebud Sioux Reservation, 1988. p.2.

¹⁴ Sherman, Richard, "A Study of Traditional and Informal Sector Micro-Enterprise Activity and Its Impact on the Pine Ridge Indian Reservation Economy", submitted to the Aspen Institute for Humanistic Studies, Washington, D.C., September, 1988, p. 20.

¹⁵ Methodist Church Study, p. 6.

¹⁶ Sherman, p.49.

B. The Current Rosebud Welfare System

The impact of federal welfare reform needs to be assessed within the context of the current welfare system. Since AFDC is only one of several income transfer programs, a tribe must evaluate how changes within AFDC effect other programs as well as the AFDC recipients, themselves. Furthermore, how welfare reform is received on the reservation depends upon how clients currently perceive the existing programs.

1. The Structure of the Present Welfare System

In addition to the Bureau of Indian Affairs' General Assistance (BIA-GA) and Aid to Families with Dependent Children (known as ADC in South Dakota), the social welfare programs available to eligible Rosebud Sioux include Social Security, Supplemental Security Income, Commodity Foods, Food Stamps, Housing and Urban Development (HUD) and Veterans Benefits. ADC and BIA-GA are, however, the largest cash assistance programs in terms of the number of people served and total funds brought on to the reservation. Although an individual cannot simultaneously be eligible for both ADC and BIA-GA, s/he can concurrently receive benefits through other programs such as Food Stamps, the Commodities program, and HUD housing assistance. Combined, ADC and BIA-GA served at least one-third of all tribal members in 1986.¹⁷ The following section will provide a general description of BIA-GA and ADC, and indicate their size and scope on the reservation.

a. Bureau of Indian Affairs-General Assistance:

The General Assistance program provides subsistence level aid to low-income tribal

¹⁷ This figure was computed by dividing the caseload of 4829 individuals reported in the Kaliss study by the BIA 10/8/86 estimate of tribal enrollment (15,267).

members.¹⁸ The BIA considers its General Assistance a program of last resort to be used only when individuals fail to qualify for any other forms of public assistance. Consequently, the existence or extensiveness of BIA General Assistance programs depends largely upon the availability of state assistance for Indians. Theoretically, if state programs exist which provide benefits to all needy reservation Indians, the BIA does not furnish General Assistance. Although the BIA has traditionally administered BIA-GA, some tribes have used contracting options under Public Law 93-638 to take over program operation.

Because programs such as state General Assistance or Aid To Families with Dependent Children with an Unemployed Parent (AFDC-UP) do not exist in South Dakota, the Rosebud Bureau of Indian Affairs provides and administers general assistance. Eligibility is extended to enrolled members of the Rosebud Sioux Tribe living within the larger former boundaries of the reservation or to Indians of other tribes residing within Rosebud's current boundaries.

In 1986, total benefits equaled nearly two million dollars and the program involved 1509 cases comprised of approximately 3,800 individuals. Of the total cases, 59 percent were adults without children and of the cases with children, 84.6 percent were two parent families. Falling between the ages of 18 and 49, 85.6 percent of all adults served were of working age. A single dependent adult qualifies for \$57 of GA per month and in 1986 families of four received on average \$300.73 per month. BIA benefits are tied by federal law to the level of ADC benefits. BIA-GA does not appear to be received continuously as only 23 percent received assistance for 11 or 12 months

¹⁸ Authorized under Snyder Act, November 2, 1921; Public Law 67-85; 42 Stat 208; 25 U.S.C. 13; 25 CFR 20 (Source: Jones Richard, Federal Programs of Assistance to American Indians: A Report prepared for the Senate Select Committee on Indian Affairs, USA: US Government Printing Office, August 1985, p.185.)

in 1986. However, 66 percent of all cases have been in sporadic contact with the program for six or more years.

One mandatory requirement of the BIA-GA program is enrollment in Rosebud's Tribal Work Experience Program (TWEP). New BIA-GA recipients must report to the TWEP office for placement in community service projects or in public or non-profit agencies. If a slot is available, then a participant works 40 hours per week and receives a monthly stipend of \$55. At present, funding levels limit the number of program slots to 115. In order to give more tribal members an opportunity to work, last year the BIA limited the length of time that recipients could be in the program to a maximum of two years¹⁹.

b. Aid to Families with Dependent Children:

AFDC, a federally mandated program of cash aid to low-income families with children, exists in every state. States play a significant role in determining the program's level of benefits, income cut-offs, and whether two-parent households with an unemployed primary wage earner are eligible. Because AFDC is a matching grant program and funding levels depend upon the willingness of states to allocate their own monies, aid levels can significantly vary between states. For example, in Arizona the maximum monthly benefits are \$293 for a three-person family or 38.8 percent of the poverty line, while in South Dakota the same family would receive \$366 per month bringing them to 48 percent of the poverty line.²⁰

Data on the ADC program (the South Dakota version of AFDC) is based on information collected from the Todd County area. In 1986, ADC provided approximately 1.2 million dollars of assistance to a total of 1829 individuals: 506 adults and 1323

¹⁹ Interview with Iver Crow Eagle, Rosebud TWEP Director, 4/7/89.

²⁰ Shapiro, Isaac and Robert Greenstein, Holes in the Safety Nets: Poverty Programs and Policies in the States, Center on Budget and Policy Priorities, April 1988, p.7.

children.²¹ 71 percent of the total aid went to single-parent families. The average number of children served under ADC was 2.0 per case as compared to the 2.5 per case covered by BIA-GA. In 1986 the average level of payment for a parent with two children was \$357 per month.

2. Client Perceptions of the Welfare System

The success or failure of a "back-to-work" welfare program, such as the JOBS program initiated under the Family Support Act, depends in large part on how clients feel about the existing system. Client perceptions of the system evolve from the history of income maintenance programs and are influenced by current program practices.

a. Historical Perspective:

Rosebud income maintenance programs can be traced back to the Fort Laramie Treaty of 1868 between the U.S. Government and various Sioux Indian tribes. The treaty was designed to induce Sioux warriors to cease their hostilities and agree to live within reservation boundaries. As a result of their military successes against the U.S. Army, the Sioux seemed to gain some favorable treaty provisions.

And it is hereby expressly stipulated that each Indian over the age of four years, who shall be removed to and settled permanently upon said reservation and complies with the stipulations of the treaty, shall be entitled to receive from the United States for the period of four years after he had settled upon said reservation, one pound of meat and one pound of flour per day provided the Indians cannot provide their own means of subsistence at an earlier date.²²

²¹ According to interviews with County ADC program supervisors, Fern Schmidt and Rodney Lanz, an estimated 99 percent of all recipients are American Indian in Todd County.

²² Ortiz, Roxanne Dunbar, The Great Sioux Nation: Sitting in Judgement on America, U.S.A., Moon Books - American Treaty Council Information Center, 1977, p. 98.

Federal provisions were expanded by the 1876 Treaty which stipulated the continuance of 1868 annuities for as long as the need exists.

Also to provide the said Indians with subsistence consisting of a ration for each individual of a pound of beef... Such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves.

Treaty benefits were even expanded to include employment assistance.

The government will aid such Indians as far as possible in finding a market for their surplus productions, and in finding employment and will purchase such surplus as far as may be required for supplying food to those Indians, parties to this agreement who are unable to sustain themselves: and will also employ Indians as far as practicable, in the performance of government work on their reservation.²³

Although some families may not approve of welfare, many Rosebud Sioux may attach little negative stigma to the receipt of public assistance since federal provision of welfare benefits can be construed as a fulfillment of treaty obligations

Failure of the Federal Government to provide enough benefits to ensure at least a basic standard of living on the reservation is considered unjust. According to a 1985 survey, a majority of Rosebud residents believe that their living conditions would improve if the Federal Government upheld its treaty agreements.²⁴ Recipients may perceive any welfare programs which encourage them to move off Rosebud as breaching treaty agreements. Our interviews with Rosebud residents revealed a high level of resentment against past assimilationist policies, such as the BIA Relocation programs, which caused 25-30 percent of the Rosebud Sioux to leave the reservation for

²³ Klowser, Don C., Dakota Indian Treaties, Deadwood SD: published by author, 1974. pp. 229-230.

²⁴ Rosebud Reservation Demographics Report : Literacy Assessment Adult Educational Services Planning Project, Sinte Gleska College 1985-86.

educational and vocational opportunities in urban areas.²⁵ Unless offered viable on-reservation employment or training options, Rosebud recipients may feel little pressure to enter a program just for the sake of getting off welfare.

b. Current Practices:

Implementation of welfare reform should take into account not only the consequences of how income maintenance programs evolved but also the influence of current practices upon client perceptions. The current welfare system on Rosebud has fallen into the trap shared by nearly all welfare programs: although welfare is intended to help people through difficult periods, the need to limit benefits to the truly needy results in elaborate measures to control for fraud and abuse.

Getting onto welfare can be a frustrating and confusing process. In order to qualify for ADC benefits, Rosebud Sioux must often travel long distances to apply in person at the Todd County Department of Social Services (DSS) office, complete a 28-page application, provide substantial amounts of documentation, and typically wait 30 to 45 days before receiving their first check. Because in Todd County the DSS office relies on the BIA to provide benefits in the interim, clients are shuttled between the two programs. Once on ADC, a client must provide monthly verification of his/her income and dependent status. Clients with children over six years of age are required to sign up for the county's Work Incentive (WIN) program²⁶, though few actually participate due to the small number of available slots.

The intrusive nature of the process in South Dakota is exemplified by its requirement that home visits must be completed within 90 days of submitting an

²⁵ Study by Linda Baer, Rural Sociology Department, South Dakota State University cited in communication from Sky Hauser, Director, Sinte Gleska College Institute of Economic Development, December 7, 1988.

²⁶ WIN is the immediate predecessor to the JOBS program established by the Family Support Act.

application. Home visits can occur unannounced and include verifying the address, substantiating the absence of the father by checking for men's clothing and asking neighbors for his whereabouts, and assessing the value of home assets²⁷. Because clients apparently do not usually overtly protest this procedure, caseworkers seem to feel home visits are not an issue.²⁸ Our interviews with clients suggest, however, that home visits are considered demeaning and that silence stems from the fear of losing benefits. Such practices engender distrust between welfare clients and caseworkers. In the case of the Rosebud reservation, this situation is even further exacerbated by cultural misunderstandings and underlying racial tensions.

Consequently, when implementing programs intended to encourage recipients to take advantage of opportunities to leave welfare, administrators must be sensitive to the caseworker-client relationship. For example, separating the provision of employment services, such as the JOBS program, from the process of eligibility determination may help to increase client receptivity and cooperation.

C. Obstacles To Self-Sufficiency for AFDC Recipients

The many recipients who want to become self-sufficient can find leaving welfare an extremely difficult process. Understanding these difficulties provides tribal government with the basis for assessing the effectiveness of welfare reform. In late January, we began an investigation of the existing hurdles with a one-week visit to Rosebud. Since then, we have followed up our initial inquiries with telephone interviews and an analysis of the available statistical information. During the course

²⁷ The practice of unannounced home visits has already been discontinued in many other states.

²⁸ Interviews with DSS Todd county supervisors, Fern Schmidt and Rod Lanz, 1/26/89.

of our research, we have spoken with individuals involved in all aspects of the BIA-GA and ADC system, including current and former recipients of BIA-GA and ADC, clients who were denied benefits, individuals never on public assistance, and officials from the BIA, Indian Health Service (IHS), Todd County Department of Social Services, Tribal Government, Sinte Gleska College, the St. Francis Mission, Dakota Plains Legal Services, Tribal Work Experience Program (TWEPP), and Tribal Job-Training Partnership Act (JTPA) Program.

The following section describes our findings. We divide these into five types of obstacles to leaving welfare: 1) few local employment opportunities, 2) inadequate transportation and child care, 3) disabling health problems, 4) limited training opportunities, and 5) work disincentives. Any particular individual may feel overwhelmed by one or more of these obstacles. We consider the lack of jobs and transportation to be the most crucial issues.

1. Few Local Formal Employment Opportunities

The number of formal sector jobs available for reservation residents is astonishingly low. According to the 1985 Sinte Gleska College survey of jobs, in Todd County there were a total of 1406 full-time and 181 part-time positions. 214 of these positions were in private businesses, while the other 1192 positions were in the public sector²⁹. In the public sector, 34 percent of the full-time positions were managerial or professional positions, while the remainder were para-professional, clerical, or common laborer jobs. Only 8.8 percent of the private full-time positions were managerial or professional in nature.

²⁹ Szabo, Paul, "Job Survey of Todd County", Sinte Gleska College, June 12, 1985, p. 1.

This small number of jobs leaves most of Rosebud's potential labor force without hope for local employment. As of January, 1989, the potential labor force of Rosebud Indian residents alone was approximately 7,241 people³⁰. In fact, the Armed Services provide one of the few employment opportunities open to young people. Unfortunately, those who return to the reservation from the military still have difficulty locating any jobs, much less jobs in the fields in which they received training. The lack of jobs was the first explanation most people gave us for the reservation's high level of welfare dependency.

Finding a job appears to be even more difficult for Rosebud men than women. As of 1980, American Indian women were more likely to hold managerial or professional positions than American Indian men and to be employed in sales, technical, administrative support, and service occupations³¹. This pattern seems to persist on Rosebud where the majority of jobs are in traditionally female types of positions such as health workers, clerical staff, and teachers. 21.9 percent of the reservation's employment opportunities are in public administration and service occupations comprise another 24.1 percent.

The dearth of employment opportunities has implications not only for the individual, but also for the reservation economy as a whole. For the individual who wants to stay on the reservation, reliance upon welfare may be his/her only principal means of survival.

³⁰ Indian Service Population and Labor Force Estimates, January 1989, p.1.

³¹ Indian Health Care, Office of Technological Assessment, April 1986, p. 70.

2. Inadequate Transportation and Child Care

Finding a job is only a first step in the process of becoming gainfully employed. Keeping a job involves being able to get to work on time every day as well as finding someone to care for your children on a consistent full-time basis. Unfortunately, accessible, affordable, and reliable forms of transportation and child care are in limited supply on the Rosebud reservation.

a. Transportation

Transportation represents a serious problem for Indians living on Rosebud. Travelling between communities and centers of even minimal economic activity often involves covering more than thirty to forty miles of small winding country roads, made even riskier by the severe weather conditions of northern plains winters. Since jobs tend to be concentrated in Rosebud and Mission, people who live in any other community must travel significant distances to conduct business or get to work.³² If a resident has a car, it is typically an older model that consumes large quantities of gas and tends to break down frequently.³³ The many residents who do not possess a functioning vehicle are forced to resort to hitchhiking, walking, or paying exorbitant rates³⁴ if they cannot catch a ride from a friend. If they do not travel during the times when people are driving to or from work, hitchhikers must spend even more time waiting for rides. Minimal public transportation exists through Sinte Gleska College and a van run by the Tribal Government. Unfortunately, these services go to only a few communities, run infrequently, and are often overcrowded.

³² According to the 1985 Sinte Gleska Job Survey, of the 214 private sector jobs, 88 percent were in Mission, 9 percent in Rosebud and 3 percent in St. Francis.

³³ Interview, Father Tillman of St. Francis Mission, 2/17/89

³⁴ According to interviews, the going rate for rides are much higher than the actual cost. For example, a trip of approximately 30 miles, between Parmalee and Rosebud, cost 10-15 dollars cash or twice that rate in food stamps.

The lack of reliable transportation has significant consequences for individuals attempting to leave welfare through employment. It means that they sometimes may not be able to get to work on time if at all. Even if they have their own car, the costs of transportation may outweigh the monetary benefits of a job. For example, one of our interviewees commuted approximately 100 miles round trip each day to work in the nearest off-reservation town as a cashier for \$3.40 per hour. She eventually quit, in large part, because most of her income was spent on transportation costs.

b. Child Care:

If the recipient is on ADC, she (and sometimes he) is by definition a single parent and cannot work or go to school unless child care is provided at least part-time. Organized child care on Rosebud currently consists of 10-12 Head Start programs and a small center started in December 1988 at the St. Francis Mission. Although Head Start programs are sometimes considered a form of child care, in actuality, they do not serve this purpose. First, Head Start's mission is developmental education and not custodial care. Second, because the programs are only half-day, they do not accommodate the needs of parents who require full-time care. Last, they only serve a pre-school population and have long waiting lists.

The Mission's child care program, run by three Indian women JTPA participants in the On-The-Job-Training program, serves about twelve children, ages one through twelve, is open from 8 am to 5 pm, and is considering extending hours into the evenings. The daily fee per child is five dollars, not a small sum if a parent has two or more children and earns minimum wage³⁵. Father Tillman notes that some parents may find this fee too expensive and not be aware of several kinds of child care

³⁵ Interview with Father Tillman from the St. Francis Mission on Feb. 17, 1989.

subsidies available in the forms of tax credits, college stipends, AFDC child care allowances, and job training program allowances.

Although the St. Francis program currently does not meet state licensing requirements, it intends to become a licensed facility in order to qualify for subsidized nutrition programs. Licensing of organized facilities on Rosebud is presently not required because the Tribe maintains civil jurisdiction over the reservation and tribal licensing ordinances have yet to be developed.

Informal options exist but they can be difficult to find and because they are not licensed, quality cannot be assured. The extended family acts as a major source of informal child care although relatives are not always available, particularly if they are female relations who work or engaged in employment and training programs. Babysitters are also a possibility, but it may be difficult to find a reliable caretaker given the high level of alcoholism and substance abuse on the reservation. Leaving children alone at home under the care of an older sibling may, on the other hand, be grounds for charges of child neglect on the part of the Todd County Department of Social Services. In any of these situations, parents can be left without child care if their children's caretaker gets sick.

When combined with the lack of reliable transportation, child care becomes more difficult to arrange. If child care arrangements are not located near home or work, they may be completely inaccessible. Even those who find a conveniently located caretaker may not be able to use his/her services because without reliable transportation they are unable to predict when they will return home.

Some parents may be reluctant to work outside the home because of the lack of viable child care options. When Kelly Jones, the Rosebud Tribal Business Manager, attempted to interest women in working in a new doll factory, a group responded by

gathering their children in his office. They said they would work if he would be responsible for watching their children.

3. Health Problems

As in the case of many other reservations, inadequate health care and poor nutrition have led to numerous health problems on Rosebud. Moreover, for many ADC recipients, alcoholism and drug abuse present a major barrier to self-sufficiency. Interviews³⁶ estimate that over 60 percent of the adult reservation population experiences problems with alcohol or drug abuse. As anthropologist Elizabeth Grobsmith explains:

Although unemployment does not by itself cause alcoholism, the mixing of the two ingredients creates a deadly combination - deadly because once one has gotten caught up in the cycle of not having a job and drinking, the two elements work together to perpetuate each other.³⁷

Substance abuse problems can interfere with job stability or performance even for those who manage to get a job.

Substance abuse creates problems for the addicted individual and others in the community. Such abuse increases the risk of other diseases, raises the incidence of accidental or violence-related injury, and reduces the individual's capacity to work. The behavior of addicted individuals can adversely affect the psychological and social well-being of their family and friends. The entire community suffers if employers discriminate against Indian people because they assume that all Indians are drunks.

A significant number of people on Rosebud are seeking ways to overcome their problems of substance abuse. Rosebud currently has a chemical dependency unit at the

³⁶ Interviews with Paul Valandra Director of the Rosebud JTPA program on 2/17/89 and Pat Eagle Elk, Director of the Rosebud Sioux Alcohol Abuse programs on 3/17/89.

³⁷ Grobsmith, Elizabeth, Lakota of the Rosebud: A Contemporary Ethnography, Holt, Rinehart, and Winston: USA, 1981, p. 112.

St. Francis mission, and two tribal programs at the Little Hoop Lodge, one for youths and a transitional/residential program for adults. Including community education, outpatient care, after-care³⁸, and other types of services to families and individuals, tribal programs serve roughly 500 people³⁹. Those individuals with family circumstances that make on-reservation treatment infeasible, have access to off-reservation residential programs. The Indian Health Service (IHS) covers the cost of substance abuse programs. Nonetheless, people can have difficulty getting help since treatment programs often have long waiting lists and the Tribe is having trouble finding enough trained counselors.

4. Limited On-Reservation Training Opportunities

Training, which we broadly define as activities which improve employment skills, serves personal and tribal functions. It can: 1) enable recipients to fill existing job openings, 2) prepare them for up-coming employment opportunities, 3) provide recipients with the skills to start their own businesses, and 4) allow the Tribe to develop a more qualified workforce which could attract potential employers. Recipients on Rosebud have difficulty getting jobs because they have limited access to both formal and informal types of training. We define formal training as skills gained in the classroom and informal training as skills gained through work experience.

a. Formal Training

Because adult ADC recipients have children, most who need formal training are limited to on-reservation programs. For them, Sinte Gleska, the local tribal college,

³⁸ The after-care program offers additional support to individuals who have completed a treatment program. On Rosebud, after-care consists of 8-12 weeks of weekly meetings with a support group and then monthly sessions with a counselor for the next two years.

³⁹ Interview with Pat Eagle Elk, Director of the Rosebud Alcohol Abuse Programs, 3/17/89.

represents their primary opportunity. Sinte Gleska was the first accredited tribal college in the United States and its presence has significantly expanded reservation educational opportunities.

Located in Mission, Sinte Gleska College is currently composed of approximately 525 students, of whom 60 percent are female and 40 percent are male. The college has experienced somewhat of a problem attracting male students since the four year degree programs are for traditionally female-dominated occupations. The primary areas of study include: Graduate Equivalency Diploma (GED) preparatory classes, an associate degree in business education composed of clerical, accounting and bookkeeping courses, and two B.A. programs in human services and education. Rosebud residents lack access to specific types of training not offered by the college.

For recipients currently trying to get an education at Sinte Gleska, completing their degree can be extremely difficult. Welfare recipients must overcome a wide variety of obstacles to get to school every day: they must find reliable transportation even in extremely poor weather conditions, locate suitable child care and find the energy and time to do their homework while managing a household. Under such circumstances, recipients may not be able to complete their courses. If an individual is placed on academic suspension from the College, financial aid is cut-off until the individual personally pays for and successfully completes one semester of full-time coursework. Given the lack of financial resources, this is highly unlikely for most recipients.

b. Informal Training:

Whether a recipient is hired or starts his/her own business, s/he needs skills that are typically gained from the experience of working. Such skills include knowing about the rights and obligations of employees and employers, learning how to manage credit, and being able to effectively resolve conflicts in the workplace. For people who have

relied upon public assistance for prolonged periods of time, have little work experience, and have minimal contact with people who are employed, not having these skills can be a problem. Such people may not have had the opportunity to learn these skills themselves and may not have friends or relatives to whom they can turn to for advice. In fact, interviews suggest that peers may ridicule or resent individuals who appear different because they work or go to school.

Individuals who want to start their own businesses have an even greater difficulty gaining appropriate experience because of the reservation's extremely small private sector. Public sector experience may not be an appropriate substitute. Whereas profits are the primary motive for private sector operations, the actions of government agencies are guided by the mission of providing services through the administration of public funds.

5. Work Disincentives

The current welfare system creates financial disincentives for recipients to take low-paying jobs or start their own businesses. As soon as an individual begins working, he or she risks losing many of the cash and in-kind benefits received while on welfare. On Rosebud, the largest disincentives seem to be a) the potential loss of cash benefits, b) the failure to distinguish between personal and business assets, c) the reduction in HUD housing subsidies, and d) the decrease in food stamps.

a. Loss of Cash Benefits:

Earnings reduce cash benefits. Each month ADC recipients must report any income received through a job or self-employment. Because eligibility is based on the previous month's income, variation in income is not taken into account. For the first four months that the recipient earns any income, 30 dollars plus one-third of the remainder is "disregarded" in the determination of eligibility. For the next eight

months, only 30 dollars is disregarded and after a year, all income is counted. Unless income rises at a rate which more than off-sets the gradually increasing loss of ADC benefits, the recipient gradually loses the financial benefit of working.

b. Business Versus Personal Assets:

Since AFDC regulations do not differentiate personal from business assets, they inhibit the accumulation of business assets. Countable assets are limited to \$1000 with the exclusion of \$1500 worth of household items such as a vehicle, clothes, and furniture.

[This] asset limit in combination with other regulations does not allow individuals to purchase equipment for their businesses, maintain inventory and supplies or carry an operating balance to cover operating expenses for future inventory or purchases.⁴⁰

We will illustrate this issue with an example. Suppose a woman receives a substantial land lease check, enough to purchase a sewing machine and supplies to start producing star quilts. First, she must declare the receipt of the check to her welfare caseworker, who will add a pro-rated amount⁴¹ to the level of income used in the calculation of her monthly benefits. At this point, the resulting deduction in welfare benefits may mean that she realizes no material benefit from this check. She may decide that she does not have enough money to start her quilting project.

Now suppose this woman manages, nonetheless, to start a business and sells a quilt for \$200. Although she wants to re-invest the sale proceeds for more quilt materials, welfare regulations would only allow her to retain \$30 plus an additional \$56.60. Such

⁴⁰ Keeley, Kathryn, "Welfare and Self-Employment" prepared as an unpublished background paper for "States in the Lead: Self-Employment for Welfare Recipients" Conference, Wingspread, Racine, Wisconsin, July 16-18, 1986, p.11.

⁴¹ Land lease checks are pro-rated on a twelve month basis.

a moderate sum probably would not allow her to re-purchase materials and improve her family's well-being.

c. Reduction in Housing Subsidies:

Working generally means a welfare recipient will pay more for the same housing unit. Most of Rosebud's population lives in the 914 homes (715 rental units and 199 home-ownership units) available through the HUD housing authority. Since the stock of private housing is extremely limited, most have no other option than to live in HUD units. HUD rent is set at 30 percent⁴² of household income which includes nearly all forms of transfer payments and wages with the exception of JTPA training program benefits and food stamps⁴³. Because of the relatively high maximum income cut-off⁴⁴, welfare recipients who find work rarely, if ever, lose HUD eligibility. But, an individual who gets a job which pays more than his/her previous AFDC benefits, loses 30 percent of the increase in income to HUD.

d. Decreases in Food Stamps:

The impact of earned income on the level of food stamps is significant for two reasons 1) most ADC recipients receive food stamps and 2) the cost of food is relatively high on Rosebud. In 1986, an estimated 3619 individuals living in Todd County received a total of \$1,466,313 dollars in food stamps for an average monthly benefit of \$33.76 per person. Of the 817 cases, nearly half were also receiving ADC.⁴⁵

⁴² In contrast, the average percent of income paid by U.S. metropolitan families is 18.5 percent (Source: "Hub Rent Is Found Worst in Nation, Boston Globe, 3/19/1989, p.82.)

⁴³ Interview with Amos Prue, Director of Rosebud HUD Housing Assistance Program, 3/13/89.

⁴⁴ Maximum income cut-offs range from \$24,500 for 1 person to \$43,750 for a family of eight.

⁴⁵ Kaliss, p.45.

Because the Food Stamps program, authorized by the Food Stamp Act of 1977, is based on national guidelines, its benefit levels do not vary with differences in local prices. Our recent informal survey comparing the prices of 16 food items at major stores in Mission (located on Rosebud), Valentine NB (one of the nearest off-reservation towns), and Sioux Falls SD (a large metropolitan area), found that the same grocery items in Mission cost 7 percent more in Valentine and 16 percent more in Sioux Falls. A second survey suggests that stores in small, isolated reservation communities, such as Cedar Butte, not only lack certain goods such as fresh fruits and vegetables, but also may be charging as much as 19 percent more than stores in Mission. (See Appendix C.) Consequently, families are extremely sensitive to food stamp decreases.

In order to be eligible for the Food Stamps program, total household income cannot exceed a certain monthly maximum⁴⁶. Until that maximum, every \$3 of additional income causes a \$1 reduction in food stamps. Since income is counted on a household basis, the income earned by a son or daughter reduces their family's food stamps. During our interviews, we heard of a case where an individual rejected an opportunity to participate in a summer jobs program for youth because his wages would reduce his family's food stamps.

Food stamp disincentives may not, however, be as severe as in non-reservation communities because many residents can rely upon the Commodities Program as a buffer.⁴⁷ Unlike the Food Stamps program which uses a cash voucher system, the Commodities program distributes a bundle of food goods including beans, rice, flour,

⁴⁶ Gross income eligibility limits range from \$596 for one person to \$2,037 for a family of eight. (Source: Background Material and Data on Programs Within the Jurisdiction of the House Ways and Means Committee, March 24, 1988, p.787).

⁴⁷ Authorized under Public Law 95-113, 91 Stat. 958, Sec 1304, Public Law 97-98, (Source: Federal Programs Of Assistance to American Indians, August 1985, p. 6.)

and canned meats and vegetables. As long as an individual falls under the gross income cut-off, s/he receives the same amount of goods. According to South Dakota state director, Carol Axtman, the Commodities program was left on reservations because many American Indians do not have access to low-cost grocery stores. Unfortunately, the high starch content and the limited variety of the food received often makes commodity goods less desirable than food stamps, although a family unit cannot simultaneously qualify for both programs, some families are known to alternate between programs.

D. An Evaluation of Federal Welfare Reform on Rosebud

The Family Support Act attempts to increase financial self-sufficiency among AFDC recipients by: 1) improving state child support enforcement services, 2) expanding state AFDC programs to include unemployed two-parent families, 3) offering greater transitional child care and Medicaid benefits to individuals who work their way off of welfare and 4) upgrading state and tribal employment and training programs through Jobs Opportunities and Basic Skills (JOBS) Programs. After describing each major welfare reform provision, we will critique how well each provision meets existing needs and recommend what actions the Rosebud Sioux Tribal Government can take to make welfare reform more responsive to the Rosebud community. The findings and recommendations in this section are salient to other tribal governments since many of the issues affecting Rosebud are common to the rest of Indian Country.

1. Establishment of Paternity and Child Support Enforcement

The process of obtaining child support consists of several steps: locating the father, establishing paternity, setting the level of the award, and collecting the

payments. Title I of the Family Support Act attempts to prevent single-parent families from relying on welfare by reducing the possibility that an absent parent will fail to provide his/her children with financial support. It does this by 1) mandating better establishment of paternity for children born out of wedlock, 2) increasing state authority to enforce support orders, and 3) requiring stricter enforcement of child support payments by state agencies.⁴⁸ The major provisions affecting Rosebud AFDC recipients are outlined below:

- o When a birth certificate is issued, parents are required to provide their social security number unless the State finds a good cause for overlooking the requirement.
- o Beginning in 1992, states must meet federal standards for establishing paternity for children born out of wedlock.
- o Two years after enactment, states are mandated to use automatic wage withholding in all new and modified court-ordered cases regardless of whether they are in arrears. Automatic wage withholding involves the withholding of the child support payment from the absent parent's paycheck.
- o By October 1, 1990, a 15-member inter-state child support commission appointed by Congress and the Secretary of HHS will be established and required to submit recommendations for an improved child-support system by May 1, 1991.

a. Critique:

While the reform mandates stricter paternity establishment and child support enforcement by state agencies, it does not enable tribal governments to improve the process of obtaining child support in Indian Country. Nor does it furnish the funds necessary to develop more effective tribal child support systems. With the exception of the few reservations where state jurisdiction was extended through Public Law

⁴⁸ Rovner, Julie, "Congress Approves Overhaul of Welfare System", Congressional Quarterly, October 8, 1988, p. 2825.

280⁴⁹, states do not have legal jurisdiction over Indian lands. *Cherokee Nation V. Georgia*, 30 U.S. (5 Pet.) I (1831) affirmed that:

[tribes] constitute legitimate legal and political entities that could manage their own affairs, govern themselves internally, and engage in legal and political relations with the federal government and its subdivisions.⁵⁰

In light of this fact, Craig Hathaway of the federal Office of Child Support Enforcement asserts that states are not sanctioned for failure to enforce child support collections on Indian lands.⁵¹ Therefore, states have no incentive to use their monies to improve tribal systems. At the same time, because federal funds go only to state child support enforcement agencies created through Section IV-D of the Social Security Act, tribal governments have no direct access to federal matching funds to cover enforcement costs of items such as paternity tests and automated tracking systems.⁵²

As in much of Indian Country, Rosebud's present child support process is costly and complex. Without additional funding for Rosebud's Tribal Court to improve the current system, single mothers are not likely to obtain child support on Rosebud. Nonetheless, with the exception of those mothers who can prove good cause for not

⁴⁹ Passed August 15, 1953, PL 280 extends state jurisdiction over criminal offenses and civil causes of action on Indian reservations in California, Minnesota, Nebraska, Oregon and Wisconsin. (Source: Prucha, Francis Paul, Documents of United States Indian Policy, University of Nebraska Press: USA, 1975. p.233-4)

⁵⁰ Deloria, Vine and Clifford M. Lytle, American Indians, American Justice, U.S.A. : University of Texas Press, 1980, p.4.

⁵¹ Interview with Craig Hathaway, Federal Office of Child Support Enforcement, Washington, DC, 4/3/89.

⁵² Interviews with Micheal Swallow, Executive Director of the Dakota Plains Legal Services (2/3/89) and Albert C. Jones, Managing Attorney, (1/26/89).

cooperating with the State, all ADC recipients are required to file for a child support award.⁵³

The complexity of the process stems from the fact that child support cases potentially fall under the jurisdiction of either the State or Tribal courts and the two systems do not have well-developed mechanisms for cooperation. The Tribe has exclusive jurisdiction if the mother is Rosebud Sioux and the father, regardless of whether he is Indian, also resides on the reservation. If the father is off the reservation, the mother can file a child support order in either Tribal or State court. If the father flees the reservation and fails to pay after an award has been established in the tribal system, she must enter her award as a foreign judgement in the State court. The State will not enforce the order until its own courts have recognized the tribal order. Rosebud does not, however, have reciprocal enforcement agreements with South Dakota or any other states or tribal governments.

Moreover, women who file within the Tribal Court can incur greater costs. If a mother files in a State Court, she is entitled to paternity testing and legal representation. If she files in Tribal Court, the Indian Health Service (IHS), which is held responsible for paying for paternity testing, often does not have the available funds. On Rosebud, testing may be required more often to establish paternity since, for cultural reasons, common law marriages may be more prevalent than in white communities.

Once the father is identified, South Dakota does not provide legal counsel. When women pursue their case in the Tribal Court, they may have trouble establishing an appropriate award. Women who must represent themselves are placed in the

⁵³ Mothers have "good cause" to refuse to cooperate in establishing paternity or collecting support when for example, they are victims of rape and incest, or face threats of violence from the absent parent.

uncomfortable position of having to their former husbands or boyfriends for just compensations. Consequently, they may not be as successful in arguing for an appropriate award. As in many other court systems, Rosebud's Tribal Court has not developed standard support award guidelines which can reduce the need for legal representation. The lack of legal representation may also inhibit women from going to court to force fathers to uphold agreements. Automatic withholding of child support payments from pay checks, one means of securing payments, is not practiced by the Rosebud Tribal Court.

An effective child support system reinforces the importance of fathers taking financial responsibility for their children and is a valuable mechanism for helping many single-headed families avoid or rise out of poverty. Since child support payments, unlike ADC benefits, are not reduced by increased earnings, the addition of child support can help mothers work their way off welfare. However, given Rosebud's current economic conditions, child support may not bring a substantial number of single-parent Rosebud Sioux families off of ADC. While stricter child support enforcement might better tap the resources of a few employed fathers⁵⁴, the high level of unemployment for American Indian men⁵⁵ suggests that few fathers have the income to make significant payments.

According to Micheal Swallow, the Executive Director of Dakota Plains Legal Services, virtually all Rosebud ADC mothers file in Tribal Court and 80-90 percent of the fathers involved in these child support suits are unemployed. If the father is

⁵⁴ Since the majority of absent parents are fathers, we will use father to denote absent parent and mother to refer to the custodial parent.

⁵⁵ The 1980 Census indicates 64 percent of all Native American men, aged 30-54, compared to 11 percent of all U.S. men of the same age, were not employed. (Source: Report of the Task Force on Indian Economic Development, Department of the Interior, July 1986, p.5.)

working, income for ADC mothers is probably only increased by the 50 dollars which welfare regulations allow to be passed through without being counted as income. Consequently, under the current system child support becomes more of a bureaucratic hurdle than a benefit for ADC recipients.

Ultimately, the Tribal Government must decide whether or not child support enforcement is a priority. Although child support enforcement may not help many Rosebud families now, it could do so when economic conditions improve. Even at this time, Rosebud Tribal Government might want to improve its system for those mothers who do stand to benefit and as a symbolic affirmation of parental responsibility.

b. Recommendations:

If the Rosebud Tribal Government wants to improve its child support system, we recommend the following actions:

1. Develop child support guidelines within the tribal court.
2. Lobby for direct federal funding to tribes to improve the process of obtaining child support.
3. Lobby for the appointment at least one tribal leader by the Secretary of the HHS to the 15-member inter-state child support commission.
4. Increase efforts to work with state agencies and other tribes over the establishment of reciprocal enforcement of child support awards.

2. Aid to Families with Dependent Children-Unemployed Parent Program

Although 27 states currently operate welfare programs for impoverished two-parent families where the principal wage-earner is unemployed (AFDC-UP), 23 states, including South Dakota, do not. Present law defines unemployment as working fewer than 100 hours a month unless the hours are of a temporary nature for intermittent work. In addition, the principle wage-earner must have work experience: specifically, within one year of applying for ADC, s/he must have 1) six or more quarters of work

in the immediately preceding 13-calendar-quarter period, or 2) received or been eligible to receive unemployment compensation.⁵⁶

Welfare reform primarily affects the AFDC-UP population through the following measures:

- o Title IV, Related AFDC Amendments, requires the establishment of the unemployed parent program in all states.
- o The states required to start AFDC-UP can limit cash benefits to six months per year, but must continue Medicaid coverage even for those months in which the family receives no cash benefits and assure the HHS Secretary that it will help those families obtain employment.
- o Under Title II, JOBS Training Program, states must require at least one parent in an AFDC-UP family to spend at least 16 hours per week in a work activity. Between 1994 and 1998, states must expand the percent of the AFDC-UP caseload enrolled in work programs from 40 to 75 percent.
- o In the case of parents under 25 who failed to complete high school, states are permitted to substitute basic education or courses leading to a high school diploma or the equivalent, for a work program.
- o Under Title IV, states are permitted to require full-time participation by either parent in JOBS activities, and provides that cash payments not be made to AFDC-UP families until after the activities have been performed. If child care arrangements are provided, states can require the participation of both parents (although the caretaker parent would not be required to participate more than 20 hours per week).

a. Critique:

The introduction of an AFDC-UP program will have minimal impact on Rosebud. Although many Rosebud families have two parents who are not working, many have been out of work for so long that they fail to meet the AFDC-UP program's eligibility criteria for unemployed status. Consequently, few are likely to qualify for the AFDC-UP program and the BIA-GA program probably will not lose many cases to the ADC program.

⁵⁶ House Congressional Record, p.8907.

If the South Dakota State Government decides that AFDC-UP benefits will be provided on a six month basis, implementation will be extremely complex. The few families that qualify for AFDC-UP will be shuttled back and forth between the BIA-GA and the AFDC-UP programs. Since BIA-GA already operates a voluntary Tribal Work Experience Program (TWEP), some parents who are participating in the TWEP program will be required to switch to the mandated AFDC-UP work activity. Because the BIA-GA program provides a \$55 monthly incentive stipend to TWEP participants, this switch creates program inequities. Ironically, a single man on TWEP would earn more than a father participating in an AFDC-UP work experience program.

The Rosebud TWEP program may have the capacity to provide work experience activities for AFDC-UP parents. In fact, TWEP may be better prepared than the State to operate a work experience program because it has already established ties to local employers and community councils, and has experience working with the clients who will be served. Iver Crow Eagle, TWEP Director, thinks that TWEP could serve more clients if its funding were increased and if were permitted to place clients with private employers. At present, Crow Eagle cannot fill all the requests for workers received from employers and community leaders⁵⁷.

Lastly, the parents qualifying for AFDC-UP have recently held jobs and thus, while they might benefit from a JOBS program, are much less likely to gain skills from work experience activities. Such activities are most successful with people who have never worked and need to become acquainted with work environments. In the case of AFDC-UP, the primary benefit of work experience programs seems to be the value they create through community projects.

⁵⁷ Interview with Iver Crow Eagle, 4/7/89.

b. Recommendations:

In order to make the implementation of AFDC-UP more effective, the state Department of Social Services must work with the BIA Social Services Department and the TWEP program to make the transition between AFDC-UP and BIA-GA as smooth as possible. We recommend that the Tribal Government encourages the following actions:

1. The formation of a joint committee of county DSS, tribal, and BIA official to coordinate BIA-GA and AFDC-UP benefits and work activities. The committee should specifically consider these options:
 - a. Contracting AFDC-UP work activities to the TWEP program.
 - b. Reducing work program inequity by offering a work stipend to participants in AFDC-UP work experience activities. Costs could be covered by the savings accrued through the transfer of recipients from the BIA-GA program to AFDC-UP.

3. Transitional Assistance After the Loss of AFDC Eligibility

Under Title III of the Family Support Act, all recipients, regardless of their involvement in the JOBS program, have greater access to transitional assistance in the form of child care and medicaid.

Child care related provisions are:

- o The new legislation expands the provision of three months of transitional child care for Work Incentive (WIN) participants. Families requiring child care for employment reasons are guaranteed assistance through the State for 12 months after the family becomes ineligible for assistance because of increased income or longer work hours.
- o Federal matching for childcare is set at the Medicaid rate (50-80% open entitlement) but funds cannot be used for construction or rehabilitation of facilities.
- o Federal matching is available for child care expenditures within established state limits but not in excess of local market rates.
- o Child care must meet applicable licensing standards of state and local laws.
- o In FY1990 and FY1991, the reform authorizes \$13 million for grants to states to improve child care licensing and registration requirements and procedures, and to

monitor child care provided to AFDC children. States must provide a 10 percent match.

- o States can provide child care in a variety of ways such as providing care directly, supplying cash or vouchers to families, or contracting with providers.

Medicaid related provisions are:

- o As of April 1, 1990, states must provide Medicaid coverage for a total of 12 months to families who received welfare for any three out of the past six months and lost eligibility due to increased hours or earnings.
- o States must inform families of their right to extend Medicaid coverage at the time it terminates their cash benefits.
- o Instead of Medicaid, during the first six months, the State is permitted to pay a family's expenses for employer-provided insurance and use Medicaid to cover any amounts not covered by the insurance plan.
- o During the second six months, states may provide a reduced Medicaid package or enroll families in a group plan or health-maintenance organizations. Benefits can be terminated to families with incomes above 185 percent of the poverty level and states may charge small fee those with incomes between 100 and 185 percent.

a. Critique:

If the reform hopes to help large numbers of Rosebud Sioux move off ADC, these child care provisions are highly inadequate. The provisions only pay for care in licensed facilities but, because Rosebud has not developed licensing standards, none currently exist on the reservation. Given that the reform requires states to provide funding for child care, it is somewhat unclear whether state or tribal standards should apply. Furthermore, since the funding available through the reform cannot be used to increase supply through the construction or rehabilitation of organized centers or family day care homes, it fails to solve the problem of supply. Given the current lack of venture capital on Rosebud, the ability of the private market to respond to increased demand for licensed child care is exceptionally limited.

Although transitional Medicaid is an important issue for recipients in many communities, on Rosebud its significance is somewhat less because the IHS guarantees

at least minimal medical coverage to tribal members. Nonetheless, transitional Medicaid will be of some benefit since the better funded and more extensive Medicaid program provides, at least, the financial option of seeking care outside of the Indian Health Service.

Most significantly, the transitional benefit provisions neglect other key issues. Although the South Dakota is required to reimburse state JOBS program participants for transportation costs, this measure is not extended to all recipients attempting to move off ADC. Given the high cost and extremely limited supply of transportation on Rosebud, failure to address this need may mean that a person will spend a high proportion of his/her earnings on getting to work. Unless welfare reform addresses transportation problems and the adverse impact of earnings on food stamps and HUD housing subsidies, ADC recipients will have little monetary incentive to forego ADC benefits for low-wage jobs.

b. Recommendations:

We recommend that Rosebud Tribal Government pursue the following actions:

1. Develop acceptable and feasible child care licensing regulations and procedures for child care centers and family day care.
2. Work with the State to explore the feasibility of establishing low-cost community-based family care homes.
3. Contract out the provision of child care required by the reform from the state.

4. State Jobs Opportunity and Basic Skills Programs

An integral part of the Family Support Act is the consolidation of previously existing federal training and employment programs: Work Incentive (WIN), work supplementation, Community Work Experience (CWEP) and job search programs into a new state run JOBS program by October 1, 1990. Described in Title II, the JOBS program includes a range of activities including educational programs, job skills

training, programs for job readiness, development and placement as well as supportive services in the form of transportation and child care. The major provisions are as follows:

JOBS Program Components:

- o Welfare agencies must work with each participant to develop an employability plan based on an assessment of his/her education, supportive service needs, work experience, employment skills and family circumstances.
- o Custodial parents under age 20 who have not completed high school or its equivalent must participate in full-time educational activities.
- o If individuals are already involved in education or training activities, states may count such activities toward participation requirements provided they are consistent with the individual's employment goals. The federal government would not, however, pay for costs other than required supportive services.
- o Governors must ensure program activities are coordinated with Job Training Partnership Act (JTPA) (PL 97-300) programs.
- o States must provide two of the following specific types of programs: a) group and individual job search, b) on-the-job training (OJT), c) work supplementation programs, and d) community work experience programs (CWEP).

Requirements Placed On States:

- o Federal matching for the JOBS program is reduced to 50 percent from 90 percent unless 55 percent of the funds are spent on the following target populations:
 - 1) families in which the custodial parent is under age 24 and (a) has not completed high school...; or (b) had little or no work experience in the preceding year;
 - 2) families in which the youngest child is within 2 years of being ineligible for assistance because of age;
 - 3) families who have received assistance for more than 36 months during the preceding 60-month period.
- o With the appropriate justification, the state will not be required to provide services to those areas where the number of prospective participants, the local economy or other relevant factors make implementation infeasible.
- o Between FY 1990 and FY 1995, states are required to increase participation from 7 to 20 percent of the non-exempt caseload. Failure to comply will result in reductions in federal matching.

Requirements Placed on AFDC Recipients:

- o As long as necessary child care is provided, participation is required for all recipients except for those who are disabled, needed at home to care for a sick family member or child under the age of 3, employed 30 or more hours per week, pregnant, under age 16 or attending school full time, or who live where the program is not provided.
- o Mandatory recipients who fail to participate without good cause or refuse a bona fide offer of employment in which s/he can engage will be sanctioned.
- o The benefit portion of a sanctioned individual will be excluded from the family's AFDC benefits. If a parent is sanctioned, payments will be made to a third party unless such arrangements cannot be made.

a. Critique:

South Dakota JOBS programs will probably not provide any services to Rosebud recipients. The economic circumstances which make training difficult on Rosebud could be justification for the State to designate the reservation as too remote to implement the JOBS program. We know of no federal or state guidelines governing this decision. In a recent interview, Verne Guericke, Program Administrator of the South Dakota Office of Economic Assistance, stated that the South Dakota will not provide JOBS services to Todd County and has yet to decide whether to establish programs in the three adjacent counties. Even if Rosebud or the surrounding counties are not formally designated as "remote", Rosebud-Sioux recipients may still not have access to state JOBS services because the programs are placed in inaccessible locations.

Furthermore, given the lack of jobs on Rosebud, the state JOBS program model, which relies heavily upon traditional Job Training Partnership Act (JTPA) approaches such as on-the-job-training, job search, and work experience, is not likely to provide ADC recipients with the opportunity to gain permanent on-reservation employment. According to an interview with the Rosebud JTPA program Director, Paul Valandra, the limited job market already makes it extremely difficult for him to place current JTPA participants into viable training positions. Most jobs are in the public sector where

understaffed and overworked public employees often lack the time to provide adequate supervision.⁵⁸ Even those trainees who do upgrade their skills through placement in such agencies, are not likely to remain as permanent employees unless the agency's budget increases. Valandra remarked, "Sometimes we feel we are all on welfare, it just so happens that some people are working full time."

b. Recommendation:

1. Lobby the Secretary of HHS to establish a reasonable set of guidelines that govern the designation of remote status to ensure against the arbitrary exclusion of reservations from state JOBS programs.

5. Tribal Jobs Opportunity and Basic Skill (JOBS) Programs

Recognizing the likelihood of states designating Indian lands as remote areas, Senator Daschle of South Dakota lobbied for the inclusion of the Title II measure which gives tribes a limited opportunity to operate their own work, education, and training programs. Statutory language states that funds will be provided directly through the Department of Health and Human Services (HHS) and not require matching funds. The amount will be based upon "the ratio of adult recipients in the Tribe relative to the adult recipients in the State multiplied by the State's JOBS program allocation."⁵⁹ Tribal allocations will be subtracted from the total capped state allotments. If deemed inappropriate, HHS can also waive JOBS program requirements for the tribal programs. According to the Office of Family Assistance, the intent of the legislation is to fund employment and training efforts, not to subsidize directly

⁵⁸ Interviews with Sinte Gleska College Administrators

⁵⁹ House Congressional Record, p.8900.

economic development plans.⁶⁰ In order to qualify, a tribe must file a preliminary application by April 13, 1989, but can later rescind the application without any penalty.

a. Critique :

This direct funding measure represents a significant step towards recognizing the importance of giving tribal governments a role in the implementation of programs designed to increase self-sufficiency among American Indian welfare recipients. Rosebud Tribal Government plans to apply. Unfortunately, this legislation presents implementation problems in the following areas: funding, intergovernmental coordination, program planning, and program evaluation.

Funding: Because determining the ratio of adult American Indian ADC recipients to the adult ADC population is difficult, the exact level of funding for each reservation is somewhat uncertain. Problems arise from two sources: 1) identifying who is Indian and 2) establishing the geographic service area of the tribal JOBS program. The number of recipients who are identified as American Indian can vary with the method (i.e. self-report, tribal enrollment status, or blood quantum) used to establish ethnic identity. Likewise, the number of recipients depends upon the boundaries of the designated service area. If the service area includes all four counties, Todd, Mellette, Tripp, and Gregory, then the greater numbers of recipients raises funding levels, but those recipients living in the outlying areas will probably have decreased access to services. The funding allocation is determined by the number of Indian recipients living within the service area, not by the number actually enrolled in JOBS.

⁶⁰ "Summary of Family Support Act-JOBS program Native American Leaders' Meeting", Office of Family Assistance, Department of Health and Human Services, January 11, 1989, p. 3.

Nonetheless, if Rosebud begins operating its JOBS program on July 1, 1989, Paul Valandra estimates that the Tribe will receive an allocation of slightly more than \$100,000 for that fiscal year. These estimates are based on self-reports of American Indian ethnicity and include recipients living in all four counties. Because of Rosebud's large ADC population, this amount is comparatively larger than the allocations that other tribes will receive.

Until states determine how much they will allocate to the state JOBS program, it is unclear whether recipients in tribal programs will have access to the same amount of funding available to participants in state programs. If the State provides enough to earn all of the capped federal allocation, then tribal recipients will receive 10 percent less. Ironically, given the high cost of operations in remote areas and the large number of long-term welfare recipients, Rosebud probably requires higher levels of financial support to be able to establish an effective program capable of serving a large proportion of its ADC population.

Intergovernmental Coordination: In order to successfully operate a JOBS program, the Tribe must work closely with a variety of state and county agencies despite an antagonistic history of jurisdictional disputes. First, the Tribe will need to coordinate operations with the county DSS office which will continue to administer the regular ADC program. For example, after recipients are determined eligible by the County, they must be referred to the tribal program. If the recipient fails to comply, then the county must be informed in order to apply appropriate sanctions.

Second, tribal officials must negotiate with the State on the adoption of child care licensing requirements and the provision of support services. The law clearly requires states to provide Indian recipients with transitional child care and medical services. On the other hand, while coverage of the costs of day care, transportation, and other related expenses are legislated components of the state JOBS program, the extent to

which states will provide such services to participants in the tribal JOBS programs seems much less certain.

Program Planning: Inadequate planning time and the lack of federal guidance have frustrated the tribal program design process. Tribal governments had only 6 months after the passage of the Family Support Act to submit preliminary applications for JOBS programs. In large part because of election year changes in leadership, the Office of Family Assistance did not disperse basic program information to tribal governments until December 1988.⁶¹ Regional meetings with tribal social services personnel apparently were not held until March 1989.⁶²

Because HHS has yet to complete its regulations, it is unclear what tribes will be required to provide in terms of who should be targeted, how the program should be designed and what should be the program's components. According to the legislation, HHS can waive jobs requirements for tribal programs if appropriate. Given the wide variation between reservation conditions, a standard applicable to one tribal program may be unreasonable for another. To take this into account, HHS may wish to develop minimum standards and grant waivers on a reservation-specific basis rather than develop national requirements.⁶³

The lack of clear federal guidance gives Rosebud some flexibility in determining how to design its program even after the April 13 deadline. The Office of Family Assistance states, "Given that Federal policy is still being developed, we recognize that

⁶¹ Bertini, Catherine, Director, Office of Family Assistance, Letter to Officials of Federally Recognized Tribes and Alaska Native Organization, Dated December 13, 1988.

⁶² According to Michael Hughes of the Arizona Department of Economic Security, HHS regional officials held their first meeting with Arizona tribal groups on March 24, 1989.

⁶³ "Summary of Family Support Act-JOBS program Native American Leaders' Meeting", Office of Family Assistance, Department of Health and Human Services, January 11, 1989, p. 3.

Native American applications will probably need to be supplemented or revised after the initial submittal".⁶⁴ We encourage Rosebud to take full advantage of this flexibility in designing its JOBS program.

In the course of developing a JOBS program, Rosebud officials should consider the following factors: the allocated funding level, the Tribal Government's organizational capacity, the needs of the JOBS clients, and the Tribal Government's goals. The size of Rosebud's \$100,000 allocation suggests that Rosebud must choose between expanding already existing employment and training programs or creating a small, independent program. Tribal JTPA programs in Montana, South Dakota, and North Dakota currently spend approximately \$2400 per enrolled participant⁶⁵, suggesting a service population of 30-40 clients for Rosebud's JOBS program. But, because the Tribal Government has the freedom to use existing employment and training programs to lower its costs per participant, or incur greater expense by maintaining a separate program administration, it can choose exactly how many clients to serve.

When planning its JOBS program, Rosebud should assess its present organizational capacity. The JOBS program could draw upon the resources already existing within the reservation community. Potential resources include organizations such as Sinte Gleska College, substance abuse programs, TWEP, JTPA, and vocational education programs. The JOBS program can either refer clients to these organizations or contract with these agencies to provide special services. We recognize, however, that funding restrictions and the regulatory requirements of the existing programs constrain the extent to which different training programs can be creatively integrated. For example,

⁶⁴ "Aid to Families with Dependent Children (AFDC) Action Transmittal" US Department of Health and Human Services, Family Support Administration, Transmittal No. FSA-AT-89-11, Dated February 24, 1989, p. 5.

⁶⁵ Figures are for program cost incurred between July 1, 1987 and June 30, 1988. (Source: Norman DeWeaver, JTPA Specialist, Center For Community Change).

JTPA performance criteria which emphasize short-term job placement limit its ability to work with JOBS in serving traditionally high-risk groups. On the other hand, the JOBS program might try to increase services by looking for outside foundation, state, and federal grants to subsidize administrative costs or to fund an expanded van service. Minimally, the program could encourage individual clients to use outside financial sources, such as BIA scholarship funds.

In order to be effective, the program must both meet the needs of Rosebud ADC recipients and be a more attractive alternative than staying on welfare. Clients enrolled in employment and training programs need a variety of program supports. They must be able to get to the site. They may need help overcoming health problems. They all need access to reliable child care. Employment counseling may be crucial to the success of those clients with little work experience. Extremely disadvantaged clients may need more than a short-term program, or may need permission to re-enter training if they fail. Project Match, a Chicago-based employment program which serves clients with the least experience and lowest training levels, claims that the possibility of failure must be structured into such programs. Although the majority of Project Match clients lose their first jobs, retention improves dramatically during their second and third placements.⁶⁶ Similarly, the Phoenix Indian Center, Inc. operates a successful JTPA program which tracks people for at least one year after they have found jobs, provides counseling if clients have problems at work, and allows those who have lost their jobs to re-enter their program.⁶⁷

⁶⁶ Olson, Lynn and Toby Herr, "Building Opportunity for Disadvantaged Young Families: The Project Match Experience," Northwestern University Center for Urban Affairs and Policy Research, February 1989.

⁶⁷ Interview with Karen Thorne, Dir. Employment and Training, Phoenix Indian Center Inc. 3/30/89.

Rosebud ADC recipients vary widely in their training needs. While some require remedial education, others would benefit more from advanced technical training. One method of meeting client needs could involve using individualized assessment and case management to guide a small number participants through a comprehensive training program. Case workers could help clients develop and pursue an employment plan, link them to a variety of services, track their progress, and provide any necessary personal counseling. Such a model could simultaneously address the client's employment needs and problems of substance abuse. The Tribal Government could also choose to offer a new type of training program, such as community-based adult literacy or GED classes. By holding classes in outlying communities, such a program would alleviate transportation problems. These classes could provide at least some benefit to many recipients, and might encourage some participants to pursue more advanced training.

Tribal goals, particularly tribal economic development strategies, are an important consideration in program design. For example, if the Tribal Government wants to attract employers by increasing the educational level of Rosebud residents, it may prefer to implement an education-oriented JOBS program. In contrast, if the government intends to promote micro-enterprise development, it could design a program that teaches business skills and provides support services to recipients interested in starting small enterprises. This program would work with county ADC programs to allow recipients to accumulate start-up business capital without losing welfare benefits. Finally, the program might target resources to those people willing to receive training in fields of particular importance to the development of Rosebud. For instance, the Tribal Government could develop a program to increase the number of trained medical personnel who might find employment in Rosebud's regional IHS hospital which is currently under construction.

Program Evaluation: The final issue concerns the design of appropriate program evaluation measurements. According to Norman DeWeaver, an expert on Indian JTPA programs, federal JOBS regulations have yet to be designed, though he fears that, when written, they will inappropriately rely upon current JTPA performance criteria. JTPA evaluates its programs on the basis of outcome measures set according to an equation intended to account for local economic variation. But, as DeWeaver argues, "In Indian Country, the performance standards are mindless."⁶⁸

Particularly in Indian Country, the JTPA methodology is plagued with problems. For example, the unemployment rate is an important variable in the performance formula. Yet, on Rosebud no accurate unemployment statistics exist and the current estimates range from 13.9 to 90 percent. In fact, because high unemployment statistics qualify Rosebud for funding for various training programs, the BIA and the Tribal Government have a vested interest in obtaining higher figures. On the other hand, the need for an easy method of computation and competition between states and tribes for federal funding create incentives for states to undercount. JTPA currently bases its estimates upon the lower state figures.

If programs are small, as is likely with tribal JOBS programs, then statistical averages do not accurately depict program performance. In this situation, a single individual who does extremely poorly can severely hurt the results for the entire program⁶⁹. This problem is exacerbated by the difficulties of gathering accurate statistics in Indian Country.

⁶⁸ Interview with Norman DeWeaver, JTPA Specialist, Center For Community Change, 3/16/89.

⁶⁹ Of course, it may not be the one deviant person who is the problem. With a large enough sample size, even trivial differences are statistically significant. Differences of the same magnitude may not be significant for a smaller sample.

Lastly, by emphasizing measures of immediate individual outcome and failing to track clients over time, JTPA does not recognize the importance of process or long-term program effects. Primarily focusing on whether a person was placed in a permanent job, overlooks the quality of his/her learning experience, the impact of the training on future employment, and the benefit of his/her work to the community. For instance, a trainee working in a public agency probably will not receive a job offer immediately after completing the program, but might have provided invaluable services to the agency, and could be the first person hired when a position eventually opens. In the worst case, an emphasis on placement, regardless of whether a position is located on or off the reservation, can result in a program which indirectly encourages qualified individuals to leave the reservation for work.

Alternative measures of evaluation can be developed. Tracking an individual's progress during training and for more than one year after leaving a program, is one way to obtain more accurate information about a program's impact on individuals. For example, by keeping track of its clients over several years, the previously mentioned Project Match program found that success could not be measured by how well the client kept his/her first job. Performance criteria should also allow JOBS programs to receive credit for community services rendered. The Navajo Nation in Arizona operates work experience programs which include the benefit to the community as a measure of success.⁷⁰

b. Recommendations:

We offer two kinds of recommendations: those which can be carried out within the Tribal Government, and those which require the cooperation of outside organizations.

Rosebud Tribal Government can pursue internally the following recommendations:

⁷⁰ Interview with Lewis Lane, Director of Gila River Indian Community Social Services, 3/27/89.

1. When designing the JOBS program, officials should take into account funding levels, organizational capacities, client needs and the goals of the Tribal Government.
2. When designing the JOBS program, officials should consider a variety of employment and training program models. Such models include:
 - a. Adding support services such as employment counseling to existing programs;
 - b. Using case management;
 - c. Creating a program designed to offer training and educational services which are either under-provided or non-existent on Rosebud.
3. Track the progress of tribal program participants for the purposes of current and future program evaluation.

Rosebud Tribal Government can take the following actions by working with outside agencies:

4. Establish a joint task force consisting of tribal, state and all four county welfare officials to coordinate activities such as JOBS referrals, sanctions, and support services.
5. Demand that the State furnish equal levels of supportive services for state and tribal JOBS program participants.
6. Encourage the HHS to grant reservation-specific waivers for JOBS program requirements.
7. Encourage the HHS to develop appropriate performance measures for tribal programs which look at individual short-term and long-term effects as well as community benefits.
8. Lobby the Federal Government to reduce fund restrictions which inhibit tribal governments from combining services provided through programs such as JTPA, TWEP, BIA Employment Assistance, and JOBS.

E. Summary Recommendations for Rosebud

As in the rest of Indian Country, the Rosebud Tribal Government has an active role to play in the implementation of welfare reform. The Rosebud Tribal Government can pursue independently many of the actions that we recommend. These actions typically involve the development of internal tribal policies or coordination between the

Tribes and other entities, such as state and county agencies. Our recommendations are summarized below.

Child Support:

1. Develop child support guidelines within the Tribal Court.
2. Increase efforts to work with state agencies and other tribes over the establishment of reciprocal enforcement of child support awards.

AFDC-UP:

1. Form a joint committee of county social service, tribal, and BIA program administrators to coordinate BIA-GA and AFDC-UP benefits and work requirements. The committee should specifically consider these options:
 - a. Contracting AFDC-UP work activities to the TWEP program.
 - b. Reducing work program inequities by offering a work stipend to participants in AFDC-UP work experience activities. Costs could be covered by the savings accrued through the transfer of recipients from the BIA-GA program to AFDC-UP.

Transitional Services:

1. Develop acceptable and feasible child care licensing regulations and procedures for child care centers and family day care.
2. Work with the State to explore the feasibility of establishing low-cost community-based family care homes.
3. Contract out the provision of child care required by the reform from the State.

JOBS:

1. Tribal officials should take into account funding levels, organizational capacities, client needs, and the goals of Tribal Government when designing the JOBS program.
2. Officials should consider a variety of employment and training program JOBS program designs. Potential models include:
 - a. Adding support services such as employment counseling to existing programs;
 - b. Using case management;
 - c. Creating a program designed to offer training or educational services which are either under-provided or non-existent on Rosebud.

3. Establish a task force of tribal, state, and county welfare officials to coordinate activities such as JOBS referrals, sanctions, and support services.
4. Demand that the State furnish equal levels of support services for state and tribal JOBS program participants.

Some actions are best taken in conjunction with other tribes. By forming a task force of interested representatives from the nine South Dakota reservations, Rosebud and the other tribal governments are in a better position to influence policy, particularly with respect to issues of child support enforcement and implementation of tribal JOBS programs. The benefits of such a task force are its group strength and its enhanced ability to present the State with cohesive policy positions. We propose that this inter-tribal task force initiate the following actions:

Child Support:

1. Lobby for direct federal funding to tribal governments to improve their on-reservation child support systems.
2. Lobby the Secretary of the HHS to appoint at least one tribal representative to the 15-member inter-state child support commission mandated by the reform.

JOBS:

1. Lobby the Secretary of the HHS to establish a reasonable set of guidelines governing the designation of remote status, to ensure against the arbitrary exclusion of reservations from state JOBS programs.
2. Demand that the State furnish equal levels of support services for state and tribal JOBS program participants.
3. Encourage HHS to grant reservation-specific waivers for JOBS program requirements.
4. Encourage HHS to develop appropriate performance measures for tribal programs which assess short-term and long-term program effects as well as community benefits.
5. Lobby the Federal Government to reduce funding restrictions which inhibit tribes from combining services provided through programs such as JTPA, TWEP, BIA Employment Assistance and JOBS.

III. IMPLICATIONS FOR OTHER TRIBAL GOVERNMENTS

This section will illustrate how lessons from the Rosebud case study can be applied to the rest of Indian Country. Using information gathered through a comparative study of the Gila River Indian Community in Arizona, we look what variables can affect a tribal government's response to the various provisions of welfare reform legislation.

Established in 1859 by an Act of Congress rather than through a treaty, the Gila River Indian Community in Arizona provides an interesting contrast to the Rosebud-Sioux reservation because of its economic and geographic conditions and its relationship to the Arizona State Government. Although the issue of water rights creates some conflict between the Gila River Indian Community and the State, tribal social service officials feel that they can work cooperatively with state officials on welfare reform. Gila River Indian Community already has a history of working out intergovernmental agreements (see Appendix D) with the Arizona State Government to provide social services such as child welfare and elderly nutrition programs on the reservation. Establishing such agreements is an integral part of the duties assigned to Michael Hughes, the Deputy Assistant Director of Intergovernmental Relations for the Arizona Department of Economic Security (DES). Furthermore, Tribal Governor Thomas White was included in the Arizona Governor's Task Force on Welfare Reform and chaired an ad-hoc sub-committee specifically addressing the issues on Indian lands.⁷¹

Gila River Indian Community is less isolated and enjoys better economic conditions than Rosebud. Covering 327,000 acres, the long, narrow reservation lies 15 miles south of the Phoenix metropolitan area, and falls within both Pinal and Maricopa counties.

⁷¹ Interview with Gila River Indian Community Governor Thomas White, 3/27/89.

Numbering 11,700 in 1987⁷², Gila River's population includes enrolled members from the Pima and the Maricopa tribes. Gila River Indian Community's private sector consists of 32 industrial operations contained within three industrial parks. In 1989, the BIA reported that the Gila River's unemployment rate was 27 percent.⁷³ A 1985 evaluation of Gila River's Employment and Training Program and interviews with tribal officials suggested that transportation, the lack of child care, poor health, and job retention problems pose some of the greatest barriers to employment⁷⁴. These geographic and economic factors may be influencing the Gila River Tribal Government's response to welfare reform.

A. Child Support Enforcement

Because the Family Support Act's child support provisions have practically no impact on Indian lands, the decision to improve on-reservation child support systems is left to the discretion of tribal governments. How a tribal government can upgrade its system depends on several issues:

1. Does the State have civil jurisdiction over the reservation⁷⁵?
2. Does the Tribal Government have access to internal or external funds to make necessary changes?
3. Does the Tribal Government need to make paternity testing more accessible?

⁷² "Gila River Indian Community: Community Profile", Arizona Department of Commerce, 6/88.

⁷³ Indian Service Population And Labor Force Estimates, Bureau of Indian Affairs, January 1989, p. 16.

⁷⁴ "An Evaluation of the Gila River Indian Community Employment and Training Program", Office of Planning and Evaluation, Gila River Indian Community, November, 1985.

⁷⁵ Passed in 1953, Public Law 280 extends state jurisdiction over offenses committed by or against American Indians living in on reservations in the States of California, Minnesota, Nebraska, Oregon, and Wisconsin. (Source: Prucha, Francis Paul, Documents of United States Indian Policy, USA: University of Nebraska Press, 1975. p. 233-234.)

4. Does the Tribal Court have standard child support award guidelines?
5. If standard award guidelines do not exist, do parents have access to affordable legal representation?
6. Does the Tribal Court have reciprocal child support enforcement agreements with other tribes and states?
7. Do tribal wage withholding ordinances already exist?

Gila River Indian Community is currently taking steps to improve its child support system. According to Rod Lewis, Tribal Attorney, the Tribal Council is likely to pass a wage garnishment ordinance which requires reservation employers, such as private companies, the Tribal Government, and the BIA, to withhold wages for child support payments. Such an ordinance might also allow reservation employers to respect garnishment orders from other jurisdictions⁷⁶.

B. Aid to Families with Dependent Children-Unemployed Parent Program

If the reservation is in a state which does not already operate an AFDC-UP program⁷⁷, then the Tribal Government must decide how to respond to the reform's AFDC-UP provisions. An evaluation should include these questions:

1. Will the State offer AFDC-UP on a six month or twelve month basis?
2. What percentage of the two-parent families on the BIA-GA caseload be required to switch to the AFDC-UP program?
3. What is the tribe's TWEP program capacity to serve AFDC-UP parents?
4. Can the Tribal Government find funds which enable it to offer AFDC-UP participants a work incentive stipend comparable to that provided by TWEP?

⁷⁶ Interview with Rod Lewis, 3/27/89.

⁷⁷ In states which already operate an AFDC-UP program, tribal governments may still need to investigate how the work experience requirement mandated under the Family Support Act affects their BIA-GA recipients.

Like South Dakota, Arizona does not currently operate an AFDC-UP program and intends to offer only six months of benefits. Although the Governor's Task Force on Welfare Reform has already recommended that the HHS "support special projects where tribal governments would plan, organize, and direct the workfare activities of AFDC-UP on Indian lands,"⁷⁸ Gila River's plans are yet to be determined.

C. Transitional Services

Transitional child care and medicaid services will affect all AFDC recipients in Indian Country, however, the extent to which tribal governments must become involved in ensuring provision of adequate child care can vary. When determining what actions must be taken, tribal governments should think about the questions below:

1. How many AFDC recipients will need licensed child care?
2. How much licensed child care is available on the reservation?
 - a. How many organized facilities exist?
 - b. Do these facilities conform to tribal or state licensing standards?
3. What measures can be taken to ensure an adequate supply of child care?
 - a. Should facilities be upgraded?
 - b. Must new facilities be constructed?
 - c. Can family day care homes be organized?
 - d. Does the Tribal Government have access to any capacity-building funds?

According to Lewis Lane, Director of Gila River Social Services, Gila River Indian Community does not have any tribal child care licensing standards or any on-reservation facilities which would currently meet state standards. In order to expand

⁷⁸ A Family Investment Strategy for Low-Income Families in Arizona, Final Reports and Recommendations, Governor's Task Force on Welfare Reform, January 1989, p.57.

organized on-reservation child care services, Lane believes the Tribal Government will need to develop licensing standards and find funds to construct the appropriate facilities. Michael Hughes of the Department of Economic Security (DES) proposes that the child care issue can be resolved through intergovernmental agreements. As in the case of the Rosebud reservation, provision of these transitional services fails to address the primary employment barriers on Gila River.

D. State and Tribal Jobs Opportunities and Basic Skills Programs

Before deciding whether to apply for a tribal JOBS program, all tribal governments need to determine whether on-reservation AFDC recipients will receive adequate services through a state JOBS program. Consequently, all tribal governments should be concerned about the process through which state governments determine where state JOBS programs are located and what areas are designated as too "remote" for service. When assessing the impact of state JOBS programs, some issues to consider are:

1. Will the reservation AFDC population have access to state JOBS programs?
 - a. Will the reservation be designated remote?
 - b. How close are reservation communities to potential off-reservation JOBS sites?
 - c. Is transportation available to those JOBS sites?
2. Do state JOBS programs address the needs of the reservation's AFDC recipients?

Unfortunately, because most states have not yet completed their plans for implementing the Family Support Act, we recognize that tribal governments will have difficulty finding the answers to these questions.

At this point, the reform legislation only allows those tribal governments which apply by April 13, 1989 to run their own JOBS programs. This deadline leaves too little time for program planning and precludes many tribal governments with valid

reasons for wanting to apply at a later date from doing so. Some tribal governments may eventually find that state programs do not effectively meet the needs of reservation AFDC recipients. Small tribal governments not currently receiving enough funding to warrant an application, may want to take advantage of later increases in federal funding allocations that are mandated by the legislation. Also, future improvements in a tribal government's administrative capacity may enhance its ability to run a JOBS program at a later date. Therefore, it is in the interest of all Indian Country to lobby HHS to permit tribes the opportunity to file an application after the April 13, 1989 deadline.

Those tribal governments which do meet the April deadline should keep in mind that the current lack of federal regulations allows for some flexibility in the design of tribal JOBS programs, and that the implementation of tribal JOBS programs requires considerable cooperation with state authorities. When designing its program, a tribal government should ask the following questions:

1. Given the level of available funding and existing organizational resources, what type of program could meet client needs and complement tribal government goals?
2. What support services, such as transportation, child care, and other subsidies for work-related expenses, will be available to tribal JOBS participants, either through state or tribal funding?
3. What is the best way for the Tribal Government to coordinate its JOBS program services with state welfare authorities?
 - a. Can the State contract its support service obligations to tribal governments through intergovernmental agreements?
 - b. Can the State contract out the administration of its on-reservation AFDC program to the Tribal Government through PL 93-638⁷⁹?
 - c. Does the Tribal Government have the will and organizational capacity either to provide the State's support services or to administer the State's entire on-reservation AFDC program?

⁷⁹ See origina reference on p.8.

Tribal officials believe that the Gila River reservation, like Rosebud, will be designated remote. Although the reservation is located next to Phoenix, its communities are difficult to serve. Many residents live considerable distances from centers of economic activity and lack access to transportation.

Arizona DES officials estimate that Gila River is eligible for approximately \$51,000 in JOBS funding. Alvin Jones, Gila River JTPA Director, believes this level of funding limits his ability to do much more than expand or somewhat enhance Gila River's existing employment and training programs. One possible JOBS option augments a current tribal program designed to increase job retention by improving clients' ability to cope with the demands of the workplace. While the Tribe's social service officials indicate that they will meet the April 13 deadline, they also expect to revise their application as their plans become more certain.

In order to coordinate the provision of AFDC benefits with the JOBS program, Lewis Lane hopes that the Tribal Government can take over the on-reservation administration of AFDC benefits. Because Gila River's Social Service Program has experience successfully operating the BIA-GA program, Lane believes it is feasible to take on this responsibility. The Governor's Task Force on Welfare Reform support his proposal by recommending that "tribal governments be given the opportunity to receive direct federal funding to operate all programs [including AFDC] under Title IV of the Social Security Act on Indian lands."⁸⁰

⁸⁰ A Family Investment Strategy, p.53.

IV. Conclusion

Even if tribal governments effectively respond to the federal welfare reform initiative, problems of welfare dependency in Indian Country will not be solved until tribal governments address issues which lie beyond the limited scope of the Family Support Act. While the reform legislation recognizes the need for support services, it does not help to create a support system extensive enough to enable large numbers of Native American families to leave welfare. First, the reform provisions assume that already existing transportation and child care can adequately meet demand. Merely subsidizing recipients' expenses does not, however, enable tribal governments to develop needed services. Second, the Family Support Act does not explicitly acknowledge the importance of other issues such as health problems and counseling needs. Last, although the JOBS program does allow tribal governments to tailor employment and training programs to meet the specific needs of their clients, the available funding limits the tribal governments' ability to offer comprehensive services to more than a handful of individuals.

The Family Support Act also completely ignores the work disincentives created by the current welfare system. As illustrated by the Rosebud case study, when recipients earn income they face significant losses in welfare benefits, HUD housing subsidies, and Food Stamps. Eligibility requirements also prevent recipients from attempting to start their own businesses.

Primarily targeting women with children, welfare reform neglects the enormous problem of male unemployment in Indian Country. As the 1980 Census indicates, 64 percent of all Native American men, aged 30-54, were not employed. The AFDC-UP program does little to alleviate this problem because few men meet its unemployment criteria and its mandated work activity is not likely to help those who do participate to find permanent employment. In this era when two incomes are often necessary to

lift families out of poverty,⁸¹ welfare dependency will not be solved until both men and women can contribute to the financial well-being of their families.

Finally, any policy intending to reduce the level of welfare dependency must recognize that easy solutions do not exist and that a long-term strategy is essential. Simply training or increasing the education of a welfare recipient accomplishes little if the on-reservation economy can not offer viable job opportunities. Unless economic development occurs in Indian Country, few American Indian recipients will find the permanent employment they need to achieve financial self-sufficiency.

⁸¹ Poor Support, p.228.

Appendix A. Glossary

ADC	South Dakota's program of Aid to Families with Dependent Children
AFDC	Aid to Families with Dependent Children Program
AFDC-UP	Aid to Families with Dependent Children - Unemployed Parent Program
BIA	Bureau of Indian Affairs
BIA-GA	Bureau of Indian Affairs General Assistance Program
DES	Arizona Department of Economic Security
DSS	South Dakota Department of Social Services
HHS	Department of Health and Human Services
HUD	Housing and Urban Development
IHS	Indian Health Service
JOBS	Job Opportunity and Basic Skills Program
JTPA	Job Training Partnership Act
TWEP	Tribal Work Experience Program
WIN	Work Incentive Program

Appendix B. Issues of Data Collection

We relied upon four sources of information about possible obstacles to economic self-sufficiency:

- o Survey of past studies,
- o Assessments of other programs,
- o Analysis of demographic data, and
- o Interviews.

Because of the limitations of any one of these sources of information, we chose to use a combination of all four.

While other research extensively documents the obstacles faced by inner-city residents, at this point, we know of no studies that specifically describe the problems confronting the recipients in Indian Country. Studies of ghetto communities appear to reflect similar problems associated with extreme concentration of poverty, unemployment, drug abuse, and social isolation. Unlike many reservations, however, urban neighborhoods have the advantage of closer proximity and easier access to areas of economic activity.

The experience of other transitional welfare programs can provide useful guidelines and information about potential pitfalls of program implementation. But, assessments of other programs are of value only to the extent to which they in fact address the particular obstacles found on Indian reservations.

Demographic data, whether provided by the Census Bureau or the Tribe, is not be completely reliable. The difficulties of collecting data in areas with minimal transportation, language barriers, few telephones, and scattered populations leads to inaccurate demographic information. These problems are reflected by the fact that data provided by the BIA, the 1980 Census, and tribal governments are not always in agreement.

Our interviews provided us with valuable information. Given that tribes are sometimes reluctant to grant permission to outsiders, we are grateful for the openness and candor of our interviewees. Nonetheless, interviews may not provide a complete picture. Recipients who agree to be interviewed may not be representative of the welfare population and officials may be unwilling to disclose program weaknesses. Ultimately, we base our findings on corroborated evidence.

Appendix C. Food Survey
 Conducted Week of January 22, 1989

PRICES
 (in dollars)

ITEM	<u>Mission</u>	<u>Valentine</u>	<u>Sioux Falls</u>
Cracker Barrel Cheese 10oz.	2.62	2.63	2.59
Parkay Margarine	.79	.59	.66
Gold Medal Flour	1.63	1.55	1.19
Star Kist Tuna in Water	1.09	.89	.79
Roman Meal Bread	1.33	1.19	1.33
Beef Round Steak (per lb)	2.79	1.99	2.49
80% Lean Gr. Beef (per lb)	1.69	1.49	1.39
Chicken Thighs (per lb)	.99	.79	.69
1/2 Gallon Milk	1.20	1.29	1.14
5 lb. Bag of Oranges	2.69	2.49	2.49
5 lb. Bag of Jonathon Apples	2.98	2.49	1.69
Red Apples (per lb.)	.99	.79	.50
Lettuce	.49	.89	.99
Cornflakes Cereal	2.53	2.79	1.87
Folgers Coffee 14 oz.	3.42	3.35	2.51
Totals:	29.72	27.59	24.91
Percent Different From Mission: -		-7.17%	-16.19%

ITEM	<u>Cedar Butte</u>	<u>Mission</u>	<u>Sioux Falls</u>
Hormel Canned Beef Stew	2.93	1.95	2.01
Spam	2.59	1.98	1.69
Baking Powder	2.59	1.99	1.93
Cheer Detergent 4 lbs	4.78	4.89	3.95
Star Kist Tuna	1.65	1.09	.79
Total Cereal	3.27	2.89	2.00
Folgers Coffee 48oz.	8.89	6.59	6.25
Flour	1.59	1.39	1.29
Totals:	28.29	22.77	19.91
Percent Different From Cedar Butte:		-19.51%	-29.62%

(Note: due to the lack of items available in the Cedar Butte store, including fresh fruits and vegetables, our sample of items is small).