

**FY 2019
BIA Eastern Region
Budget Testimony**



**March 2017
Washington, DC**

Executive Summary:

The Tribal Nations in the Eastern Region cover a large expanse of land and area compared to Tribal Nations in other Bureau of Indian Affairs (BIA) Regions. Eastern Tribal Nations span from the Canadian Border in Maine and New York, along the east coast to Florida and west into Mississippi. Due to the large geographic area, the Tribal Nations in the Eastern Region have incredible diversity and unique needs that must be addressed. It is the cultural aspect and the view that “There is Strength in Unity” that binds the Tribal Nations of the Eastern Region together.

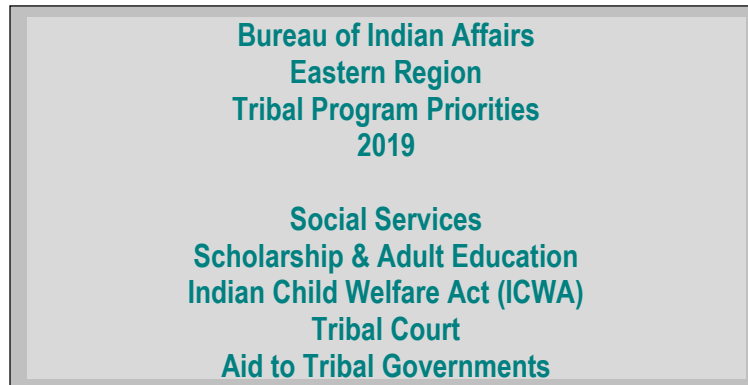
Tribal Nations in the Eastern Region have come together and identified specific priorities that they will focus on in the upcoming budget formulation cycles. Mostly these priorities are in-line with the previously identified national Tribal priorities; however, there are several areas of concern that are specific to the Tribal Nations of the Eastern Region. These priorities reflect the areas of continued focus by the Tribal Nations for upcoming budget cycles. While the Eastern Region Tribal Nations understand the importance of identifying specific areas in which to direct additional resources, they also stand on the belief that **all** Indian programs are vital to creating strong Tribal Governments and that the Tribal Nations, Congress, and the BIA should work together to protect and improve current base funding levels for all programs. ***Areas identified as specific BIA priority needs for Eastern Region Tribal Nations include: Social Services, Scholarships & Adult Education, Indian Child Welfare Act (ICWA), Tribal Courts and Aid to Tribal Government.***

Funding for Indian programs continues to fall under the federal government’s trust obligation to American Indians. This unique fiduciary relationship is grounded in the Constitution, Treaties, Federal Statutes, and Federal Case Law. It is the federal government’s obligation to provide consistent federal funding for programs that help American Indians and Tribal Governments achieve self-determination and provide them with education and social programs to help future generations become more self-sufficient.

The following pages of testimony, presented by the Tribal Nations of the BIA Eastern Region, will highlight the needs as Tribal Nations attempt to provide for better standards of living for their members. It is a daily struggle for many Tribal Nations who are limited by isolation, and lack of employment and education opportunities on their Tribal lands. The Eastern Tribal Nations ask for full consideration of the government’s fiduciary responsibility, the great disparities of socioeconomic characteristics between American Indians and other American demographic groups, and the true unmet needs of Indian Tribal Nations be taken into careful consideration when developing the FY 2019 budget. The Tribal Nations ask in addition to the aforementioned considerations, that the BIA continue to work with Tribal Nations to include the input of Tribal priorities along with Administration priorities in the FY 2019 budget request.

Eastern Region Tribal Priorities

In keeping with the Bureau of Indian Affairs' mission to "enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian Tribal Nations, and Alaska Natives" and with the Bureau of Indian Education's mission "to provide quality education opportunities from early childhood through life in Indian Country," the Eastern Region Tribal Nations have prioritized the following programs:



Social Services

The Social Services Program assists in providing basic needs, such as, shelter, food, clothing, to eligible Tribal members. The United States Census Bureau reported between the years of 2011-2015, the American Indian and Alaska Native population living in poverty was approximately 28.3%, which far exceeds the national poverty rate of 15.5%. With such high poverty rates in Indian Country, the services provided by Tribal Social Services Department are often a difference between life and death.

Oftentimes the objectives of Tribal Social Services Programs are not met to their full potential due to external stressors for the programs, such as understaffing. A common issue amongst Eastern Tribal Nations and their Social Services Programs is the inability to hire a full staff to take on caseloads including case managers, social workers, and administrative staff. Family Safety and Family Advocate Programs take on a multitude of tasks for their clients, which includes transportation services to and from courthouses, police departments, and treatment facilities; supervised visitation programs; specialized staff that deal with the array of services designed to protect and rehabilitate abused women and children; as well as tasks designed to dig deeper into the underlying issues like drug addiction, poverty, and violence, that tend to create and perpetuate the circumstances that produce these victims.

A lack of increased yearly funding tends to hinder these protective services. As the rate of victims and perpetrators grows, the department should be able to grow as well, in order to properly serve these victims and their abusers.

Currently, with the limited staff and supportive resources most Social Services Departments only have the capacity to respond to day-to-day emergency needs and have little time to work with families in fulfilling long term goals to assist Tribal families in achieving a higher quality of life and reducing their overall dependency on welfare assistance. In the Eastern Region, 69% of the Tribal Nations contract the BIA Social Services Program, with the average funding being \$55,115. This minimal amount barely covers an average annual salary of a Social Worker.

Eastern Program	Enacted 2014	Enacted 2015	Enacted 2016
Social Services	\$1,077,550	\$1,088,702	\$1,102,298

Scholarships and Adult Education

In recognizing the importance of Education, in completing this year’s formulation process, the Eastern Region Tribal Nations believe Education is elevated to a priority level we feel all Tribal Nations intend it to be at. The United States Census Bureau reported between the years of 2011-2015, the American Indian and Alaska native population educational attainment rates for high school graduation was 79.1% and Bachelor’s degree or higher was at 13.8% which is significantly low compared to 86.7% high school graduation and 33.1% for bachelor’s degree or higher for the rest of the nation. Most Tribal funding for adult education is aimed to provide additional, sustaining funds to adult students, and students aspiring towards higher education, mainly providing funding for tuition, as well as financial needs that scholarships generally do not fund.

Many students have barriers that keep them from college, or from finishing once they start. These includes; lack of knowledge of the college process, homesickness and the largest, the cost of college tuition. This can be mitigated with a solid program that provides college readiness training as well as the financial resources to attend college. We understand that to decrease the other problems with in our other top 5 priorities we must continue to educate and provide outreach preparing the students (of any age) for the tasks they will face. Also, making college attainable and affordable. Increased funding is vital to keep up with college tuitions and the increasing inflation rates.

Eastern Program	Enacted 2014	Enacted 2015	Enacted 2016
Education	\$801,337	\$804,881	\$811,328

Indian Child Welfare Act (ICWA)

In the 1960s and 1970s, American Indian children were about six times more likely to be placed in foster care than other children, and many were placed in non-American Indian homes or institutions. In 1978, Congress enacted the Indian Child Welfare Act (ICWA) to protect American Indian families and to give Tribal Nations a role in making child welfare decisions for their children. Upon the passage of the Act, it was estimated at least \$26 million would be needed to fully implement ICWA. As illustrated below, the BIA appropriations have historically fallen significantly short of the 36-year-old needs estimate. This consistent shortfall coupled with inflation, population growth, and other environmental factors throughout this time period, further magnifies this funding disparity.

National Program	Enacted 2014	Enacted 2015	Enacted 2016
ICWA	\$14,519,766	\$15,623,969	\$16,520,367

Although ICWA recognizes the Tribal Nations' inherent sovereign right to make decisions pertaining to Tribal children, many Tribal Nations are unable to fully exercise this right due to lack of funding. Today there are some Tribal Nations who have as high as a 75% rate of having enrolled children placed in non-enrolled/non-American Indian homes, with an approximate 3-year reunification rate with their families. It is important to understand that understaffing is the issue that ties into the overall successes and failures of ICWA. ICWA cases also occur off-Reservation, at times there may only be one ICWA worker for a Tribe, causing them to triage their cases for maximum success and effectiveness. Additional ICWA workers would be beneficial for every Tribe, as oftentimes the worker must testify over the phone, or do so out of town, as well as manage the cases on the Reservation. Increased caseloads and understaffing results in cases and calls going unanswered. More ICWA representatives that can be present in court hearings would potentially help fulfill the ICWA goals and initiatives.

Some of the deeper issues at the root of these cases ties into drug abuse, poverty, and violence, like mentioned with the Social Services Programs, warranting additional funding to address these issues in order to try and prevent some of these cases from even beginning.

Another issue for the Tribal Nations is the need and desire for more educational outreach pertaining to ICWA laws, which requires increased funding for this outreach. Additional funding is needed to employ additional staff, such as case managers, investigators, and legal counsel. All of these positions are necessary when dealing with child welfare cases.

Without adequate funding to strengthen Tribal capacity, the promises of ICWA are not being realized. Since the passage of ICWA in 1978, Indian children are still being removed from their homes and communities, more than any other nationality within the United States. Not only are these children losing their families, but at the same time their culture is being ripped away, since most of these Indian children are being placed in non-native foster homes. This is particularly true, when an Indian child resides off-reservation, since Tribal Nations do not have the financial resources to intervene to ensure the non-native agencies and courts are making appropriate decisions based on "the best interest of the child".

Indian Child Welfare Programs work with some of the most at-risk and needy children in the United States, however they have access to fewer resources than states. For the welfare and protection of Indian Children, it is imperative that additional funding be provided. In the Eastern Region, 57% of the Tribal Nations contract the BIA ICWA Program, and average funding equates to \$45,392. This amount does not even cover the magnitude of costs providing services and initiatives previously mentioned.

Eastern Program	Enacted 2014	Enacted 2015	Enacted 2016
ICWA	\$631,951	\$636,275	\$644,905

Tribal Courts

The Bureau of Indian Affairs' Eastern Region FY 2016 enacted budget was only \$986,480 to operate approximately 5 Tribal courts, averaging \$197,296. While there have been increases in funding from FY2014 to FY2016, a deep need still exists to allow Tribal Nations to fulfill their obligations to continue and uphold the significant sovereignty and jurisdictional gains that have been made throughout Indian Country. With these gains, the need for Tribal Nations to have strong judicial systems has drastically increased.

As with any vital Tribal program, increased funds are always needed. The Tribal Court systems require increased funds as they are constantly dealing with increased caseloads, oftentimes due to drug abuse issues, poverty, and crime. Funding for Tribal Courts is needed to compensate workers such as Judges, clerks, probation officers, and public defenders, all of which play important roles in the efficiency and effectiveness of the Tribal Court program.

Additional training is needed throughout Eastern Tribal Nations, in order to stay educated and up-to-date with their job duties and the program. For instance, with the passage of the Violence Against Women Act (VAWA) and the implementation of Tribal Law and Order Act (TLOA), Tribal Nations will be able to exercise their sovereign power to investigate, prosecute, convict, and sentence both Indians and non-Indians who assault Indian spouses or dating partners, or violate a protection order in Indian Country. However, for Tribal Nations to fully exercise this authority, their courts need to comply with costly requirements, such as effective assistance of counsel for defendants, law trained judges (who are licensed to practice law), cross-section of jury pools, etc. Currently, many Tribal Nations do not have adequate funding to abide by these requirements and will not be able to assume this authority, and native women will remain unprotected. Additionally, Tribal Nations have authority to provide a wide array of protection and services under various laws and provisions, such as Indian Child Welfare Act, Child Support Enforcement, Temporary Assistance to Needy Families, State/Tribal Criminal Codes, etc., but are unable to do so without strong judicial systems. With the average funding level at \$197,296, Tribal Nations can barely afford a part-time Judge and do not have the financial resources to engage the services of other required court personnel, such as prosecutors, court clerks, and public defenders. Lack of Tribal Court funding leaves Tribal Nations

vulnerable for crimes to be continuously committed within Indian Country because Tribal Nations do not have the ability to prosecute offenders.

Eastern Program	Enacted 2014	Enacted 2015	Enacted 2016
Tribal Courts	\$969,229	\$975,785	\$986,480

Aid to Tribal Government

The Eastern Region Tribal Nations reported that these funds are essential in fostering strong and stable Tribal governments and include numerous program activities that vary from Tribal Nation to Tribal Nation. Several Tribal program activities funded by Aid to Tribal Government (ATG) include economic development, tribal enrollment/census, grants management, and planning. Also, funding has been spent on updating Tribal Codes, updating Enrollment, assisting in Grants/Regulatory and updating the Grants/Regulatory Division with software, etc. With the implementation and efforts in complying with OMB 2 CFR Chapter I and Chapter II, and Part 200 Uniform Administrative without these funds it would increase the Tribal Nations burden to meet these standards and regulations.

In the past five years, Tribal Nations have seen their BIA PL 93-638 funding cut by over 20 percent which has greatly reduced their ability to service their Tribal members. In 2011, one Tribal Nation employed three full time employees to assist their Tribal Nation and Tribal administration. With the cuts, they are now only able to hire two employees which does not allow them to fully administer and serve their Tribal members. The approval of the Tribal Nation's request for increased funding will enable the program to better assist their Tribal members. Again, all of these activities are imperative for the continued stability and growth of Tribal Nations.

Eastern Program	Enacted 2014	Enacted 2015	Enacted 2016
Aid to Tribal Government	\$1,556,066	\$1,210,945	\$1,238,792



Eastern Region Tribal Unfunded Obligations

As we previous mention, funding for Indian programs continues to fall under the federal government's trust obligation to American Indians. The following pages showing actual amounts of unfunded obligations, presented by the Tribal Nations of the BIA Eastern Region, will highlight the needs of Tribal Nations as they attempt to provide for better standards of living for their members.

A0H90 Social Services

Amounts were derived from the calculation that is provided below. This amount should be fully supported by BIA. As stated in our priorities, a common issue amongst Eastern Tribal Nations and their Social Services Programs is the inability to hire a full staff to take on caseloads. The Eastern Region Total Social Services unfunded obligation amount is **\$509,600**.

435 clients / 15 average workers case load= 29 workers needed (this number is extremely hard to calculate as our numbers of clients being served fluctuates on a month to month basis)

29 Workers - 17 BIA funded Workers = 12 staffing shortage

Staff Worker average salary \$40,800 x 12 staff workers = \$489,600

Currently a hired social worker is underfunded by \$20,000.00 for an Eastern Region Tribal Nation

Total Unfunded Obligation of \$489,600 + 20,000 = \$509,600

A0E93 Scholarships and Adult Education

Amounts were derived from the calculation of number of students and average cost per student. The Eastern Region believes education is a high priority to its Tribal Nations and has currently made it a priority to supplement funding to provide education to its members. These funds should be fully supported by BIA. Lack of knowledge of the college process, homesickness and the cost of college tuition has contributed to our need over the years. The Eastern Region Total Scholarships and Adult Education unfunded obligation amount is **\$7,571,095**.

A0H92 Indian Child Welfare Act

Amounts were derived from the calculation that is provided below. This amount should be fully supported by BIA. As stated in our priorities, understaffing is the issue that ties into the overall successes and failures of ICWA. The Eastern Region Total Indian Child Welfare Act unfunded obligation amount is **\$2,421,048**.

Total Need – Current Funding

\$3,407,528 - \$986,480= \$2,421,048 Eastern Region unfunded obligation

A0J90 Tribal Courts

Amounts were derived from the calculation that is provided below. This amount should be fully supported by BIA. As stated in our priorities above, Tribal Court systems require increased funds as they are constantly dealing with an increased caseload, oftentimes due to drug abuse issues, poverty, and crime. The Eastern Region Total Tribal Courts unfunded obligation amount is **\$4,859,208**.

Total Need – Current Funding
 $\$3,407,528 - \$1,238,792 = \$4,859,208$ Eastern Region unfunded obligation

A0T90 Aid to Tribal Government

Amounts were derived from the calculation that is provided below. This amount should be fully supported by BIA. As stated in our priorities, these funds aid economic development, Tribal enrollment/census, grants management, and planning. Without these funds it would increase the Tribal Nations' burden to meet standards and regulations. The Eastern Region Total Tribal Government unfunded obligation amount is **\$4,859,208**.

Total Need – Current Funding
 $\$6,098,000 - \$1,238,792 = \$4,859,208$ Eastern Region unfunded obligation
