

**FY 2020
BIA Eastern Region
Budget Testimony**



**February 2018
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.

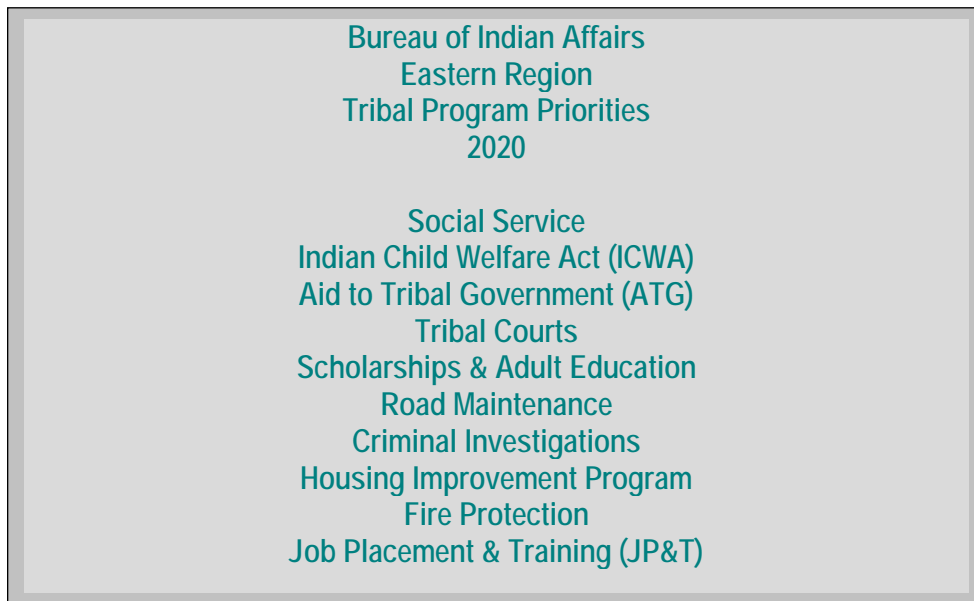
Tribal Nations in the Eastern Region have come together and identified specific priorities that they will focus on in the upcoming budget formulation cycles. These priorities are generally in-line with previously identified national Tribal priorities; however, several areas of concern are specific to the Tribal Nations of the Eastern Region. The following priorities reflect the areas of continued focus by the Tribal Nations for upcoming budget cycles. While 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 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, Indian Child Welfare Act (ICWA), Aid to Tribal Government, Tribal Courts, Scholarships & Adult Education, Road Maintenance, Criminal Investigations & Police Services, Housing Program, Fire Protection, and Job Placement & Training.***

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 that 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 full and careful consideration when developing the FY 2020 budget. In addition to the aforementioned considerations, the Tribal Nations ask that the BIA continue to work with Tribal Nations to include the input of Tribal priorities along with Administration priorities in the FY 2020 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 Tribes, 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, etc. 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 realized to their full potential due to external stressors for the programs, due to a number of variables such as understaffing and many others. A common issue amongst Eastern Region 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 include 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 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 achieving 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, 58% of the Tribal Nations contract the BIA Social Services Program, with the average funding being \$64, 827. This minimal amount barely covers an average salary of a Social Worker per year.

Eastern Program	Enacted 2015	Enacted 2016	Enacted 2017
Social Services	1,088,702	1,102,298	1,102,069

[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 period of time, further magnifies this funding disparity.

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, some Tribal Nations have a rate as high as 75% of their 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 Tribal Nation, causing them to triage their cases for maximum success and effectiveness. Additional ICWA workers would be beneficial for every Tribal Nation, as oftentimes the worker must testify over the phone, or do so out of town, as well as manage the

cases on the Reservation. Increasing 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 and thereby would cultivate sovereignty.

Some of the deeper issues at the root of these cases ties into drug abuse, poverty, and violence, as 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 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 cultural 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, 65% of Tribal Nations contracts the BIA ICWA Program, and average funding equates to \$33,928. This amount does not even cover the magnitude of costs for providing services and initiatives previous mentioned.

Eastern Program	Enacted 2015	Enacted 2016	Enacted 2017
ICWA	636,275	644,905	644,630

[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. Funding has also 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 continue, without these funds the Tribal Nations’ burden to meet these standards and regulations would increase.

In the past five years, Tribal Nations have seen their BIA PL 93-638 funding decrease which has greatly reduced their ability to service their Tribal members. The appropriation minimizes options and the services needed by each department. Tribal workforce employment, infrastructure planning, and grant writing are among the cornerstones for success thereby rendering AOT90 dollars a necessity. Funding for positions such as grant writers, administrative planners, and Tribal clerks and enrollment specialists will receive funding to put towards research and development, supplies, certifications, contracted services, and so forth.

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, not allowing 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. Funding for this program will ensure the continuation of government operations and government projects. Clean audit reports have been one specific success Tribal Nations have achieved from funding for Tribal government programs, largely in part because they assist with strengthening administration, financial management as well as governmental management.

Program	Enacted 2015	Enacted 2016	Enacted 2017
Aid to Tribal Government	1,210,945	1,238,792	1,241,059

Tribal Courts

The Bureau of Indian Affairs' FY 2016 budget includes only \$986 operate approximately 5 Tribal courts, averaging \$197,296. As illustrated below, significant funding gains were being made from FY 2014 until FY 2016. Yet, since FY 2014, Tribal Court funding has remained stagnant even though significant sovereignty and jurisdictional gains 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 increasing funds as they are constantly dealing with an increased caseload, oftentimes due to drug abuse issues, poverty, and crime. Funding is used for Tribal Court positions 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 Region 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.

It is a duty of Tribal Nations to continually educate the legal community about law in Indian Country, so as to pass on knowledge of our laws and protocol to better achieve justice.

Eastern Program	Enacted 2015	Enacted 2016	Enacted 2017
Tribal Courts	975,785	986,480	986,480

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 lower 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 at providing 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.

In the fall of 2017, tuition increased for colleges in the Southeast anywhere between 2% and 4%, and the federal Pell grant is expected to decrease in the fall of 2018 further increasing the portion of tuition paid by the Higher Education & Training programs. As advanced degrees are becoming more and more in demand, human capital needs will also diversify. The payoff comes in the long-term effects that supporting higher education initiatives yield. Educating the populace will provide longer term sustainability, financial prosperity, and continued growth of Tribal Nations, especially when these educated members return and become a part of the Tribal workforce.

Many students have barriers that keep them from college, or from finishing once they start. These include a lack of knowledge of the college process, homesickness, and the largest - 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

within our other priorities we must continue to educate and provide outreach preparing the students (of any age) for the tasks they will face, while also making college attainable and affordable. Increased funding is vital to keep up with college tuitions and the increasing inflation rates. Living in rural and often poverty-stricken areas, having access to the resources required for higher and adult education is problematic. We live in a digital age where access to computers is a necessity for online assignments and training, funding for these resources would ensure that these students are afforded the opportunity to train and work online. Although this creates a need for more expenses, the convenience of being able to train and gain an education online offers a convenience to those living in remote areas or without reliable transportation to campus.

Eastern Program	Enacted 2015	Enacted 2016	Enacted 2017
Education	804,881	570,679	811,328

[Road Maintenance Program](#)

Tribal Road Maintenance programs maintain roadways that are essential to the health, wellbeing, and prosperity of our communities and Tribal members. Funding for these programs have allowed Eastern Region Tribal Nations to provide safe passage when adverse weather affects these roadways. Adverse weather comes in the form of flooding, landslides, and snowfall. These conditions, left unchecked, can impede our access to food, law enforcement, and medical attention. It is also crucial to understand that our roadways provide ingress and egress for local tourism; this tourism is essential to the current and future success of our Tribal Nations.

Eastern Program	Enacted 2015	Enacted 2016	Enacted 2017
Road Maintenance	1,273,724	1,283,774	1,283,775

[Criminal Investigation](#)

Criminal Investigation programs on Tribal land provide protective services that foster a safer living environment for Tribal members. Many of the Eastern Region Tribal Nations face the same issues regarding crime and the increasing drug epidemic. Funding for more full-time employees (FTE's) is a common need for most Tribal Nations. The understaffing of law enforcement for some Tribal Nations is in turn costing the program more money than it would cost to hire additional employees. The reasoning for this is that the existing FTE's are often taking on hours of overtime in order to cover shifts for employees who are off duty. Overtime costs are driving the salary expenses up higher than what the expenses would be to hire on additional officers. The ability to fund full time

staff allows for less overtime expenses as well as providing more services to more people without having to prioritize calls due to understaffing. Annual increasing of funds anywhere from \$90-\$100,000 are needed for some Tribal Nations to hire full time employees, such as drug agents to help apprehend individuals to get them on the track of healing through initiatives of Drug Courts and Healing and Wellness Courts, to not only convict criminals, but to get them on the path of recovery and healing.

Funding for Criminal Investigation programs has allowed for Tribal police to be more pro-active in policing. The ability to hire and train officers with K9 units has been an important factor in successful narcotic apprehensions, which in turn has decreased the prevalence of “drug houses” causing users to travel off-Reservation to find drugs. Having K9 unit’s present aids in drug apprehension on the road, due to drug users and sellers traveling off the Reservation to obtain drugs. Funding for this has delivered positive impacts on Tribal land include seizing marijuana from “grow houses”, charging individuals for intent to distribute methamphetamine, mushrooms and marijuana, as well as others. In some cases where drug charges were made, the apprehension allowed for additional information to surface which resulted in more charges, such as identity theft. Increasing and continuous funding for Criminal Investigation programs and initiatives are always needed and are important for Tribal members to ensure more effective public safety measures are taken to provide a safer environment for those living on and visiting Tribal lands.

Eastern Program	Enacted 2015	Enacted 2016	Enacted 2017
Criminal Investigations	8,478,604	8,561,935	8,676,305

Housing

Historically, this funding program has provided a safety net for the neediest of needy - private homeowners who are living at the bottom of the federal poverty guidelines. Those who score the highest under the grant guidelines are usually elderly, handicapped households. As a result of this lack of federal priority in funding, it seems the most vulnerable segment of homeowners are being left behind.

Eastern Program	Enacted 2015	Enacted 2016	Enacted 2017
Housing	113,462	40,511	64,814

Fire Protection

BIA funding for Fire Protection initiatives are a vital contributor towards reducing property loss and loss of life due to fire related incidents, whether man-made, from natural disasters, or even terrorism. Some of the Eastern Region Tribal Nations receive below adequate funding for fire protection and prevention services, as a result the Tribal Nation must contract out to non-Native

entities who provide these services. Increased and additional funding for fire services would allow many Tribal Nations to become “Self-Determining” by allowing them to hire part and full time firefighters and first responders, enough to create a Tribal Fire Department which would allow for quicker response times and aid to emergencies on Tribal land. Apart from employee salaries, additional funding is required to ensure that Tribal Fire Departments are able to purchase, as well as properly maintain, protective gear and supplemental fire equipment. Compliance must be met and kept with the fire rating and safety of the firefighters responding, thereby rendering equipment and gear maintenance a top priority. Although many Tribal Nations receive BIA funding for these services, the amount needed to fully function often exceeds the funding amount, leaving many Tribal Nations to cover those additional costs from within the Tribal budget, and oftentimes to receive aid from other non-Native entities to help with expenses and operation costs. With BIA funds it has been possible for Tribal Nations to purchase new equipment such as helmets, fire hoses, bunker gear, fire foam, and CPR mannequins.

Eastern Program	Enacted 2015	Enacted 2016	Enacted 2017
Fire Protection	850,626	836,567	836,567

Job Placement & Training (JP&T)

Job Placement and Training is imperative for our Eastern Region Tribal Nations while trying to ensure both economic and personal growth and success. Additional funding for job placement and training would allow Tribal members the opportunity to acquire vocational training which not only benefits those individuals and their families, but also benefits the Tribal Nation by contributing skilled workers to the Tribal workforce. BIA funding for job placement and training resources have assisted not only in securing training opportunities, but also by purchasing uniforms, work attire, and other related materials needed for these Tribal members to start their new jobs. More funding is needed to reach and serve larger amounts of the Tribal population.

Eastern Program	Enacted 2015	Enacted 2016	Enacted 2017
Job Placement & Training (JP&T)	299,644	300,341	300,341