

OMAHA TRIBE OF NEBRASKA

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Testimony by Vernon Miller, Tribal Chairman, Omaha Tribe of Nebraska, March 17, 2017

Good morning esteemed members of the House. My name is Vernon Miller and I am Chairman of the Tribal Council of the Omaha Tribe of Nebraska. I was elected to the Tribal Council in November 2013 and appointed by the Tribal Council as Chairman in 2014 and again in 2015. Prior to my election, I was a High School Business Teacher at Omaha Nation Public Schools for 8 years. Because of my professional and tribal council experience, I have some personal knowledge of how the budgets of the BIA and the IHS impact our tribal members.

We are a federally recognized tribe living on the Omaha Reservation in northeastern Nebraska and Western Iowa. Our total land area is approximately 307 square miles with a population of approximately 8,400. We have an unemployment rate of over 69%. The Omaha Tribe has suffered for years as a result of dishonored treaties, which translates to inadequate funding, high poverty rates, and the loss of much of our land base due to the failed federal policy of allotment. Our rural location -combined with the fact that it was only about 4 decades ago that we were able to run our own governmental programs- has made it challenging for the Tribe to develop viable economic ventures to fund critical government and social programs.

We operate Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs, most of which are crucial to our tribal members. In addition to providing needed services, these programs offer sorely needed employment for both Indian and non-Indians. These programs are offered 365 days a year using federal funds and our limited tribal income, with very little assistance from the State of Nebraska. Current and past BIA and IHS funding have never met our full basic needs.

I wish to provide some general remarks about the budget process before going into my Tribe's specific needs. In that regard, we are opposed to ranking and prioritizing programs in Indian Country. It has always been difficult for me to state that one program's needs are more "critical" than the other, as lack of funding in one area can have a domino effect.

All programs are basic life critical necessities that historically have never been 100% funded. All TPA programs are a priority and essential to the overall livelihood of our tribal members and the operation of tribal governments. Accordingly, we suggest that the budget be "Needs Based".

In the current budget process, ranking one program over another simply becomes a series of tradeoffs. Tribal needs compete with other tribal needs. A Needs Based budget is fair and respectful to individual tribal government as opposed to a top down approach.

That said, and in conformance with the current budget process, I shall convey some of the most critical needs of my people.

- Health Care: The IHS is an important agency in securing the health and wellness of our tribe. It faces significant funding disparities, especially in per -capita spending between the IHS and other federal health care programs. It astonished me to learn that in 2014, the IHS per capita expenditures for patient health care services were only \$3,107, compared to \$8,097 per person for health care spending nationally.

As evidenced by the termination of CMS Medicare Provider Agreements in the Great Plains Area in general and specifically, at the Omaha-Winnebago Service unit, this underfunding likely contributed to a deadly result. In short, CMS Surveys conducted in April 2014 and May 2015 pointed out that deficient practices and medical errors, combined with ineffective oversight might result in serious harm, injury and death. The prediction of the CMS Survey's proved true: as a consequence of IHS' negligence, there have been five patient deaths at the Hospital since 2011- four of those deaths, since April 2014. This sad track record led to the unprecedented termination of the CMS Medicare Provider Agreement at our Service Unit in July of 2015.

In sum, for the government to truly fulfill the trust relationship to tribal governments, it must fully fund the IHS at \$29.96 Billion Dollars; moreover, we ask that IHS Contract Support Costs be fully funded and reclassified from discretionary to mandatory funding.

- Public Safety & Justice: It's unfortunate that because nothing has changed, in essence, I must repeat my testimony from last year. We still have inadequate law enforcement and court services on our reservation. With regard to our Tribal Court, it relies on grant-funded programs to meet core court functions such as clerical staff and probation services. The building that houses our court and incarceration facility is literally falling apart. We are so financially burdened that our judges have been forced to cancel scheduled court days in order to limit payroll expense. We do not have a full time bailiff, process server, or a child support clerk.

With respect to law enforcement, for at least a decade, we have lacked a dedicated criminal investigator. As a result, we lack the resources to investigate and ultimately prosecute in areas such as "white-collar crime", because any resources we have must be dedicated to crimes of violence. We also continue to wrestle with the issue of juvenile detention. Our detention facility is habitually overcrowded. On average it takes approximately 7-10yrs to establish additional funding for a Law Enforcement Program in Indian Country which indicates to our Law Enforcement that the population figures were based on those from the 1970's, at which time we only had 900-1100 tribal members residing on the reservation.

I strongly urge you to consider eliminating the competitive grant funding process and utilize Justice Department appropriations as base funding wherein our tribe and tribal court themselves may determine their own priorities. Like many impoverished tribes, we do not have the financial and human resources to employ experienced grant writers and thus lose out on funding to those who do. Relying on competitive grants is perilous, even when awarded. For example, currently, our tribal court is facing the end of a three-year CTAS grant period and will look to already stretched out tribal appropriation dollars for help.

We echo the National Congress of American Indians recommendations in general but especially with regard to creating a 10% tribal set-aside from funding for all discretionary Office of Justice Programs and ensure that those funds, along with tribal funds outside of OJP, are allocated as flexible base funding. Also, we must create a 10% set-aside for tribal governments from distributions out of the Crime Victims Fund. It's ludicrous that despite having the highest rates of crime victimization in the country none of these funds-which in 2016 amounted to more than 3 billion dollars-were distributed directly to tribal governments; instead, tribes are forced to rely on pass-through scraps from the State. Our tribe should b

able to ensure that tribal crime victims are able to access victim compensation.

- Education: Under sequestration, our most important education programs were reduced as was their efficiency and effectiveness. The 2011 National Indian Education Study found that Native students score significantly lower than their peers in reading and math in grades 4 and 8. A mere 18% of Native 4th graders and 22% of Native 8th graders scored proficient or advanced in reading and a dismal 22% of 4th graders and 17% of 8th graders scored proficient or advanced in math. What particularly saddens me as an Educator is that the graduation rate for Native students is 67%-the lowest for any racial/ethnic demographic group. But it's even worse for our BIE schools, wherein the graduation rate is a shocking 53% as compared to a national average of 80%.

The Great Plains Region possesses a high number of BIE schools. It is for that reason, and in the interest of time, that I urge this Committee to fund the FY 2017 budget funding increases over the 2016 levels in general and will focus on the BIE and tribally controlled school programs in particular. I advocate that the budget provide \$263.4 million for system-wide BIE school construction and repair; \$73 million for student transportation in the BIE system; \$78 million for tribal grant support costs for tribally controlled schools; 109 million for facilities operations; \$76 million for maintenance of BIE schools; \$431 million for the Indian School Equalization formula; and, of great importance to the Omaha Tribe, \$ 5 million for BIE language immersion programs. Finally, I request that you pay close attention to the request to reinstate \$620,000 for juvenile detention in BIA-funded facilities. This critical funding was used to provide educational services to detained and incarcerated youth at BIA funded detention facilities, but was cut off in FY 2012. I believe that one of the best ways to rehabilitate these kids is through education, and eliminating this program will result in additional costs by increasing the rate of criminal recidivism.

- General Welfare: The current funding for the Welfare Assistance Program does not come close to meeting the needs of my or any tribal community. Indeed, my Tribe's program has suffered from a substantial deficit from last year's funding and anticipate yet another year of shortfalls. For example, on the Omaha Reservation, we average approximately \$30,000 per month in requests for welfare distributions meaning we triage who is in more need of services: a vulnerable adult who is being financially taken advantage of by family; or, placing a child that was sexually abused by a family member; or, deciding if a family will receive financial assistance to ensure heat and food are available.

In short, we need to have the resources necessary to support our tribal families in need. The rate of unemployment on our Reservation is 69%. Nation-wide, 34% of Native children live households with incomes below the poverty line as opposed to 20.7% in the rest of the country. Our barriers are similar to those found throughout Indian Country, including geographic remoteness, a weak private sector, poor basic infrastructure and-as I stated earlier-poor law enforcement infrastructure. The General Welfare Assistance is for General, Emergency and Child Assistance programs. Funding should be increased by five million dollars for FY 2017.

- Transportation: With the help of BIA funding, we improved the surface condition of 70% of our reservation roads; ironically, however, due to the lack of maintenance funding, our road system is again deteriorating to the point of needing total reconstruction. This is a waste of federal funds. The government should fully fund road maintenance and not rely on the tribe's road construction funds to

perform road maintenance. In sum, the BIA budget for Tribes has been around \$26 million for 20 years; should be at about \$160 million per year. I respectfully urge you to review the Great Plains Regional roads maintenance budget, which shows needs that are extensively documented by deferred maintenance records.

- **Housing:** The health of our community rests on access to a safe and adequate housing infrastructure. Though progress has been made through the Native American Housing Assistance and Self-Determination Act (NAHASDA), Native Americans in general and people living on the Omaha Reservation still face some of the worst housing and living conditions in the country. The U.S. Census Bureau's 2006-2010 American Community Survey showed there are about 142,000 housing units in Indian Country, many of which lack utilities and basic infrastructure taken for granted in most communities outside of Indian Country. Approximately 8.6% lacks complete plumbing facilities; 7.5% lack a kitchen; and, 18.9% don't have phone service. 30% rely on wood as a heat source. It should shock the conscience to learn that about seventy percent of the existing housing stock in Indian Country-and certainly on my reservation-is in need of upgrades and repairs, most of them extensive.

The NAHASDA authorizes several programs and activities in need of additional funding. This includes but is not limited to the Indian Housing Block grant at not less than \$700 million; Indian Community Development Block Grant at not less than \$70 million; Sections 184 and 184A Guaranteed Loan Program at \$10 million; Title VI Guaranteed Loan Program at \$2 million and, NAHASDA's Training and Technical Assistance Funding at no less than \$4.8 million.

Because I bring these challenges to you, I pray that you hear the reality of the lives we the Omaha who live back in Nebraska are living with. I traveled here today because our needs are great, because I honor the opportunity to meet with the leaders of our United States, and because I too am a leader. Through all of this we are still Omaha, those that go "against the current", put our heads down and fight to get ahead, we are still strong today, and live together as a united people, enjoy our traditions, and our Omaha ways, share meals together, share our medicine in sacred circles and pray to the same God that you do.

In closing, the Omaha and many other Tribes are struggling to operate our BIA and IHS budgets, on the limited dollars we are provided, and our job is more difficult when we are forced to operate in these conditions. Continuing resolutions result in delayed awards, and delayed awards decrease the effectiveness of our programs and services.

Mr. Chairman, thank you for allowing me this time and this opportunity to speak.

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