

**U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies**

April 3, 2014

**Testimony of the Tribal Caucus of the Tribal Interior Budget Council for the Hearing on
American Indian/Alaska Native Programs**

Thank you for this opportunity to offer testimony today. I am Tex Hall, Chairman of the Mandan, Hidatsa and Arikara Nation, and I'm here as Tribal Designee of the Tribal Interior Budget Council (TIBC) Tribal Caucus. I'd like to thank you for holding this important hearing on American Indian and Alaska Native programs. The Tribal Caucus passed a motion that the Tribal Co-Chair would share recommendations of the Tribal representatives on the Bureau of Indian Affairs' (BIA) budget with this Subcommittee.

Background

The Tribal Interior Budget Council (previously the Bureau of Indian Affairs/Tribal Budget Advisory Council) was established in 1999 to facilitate Tribal government participation in the planning of the BIA budget and includes two Tribal representatives from each of the 12 BIA regions. The mission of the TIBC is: to provide an advisory government-to-government forum and process for Tribes and the Department to develop budgets that allow for the fulfillment of Tribes' self-determination, self-governance, sovereignty, and treaty rights, as well as sufficient levels of funding to address the needs of Tribes and their Tribal citizens. As Congress debates elements of various budget proposals for FY 2015 and beyond, leaders of Tribal nations call on decision-makers to ensure that the promises made to Indian Country are honored in the federal budget.

Bureau of Indian Affairs

Tribal representatives on the TIBC have presented testimony to BIA on the importance of increases for trust natural resources, public safety and justice, contract support costs, Tribal Priority Allocations, economic development, and education programs in the BIA, among others. For context, the Department of the Interior's current appropriations total would increase 2.6 percent, not including BIA, in the FY 2015 proposed budget. For BIA to match the increase for DOI's current appropriation level would require an additional \$69.2 million over FY 2014 enacted levels. So although TIBC recommends increases for specific areas within the BIA's budget, Tribal Leaders also urge support for the entire BIA/BIE budget in FY 2015. Tribal leaders have been clear that recommendations made to the BIA at the Tribal Interior Budget Council are not meant to be at the expense of any BIA line items. The BIA budget supports the self-determination of Tribes as well as upholds the federal treaty and trust obligations.

Major Initiatives: The Tiwahe (Family) Initiative would provide an additional \$11.6 million to expand Indian Affairs' capacity to address Indian child and family welfare and job training issues and implement processes to better sustain Indian families. Increases including, \$10 million to

build on social services and Indian child welfare programs that provide culturally-appropriate services toward health promotion, family stability, and strengthening Tribal communities; \$550,000 to expand job placement and training programs; BIA law enforcement would begin a pilot program to implement a strategy for alternatives to incarceration and increased treatment; and \$1 million to develop and institutionalize a program for evaluating social service and community development needs and to inform programmatic design, evaluation, management, and budgeting.

Tribal leaders through the Tribal Interior Budget Council have repeatedly called for increases to Social services and Indian Child Welfare Act (ICWA) funding. Case level standards in the Great Plains Region for child protective services and child and family case management fall woefully below recognized national standards. According to the Child Welfare League of America (CWLA) Standards of Excellence for Services to Abused or Neglect Children and their Families revised, 1999, the caseload standards for initial assessment and investigation recommend that there should be a maximum of 12 active cases per month per 1 Social Worker. The CWLA Standards of Excellence for Family Foster Care Services, revised 1995, recommend that foster family care, there should be a maximum of 12-15 children per 1 Social Worker. The CWLA standards represent those practices considered to be most desirable in providing services to children and their families. In the Great Plains Region, there is an estimated 40 cases per 1 Social Worker for some Tribal and BIA Child Welfare programs. Social Workers serving the neediest children in the country are overwhelmed. These overloads impair services provided, such as engaging families, assessing the safety of children at risk of abuse/neglect, providing case management, providing supportive services to the families, and assisting with working towards the goals of permanency and safety. Case Management extends to creating individual plans for each case and client.

Further, with the expanded responsibilities and closer scrutiny of Tribal social service program workers across Indian Country, an increase in funding for actual service workers is necessary. With the Tribal Law and Order Act (TLOA) and the increased case management responsibilities required for “burden of proof” for court cases and investigations has increased the administrative burden placed on Tribal social workers. This increased burden includes expanded case management responsibilities, increased coordination responsibilities with numerous social service agencies, including federal and state entities, and implementation of regulations and ever changing procedures regarding social service delivery.

Public Safety

TIBC has long requested increases for law enforcement, tribal courts, and detention. The budget requests a small increase for law enforcement, but actually a decrease for Tribal courts.

Tribal Courts: In the FY 2015 budget formulation process, Tribes in BIA’s Eastern Region identified increased case loads, outdated equipment and lack of court personnel from stenographer to judge as justification for needed funding increases. Resource shortfalls are consistently identified by Tribes as their biggest challenge in maintaining functional court systems. Tribes in the Great Plains Region need additional base funding to implement the mandates in the Tribal Law and Order Act of 2010. Moreover, if tribal courts implement the

Violence Against Women Act (VAWA) new jurisdictional powers over non-Indians in domestic violence cases, Tribal courts must also provide the same constitutional due process requirements mandated by the TLOA. However, it is not feasible for Tribal courts to protect their Tribal members from domestic violence, nor deter methamphetamine and heroin drug trafficking on their respective Nations without an increase in base funding for Tribal courts.

There are substantial population increases of outsiders seeking employment on Reservations in the Great Plains Region. The Region is currently experiencing unprecedented violent criminal activity and recent upsurges in drug trafficking. The Great Plains Region is in a crisis level drug epidemic that has overtaken a substantial part of North Dakota that has put a direct strain on Tribal judicial systems.

The alarming effects of drug trafficking and the unprecedented rise of drug related crimes in the Great Plains Region are having destructive impacts on the social and cultural fabric of the Nations. For example, one particular Tribe's criminal caseload has quadrupled from two years ago. Thousands of criminal cases, in the Great Plains region, were dismissed due to failure to prosecute because of the lack of prosecutorial and support court staff. A Tribe in the Great Plains Region reported having to dismiss 5,000 criminal cases and continues to have a current criminal caseload of 3,700.

Aid to Tribal Government

TIBC has also requested increases for the Aid to Tribal Government (ATG) program, which is used by the Bureau to provide technical assistance to tribal governments and tribal organizations, enhancing their ability to successfully contract Bureau programs. However, the President's budget requested a decrease for ATG. ATG efforts support the goal to foster strong and stable tribal governments, which empowers them to exercise their authority as sovereign nations.

Program assistance is provided in such areas as policy matters, administrative processes, judgment awards, Tribal membership rolls, Secretarial elections, approval and monitoring of Tribal attorney contracts, comprehensive planning and priority setting, and economic development initiatives. As prioritized by the respective Tribes, funds are used to provide staff at the BIA agency office, or hire staff under a Tribal Indian self-determination contract to perform Tribal government services at the Tribal and agency level. Support provided includes research and preparation of Certificate of Degree of Indian Blood forms, review of Tribal resolutions to ensure compliance with Tribal constitutions, liquor ordinances, proposed governing documents requiring action by the BIA line officials, preparation of membership rolls for special elections or for per capita distributions, and administration of special elections per 25 C.F.R. 81.

Bureau agency and regional staff meets with Tribal enrollment offices or committees on enrollment and disenrollment matters and appeals. In some cases, Aid to Tribal Government funds directly supports the activities of the Tribal contractors or Tribal officials in carrying out contracted activities on behalf of the Bureau and the Tribe. In support of Indian self-determination, the Bureau provides training and monitoring assistance to Tribal governments in the assumption of new programs and the operation of existing contracted programs.

Roads Maintenance

In FY 2014, the funding level for Roads Maintenance was \$24 million. This activity is funded through the Tribal Priority Allocations (TPA) process. The budget for Roads Maintenance has been in the mid-\$20 million range for 20 years. Tribal leaders accompanied by Tribal transportation technical staff gathered at the Tribal Transportation Reauthorization Unity Summit in Denver, Colorado on February 25-27, 2014, to exchange perspectives on Tribal needs and opportunities. The Tribes at that Summit supported an annual budget for the BIA Road Maintenance Program of at least \$150 million. The current level cannot meet the maintenance backlog of Tribes. Snow and ice control can take up to 50 percent of an annual budget. Tribes feel that the government should fully fund road maintenance and not rely on the Tribe's road construction funds to perform road maintenance. Federal Highway Administration construction dollars are supplemental, not in lieu of Tribal Priority Allocations. The Roads Maintenance Program is responsible for the maintenance of 29,500 miles of BIA-owned roads and more than 931 BIA-owned bridges constructed under the Indian Reservation Roads (IRR) program in Indian Country.

Contract Support Costs

The requested amount for Contract Support Costs will fully fund estimated FY 2015 contract support costs, according to BIA based on the most recent analysis. TIBC has always recommended full funding for CSC and commends the Administration for requesting full funding for Contract Support Costs in FY 2015. Tribal Grant Support Costs for BIE Tribally controlled schools and residential facilities should also be fully funded. Tribal Grant Support Costs (formerly referred to as Administrative Cost Grants) funding is provided to the schools to cover administrative and indirect costs incurred in operating contract and grant schools. In SY 2012-2013, tribally controlled grant schools received an estimated 64 percent of the grant support funding needed as defined by the administrative cost grants formula.

Conclusion

Thank you for the opportunity to share these views with the Subcommittee. The needs in Indian Country are great and we thank this Subcommittee in particular for working in recent years in a bipartisan manner to honor the agreements made between our forebears.