S. HRG. 106–8

FISCAL YEAR 2000 BUDGET

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

ON

OVERSIGHT HEARING ON THE PRESIDENT'S BUDGET REQUEST FOR INDIAN PROGRAMS FOR FISCAL YEAR 2000

FEBRUARY 24, 1999
WASHINGTON, DC

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FISCAL YEAR 2000 BUDGET

WEDNESDAY, FEBRUARY 24, 1999

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:05 a.m. in room 485, Senate Russell Building, Hon. Ben Nighthorse Campbell (chairman of the committee) presiding.

Present: Senators Campbell, Murkowski, Domenici, Inouye, Conrad, and Dorgan.

STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SENATOR FROM COLORADO, CHAIRMAN COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. Good morning. The committee will come to order.

This morning the committee will receive testimony from Federal and tribal witnesses on the President's fiscal year 2000 budget request for Indian programs.

Before we begin, I would remind everybody that we have been scheduled to have two votes, back-to-back, at 9:45, so we will be taking a one-half hour break about that time when we get the call to vote.

I would also tell everyone who is testifying that under the new committee rules, we now require testimony to be submitted 72 hours in advance, and also on computer disk. So under the rules, this committee can disallow oral testimony from any witness who hasn't submitted written testimony. So we want to remind people that if they testify at future hearings, make sure we have your testimony on disk.

While we welcome the increased funding for Indian programs that is in the President's budget, many of our committee members—including me—believe there is still more to be done. There are increased requests for the BIA, for the Indian Health Service, for law enforcement, for education and educational construction, trust management, and other accounts. Funding is a critical component of any strategy for improving the lives of Indian people, but this Administration needs to focus on what works, and expand that concept.

The flexibility provided by the TPA mechanism, the 477 model the administration of Native Americans, and the 638 and self-governance models all should be expanded. They have been proven winners in Indian country and in some instances, such as the 477 model, they do not involve additional funds.

We will hear from our witnesses as to the dollars contained in the request, and we hope to emphasize the following, that we need accurate data on needs and agency performance; interagency coordination to make better use of the existing dollars; and dedication to business and community development.

I will submit the remainder of my statement for the record.

[Prepared statement of Senator Campbell appears in appendix.]

The CHAIRMAN. Senator Inouye will be along shortly; he is detained for a few minutes, but since we will have to take a break, we're going to get right to it.

With that, I would like to call the first panel. I notice that Kevin Gover isn't here yet, but we will go ahead and start with that panel, and fit Kevin in when he comes in.

The first panel will be Kevin Gover, Assistant Secretary for Indian Affairs; Michel Lincoln, Deputy Director of the Indian Health Service; Jacqueline Johnson, Deputy Assistant Secretary for Native American Programs; and Tom LeClaire, Director of the Office of Tribal Justice.

So if the first panel would take their seats, we will just go ahead and start with Mr. Lincoln and proceed.

I would also like to remind folks who haven't testified before this committee that we do use a timing device. These little lights will go off; you are in great shape if you're in green and yellow, but unlike the stop lights in DC, yellow doesn't mean go faster; it means begin to slow down.

So with that, Mike, if you would go ahead and proceed?

STATEMENT OF MICHEL E. LINCOLN, DEPUTY DIRECTOR INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, ROCKVILLE, MD, ACCOMPANIED BY ADMIRAL GARY HARTZ, ACTING DIRECTOR, OFFICE OF PUBLIC HEALTH; AND CRAIG VANDERWAGEN, DIRECTOR, CLINICAL AND PREVENTIVE SERVICES

Mr. LINCOLN. Thank you, Mr. Chairman. It's a pleasure to be here and we appreciate the committee holding a hearing on our budget in Indian country and in the Indian Health Service. We have submitted testimony for the record and we would appreciate if that could be made a part of the record.

The CHAIRMAN. Your complete testimony will be included.

Mr. LINCOLN. I would like to just summarize in three or four minutes, Mr. Chairman, some additional points. First of all, as we have formulated this budget, working in I think a very good partnership with tribal governments, with our Department, and with the Office of Management and Budget [OMB], we are very pleased this year to bring forward this kind of budget to the committee for the Congress to consider. I would like, though, to frame our budget request in a manner that will illustrate not only how these funds would be used, but would illustrate what continuing need exists within Indian country for health care services and preventative health services.

Indian people throughout the United States continue to have mortality rates that are in excess of non-Indian people. For chronic liver disease and sclerosis of the liver, Indian people continue to suffer mortality that is four times the national rate. Accidents or

injuries as a result of automobile collisions and other accidents is approximately three times the national average. Diabetes is approximately three times the national average. Some 13 percent of all Indian deaths that occur out in Indian Country are to individuals under the age of 25—13 percent under the age of 25—as compared to 4 percent for the same age group. In addition, the alcoholism death rate for Indian people who are between the ages of 15 and 24 is over 17 times the comparable rate for non-Indian people in this country.

It is with this kind of information that tribes at the local level working with Indian Health Service, working with Indian organizations that exist within these local levels, and working with our area offices have assisted the agency in formulating this budget. I cannot over-emphasize this relationship that is evolving locally, in the region, in our area offices, and nationally. As a matter of fact, this particular budget that has been submitted was, in its original form, discussed with tribal leadership, with Department of Health and Human Services, and the tribes through formal resolutions of the National Indian Health Board, the National Congress of American Indians, the Self-Governance Advisory Committee, the National Urban Indian Health Council and they have all endorsed the Secretary's original submittal for the health services budget this year.

I would like to just briefly indicate to the committee that this budget takes a very significant step in restoring the access to health services that has slowly eroded away over the last one-half dozen to a dozen years. This budget makes a significant step in increasing access for health services for Indian people and we believe, if adopted by the Congress, will stop that erosion. In addition, it also proposes to reduce the health disparities that exist between Indian people and the United States in general. That's why I wanted to relate to you those statistics at the start of this hearing.

We must do both. We must restore access, preserve the program that is in place, that program operated by tribal governments, by the Indian Health Service itself and by urban health programs, and at the same time, we must focus on the most important, critical health problems. Our budget we believe starts that process and does both of these things.

We have increases proposed for women's health care, dental, mental health, alcohol and substance abuse, contract health services that are sorely needed throughout Indian country, for information and telecommunications systems, public health nursing. We have a reduction that is being proposed for community health representatives. Increases we requested for an Indian care improvement fund. Funds to improve the health database for urban Indian people, and then funds significantly have been identified for addressing injuries through our environmental health program, and we have proposed funding for health care facility construction that is quite significant this year. Indeed, the health facility construction program is being targeted on Fort Defiance Hospital in Arizona, the Parker, AZ health center, the Red Mesa, Arizona health center, and a Pawnee, Oklahoma health center. In addition, there is some additional funds identified for mobil dental units. And perhaps most significantly, there is $35 million being proposed to ad-

dress contract support costs, and I know that is a particular concern to this committee.

Mr. Chairman, I appreciate the opportunity to appear in front of the committee. I have with me today Dr. Craig Vanderwagen, who has been a long-time worker on behalf of Indian health care, and Mr. Gary Hartz, who is a Rear Admiral and an engineer, who has also been involved with Indian health care over a number of years. Thank you very much.

[Prepared statement of Mr. Lincoln appears in appendix.]

The CHAIRMAN. Thank you, Michael.

I think we'll just go ahead through the complete committee before we ask some questions. Did you have a statement first, Senator Conrad?

Senator CONRAD. I do, Mr. Chairman. Maybe I could put the full statement in the record.

The CHAIRMAN. Without objection.

STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM NORTH DAKOTA

Senator CONRAD. But if I could just make a brief statement. I understand that Mr. Gover is hung up in traffic. Anytime it snows a little bit here in Washington, it's not like North Dakota, people have a hard time getting it together. So we understand that.

In looking over the budget submission, let me just say I think this is the best budget submission from an administration I've seen in the 12 years I've been in the Senate. I am encouraged. Usually I leave these hearings discouraged. But I must say, for the first time this is a budget that's moving in the right direction. Now, that's not to say more doesn't need to be done, because I think all of us who are aware of what's happening in Indian country fully understand more needs to be done. When you've got a circumstance in which the health statistics for Native Americans are as dismal as they are—Native Americans are 5.3 times as likely to die of tuberculosis, 4.4 times as likely to die of chronic liver disease and sclerosis, nearly 7 times as likely to die of alcoholism, 3.3 times as likely to die of diabetes, 3 times as likely to die in an accident, nearly twice as likely to commit suicide—these are signals; they are more than statistics. They tell us a story that is absolutely critical we respond to.

Mr. Chairman, with respect to the Indian Health Service, I am pleased to see the kind of increase the administration is proposing. I hope very much as we go through this congressional session that our colleagues will support this increase.

We've got many other parts of the budget that are of great priority for Indian country, such as law enforcement—I think the recent Washington Post story put this in perspective; Mr. Chairman, it was really startling the way they put it. A recent Washington Post story said that there are 1,600 BIA police and uniformed tribal officers patrolling 56 million acres of Indian land in the lower 48 States, serving 1.4 million people. So that's 1,600 serving 1.4 million people spread over 56 million acres of Indian lands. In the District of Columbia, which has about one-half as many people, there are approximately 3,600 police officers. It is no wonder that the recent study showed that Native Americans are twice as likely to be

victims of crime as other Americans. It's absolutely critical that we respond to that as well.

I see that Secretary Gover has arrived, so I am just going to truncate my remarks. But I was especially pleased to see the increase for tribally-controlled community colleges. That is something I've pushed for, I know many members of this committee have pushed for, and we very much welcome the increase for tribally-controlled community colleges.

On a final note, before I turn it back, Mr. Chairman, is school construction. I have discussed on many occasions before this committee the conditions that I witnessed at Standing Rock Sioux Reservation in North Dakota. Secretary Gover has been to North Dakota, has seen the circumstances there first-hand. It is absolutely critical that we deal with these construction shortfalls. I'm very pleased to see the increase in this area. But I think all of us here know more needs to be done. I just had three students visit me from the community school at Standing Rock and they are asking one thing. They don't want to hear about budget plans; they don't want to hear about all this Washington talk; they want to know when their school is going to be fixed. That's a pretty simple question and the answer ought to be it's going to be fixed now.

And so it is absolutely essential that as we go through this process this year, we find not only in this budget, because this budget is not going to solve the problem, if there's another way to get school construction money out across Indian country; otherwise the $740 million backlog is going to take all of our natural lives to get addressed. So it is absolutely essential there be an additional way of getting school construction money out there. Thank you, Mr. Chairman.

[Prepared statement of Senator Conrad appears in appendix.]

The CHAIRMAN. Thank you.

Senator Domenici, Assistant Secretary Gover and Mike Lincoln I guess have another commitment shortly after this. Did you have any comments before Assistant Secretary Gover proceeds?

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Senator DOMENICI. Mr. Chairman, first, I commend you for having the oversight hearings.

Secretary Gover, my comments with reference to Indian school construction are not directed at you, because I believe you have tried mightily to get more money put into Indian school construction. But I would say it's been at least 3 years that a number of us, including Senator Conrad, have focused in on the terrible deficiency in school construction money and, frankly, we even asked the President to put forth a five year budget plan to eliminate the backlog. It is in the appropriation process. He didn't have to do that, but it seemed like a reasonably good suggestion. It was ignored and $39 million was added to the Indian construction program. I just want to say this administration dropped the ball.

What we ought to have is between $125 and $200 million per year for 5 years and give the Indian children of this country schools equivalent to what the rest of the people have. It's just plain simple. Before we talk at the Federal level about paying for schools

across this land, we ought to pay for the ones that are our singular responsibility. Nobody is going to pay for these schools, right? The rest of American education is being paid for by counties, cities, States. But it is either us or nothing. So I hope we can do better. And I don't think the bonding program is going to work for the Indian schools. If it does, I'm excited and thrilled. It would give us another $30 or $40 million a year, but I don't see how it will work.

I want to move on the positive side. On the Department of Justice, you've done some exciting things. And I agree with Senator Conrad, I heard the end of his remarks, clearly, we need law enforcement in a big way, and you are starting down that path.

And then if I'm not here for questioning, I just want to ask the BIA to tell us whether the hospital in Gallup, NM which has been running a deficiency and we've had some announcements about it not having enough money, I just want to know which is the true case, are they okay, or are they not. That's Indian Health Service, excuse me. Is Indian Health Service here? There he is. Okay. I'd like to know that and if you can answer it for the record, I would appreciate it.

Thank you, Mr. Chairman.

The CHAIRMAN. All right. We will go ahead and proceed with Assistant Secretary Gover.

STATEMENT OF KEVIN GOVER, ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Mr. GOVER. Thank you, Mr. Chairman. My apologies for walking in late. There is apparently a foreign Head of State in town and that can complicate traffic coming from my part of the city.

Let me just followup directly on what Senator Conrad and Senator Domenici have said. This was an issue that both Senator Domenici and Senator Conrad raised with me when I was nominated for this position, and we have tried very hard to persuade the authorities that this is a dreadful situation. The United States is responsible for only two school systems, directly responsible: the DoD schools and the Indian schools, the BIA schools. I haven't seen any of the DoD schools but my guess is they're in much better condition than ours are. I can't account for that.

I think it required many years to get into the very bad situation with these schools and, unfortunately, the problem continues to grow. Just as any time you leave a problem, it does get worse, not better. So we're no longer talking about $740 million, we're talking about over $1 billion in needed construction.

Now we can take a number of administrative steps to try to do better with the money we get, and I think we're doing that. So, for example, our people at our facilities management and construction center have done a fantastic job of overhauling the way we build those schools so that the time for building a school has been cut from 7 years to 3 years. They deserve a lot of credit for that. But the problem is they can't build schools without money and that's the bottomline.

So we will continue to try to find new ways to deal with this. We are, by the way, going to develop this year a new priority list for your consideration. We're at the point where we're now in the 7th

year of a 16-school priority list. We have to develop a new one this year in order to be prepared if and when we are able to get funds for school construction.

Now the proposal this year reflects basically that education is one of our three priorities. We've asked not only for more funds for operation of the Indian schools, but for money for additional construction. Our proposal is difficult in a couple of respects. One is that it does require new authorizing legislation. In order for this new bond proposal to work, it requires the Finance Committee and the Ways and Means Committee to act on the President's proposal that tax credits be offered as the interest on these kinds of bonds.

Now were that to happen, there is money in the budget that would support about $100 million in construction in that there is money there that basically we would use to set aside to pay off the principal at the end of 15 years. And that $30 million that is in our budget would support we believe $70 to $75 million in construction. So if the stars aligned and all of this happened, that's $100 million in 1 year, which is now one-tenth of the absolutely necessary construction need that we have. So it is, at best, a beginning to the resolution of this problem.

Let me mention two other priority areas. Law enforcement is another priority. We are asking for an additional $20 million this year. The statistics that the Justice Department has produced are actually not surprising to Indian people. Everybody knows that reservation life is dangerous. It only confirms what I think many of us already knew, which is that being an Indian on an Indian reservation is dangerous. It is just dangerous to be a reservation Indian. Again, $20 million is one of those things where it's not enough, it doesn't solve the problem. But if we can continue to add money to the law enforcement program over the years, and with the excellent assistance we're receiving from the Justice Department, we can put a number of new officers into these communities and begin to address this problem.

The third priority, and one that unfortunately got my name in the papers yesterday, is trust. We are asking not in the Bureau of Indian Affairs [BIA] but in the Office of the Special Trustee for an additional $50 million to address the entire trust overhaul. Now this would be the second year of the implementation of the Secretary's Trust Management Improvement Program. That money is absolutely necessary if we're going to clean up the records that are scattered literally from one side of the country to the other. So those, Mr. Chairman, are our three priorities.

Let me just mention a couple of other more modest requests that we're making. One is for the tribal community colleges. I'm a big believer in these colleges and I'm so impressed every time I see one of them. They are doing incredible things with very, very little support from the United States. They are one of our most effective programs. We know that once a person goes to one of these colleges and gets their associate degree that their employability rises dramatically and that, in fact, most of the people who go to these schools end up with jobs even in communities where jobs are very scarce. So they are little islands of hope and excellence in some very downtrodden communities.

And then, finally, on the issue of contract support, which we will be addressing in the other body later today. We have asked for an additional $6 million. That would bring us up to approximately 86 percent of what we owe on an annual basis to the tribes. Contract support is money we give for the tribes to meet the costs that they incur from taking over responsibility for our programs. Over the years, we have fallen behind in our obligations in this regard. That has resulted in legal liability to the Bureau. The Congress has seen fit to immunize us from further liability, but it doesn't really address the problem that we've never quite gotten to where we need to be with contract support.

So we are on a program to continue to increase the contract support for the tribes because, in the end, contract support is what will make the self-determination and self-governance policies real. We have to make it viable for the tribes to take on these programs because what we know, and this is one of the ironies of BIA, is that the more money we get, the smaller the agency gets. That's been demonstrated over the years. The agency now has something like 55 percent of the employees that it had 16 years ago and that's because the tribes are contracting. So when a tribe contracts, our employee requirements go down because those become tribal employees. So for those who are anxious to see the BIA get smaller, the way to do it is to give us more money so that we can get more tribes to contract these programs and contract support is a critical element of that.

So, Mr. Chairman, those are the items we wish to bring before the committee. We've submitted a full statement that describes in more detail these matters. And we thank the committee for its interest in this.

[Prepared statement of Mr. Gover appears in appendix.]

The CHAIRMAN. That's an interesting concept that when we put more money into an agency it gets smaller. That's unusual around here.

Let me just associate myself with the comments that Senator Dominici and Senator Conrad said about education. I taught for over a decade and I can tell you, as most former teachers know, youngsters, through no fault of their own, can't learn if they're cold and shivering, if haven't had enough food in the morning, and if they're not safe. They're not motivated. So I recognize we've got a long way to go in bringing tribal schools up to the level that the youngsters in the outside enjoy. I know that Senator Dorgan and Conrad both have really been very vocal about that and I think all of us on this committee are very supportive of that.

I might also remind you since you did say something about the trust funds, we will be doing a joint hearing next week, the Energy Committee and this committee, on the trust funds. If you are coming over, you might want to do your homework.

Mr. GOVER. We will be prepared.

The CHAIRMAN. Okay.

And we will now go ahead with Ms. Johnson.

STATEMENT OF JACQUELINE JOHNSON, DEPUTY ASSISTANT SECRETARY FOR NATIVE AMERICAN PROGRAMS, OFFICE OF PUBLIC AND INDIAN HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, WASHINGTON, DC

Ms. JOHNSON. Thank you, Mr. Chairman and members of the committee, for allowing us to be here again today and for your continued support for HUD's goals, priorities, and legislative initiatives.

In HUD's budget this year, we have maintained the $620 million for the NAHASDA grant program, which is $20 million more than it was in 1998 and it is the 1999 appropriations level. In addition to that, we still are requesting $5 million for the NAHASDA Title VI Tribal Housing Home Loan Program, and $6 million for training and technical assistance activities, and, again, we're asking $6 million for the 184 Loan Guarantee Program.

Two other new programs that HUD has that tribes are now eligible for, and that is the Welfare-to-Work Vouchers and also the Rural Housing and Economic Development Program. We have been working very closely with those agencies within HUD who have those programs to ensure that tribes will be very competitive in those processes to be able to get that.

One of the main things that we've been dealing with this last year, of course, is implementation of NAHASDA. The rules were published in March of last year. As of this point, last year we had 95 percent of the eligible tribes participate in the program which is a tremendous increase even over what we expected.

This last year, one of the things that we spent most of our time on is just the implementation as far as retooling the organization of HUD ONAP to be able to meet the new challenges of NAHASDA and to be able to provide the assistance that the tribes need to be able to implement NAHASDA. Some of those tools that we have dealt with is the restructuring of our office to create a new office which is about monitoring and oversight. And within 90 days we will have our business processes in place for our risk management assessment to be able to identify tribes early in the game before they get into trouble to be able to provide them the technical assistance to ensure that they continue to be able to receive their NAHASDA funds and move forward on their vision of what their housing goals are for their particular community.

In addition to just the implementation of NAHASDA and the technical assistance that we are putting together for the next 2 years, we have spent a great deal of time on two other initiatives that I would like to tell you about. One of them is the President's "one-stop mortgage" initiative, which is really trying to get all the agencies working together and the private sector and the tribal governments to try to reduce the barriers to lending in Indian country as far as mortgage lending. We believe that the success of NAHASDA will be placed upon how many opportunities that we have to leverage and how well tribes take those opportunities and bring in other private sources of funds. And so we are working very aggressively on the one-stop mortgage initiative and expect to have a report out shortly on our implementation plan of how do we reduce those barriers.

In addition to that, Secretary Cuomo has had some recent trips out to Indian country and has become very committed to the Indian country issues and housing issues. More than just the one-stop mortgage initiative, he wants to make sure it happens. So he has selected Pine Ridge, as you know, as one of the most neediest communities in Indian country to see if we can't create models there to bring in the private sector and models to use NAHASDA funds and other funds and other agencies coordination to be able to make affordable housing products work much better. Those models will be things that will be replicated in other communities in other tribal areas. We are having a summit in Chicago in March which really talks about these models that we're creating and trying to share aggressively with Indian country about promoting private sector financing and interagency coordination.

So with that, I would like to thank you for this opportunity to appear before you today, and for your continued support for the Indian housing programs.

[Prepared statement of Ms. Johnson appears in appendix.]

The CHAIRMAN. Jackie, thank you for appearing. I know that when Secretary Cuomo finished his tour he said that he believed that Indian housing was "the worst in the Nation," and it probably is. So it rather surprised some of the committee members that there is a complete freeze in the President's budget on housing spending. So I would hope that there's a change of heart on behalf of the White House.

Senator Inouye, did you have any comments before we go to our last witness here?

Senator INOUYE. No comments, Mr. Chairman.

The CHAIRMAN. Senator Dorgan, did you have anything?

Senator DORGAN. I have nothing at the moment, Mr. Chairman.

The CHAIRMAN. Okay. Senator Murkowski, did you have any comments before we go to our last witness?

Senator MURKOWSKI. Mr. Chairman, I am terribly disturbed by the inability of the Department of Interior to proceed with the requirements to provide the information pertaining to Indians on the land issue, and I think we better hold up any land transfers that have been requested until we get this thing resolved. I am very, very concerned and I intend to pursue it.

The CHAIRMAN. I mentioned to the Under Secretary that we will be holding a joint hearing on that next week in fact.

And with that, we will go to the final witness on this panel, Mr. LeClaire.

STATEMENT OF THOMAS LECLAIRE, DIRECTOR, OFFICE OF TRIBAL JUSTICE, DEPARTMENT OF JUSTICE, WASHINGTON, DC

Mr. LECLAIRE. Thank you, Mr. Chairman and members of the committee, for inviting the Department of Justice to address the committee today on our efforts in Indian country. We would like to have our full written statement submitted for the record.

The CHAIRMAN. Without objection, your entire statement will appear in the record.

Mr. LECLAIRE. As part of that, Mr. Chairman, we would also like to submit the Bureau of Justice Statistics Report dated February

1999 that Senator Conrad mentioned in his opening remarks. I think it would be an important part of this committee's review.

The CHAIRMAN. Without objection, that will be included in the record.

Mr. LECLAIRE. Just to give a very brief background on where we came from to illustrate where we are today. Back in August 1997, as the committee knows, the President directed the Departments of the Interior and Justice to take an examination of criminal justice and law enforcement in Indian country. Coming out of that review, the executive committee that reviewed that issue, along with Federal officials and tribal leaders, found that there were several areas that simply needed immediate improvement, those areas where we needed better coordination between the Department of the Interior and Department of Justice, specifically the Bureau of Indian Affairs, on what we were doing in Indian country with respect to law enforcement and criminal justice.

We found, as Senator Conrad pointed out, we found that there was a woeful shortage of police officers in Indian country, perhaps in the area of over 2,000 more officers were needed to put Indian country in the same standing as the rest of rural America. We looked at detention and frankly, I think the only word you can use for it is abysmal. The detention facilities are substandard and the number of bed spaces that we need are not being met by the current facilities that we have. Tribal courts are handling an enormous caseload with very little resources and are doing a wonderful job with the limited resources that they have. We also needed preventative programs because we have a growing gang problem, as you all know. We also found that alcohol and substance abuse was an important area that needed to be addressed because at the core of violent crime we saw alcohol and substance abuse repeatedly playing a role.

As a result of that, the Department of Justice asked for a budget of about $157 million in fiscal year 1999. We received roughly about $90 million, and it broke up in the areas primarily where we saw these deficiencies—police officers through our Cops Program, detention construction, tribal youth programs, tribal courts, and additional FBI investigative resources.

We also began working very closely with the BIA particularly in the area of training, because training for police officers we saw was very important, not only the numbers of police officers but the quality of the law enforcement services which were occurring in Indian country needed to be increased, professionalism needed to be increased, the management of those resources had to be changed. And we commend the Bureau of Indian Affairs for in a very short time grabbing hold of that problem and making some fundamental changes which were not easy to do. And we continue to work with them on those issues.

For our fiscal year 2000 budget we're asking $124.2 million. Again, that breaks up in the areas that we've seen as problems. We're asking for $45 million for the Cops Program. That's a short-term solution; we need a much longer-term solution ultimately, that is, we need more base funding through the BIA to help them fund police officers long-term. Tribes are going to have difficulty continuing the funding of those police officers when those COPs

grant programs expire. We're asking for $34 million in detention contruction. We need substantially more money than that. Our vision was to have 4 years of funding at approximately $50 million through the Department of Justice. Even $200 million would not correct the deficiencies that we have now, although it would go a long way toward making things better. And we need more money for tribal courts. We're currently asking for $5 million but they could well use 10 times that amount, as this committee knows. And we also need more funding for U.S. attorneys. We're asking for 26 new positions along with 10 support staff.

This reflects an overall global view of the criminal justice problem in Indian country. As we increase the law enforcement presence on the reservations, it clearly has a ripple effect in all other areas of the criminal justice system and we're trying to address that globally as well as looking at one of the basic underlying problems, which is economic development. It is not a primary area for the Department of Justice, but we certainly see economic development as an important part of reducing the violent crime in Indian country.

Thank you very much, Mr. Chairman.

[Prepared statement of Mr. LeClaire appears in appendix.]

The CHAIRMAN. Thank you.

We are going to have to run for a vote in another 15 or 20 minutes. I want to give my colleagues a chance to ask some questions, so I am going to submit most of mine in writing to all four of you and if you could respond to those, I would appreciate it. But let me ask you just maybe one question each.

First of all, since you spoke last, Tom, I understand there are going to be some pilot projects, I heard there were going to be three pilot projects on reservations this year that will come through Justice funding for new jails or justice centers. But I also understood that the cost of that somehow would be offset by changing the TPA or something. Can you elaborate on that a little bit for the committee how that would affect TPA if we do those pilot projects? And where they're going to be, if you know.

Mr. LECLAIRE. I'm not sure that any of our pilot projects will necessarily affect TPA. It may have an impact on TPA because of the funding but it won't be taking from the TPA. Our pilot projects are really a subset of the law enforcement initiative and the funding that comes under that would be used particularly in the pilot projects of which you speak.

I think those are really concentrated efforts to try and build capacity in three specific sites. The idea is to take what we learn there in the small areas and apply it to the larger initiative. Where we do things well, we want to use those; where we think we have not been as successful, we want to eliminate them.

The CHAIRMAN. Have the sites been fixed yet, the three sites?

Mr. LECLAIRE. Those sites are still under consideration. We haven't fixed them yet but I expect to shortly, and we could probably inform the committee as soon as we do that.

The CHAIRMAN. Okay. Thank you.

Along that same line, Mr. Secretary, as we've talked in the past and I think as most of our committee believes, one of the ways of reducing crime on the reservation is to do more with youngsters

since a lot of the crime on the reservation now deals with youngsters. We've seen this terrific rise in gangs in reservations, particularly if they're near metropolitan areas where they've sort of migrated out to the reservations, and I'm sure you're aware of that.

I just wanted to make you aware that we want to do our best and I hope you're willing to work with the committee to develop some kind of initiative involving youngsters, whether it is through athletics or Boys and Girls Clubs or some other way. I know there have been a number of programs that have been started by interested people and they've had some great success with it. But I would hope that you would commit yourself to that.

Mr. GOVER. If I may, Mr. Chairman, we are doing everything—well, not everything that we can, but we are doing some interesting things with basically doing what we can with volunteers. For example, we've agreed with the Boys and Girls Clubs that we will establish 30 new Boys and Girls Clubs at BIA schools. And so it's great to be working with the private sector on this.

We're also looking to conduct a 1999 Youth Summit in Denver, CO this summer, Mr. Chairman, and we will be asking the members of the committee to participate in that.

The CHAIRMAN. If you can give us the dates, I'm sure some of the members will be happy to attend.

Mr. GOVER. That will be June 2–4. We're involved a number of various organizations. There are many good organizations doing extremely good work on their own with Indian young people, and so we're trying to bring all of those people together with the right Government officials as well as with the children themselves to talk about strategies for how to make life better for these young people.

The CHAIRMAN. Okay. Thank you.

Dr. Lincoln, the tribal 638 contracts have come under some fire. I thought they were working pretty well. Could you give us your view on the tribes' ability to carryout the functions of those contracts in a cost-efficient manner, because that seems to be where it's drawing some fire.

Mr. LINCOLN. I appreciate the question. From our perspective, to be quite frank with you, we believe the tribal contracting under the Indian Self-Determination Education Assistance Act is going well. As we look at the way the Joint Commission on Accreditation of Health Care Organizations evaluates hospitals and clinics throughout this country, what we're actually seeing is that the grid scores, the score that this national accrediting body gives these clinics whether they're operated by the Indian Health Service or tribes or in the private sector, we're seeing those scores actually go up in some instances, but they're definitely not going down. And so the quality of care that is being provided in these programs we believe is appropriate.

Tribal contracting, as the Assistant Secretary was describing, the contract support costs associated with that contracting is a legitimate cost and we believe the statutes passed by the Congress calls for these costs. We believe that the indirect costs, in particular, and the other contract support costs are appropriate given the nature of the responsibilities that a tribal government has when it takes over a program from the Federal Government. The average indirect

rate that we're noticing over the years has hovered around 23 percent. It moves up and down, but basically that doesn't appear to us anyway to be unreasonable.

The CHAIRMAN. Okay. I thank you. I have no further questions at this time.

Senator Dorgan had kind of deferred his opening statement until you had finished your comments before we go to questions from other members. So, go ahead, Senator.

STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA

Senator DORGAN. Mr. Chairman, I will just be 1 minute. I did want to say that while I came just a few minutes late and missed the presentations by you, Senator Conrad, and Senator Domenici, I know that I share the expressions that you undoubtedly made with respect to education and other matters.

I wanted to say that I think we have a full-blown emergency on reservations in the area of housing, health care, and education. I want to just read a letter from Phil Stevens, about three paragraphs very quickly, who works on Operation Walking Shield, a man with whom I've worked over the years to try to move surplus military housing that otherwise would have been demolished to the Indian reservations where it is desperately needed. But let me read a couple of paragraphs from his letter.

Now this was written January 6.

Sara Swift Talk died needlessly on the Rosebud Sioux Indian Reservation in South Dakota. She froze to death. On the night of January 2, it was truly a dreadful night for that family. They had run out of propane to heat their house, they had no wood for their wood stove, and though they tried desperately to find some wood, they didn't meet with success.

The Swift Talk house is one of 100,000 terribly substandard houses that exist on our reservations. The house had only thin plastic sheeting covering two large openings where windows were supposed to be. As night fell and the temperature plummeted from 16 below to 45 below.

That's below zero.

Sara's daughter and son-in-law, who live in the same house with their six children, put two blankets on Sara in an attempt to keep her warm. The mother then took the other two blankets they had and placed them over her six children who were huddled together on the floor where she and her husband would also sleep. Since there was only one cot in the house, that bed was given to Sara who was the grandmother in the family. Everyone else in the Swift Talk family slept on the floor because the family didn't have any furniture.

When the sun came up on Sunday morning, the daughter got up from the floor to check her mother and found her mother had died during the night, frozen to death as a result of exposure and extreme cold. Fortunately, the body heat from the parents and the children all huddled together on the floor kept them alive that terrible night.

Sara Swift Talks needless death is repeated over and over again on our reservations. Forty-five below zero in habitation like this. All of us know that we face an emergency in housing, health care, and education on our reservations. And I notice, for example, in this budget there is the opportunity for 3,000 housing units to be weatherized—3,000.

We have to do something different. We have to break out of this mold of every year talking about and lamenting about this issue when people are freezing to death. Dying. We have emergency medical needs that aren't being met. And we're sending third grade

kids into schools that we would be ashamed to send our kids into, schools where sewer gas comes up into the classrooms, where there's 150 kids and one water faucet and two bathrooms. Shame on this Congress and shame on this administration for not deciding this emergency must be dealt with in this country.

Mr. Chairman, you have done a remarkable job, as have most of my colleagues on this committee. But I hope very much that in these critical areas where people are dying and people are suffering the ravages of health care and education deficits and so on that we can decide to peak the conscience of everyone who is involved in these public policy areas and do something different that really will invest in and improve the lives of people who desperately need help.

The CHAIRMAN. I think your comments are well-taken. Unfortunately, that's an everyday occurrence in some part of Indian America. Anybody that has not experienced 45 degrees below, as I have up in your State, Senator Conrad's State, have no idea the problems of just trying to function. Nothing works including your body when it gets that cold.

Senator DORGAN. But my point is if we would read this story about some Third World country we would say, "Oh, gosh, what's going on." This is our country where people are freezing to death.

The CHAIRMAN. Sure. I understand, you bet.

Senator Inouye, do you have any questions of this panel?

Senator INOUYE. Well, my mood is like all of yours. I just do not know where to begin. But if I may, I would like to begin at this moment. At this moment, the Senate is considering a very ambitious pay raise bill for the military and one of the provisions in that bill calls for "special compensation" for military physicians to retain and recruit them. And yet we know that the most difficult place to retain and recruit physicians is in Indian country. The Veterans Administration [VA] has used Title 38 of the U.S. Code to get special additional physician compensation so they can retain and recruit.

Why is it that in Indian country we are reducing the amount that we may be able to get under title 38 to retain and recruit? Do you realize that in Indian country physicians' pay is about one-half of the military pay, and we wonder why doctors do not want to go to Indian country.

Mr. Lincoln, can you tell us why you were not able to convince OMB, or do they not know what is happening?

Mr. LINCOLN. Senator Inouye, the Department of Health and Human Services was directed to limit the growth in physician pay that has been, from what I understand, as a result of the organization using title 38 provisions, the Indian Health Service was impacted by that general decision that was provided to the Department of Health and Human Services.

When we knew the impact of that decision on Indian Health Service and, in particular, on those areas who rely upon title 38 in order to recruit physicians and in order to retain the physicians that we have, we appealed that decision. There are areas, as you have visited and are aware of, in the Aberdeen area, in the Navajo area, there are areas and tribes that have a difficult time recruiting and retaining qualified physicians. We made that knowledge

and the data available as we appealed that decision. We firmly believe that unless we are able to continue to use title 38 provisions and pay physicians what it will take to recruit and retain them, there will be an adverse impact in Indian Country. I'm sorry to say to you and to the committee that we were not persuasive in that argument. But we have what I consider to be very good documentation as to the impact.

Senator INOUYE. Is it not true that in anticipation of this additional compensation you contracted with physicians and that now you do not have the resources to pay them, and so you are going to have to draw resources from health care programs?

Mr. LINCOLN. What has occurred is that there are a number of physicians that have been recruited and that we have entered into agreements with that allow us to use the title 38 provision that is available to the VA. We have entered into contracts, personnel agreements with these physicians that allow us to give a modest increase in what we would otherwise be able to pay these physicians and we will obviously have to live within the physician compensation ceiling that has been provided to us. This will cause some hardship. We, quite frankly, do not see another avenue that is as effective in recruiting and retaining qualified physicians, especially those who have specialties, into Indian country. This has been a very important provision for us.

The CHAIRMAN. We have just 6 minutes left to get over for the first vote and it will be one-half hour. Senator Domenici and Senator Murkowski, did you want this panel to try to stay here until after we come back?

Senator DOMENICI. I cannot come back, so I'll use 3 minutes and leave 3 minutes for Senator Murkowski.

The CHAIRMAN. All right.

Senator DOMENICI. You tell them we're coming so they won't close the vote.

The CHAIRMAN. Yes; they're not going to hold it up they said because they've got two back-to-back.

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Senator DOMENICI. I just want to make an observation to the Secretary. I think you're trying and you've added a dimension to the BIA that I think is called credibility, and I compliment you for it. Lots of people say it. On the other hand, I think the thing we really are missing, we know there's a crisis, but what we don't have is we don't have a real genuine effort other than in the gaming tribes to employ the Indian people in meaningful jobs. And until we find a way to bring jobs to the reservations and pueblos of the United States where people are earning a living and can purchase a house like most Americans, it is going to be almost impossible to meet the social needs. We must do better, however, there is no question.

It is sort of like the Tale of Two Cities. There are Indian tribes that are in the best of times in terms of money, in terms of resources, in terms of hiring people. We have one small Pueblo in New Mexico that is now the second largest employer in northern New Mexico; it employs 700 people because of gaming and other in-

vestments. But there are literally hundreds of thousands of American Indians that have no such opportunity.

I believe to talk about social reforms and the need for more Federal money without putting up alongside of that what are we doing wrong with reference to jobs for Indian people in an American economy with 4.7 percent unemployment, which is about as good as you can get, we have to find out what's behind that. And frankly, every time we attempt to do it somebody talks about Government. It's not Government. Government doesn't supply the jobs in America. What supplies the jobs in America are businesses, large and small. We just have not found a way to strike at that very powerful root as it applies to Indian country. I blame no one, although it seems to me that Indian leaders have to make some decisions about tribal customs and the like versus private sector jobs. I have said that for a long time. I will say it in front of every Indian leader in the country. If your policy of preservation of everything that is Indian is a policy of no jobs, then obviously we're not going to get anywhere. We can't find enough money.

In the meantime, Mr. Chairman, I would like to join you and any others to make a dent this year in the appropriations process. I think it's imperative that we make some judgement decisions in terms of law enforcement and education. There are many other needs, but I think if we can get started in a rather significant way there, I think we will begin to make a dent. I thank you for your leadership. I pledge to help you and I'll try my very best.

The CHAIRMAN. Okay. I thank you.

Senator Murkowski, we're down to about 3 minutes.

STATEMENT OF HON. FRANK H. MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. I'll be less than 3 minutes, Mr. Chairman. I had intended to pursue a little bit this issue associated with the U.S. District Court on the $2.4 billion that is the tribal trust funds. I gather the Assistant Secretary will be available next week for our hearing here before the committee.

In light of my colleague's comments, we've got a situation where we've got to a large degree what amounts to almost a welfare system on the reservation. I think that we need to restructure the procedure, Mr. Chairman, because it simply is not working.

We sit here year after year and address similar problems. We don't change the procedure, the structure, and, unfortunately, many of the reservation residents live in an environment that fosters a relationship with the Federal Government that almost makes them wards of the Federal Government, and that's certainly contrary to congressional intent.

I think we need a drastic change. I think we should share some of the innovation we've had in some of the States to see if we can restructure the reservation system in a different manner so it's more productive, because it's not productive in the manner in which it is currently structured. So, Kevin, I'll be in touch with you at a later date.

The CHAIRMAN. The committee stands in recess for 20 minutes.

[Recess.]

The CHAIRMAN. The committee will come to order.

We will proceed with our second panel, which will be Ron Allen, President of the National Congress of American Indians; Buford Rolin, Chairman of the National Indian Health Board; Chris Boesen, Executive Director of the National American Indian Housing Council; Janine Pretty On Top, President of the American Indian Higher Education Consortium; and Jill Shibles, President of the National American Indian Court Judges Association.

We will just proceed in that order, starting with Ron first. I would remind you of our little device up here. I know that you don't talk much, Ron, you're quiet spoken and very short. [Laughter.]

STATEMENT OF W. RON ALLEN, PRESIDENT, NATIONAL CONGRESS OF AMERICAN INDIANS, WASHINGTON, DC

Mr. ALLEN. Thank you, Mr. Chairman. On behalf of the National Congress of American Indians, we're very honored to be here and share with you some of our thoughts with regard to the Federal budget for all Indian programs. We appreciate our testimony being presented and entered into the record.

As you can see from our testimony, it is one long testimony. It clearly was a real challenge for myself and our staff over at NCAI to work in collaboration with the other national Indian organizations such as NIEA, NIHB, and the others to address the various issues. It was not easy for us to try to condense something so voluminous and so overwhelming into a simple, succinct summary of what our priorities and issues are. So what I want to do is just present you that testimony and attached to it are 36 resolutions and positions that came out of our forums that essentially are instructions from tribal leadership to us with regard to these budgetary matters.

The CHAIRMAN. Were these resolutions just passed at last week's meeting?

Mr. ALLEN. Last week and the preceding session down in Myrtle Beach last fall. Some of the issues are carry-over goals and objectives of the tribes from the last budget to this current budget.

Today, I want to just try to provide an overview of what I think are the main issues and concerns that we face. There are many areas in the budget which we're appreciative of that are being proposed to address specific issues, and we've already talked about some of them have today such as education, and law enforcement programs. Those are important programs and we certainly concur with them and are very supportive of them. But one of the things that always frustrates us is it seem like we're always in a defensive posture with regard to many legislative matters and, of course, with appropriations as well. And that increasingly defensive posture is awkward for us and maybe it appears like what we're doing is continuing to beat on the door of the appropriation process to get a fair shake in Indian country with regard to our needs. We listen to a lot of dialogue from political leaders regarding how we address and attack the problems that we hear about and see in Indian country, such as high unemployment rate, high child mortality rates, and so forth, the list is long, and you know, you've heard them many times.

The issue for us is the empowerment of tribal governments—and let me say that again, the empowerment of tribal governments—

to address these matters. One thing that we're very concerned about is the devolution movement that is empowering local governments from the State level to the cities and municipalities and the county governments seems to be alive and well. But when it comes to Indian governments, it does not seem to apply. There seems to be a different policy, there seems to be a different movement. And the thing that we're concerned about is the perception of finger-pointing; who is the culprit in terms of who is not empowering tribal governments. Is it the Congress or is it the administration?

When we go back and forth in our shuttle diplomacy trying to find the champions to address our issues, it gets rather confusing for our leadership in terms of who our leaders are. In our recent tribal leaders meeting the first week of July, the first week of your session for the 106th Congress, we decided we needed to go after a more progressive policy and a progressive agenda and really start dictating what we believe is the issues and goals the Congress should be addressing to help the tribes address all their problems and needs. And the issue for us is the empowerment of the tribes. Allow the tribes discretion.

So when we look at the budget, we see a lot of issues where we will argue for more money. Contract support issues desire more money. We need more money in terms of infrastructure. If you talk about economic development and providing more jobs outside of the gaming industry, and even within the gaming industry, unfortunately, it's not as successful as many think it is, well, then, you need resources and investment in order to make that happen. But you have to empower the tribal governments to use those resources. So if you think that just by putting more money in enforcement you solve problems, you will find out soon here that court systems are a problem, incarceration facilities are a problem, and so forth.

So we really want you to pay attention to the fact that tribes do have good discretion. Tribal governments are growing and they are maturing and our ability to use resources effectively is just that. We do not want to see the trend of moving moneys out of TPA, out of the tribal control and back into the system so that tomorrow we're going to be saying why is the agency still growing. Well, it's because there's this notion that some say the Congress wants more accountability for the money they appropriate to Indian country and want to know that it is being used effectively. The administration says, well, that's what we hear, too.

And so the question in our minds is, do you trust us or not? We believe the amendments to the Indian Self-Determination Act in 1988 and 1994 said that Congress has greater confidence in tribal governments, in our discretion and use of the resources than in the bureaucracy. Now we believe the bureaucracy has a role and a function and we believe that it needs to play a certain role, but we believe the majority of these resources and authorities need to be delegated to the tribes consistent with the devolution process.

So, Mr. Chairman, I have many, many things I could say and could go on for hours, as you well know. But let me just conclude by saying that I think that our testimony provides you with a good overview and a good set of recommendations. We look forward to discussing with you more on this matter and encourage you to help

us with legislation that will allow tribes to move constructively forward in the 21st century. Thank you.

[Prepared statement of Mr. Allen appears in appendix.]

The CHAIRMAN. Thank you, Ron. I want to congratulate you on last week's successful NCAI conference, and also congratulate you on sticking fifty pages of testimony into five minutes. You did great.

Judge Shibles, go ahead.

STATEMENT OF JILL SHIBLES, PRESIDENT, NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION, CONNECTICUT

Judge SHIBLES. Good morning, Chairman Campbell and Vice Chairman Inouye. On behalf of the National American Indian Court Judges Association, I thank you for your invitation to testify today. I am also the Chief Judge of the Mashantucket Pequot Tribal Court. As some of you may know, Mashantucket Pequot Tribal Nation operates a tribal enterprise that has enjoyed some success in recent years, the Foxwoods Resort Casino. Maybe due in part to that, but actually the law predates the institution of the casino, Mashantucket Pequot tribal law prohibits its tribal court from accepting or spending any funds other than those appropriated from its own tribal treasury. So why did they pay for my ticket here today? It is I think because I may be uniquely qualified to come and speak to you today in real terms about the historic and almost universal underfunding of tribal justice systems.

In my current judicial position, the tribal nation, while not granting all of the tribal court's financial requests, has always provided us with the funding we need to competently carryout our responsibilities. As the former director of the Penobscot tribal court and the Chief Judge of the Passamaquoddy tribe, I know what it's like to go from month to month not knowing whether you'll need to lay off court staff in order to provide the funds for indigent counsel, for counsel for an indigent defendant in a criminal matter, or for a parent in a child welfare matter. The tribal nation has supported my work for the association out of their concern for their brother and sister tribes, over 250 of them who have struggled for decades to properly fund their tribal courts.

I know what it costs to run a pretty sophisticated tribal court effectively. Does funding affect the quality of justice? Of course it does. If a tribe can only afford a part-time judge or prosecutor, how much deliberation, consideration, and followup can go into hundreds and thousands of cases? As Senator Conrad noted, just 10 days ago the BJS study highlighted the fact that American Indians are victims of violent crimes at more than twice the rate of all U.S. residents.

The BJS study should come as no surprise to the committee. These latest statistics simply reaffirm the frighteningly high disproportionate rate of violent crime which triggered the Indian country Law Enforcement Initiative. And while the Judges Association applauds the increase in funding of Indian law enforcement by over 80 percent, or $108 million, to pay for new jails, patrol cars, and up to 1,000 new officers, the tribal courts are alarmed at the lack of corresponding Indian courts funding. Where are the judges, the prosecutors, the court clerks, the probation officers, and the

public defenders to handle the filings of those 1,000 new officers? Increased law enforcement will inevitably lead to a rise in tribal court caseloads. Yet only 4.6 percent of the increase that has been allocated for law enforcement has been set aside for one time grants to tribal courts. Given the number of tribal courts, that money isn't going to go very far.

Ever since 1993 when the Indian Tribal Justice Act was passed, tribal court base funding has decreased. The Act authorized an annual appropriation for a period of 5 years for tribal courts in the amount of $58 million, an amount that at the time Senator McCain characterized as conservative. We ask that the committee support the BIA's request for $2.6 million which will, in part, provide initial funding for implementation of the Justice Act, even though that request falls far short of the authorized amount.

The BJS study also found that Native Americans reported that in 46 percent of all violent victimizations that the offender had been drinking. Approximately 70 percent of jailed Native Americans convicted of violent crimes reported that they had been drinking at the time they committed the offense. It is clear that alcohol has had a particularly toxic impact on Native communities. While $400,000 will be grossly insufficient to meet the vast need for sobriety and prevention efforts, we urge you to support the establishment of the Office of Alcohol and Substance Abuse.

Given the public safety crisis in Indian country and the longstanding financial starvation of tribal courts, the amounts requested by the Justice Department and the BIA are essential if we are to start to turn the situation around in Indian country.

The exercise of criminal jurisdiction is only one facet of tribal courts, however. A vendor and developer of court case management software, in boasting about his company's international sales success, recently noted that when a developing country seeks to attract businesses, the first step that it takes is to establish a fair and capable judicial system. Likewise, tribes are realizing that one cannot compete in a global economy without stability, certainty, and efficiency in legal relationships. In this era of tribal self-determination, tribal development means a need for competent tribal judiciaries. Given that tribes already are struggling with their current caseloads, how will they create these judiciaries, judiciaries that are competent to handle the types of civil litigation that is anticipated by economic development, without additional funding?

Tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities. They are the keystone to tribal economic development and self-sufficiency. Any serious attempt to fulfill the Federal Government's trust responsibility to Indian nations must include increased funding for capacity- building and enhancement of tribal justice systems.

I thank you for the opportunity to comment on the President's budget request.

[Prepared statement of Judge Shibles appears in appendix.]

The CHAIRMAN. Thank you very much.

Next, Dr. Pretty On Top.

STATEMENT OF JANINE PRETTY ON TOP, PRESIDENT, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM, ALEXANDRIA, VA AND LITTLE BIG HORN COLLEGE, CROW AGENCY, MT

Ms. PRETTY ON TOP. Good morning, Chairman Campbell. Thank you very much for this opportunity to provide testimony today. Members of the committee, Senator Inouye, as you know, the tribal colleges serve 25,000 and in amongst those students there are 250 tribes represented. Our tribal colleges and universities are serving a number of very critical purposes in our communities. The American Indian Higher Education Consortium, of which I serve as president, and my name is Janine Pease Pretty On Top, has been representing these interests in developing tribal colleges since 1972. Although we started with only six colleges in 1972, we now have 31 nationwide.

Our colleges are serving several primary functions. First of all, we are developing the infrastructure in our tribal communities. Our people are under-educated. As you are well aware, fewer of our adults have college degrees and technical certificates than any other group in the United States. The most recent report from the American Council on Education reported that only 7 percent of our adults have college degrees compared to 18 percent among the African-American population and 28 percent of the white population. I think it is extremely critical to realize how under-prepared our human infrastructure is in our communities.

There are also several other important functions that we provide. Economic development, in most of our tribal colleges we have centers for economic development that are bringing about very important small micro business development, community development, corporation development, the development of tribal businesses, and so on. We also have a very high interest in bringing about community-based networks especially addressing welfare-to-work issues. We're very, very interested in assisting those of our tribal members who are mandated to seek jobs and enter the workforce. But we also serve as a network among our schools, among our tribal educators, and among the students who are heading toward their adult roles. We have a growing number of school-to-work networks and also science-math related networks where tribal colleges are providing very important leadership.

There are several areas in the fiscal year 2000 budget that I would like to address. As you know, we have appropriations and very important authorities in interior, in education, and in agriculture. So I will be addressing those three areas very briefly. And I have an extensive statement that has been submitted for the record, so I am highlighting that information.

In the fiscal year 2000 budget, our tribal colleges are provided appropriations on a per student basis. We're very interested to see an increase of $10 million in that particular line item for title I colleges; 25 of our 31 colleges are supported by the Tribally Controlled College or University Assistance Act and the per student amount has been, unfortunately, far too stable since 1981. As a matter of fact, we're receiving per student less than we received in 1981. We're receiving under $3,000 per student which makes our lives as academic institutions very, very difficult. Our counterparts in our

respective States are receiving around $6,000 per student to support the most basic core cost of operations.

What this creates then is a very seriously erosive situation. Year after year, we're providing our faculty with less and less to receive in terms of salary, and we're very seriously eroding the quality of education that we can provide our students. So we're just very, very concerned about that level of funding.

We also ask for very special consideration of our affiliate institutions, the Institute for American Indian Arts, and also for the Southwestern Indian Polytechnic Institute in Albuquerque, the Haskell Indian Nations University, as well as the United Tribes Technical College.

In the Department of Education, we're very interested to bring emphasis to the need for the development of Indian teachers. As you know, the President of the United States has proposed a core of Indian teachers and we're very anxious to see that appropriation approximate $10 million.

We also know that under Title III of the Higher Education Act there is an appropriation for tribal colleges, strengthening and developing institutions. We would like to see that fully funded at $10 million.

And finally, I would like to suggest to you that we are very interested to see attention given to adult education funding in the Department of Education. That amount has been zero for the last 4 or 5 years and it puts a tremendous stress on Indian country if we cannot address adult education funding.

Thank you very much for this time before your committee. We very much thank you for your support in the past, and we look forward to more conversations and even perhaps a comprehensive hearing on the needs of Indian communities. We would very much like to participate in such a hearing. Thank you.

[Prepared statement of Ms. Pretty On Top appears in appendix.]

The CHAIRMAN. Thank you. Before we go on to Chris, let me for the record offer my apology. I met with you up in Montana when I was doing a swing up there and had agreed to try to pull together a meeting of a number of interested Senators, most of which serve on this committee. But as you know, we got really sidetracked when we came back with the trial and just literally everything was on hold. We weren't doing hearings, a lot of us couldn't even get to our meetings. But it's my understanding that we are still trying to do that through staff and we'll be asking for some presentations. So don't give up on me yet; we're still working on it.

Ms. PRETTY ON TOP. We look forward to that, Senator. Thank you.

The CHAIRMAN. Chris, go ahead.

STATEMENT OF CHRISTOPHER BOESEN, EXECUTIVE DIRECTOR, NATIONAL AMERICAN INDIAN HOUSING COUNCIL, WASHINGTON, DC

Mr. BOESEN. Thank you, Mr. Chairman, and thank you as well, Vice Chairman Inouye, for your past support and for this opportunity to address you today. I have a written statement, but I think it would be more appropriate for me to respond to the letter that Senator Dorgan read from dealing with the Swift Talk family.

The CHAIRMAN. Your complete testimony will be included in the record.

Mr. BOESEN. Thank you, Mr. Chairman.

I was very touched by that letter and a bit disgusted by it. I don't think that in the United States of America, whatever community you come from, whatever ethnicity you are, no one should freeze to death in their own home. That is fundamentally wrong. I've been to a lot of different reservations, I've seen a lot of different native communities and housing problems exist in almost every single one of them. I know that HUD Secretary Cuomo has been out to some reservations lately and has seen those problems, and even he has said that Indian housing is probably the worst housing in the United States. And we appreciate that attention, we appreciate that statement because we need folks to focus on it.

Unfortunately, the President's budget this year doesn't reflect that reality. As you said yourself, there is no increase in the funding. It is still at $620 million. We believe that $620 million is inadequate for the current need. And with the impact of welfare reform that's going to be coming in the next few years, we think there's an even greater need for funding for Indian housing, and that is detailed in my testimony. I would like to see the reality of the President's budget and the proposals from the administration matching the rhetoric that's coming from them, and maybe in later years we will see that.

The problem of lack of resources being directed to Indian housing within the Department is very serious. One particular instance has to do with environmental reviews. Tribes are being told that HUD can no longer conduct environmental assessments and that tribes must do them themselves. But they are also being held to incredibly strict standards when that takes place. My staff had a conversation yesterday with the Coeur D'Alene Tribe of Idaho and they stand to lose $830,000 because the housing authority made a mistake on this two-page form. That's a very serious problem and one that we would like to see rectified.

One of the reasons we think this is happening is that there is also a lack of consultation that is taking place right now with the tribes. As you know, the President's Executive Order mandates consultation. NAHASDA itself, the Native American Housing Assistance and Self-Determination Act, was implemented through negotiated rulemaking. But there is now no formal consultation in place and it's very, very frustrating. Agreements that were reached during negotiated rulemaking are not being adhered to. As you will recall, one of the most serious issues was how would the money be drawn down; would it be in lump sum, would it be as the money was needed. There was a compromise reached ten months ago. Well, the guidance implementing that didn't come out until ten days ago so no one has been able to draw down the money.

There's also a problem with the title VI program. Ms. Johnson had mentioned the appropriations level they are requesting. The program has been appropriated for 2 years but the guidelines on that program are not out. So the title VI program can't be utilized and it is crucial to the success of NAHASDA. We are very frustrated by this. We would actually like to request the committee, if possible, to conduct an oversight hearing on the implementation.

We are very aware of the fact that there have been problems in the Indian Housing program in the past and none of us want to see that happening again. So we would like to ask the assistance of the committee on that matter.

I did want to briefly address the issue of economic development. I know that that's going to be a very big issue for the committee and I applaud you for that. Economic development is crucial to self-determination. One of the main issues that I see coming from that, of course, is going to be is home ownership available in Indian communities.

Home ownership is important not just because housing construction creates jobs, though that is very important, but it's also the primary wealth-building mechanism in the United States for most Americans. The idea that you can make a $5,000 down payment and spend $500 or $600 a month and have $100,000 or $150,000 investment in 20 or 30 years is very important. In fact, as many as half of the small businesses created in the United States today are created from the equity that that business owner has in their home; a second mortgage creating a business. Without that, and we don't have home ownership in most Indian communities, you're basically saying we're going to take away 50 percent of your opportunity to create small businesses. And those are a major component of any successful economic development.

We do also support the idea, however, of looking at broader tools for capital development in Indian country. The fact that we have Third World housing conditions and Third World economic conditions in many Indian communities shouldn't be lost on us. We should be looking at some of the models that have been used internationally. The World Bank, for instance, has a number of models that could be very effective. And we look forward to working with this committee and others on developing those models.

I would like to say in conclusion that, again, I appreciate this opportunity and, in particular, I appreciate the ongoing assistance from the staff—Paul Moorehead, Patricia Zell, Eleanor McComber, and a number of the other committee staff who are I think excellent representatives of the committee and a real joy to work with. Thank you very much.

[Prepared statement of Mr. Boesen appears in appendix.]

The CHAIRMAN. Don't compliment too much, I can't afford a pay raise. [Laughter.]

Go ahead, Mr. Rolin.

STATEMENT OF BUFORD ROLIN, CHAIRMAN, NATIONAL INDIAN HEALTH BOARD, DENVER, CO

Mr. ROLIN. Thank you, Mr. Chairman, Mr. Vice Chairman. It is, indeed, a pleasure for the National Indian Health Board to comment on the fiscal year 2000 budget. As you know, it is the obligation of the United States to provide health care to our Indian people. Unfortunately, when you compare that to other agencies such as medicaid, it is not being done.

We are very pleased that the President has included in his budget this year a $170 million increase for Indian health, but that doesn't meet the need of what we have in Indian country. What I would like to do these next couple of minutes, Mr. Chairman, is to

compare the medicaid and the VA, just to use two Federal agencies, compare them with the resources of Indian Health.

Unlike medicaid, the budget of IHS, as we know, is discretionary funding. Fortunately, for fiscal year 1999 we saw an increase. But for the previous 6 years we did not; it was basically a 1 to 2 percent. That 5.9 percent helped indeed because we know at this time last year the budget reflected a $10 million deficit. However, that did not increase and is four times less the amount that medicaid has received. Certainly when you compare that to the VA as well, we're talking about $1,400 versus $4,000 as far as veterans.

Indian people in the Indian Health Service programs are not being served under the Nation's first prepaid insurance, as we've heard Senator Inouye mention many times. However, we're working to make sure that we utilize all the resources that are provided. For the last few months, the National Indian Health Board along with other organizations have been working with the Indian Health Service on this level of need funding workgroup. Our whole purpose was to compare the other agencies to see if we can recommend a fringe benefit package for our Indian people.

From what we have been able to review, and it looks to us like a Federal employee's health benefit possibly with the Blue Cross/Blue Shield would be an ideal package if we could offer that to our Indian people. Early estimates indicate that there is a $3,300 per capita amount available in that program to the Federal people, whereas within the Indian Health Service, as I stated earlier, we have a $1,400 per capita.

We believe, and as we have stated in earlier testimony and in meetings that we held last year with OMB, that a needs-based budget needs to be considered in this Congress and by the administration. In meeting with OMB last year, along with the National Congress of American Indians, Office of Self-Governance, and with the Urban Indian Programs, we had presented a needs-based budget of $8 billion to be considered. The President and the administration have supported our request in the sense that they recognize that. But certainly the resources have not been appropriated for us to really address those needs.

Let me just briefly address the NIHB priorities that we would recommend to you. As we recognize that over the last 7 years there has been at least a $418 million discrepancy, we would propose a $126-million increase for contract support costs, a $100-million increase for contract health services, and certainly, as we saw with this present budget, the community health representative program has been cut and we would certainly hope that you along with the Congress would support an increase in that.

And as far as a conclusion and as far as what action we would like to see, Senator, we would call upon our Indian people along with the Chairman and the Vice Chairman of this committee and Congress to take a look again at the needs in Indian country. As we've heard this morning from Senator Dorgan, from Senator Conrad, and Senator Domenici concerning the health needs of our people, we would encourage you to take a serious look at that. We would like to work hand-in-hand with you to make sure that these issues are addressed as we work very closely with the National

Congress of American Indians and other organizations in this effort.

We commend you for your loyalty and certainly Senator Inouye's loyalty in the past. We know that we can continue to count on you for that support. Thank you very much.

[Prepared statement of Mr. Rolin appears in appendix.]

The CHAIRMAN. Thank you.

Let me ask just a question or two. Janine, do you have a number or an estimate of how many non-Native students attend the tribal colleges?

Ms. PRETTY ON TOP. It may be up to 20 percent of the 25,000 students that I suggested, because in our rural areas there are so many non-Indians that are students.

The CHAIRMAN. And do any of those colleges in the consortium get any State funding to offset the cost of educating the non-Indians in those Indian colleges?

Ms. PRETTY ON TOP. As a general rule, there is no State support for the non-Indian students.

The CHAIRMAN. Even if they are accredited by the State, they don't get any State help?

Ms. PRETTY ON TOP. No; it varies, too. In particular, I would point to Salish Kootenai as an example, 40 percent of their enrollment is non-Indian.

The CHAIRMAN. How much, 40 percent?

Ms. PRETTY ON TOP. Yes; 40 percent of their total enrollment. We have gone to the Montana legislature for support of those non-Indian students. They are non-dues paying students essentially. Our State legislature has been considerate; in a couple of years providing only a small appropriation to support their education. But during the last 4 years, we have received no appropriations. The same effort has been mounted in North and South Dakota with relatively little success.

The CHAIRMAN. Under normal circumstances, if you have a 2-year college and it is an accredited college within a State, they get some kind of a formula. I think they sometimes refer to it as ADA, average daily attendance, in which the attendance is kept and the State reimburses the school. But tribal colleges don't?

Ms. PRETTY ON TOP. No; the State systems in all of our States are not including us.

The CHAIRMAN. Do you have any estimate on what that is costing the tribal colleges in terms of lost money?

Ms. PRETTY ON TOP. Well, it is certainly costing at least as much as 20 percent of our appropriations if you took it relative to what is being afforded for each Native student. So I think that currently we're requesting in the neighborhood of $43 million, so you would take 20 percent of that. It really is a costly situation. Of course, we wish not to discriminate, but we are pressuring what little funds we do get by certainly admitting white students.

The CHAIRMAN. Judge Shibles, I apologize for mispronouncing your name at first. You referred to the potential Office of Alcohol and Substance Abuse. That would be I guess administered through the Justice Department?

Judge SHIBLES. I believe so.

The CHAIRMAN. Would that be something that would try to combine all these fractionalized programs that we have now that go through the Bureau, the Indian Health Service, and everybody else? One of the worries to some of the members of this committee would be is that just going to be another thing to duplicate the efforts of ongoing programs in the other agencies. Or do you have some idea that we ought to combine or phase them out? How do you perceive that being administered?

Judge SHIBLES. I think that the amount of funding that has been provided thus far doesn't even come close to meeting what the need is. So the funding is certainly necessary. This question might be better directed to the Justice Department. But from the tribal courts' perspective, what we would like to see is more efforts made on investigating possibly causes leading to substance abuse, addressing the underlying issues that are going on there as they relate to tribal justice systems. The Justice Department has been excellent in working with tribal courts in trying to address those sorts of issues. So because of their particular effectiveness, that's why we are supporting their proposal to develop that office. But certainly coordination and working in conjunction with the other existing programs is necessary.

The CHAIRMAN. As I travel around, very frankly, it looks to me like substance abuse among the young Indian teens is going up.

Judge SHIBLES. Certainly.

The CHAIRMAN. We're not making any inroads at all. And we have the huge birth rate on some reservations, sometimes reaching something like 25 percent of the total enrollment are teenagers. Boy, we're way behind the curve on dealing with alcoholism and substance abuse.

Buford, with a $1 billion backlog in health facilities, would the NIHB support other ways to finance facilities such as bonding, or cost-sharing, or joint venture arrangements, things of that nature?

Mr. ROLIN. We would be open, certainly, to supporting any efforts that will meet the needs of our Indian people. As we know, right now we're in Priority 1 care, and we have to research alternate resources through the State, whether it be in the form of Medicare, Medicaid, or third party collections. And certainly we would be open to looking into that.

I would just mention one thing about the court, Senator Campbell. In my own tribe, we have started a program that is working for us as a drug court program.

The CHAIRMAN. A drug court program?

Mr. ROLIN. Yes, sir; it is on the reservation and we have those people who have been sentenced that within 1 year they have to work within the court, and they are monitored and are assigned to advocates on the reservation to work with them. But that is working for us there at our tribe.

The CHAIRMAN. The drug court money goes through General McCaffrey's office, the Drug Czar's office. Can tribes avail themselves, if they have tribal drug courts, can they avail themselves to that money that goes through the ONDCP?

Mr. ROLIN. Well, I would hope they can. But I really can't answer that question, I would have to find out.

The CHAIRMAN. We'll look into it. But it seems to me that tribes can avail themselves to that money just as any drug court can in a community.

Chris, Senator Inouye and I introduced a bill that amended NAHASDA. Have you had a chance to look at that bill?

Mr. BOESEN. Yes; I have, sir.

The CHAIRMAN. What do you think of it?

Mr. BOESEN. I think it's good. I think there are more issues to be worked out and I would hope that some of these could come about in the hearing that we requested for oversight.

The CHAIRMAN. You'll give us some suggestions and recommendations?

Mr. BOESEN. Yes; I'd be happy to do so.

The CHAIRMAN. Okay. The other thing is this terrific shortfall in Indian housing. You requested $972 million and there's a $342 million shortfall in that. Can tribes make up the difference of that $342 million somehow in private capital markets?

Mr. BOESEN. Obviously, that's the hope, although it is very difficult. Some tribes have the sophistication to do so, some tribes don't. One of the primary tools for being able to do that was going to be, like I mentioned, the Title VI Loan Guarantee Program that would bring in hundreds of millions of dollars in guarantees. It is based on the very successful section 108 program that operates with CDBG in almost every State in the country. And the failure to get that program up and running is, frankly, mystifying to us and I think mystifying to a lot of tribes. There are a lot of efforts underway, we're making inroads into programs like the Low Income Housing Tax Credit, inroads with bond financing efforts, and eventually the hope is that there will be a lot more opportunities out there. But in the meantime, especially until something like title VI is operating, and until we've been able to bring up the level of sophistication in some of the tribes, we definitely need more funding.

The CHAIRMAN. Last, Ron, Senator Inouye and I also introduced a bill that requires a central coordinating office of programs through Commerce. We invited Commerce to testify today and they couldn't find anybody to come over, interestingly enough. But I was wondering if you've had time to look at that bill at NCAI?

Mr. ALLEN. No; I haven't, Mr. Chairman. But we would certainly concur with you that the Commerce Department and all of its agencies over there, the Small Business Administration, EDA, et cetera, have not played as meaningful and effective a role as they could to assist tribes in addressing the economic development opportunities that we need to use to advance those kinds of agendas for our communities. We have in private made comments to Senator McCain that we seek his assistance as well in helping us move constructively forward in those agencies.

The CHAIRMAN. Well, that's basically the thrust of this bill. It tries to get some of the programs that are accessible to communities and so on also accessible to tribes.

Mr. ALLEN. We're very supportive of that agenda.

The CHAIRMAN. Senator Inouye, did you have some questions?

Senator INOUYE. If I may first ask President Allen, in the past few days several important articles have appeared indicating that

the Federal court has cited for contempt two very high officials, the Secretary of Treasury and the Secretary of the Interior, and also the Assistant Secretary for Indian Affairs for the Department of the Interior for not carryingout their trust responsibilities in administering the Indian trust funds. Does your organization have any position on this?

Mr. ALLEN. We have been working with the inter-tribal funding and the other tribes that are working on trying to get the Administration to take a more aggressive and constructive approach on dealing with this issue. I can't get too specific with you on exactly what we're asking for. We do believe that a system needs to be put into place to become more accountable for those resources. We also made it very clear that the solution to fixing that system cannot come from the tribes' resources, it has to come from the Federal Government. They are the ones that were negligent in this matter and they are the ones that have to fix this dilemma.

We have also made it real clear that in finding a solution to become more accountable for these resources that the pendulum cannot swing too far into the encroachment on tribal governmental authority. So when you talk about trust resources and the managing of those trust resources, the tribes do want to preserve their controls and their authorities over those matters.

Senator INOUYE. If I may now ask Judge Shibles, I believe you have been set aside 4.6 percent of the additional DOJ funds for your purposes. And yet, as you have indicated, with greater emphasis on law enforcement and police, your caseload will increase immeasurably. What would be a better number than the $5 million?

Judge SHIBLES. We could start with the $58 million that was authorized in the Tribal Justice Act to start. I think that would be it. The Judges Association did pass a resolution on this, which is attached to our testimony as well, in which we suggested a figure to the BIA to increase at least the TPA portion with regard to tribal courts.

Senator INOUYE. So you would like to get the authorized amount?

Judge SHIBLES. Yes; we certainly would. It's long overdue.

The CHAIRMAN. Does that money include capital construction, that $58 million?

Judge SHIBLES. That I'm not aware of.

Senator INOUYE. Well, I am certain the Chairman and I will try our best.

Judge SHIBLES. Thank you.

Senator INOUYE. Dr. Pretty On Top, about 11 years ago I did some research and at that time I noted that the African-American students at Howard University were being subsidized by this Government at the rate of $13,100 per year. Now in your case, you are seeking an increase to $3,800?

Ms. PRETTY ON TOP. Yes; actually, our request is very modest, sir. We're very much interested to receive more than $3,000——

Senator INOUYE. That is $3,800.

Ms. PRETTY ON TOP. Yes; we could ask the same amount as Howard University, of course, but we think that in view of the entire context of the issues that the Senate is working with, we will keep our request modest. However, we would like to meet the authorized level, which is $6,000 per Indian student count. I don't

know how prepared Congress would be to appropriate that level, but we think that's a very modest amount.

Senator INOUYE. As an educator, what would you consider to be a reasonable amount?

Ms. PRETTY ON TOP. Reasonable would match our counterpart institutions; that is, the $6,000 per student. That is a reasonable level.

Senator INOUYE. Now if I may ask Chairman Rolin, I asked the IHS a question about additional compensation for physicians because of the difficulty in recruiting and retaining physicians to save in Indian country. Do you have any position on that?

Mr. ROLIN. Yes, sir; we do. We're real concerned with this issue within the Indian Health Service and the fact that we do not have the recruitment and retention resources to retain our physicians. In my own tribe, Senator, I'm in a rural area, I have access to a metropolitan area, not certainly the size of Washington, DC, but to recruit a physician for us, it took over 1 year. Now, as a Public Law 93–638 contractor, I was able to provide a better salary than had we gone through the Federal Government.

But there is a definite need to retain and recruit physicians, not only physicians but also other levels, pharmacists, dentists, within the Indian Health Service. We have a real concern that the resources are not there to recruit them.

Senator INOUYE. There has been an increase in public nursing services but a decrease in the amounts the President requested for community health representatives. How does that impact your tribes?

Mr. ROLIN. Sir, that impacts all of our tribes. That is a real serious need that we have and why we're so concerned within the National Indian Health Board. Certainly, we would request at least a $10 million increase as opposed to what has been submitted because there is such a definite need.

Oftentimes it is these people—we heard this morning the serious story about the grandmother who died—it is these community health representatives who go out to these communities and assess these things and help out these families with health needs, but, at the same time, they recognize all of their needs and bring them right to the tribes. It is, indeed, essential that we increase that funding to maintain those community health representatives because they are the life of our communities.

Senator INOUYE. Do you believe that the community health representatives are adequately trained?

Mr. ROLIN. Yes, sir; we do. I know that has been a real concern with Congress. But our representatives are adequately trained. A lot of tribes have gotten to the point of where they are requiring some of their community health nurses to have at least an education background of an LPN. That's a real help in that aspect. But beyond that, our community health representatives can be trained to monitor the health issues of our people and for a number of reasons. Number one, most of the time they know these people and they know the past history of what their problems are, Senator. And that's why it's so important. We believe that, certainly, yes, sir, they are adequately trained for the position.

Senator INOUYE. Thank you.

If I may ask Mr. Boesen, how has welfare reform impacted the housing needs in Indian country?

Mr. BOESEN. Well, we believe there are going to be two main impacts that welfare reform will have. First, NAHASDA only allows that one-third of a tenant's income may be charged as rent and that can include welfare payments. If, as a result of welfare reform, those payments are cut, then the rental contributions paid by those tenants going to the housing entity or the tribe that is operating the housing program will be reduced. There is also a concern that as benefits are cut or may be cut for tribal members living in non-tribal areas there will be a tendency to return to the reservation. And, in fact, the statistics that we have from the most recent census data says that of the 250,000 or so Indian families in non-tribal areas, as much as 28 percent may be considered very low income. So we see that being a very dramatic impact. If those folks are coming back to a community that is already in a housing crisis, then you're going to have the addition of families in need of housing assistance where there are not resources already for them.

Senator INOUYE. You have indicated in your statement that housing goes hand-in-hand with economic development. Will the Loan Guarantee Program have any impact?

Mr. BOESEN. We believe so. Referring to the Title VI Loan Guarantee Program, we think it will have a very dramatic impact. First of all, it will help establish relationships between tribes and lending institutions, which is very important in some instances. Also, producing capital that is not part of a Federal grant is what we see as sort of the way of the future and the way we would like to see greater resources going to Indian country.

If that can happen, if we can have a dramatic increase in the housing construction, I think we'll see an upturn in labor markets in Indian country. And as we start to develop wealth, that in itself will help create new opportunities, as I mentioned, for small businesses. I think the phrase that was used some time ago is that a "rising tide will lift all boats." That's obviously the hope, that there will be an economic growth in Indian country that will benefit both the reservation communities and near reservation communities.

Senator INOUYE. At this moment, the Department of Defense is considering a rather revolutionary program in housing. This is being done because construction funds in every department are now being reduced. The proposal that the Department of Defense is considering is rather unique. The Federal property is leased to a developer, the developer in turn puts up the capital and does whatever construction is necessary, and in turn, the Federal Government guarantees the developer a certain percentage of occupancy for, say, 25 years which would ensure a fair return. Under that program, we are considering developing Ford Island in Hawaii; 650 family units and 1,000 bachelor units. It appears that it is on its way.

Would some sort of concept like that work in Indian country?

Mr. BOESEN. I think it would. One of the initiatives that we're undertaking right now at the National American Indian Housing Council is to try to convince not only lenders but other members of the housing community, if you will, home-builders and developers, that this is really a very viable market. In the past, they

haven't really looked at it that way I don't think. In our opinion, you have the opportunity to bring in a lot of these private sector partners because you have 1 million, 1½ people who in essence don't have any other services. It's a tremendous captive market. And that to the first few developers that are willing to take what they may consider a risk, and I consider a business opportunity, they could do very, very well in that environment I think. And I think that's a model that could work in Indian country.

Senator INOUYE. Dr. Pretty On Top, the question I am about to ask may be far-fetched and unrealistic, but about 10 years ago we seriously discussed the establishment in Indian country of a full-scale university similar to that of Howard University with all the disciplines, such as law school, medical school, social welfare, et cetera, for the nature people of this land. It is one thing to seek a medical education at Harvard which might be very adequate for New York City, but it might not work in Navajo land.

Would you still consider a dream of that sort realistic?

Ms. PRETTY ON TOP. I think a dream of that sort, Senator Inouye, is probably more possible today than it was 10 years ago. I say that because I know that there are several collaboratives among the tribal colleges who have put together essentially virtual universities. In particular, there is a consortium in Montana that will be offering natural resources/environmental science studies and also information system studies collaborating amongst the faculty with advanced degrees being offered. Also in the Northwest, with Northwest Indian College, with other universities and colleges in the State of Washington, and also Salish Kootenai College proposing to offer some very unique degrees. But also because two of our universities and colleges now offer graduate level studies. So that we are meeting needs in the advanced development of professionals in our communities.

So I guess my answer, Senator, is your dream is very possible; in fact, it's probably happening in part now through various initiatives in tribal colleges.

Senator INOUYE. And if I may ask the Judge, how would you assess the quality of judges in your system as compared to 10 years ago?

Judge SHIBLES. Unfortunately, I wasn't a judge 10 years ago. But from what I can gather, the quality and the capability of these judges has done nothing but improve. I have to respectfully disagree with the Senator that we have to somehow sacrifice tradition in order to create economically viable communities. I think these judges have shown extraordinary capacity for balancing tradition in matters particularly affecting tribal members in the communities as well as developing expertise in civil litigation, development of court rules, procedures.

We've not all developed at the same level, unfortunately, and there is not the network or the ability to share information as has been talked about as being fundamental to that development. So that's one of our goals is to how can we create almost our own virtual system for sharing judicial training.

Senator INOUYE. Ten years ago most of the judges were circuit judges travelling from one tribe to another. What is the rate now?

Judge SHIBLES. There's a fair reliance on that. We're not seeing as much growth in that area. I think tribes are tending to look at it as an aspect of tribal sovereignty and where possible developing their own court of appeals to simply sit and hear the appeals from that particular tribal court. So I would say it has stabilized; it's not really on the increase at this point.

Senator INOUYE. And now my final question, which may sound a bit parochial, but, Mr. Boesen, there is a bill, S. 225, to provide low-income Federal housing assistance to Native Hawaiians. Does your Council support that measure?

Mr. BOESEN. Absolutely. The National American Indian Housing Council does not believe that self-determination should end at the Pacific Coast of the United States, and certainly the need for native housing programs does not end at the Pacific Coast of the United States. Our membership and our board of directors very strongly support the bill, Senator.

Senator INOUYE. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Inouye. I like your idea about a national Indian college. And since Colorado is kind of the center of the country, I think we ought to build it in Denver.

I thank this panel for appearing today. I would tell you that although the record will remain open 2 weeks, we're under a time constraint and we're supposed to have our views and estimates into the Budget Committee by next week, by March 5. So if you have any additional comments, you will want to get them in right away because we will be going to markup next week.

And with that, thanks for coming.

This hearing is adjourned.

[Whereupon, at 11:25 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Statement of Ben Nighthorse Campbell
Chairman, Senate Committee on Indian Affairs
Oversight Hearing on the President's FY2000 Request for Indian Programs
February 24, 1999

This morning the Committee will receive testimony from Federal and Tribal witnesses on the President's FY2000 Budget Request for Indian programs.

The request for FY2000 shows improvement over past requests because of generally increased levels of funding. There are increases requested for the BIA, Indian health, law enforcement, education and education construction, trust management, and other accounts.

While we welcome increased funding for Indian programs, much more needs to be done.

Funding is a critical component of any strategy for improving the lives of Indian people, but this Administration needs to focus on what works and expand the concepts: the flexibility provided by the TPA mechanism; the "477 model"; the Administration for Native Americans (ANA); and the P.L. 93-638 contracting and Self Governance compacting models.

These ideas are proven winners in Indian country and, in some instances, such as the "477 model", do not involve additional funds.

We will hear from our witnesses as to the dollars contained in the request, but I emphasize the need for the following: more accurate data on needs and agency performance; greater levels of intra-agency and interagency coordination to make better use of existing dollars; and a heightened focus and dedication to business and community development.

With regard to development in Indian country, everyone has seen the statistics showing Native Americans at the bottom of every major social and economic indicator. In the final analysis, jobs and job creation will change these statistics.

Let me say that I am very, very disappointed that the Department of Commerce has chosen not to accept the Committee's invitation to appear here today. This Administration has repeatedly talked about Indian development but I interpret the Department's absence as meaning that the Department does not place a high priority on Indian development needs.

In closing, this Committee will continue to focus on funding and non-funding issues in this Congress and make every effort to see that the existing machinery of government does what it can for Indian people.

Opening Statement
Senator Kent Conrad
Senate Committee on Indian Affairs
Oversight Hearing
President Clinton's FY 2000 Budget Request for Indian Programs
February 24, 1999

Mr. Chairman, I would first like to welcome our panelists.

I was reading Assistant Secretary Gover's list of priorities for this year, and I must say it is an ambitious, but necessary, agenda. Among the legislative priorities are: law enforcement, contract support, trust development, school construction, economic development, tribal courts, and administrative reorganization. I think we could agree that just addressing those seven issues would be a daunting task in and of itself, but there are about 3-1/2 pages of other priorities to be addressed. You definitely have your work cut out for you. With your capable leadership I hope that this will be a productive year.

I would like to take just a few moments to make some observations about the budget request for Indian programs:

Law Enforcement

I am pleased to see that the budget recognizes the importance of providing assistance to tribal courts through the Indian Tribal Justice Act. Due process under law applies to all American citizens, and there are those who feel their grievances are not being addressed before fair, impartial courts of law. Even the perception of a lack of a neutral forum to resolve disputes involving Indian tribal governments — which, rightly or not, is growing throughout the country — is damaging to the fundamental principle of tribes as sovereign nations. The FY 2000 budget request rightly notes that a law enforcement initiative must include a courts component. Tribal courts must not only have the manpower to work through caseloads expeditiously, but must have the resources for professional development and systems improvements. The Congress affirmed these principles when it passed the Indian Tribal Justice Act, but a lack of funding has stifled its implementation.

Another key component of law enforcement must be a strong infusion of resources for law enforcement personnel. The consequences of the critical lack of law enforcement personnel in Indian country were demonstrated in recent findings released by the Justice Department that showed that Native Americans are more than twice as likely as the rest of the American population to be victims of crime. Rates of rape and sexual assault, robbery, and assault are significantly higher in Indian country, compared to the rest of the United States.

In my own state, tribal leaders have expressed concern that the lack of law enforcement personnel will make their reservations magnets for drug traffickers. Law enforcement lacks the manpower it needs to police criminal activity in Indian country.

A recent *Washington Post* news story put the manpower problem in perspective: there are 1,600 BIA police and uniformed tribal officers patrolling the 56 million acres of Indian lands in the lower 48 states, serving 1.4 million people. In the District of Columbia, which has about 540,000 people, there are approximately 3,600 police officers. About 2,000 more police officers serve and protect the District of Columbia than in all of Indian country in the lower 48 states. We cannot allow Indian country to become a magnet for criminal activity due to an inadequate police presence, and more law enforcement resources are needed to keep that from happening.

I would be interested in knowing if we are making progress on reducing this disparity in law enforcement personnel. Is progress being made during this fiscal year, and will this budget request produce greater progress in the next fiscal year?

School Construction

I would also like to say a few words about education, in particular, school construction. The Administration has proposed an ambitious initiative to build and rebuild schools across the country, and its plan includes a component targeting Indian schools.

Last week, three students from the Standing Rock Community School visited my office. You may recall that I have mentioned the conditions at this school on several occasions; last year, I called attention to the fact that substances that appeared to contain PCBs were dripping from lights. Fortunately, the BIA and other federal agencies responded aggressively to this crisis, and new lights were installed and the school was thoroughly cleaned.

The students that visited my office last week wanted to know what Congress was doing about schools like theirs. They weren't interested in hearing about initiatives and budget requests. They simply wanted to know when Standing Rock would have a better school, a school in which physical conditions do not hamper learning, a school in which toxic substances will not drip from light fixtures.

I am pleased that the Administration plans to aggressively tackle crumbling school infrastructures nationwide. But I can't help but think the most aggressive action must be taken to better Indian schools. Because many Indian reservations are in remote areas, I think many people do not fully understand the extent of the infrastructure problems. Most people in this country do not realize the conditions we are asking Indian parents to send their children to every day.

I hope our witnesses today can give us an idea of how the Administration's school construction proposal is going to affect Indian country, in addition to the BIA plans to complete its current school construction priority list and move forward with new construction plans. How will the BIA's efforts provide the relief that is so desperately needed, at Standing Rock and throughout Indian country, so that we can move forward with the business of building new schools and

giving Indian children better opportunities to get an education?

Indian Health Service

Finally, I am pleased to see that the Administration's budget request includes an increase in funding for the Indian Health Service. In his February 21, 1998 radio address, President Clinton discussed health trends among America's racial and ethnic minorities. He put forth a national goal of eliminating racial and ethnic disparities in infant mortality, diabetes, cancer screening and management, heart disease, AIDS, and immunization by the year 2010. This is a very worthy goal for the nation to work toward, but we have a long way to go.

The statistics with respect to Indian health are sobering. Looking at death rates for Native Americans as compared to all other Americans, Native Americans are:

- 5.3 times as likely to die of tuberculosis;
- 4.4 times as likely to die of chronic liver disease and cirrhosis;
- nearly seven times as likely to die of alcoholism;
- 3.3 times as like to die of diabetes;
- three times as likely to die in an accident; and
- nearly twice as likely to commit suicide.

The increase in funding at the Indian Health Service in this budget is encouraging — it is a crucial component of any efforts to reduce racial and ethnic disparities with respect to health conditions, and to ensure that the future generations of Native Americans will be healthier, will live longer, and will have better access to health care.

However, I would like the Administration to put this request in context for the Committee: How does this request compare to what tribal leaders told the IHS was needed to meet their needs? Last year, while the Administration submitted a budget request for IHS of about $2 billion, tribal leaders said their need-based requests totaled about $2.5 billion. I would like Mr. Lincoln to put this request in context for us, to make the comparison between the Administration's request and the tribes' request.

Mr. Chairman, I will have more questions for our witnesses as we move forward. We have a lot of ground to cover this morning, and I look forward to the testimony of our panelists.

Thank you, Mr. Chairman.

STATEMENT

OF

MICHEL E. LINCOLN, DEPUTY DIRECTOR
OFFICE OF THE DIRECTOR
INDIAN HEALTH SERVICE

Mr. Chairman and Members of the Committee:

Good morning. I am Michel Lincoln, Deputy Director of the Indian Health Service (IHS). Today I am accompanied by ADM Gary Hartz, Acting Director of the Office of Public Health, and Dr. Craig Vanderwagen, Director of Clinical and Preventive Services. We are pleased to have this opportunity to testify on the FY 2000 President's budget request for the Indian Health Service.

As you know, the IHS has the responsibility for the delivery of health services to Federally-recognized American Indians and Alaska Natives (AI/AN's)through a system of IHS, tribal, and urban (I/T/U) operated facilities and programs based on treaties, judicial determinations, and Acts of Congress. The mission of the agency is to raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives to the highest level, in partnership with the population served. The agency goal is to assure that comprehensive, culturally acceptable personal and public health services are available and accessible to the service population. The mission and goal are addressed through four strategic objectives, which are to 1)

improve health status; 2) provide health services; 3) assure partnerships and consultation with IHS, Tribal, and Urban programs; and 4) perform core functions and advocacy.

For the second year now, development of the IHS budget request originated at the health services delivery level. As full partners with the IHS in delivering needed health care to AI/AN's, tribal and urban programs participate at all levels of formulating the budget request and annual performance plan. The combined expertise of the IHS, Tribal, and Urban Program health providers, administrators, technicians, and elected officials, as well as the public health professionals at the Area and Headquarters offices, has resulted in a powerful statement of the health care funding priorities for AI/AN people. The FY 2000 President's budget request and performance plan represents the first of many incremental steps necessary to reduce the health disparities that prevail in the American Indian and Alaska Native population. It is consistent with the Agency's mission, the Department's strategic plan, and the Department of Health and Human Services' Initiative to Eliminate Racial and Ethnic Disparities in Health.

The President proposes an increase of $170.1 million to the IHS budget in FY 2000 above the FY 1999 appropriation, more than

double the rate of medical inflation. This substantial increase provides an additional $82.6 million for current services items including health care facilities construction, $68.4 million in program increases for Services, and $19.1 million in program increases for Facilities and Environmental Health. The eight percent increase will allow I.H.S. to finance 44 new dental unit teams to provide an additional 25,000 dental visits, reduce incidence of complications related to chronic diseases such as diabetes, and enable approximately 100 new community based Public Health Nurses to provide outreach activities, including home visits, well child examinations, immunizations, pre-natal care, health fairs, follow-up visits, and missed clinical appointments. On top of the proposed $170 million increase, I.H.S. expects to collect an additional $82 million in reimbursements due to Medicaid collection rate increases from 1998 to 2000.

From a policy perspective, this budget request is perhaps the most strongly supported proposal in the Agency's history; it is based on both new and longstanding Federal policy and commitment for improving health status by assuring the availability of basic health care services for members of federally recognized Indian tribes. The request supports the following three policy initiatives:

- the President's Race Initiative, specifically the HHS Initiative to Eliminate Racial and Ethnic Disparities in Health,
- the proposed Healthy People 2010 and its goal of achieving equivalent and improved health status for all Americans over the next decade,
- the DHHS strategic plan with goals to reduce major threats to health and productivity of all Americans; improve the economic and social well-being of individuals and families, and communities in the United States; improve access to health services and ensure the integrity of the Nation's health entitlement and safety net program; improve the quality of health care and human services; and improve public health systems.

In addition, the Indian Health Care Improvement Act also reflects the reaffirmation of the U.S. government's commitment to Indian tribes to improve the health of their people. The Act states "*The Congress hereby declares that it is the policy of this Nation, in fulfillment of its special responsibilities and legal obligations to the American Indian people to* ***assure the highest possible health status*** *for Indians and urban Indians and to provide all the resources necessary to affect that policy.*"
5

Furthermore, the President of the United States reaffirmed the significance of the "government to government" relationship between tribes and the federal government in his Executive memorandum of April 1994, concerning consultation with American Indian and Alaska Native tribal leadership.

The primary policy basis for this budget request is eliminating health disparities between the AI/AN population and the general U.S. population. The request supports this intent by restoring access to the basic health services, including assuring that there are adequate facilities and equipment for the provision of health services, providing adequate support services to the tribal health delivery systems.
The request also supports a four-pronged funding strategy for the I.H.S., which includes: 1) increased resources; 2) a coordinated effort to ensure that HHS health grants provide assistance to Native Americans; 3) review of reimbursements from Medicaid and Medicare based on cost data; and 4) increased vigilance to ensure that Federal funds are used properly.

A major priority in the budget proposal is to restore access to basic health services. The IHS has demonstrated the ability to effectively utilize available resources to provide effective services and improve the health status of AI/AN people.

However, this record of achievement has eroded in recent years in the face of budget constraints and the need to shift to providing more acute and urgent care treatment in the face of limited resources. Thus, to redress the declining access to essential individual and community health services, the Area IHS, Tribal, and Urban programs identified funding of pay increases and current services items as their first priority for budget increases for FY 2000. In an effort to maintain the current level of services, the budget request includes $34.8 million for pay cost increases ,$2.8 million to address the increased GSA rental rates, and $8.6 million to fund the staffing and operating costs of those facilities that will open in FY 2000 or have recently opened.

Another essential component of supporting access to services and improving health status in the long run, is to assure that there are adequate facilities and equipment for the provision of health services. The average age of IHS facilities is 32 years. The budget request includes a total of $51 million for replacement, maintenance and improvement of health care facilities, and new or replacement medical equipment. This amount will fund second phase construction of the hospital at Fort Defiance, Arizona, and the health center at Parker,

Arizona; allow for the completion of planning and design of the Red Mesa and Pawnee health centers, and provide five to eight modular dental units. It will also address the deferred maintenance needs and replacement of medical equipment that has exceeded its useful life, and the purchase of ambulances to provide needed emergency medical services.

Also critical is the provision of adequate contract supports costs necessary to support the health services provided through tribal health programs. These requested funds are necessary for tribal communities to assure that there are utilities, training, clerical staff, administrative and financial services needed to operate health programs. Without this contract support funding, these support services are either not available or must be funded from resources that would otherwise fund health service activities. This investment is consistent with the Administration's commitment to expand tribal participation in the management of federally funded programs, and reinforces the principles of the Indian Self-Determination Act.

The FY 2000 budget includes an increase of $35 million over the FY 1999 enacted level for contract support costs (CSC). This amounts to a 17 percent increase over the FY 1999 level. The increase is necessary to address the CSC of ongoing compactors

and contractors and, to the extent possible to provide initial CSC funding for new and expanded tribal programs to be contracted in FY 2000. The FY 1999 Conference Report asked the IHS to provide solutions to the critical issues surrounding CSC funding. Contract Support Costs has become one of the most challenging problems faced by the IHS and Indian Country since the inception of Indian Self-Determination in 1975. The IHS has been assembling data and analyzing this problem since last October. We have consulted with Tribes, the National Congress of American Indians, the General Accounting Office, the Bureau of Indian Affairs, and the Department of Interior Office of Inspector General and we believe we are nearing some solutions that will enable the IHS and tribes to manage CSC responsibly in an era of constrained Federal budgets and increasing CSC demands. The IHS will be conducting ongoing tribal consultation on these alternative solutions throughout the summer months but we are confident that a jointly supportable Federal/tribal solution will be adopted and implemented for FY 2000. We will share these solutions with the Committee before they are finalized.

The requests that I have just described provide the investment required to begin restoring the IHS, tribal, and urban Indian public health system to provide access to high quality medical

and preventive services as a means of improving health status. Funds are included that target segments of the population that are particularly vulnerable to disproportionate disease burden and identified as health priorities by the IHS, Tribal, and urban programs: children and youth, women, elders, and urban Indians. To address the multiple health issues affecting these populations, the budget request includes increases totaling $24.4 million in the areas of women's health, alcohol and substance abuse, public health nursing, and urban Indian health. The request also includes increases to target the specific disease entities identified as priority areas by the IHS, Tribal, and Urban programs and responsible for much of the disparity in health status for the AI/AN population, including dental diseases, injuries, already mentioned and cancers. The budget provides a dental program increase of $7 million and $2.8 million for injury prevention, and an additional $24 million for contract health services.

Public health infrastructure is fundamental to these proposals. $22.8 million is requested for information and telecommunication systems, the Indian Health Care Improvement Fund, and Facilities and Environmental Health Support.

The budget also provides for sanitation facility projects for new and existing homes at the community level. The American Indian and Alaska Native homes are seven times more likely to be without clean water than homes in the broader U.S. A $3 million increase is requested to provide for needed water, sewer, and solid waste facilities, as well as to clean up and replace open dumps. This construction is integral to making sure that further progress is to be made in preventing infectious diseases and improving the quality of life in Indian country.

In summary this budget request and performance plan will address access to individual and community health service and allow I.H.S to increase services in a number of important areas listed previously in this testimony, including breast and cervical cancer screening, and prenatal care. The request provides the initial increment required to enhance the IHS, Tribal, and Urban public health system so that it can again continue to make significant improvements in the health status of American Indian and Alaska Native people.

Thank you for this opportunity to discuss the FY 2000 President's budget request for the IHS. We are pleased to answer any questions that you may have.

EXECUTIVE SUMMARY

GENERAL STATEMENT

The Indian Health Service (IHS) has the responsibility for the delivery of health services to Federally-recognized American Indians and Alaska Natives (AI/AN) through a system of IHS, tribal, and urban (I/T/U) operated facilities and programs based on treaties, judicial determinations, and Acts of Congress. The **Mission** of the agency is to raise the physical, mental, social, and spiritual health of AI/AN to the highest level, in partnership with the population served. The agency **Goal** is to assure that comprehensive, culturally acceptable personal and public health services are available and accessible to the service population. The mission and goal are addressed through four **Strategic Objectives**, which are: 1) Improve health status; 2) Provide health services; 3) Assure partnerships and consultation with I/T/Us; and 4) Perform core functions and advocacy.

OVERVIEW OF THE BUDGET

This budget request and performance plan represents the first of many incremental steps necessary to reduce the health disparities that prevail in the AI/AN population. It is consistent with the Agency's mission, the Department's strategic plan, and the HHS Initiative to Eliminate Racial and Ethnic Disparities in Health.

The Indian Health Service proposes **an increase of $170.1 million and 290 FTE** to its budget in FY 2000 above the FY 1999 appropriation. This budget would provide an additional $82.598 million for mandatory and current services items including health care facilities construction, $68.407 million in program increases for Services, and $19.095 million in program increases for the Facilities program. These initial investments will: 1) begin to restore the I/T/U capacity and infrastructure to provide access to high quality primary and secondary medical services, and basic preventive services, and 2) begin to slow down recent **declines in certain health status indicators.**

The FY 2000 budget for HHS also includes a physician compensation payroll policy of 6 percent growth per year. In effect, the policy guideline means that physician payroll in HHS would be held to 6 percent annual growth in FY 2000 and future years.

POLICY BASIS AND FORMULATION PROCESS FOR FY 2000 BUDGET REQUEST

The Federal Commitment is to Raise American Indian and Alaska Native Health Status in Partnership with Tribal Governments.

From a policy perspective, this budget request is perhaps the most strongly supported proposal in the Agency's history; it is based on both new and longstanding Federal policy and commitment for improving health status by assuring the availability of basic health care services for members of federally recognized Indian tribes. The request supports the following four policy initiatives:

- the President's Race Initiative, specifically the HHS **Initiative to Eliminate Racial and Ethnic Disparities in Health,**
- the proposed **Healthy People 2010** and its goal of achieving equivalent and improved health status for all Americans over the next decade,

- the DHHS Strategic Plan:
  - Goal 1 - *Reduce major threats to health and productivity of all Americans.*
  - Goal 2 - *Improve the economic and social well-being of individuals and families, and communities in the United States.*
  - Goal 3 - *Improve access to health services and ensure the integrity of the Nation's health entitlement and safety net program.*
  - Goal 4 - *Improve the quality of health care and human services.*
  - Goal 5 - *Improve public health systems.*

In addition, the Indian Health Care Improvement Act also reflects the reaffirmation of the U.S. government's commitment to Indian tribes to improve the health of their people. The Act states "*The Congress hereby declares that it is the policy of this Nation, in fulfillment of its special responsibilities and legal obligations to the American Indian people to* ***assure the highest possible health status*** *for Indians and urban Indians and to provide all the resources necessary to affect that policy.*" Furthermore, the President of the United States reaffirmed the significance of the "government to government" relationship between tribes and the federal government in his Executive memorandum of April 1994, concerning consultation with American Indian and Alaska Native tribal leadership.

BUDGET PRIORITIES AND STRATEGIES

The primary policy basis for this budget request is eliminating health disparities between the AI/AN population and the general U.S. population. This budget request supports this intent by **restoring access** to the basic health services, including assuring that there are **adequate facilities and equipment** for the provision of health services, providing **adequate support services** to the tribal health delivery system, and **holding the line against further loss of health status improvements or actual declines in health status.**

Restoring Access to Basic Health Care - $82.598 million

The first priority in the budget proposal is to **restore access** to basic health services. The IHS has demonstrated the ability to effectively utilize available resources to provide effective services and improve the health status of the AI/AN people. However, this **record of achievement has eroded** in recent years in the face of the declining purchasing power of the IHS budget and the need to shift to providing more acute and urgent care treatment in the face of limited resources. Thus, to redress the declining access to essential individual and community health services, the Area I/T/Us identified funding of mandatory cost increases and current services items as their first priority for budget increases for FY 2000. The requested funds provide the initial investment required to enhance the I/T/U public health system to a level that can reduce health disparities by providing access to high quality medical and preventive services.

An essential component of supporting access to services and improving health status in the long run, is to assure that there are **adequate facilities and equipment** for the provision of health services. The average age of IHS facilities is 32 years. This is in contrast to the private sector where facilities average 9 years of age. The inadequacies of these aged facilities

make the efficient, safe, and pleasant provision of services difficult at many locations and impossible in some locations.

Also critical is the provision of **adequate support services** to the tribal health delivery system. These requested funds are necessary for tribal communities to assure that there are utilities, training, clerical staff, administrative and financial services needed to operate health programs. Without this funding, the supports are either not available, or these services must be funded from resources that would otherwise fund health service activities. This investment is **consistent with the Administration's commitment to expanding tribal participation in the management of the programs** and the principles of the Indian Self-Determination Act.

Reducing the Gap in Health Disparities - $87.502 million

The next proposals are intended to move forward toward **health improvements rather than just assuring no regression.** These are program initiatives that target segments of the population that are particularly vulnerable to disproportionate disease burden: children and youth, women, elders, and urban Indians. The request addresses the multiple health issues affecting these populations. IHS will develop a long-term plan for continuing improvements in the health of the AI/AN population. The proposal will also target the specific disease entities identified as priority areas by the I/T/Us and responsible for much of the disparity in health status for the AI/AN population. These include dental diseases, injuries, mental health, and cancers. The support for public health infrastructure is also fundamental to these initiatives. These investments will support prevention and treatment services and are based on "**best practices**" defined in health literature. This is **consistent with the Presidential Executive Order** directing Federal entities to employ such industry standards. These targeted efforts will be monitored in the performance plan.

Another need is water and sewer systems for new and existing homes at the community level. The AI/AN homes are seven times more likely to be without clean water than homes in the broader U.S. This construction need must be addressed if further progress is to be made in preventing infectious diseases and improving the quality of life.

Conclusion

In summary this budget request and performance plan will begin to address declining access to individual and community health services. The request provides the initial increment required to enhance the I/T/U public health system so that it can again continue to make significant improvements in the health status of AI/AN people.

FY 2000 Budget Request Summary (Services and Facilities)

	FY 1998 Actual	FY 1999 Appropriation	FY 2000 Estimate	Increase Or Decrease
Budget Authority.....	$2,098,712,000	$2,242,287,000	$2,412,387,000	+$170,100,000
Program Level.	$2,459,787,000	$2,651,524,000	$2,822,474,000	+$170,950,000
FTE.....	14,516	14,750	15,040	+290

The request of $2,412,387,000 and 15,040 FTE is a net increase of $170,100,000 and 290 FTE over the FY 1999 appropriated level of $2,242,287,000 and 14,750 FTE. In addition, the Balanced Budget Act of 1997 included an increase of $30,000,000 for the prevention and treatment of diabetes. This amount will be available each year through FY 2002. This request addresses the Year 2000 Objectives for the Nation and IHS performance measures. Furthermore, the formulation process included tribal and urban consultation and participation through out. The following summarizes the IHS Budget Request:

FY 2000 Current Services: +$123,685,000 and 116 FTE

The IHS is requesting an increase of $123,685,000 to partially address the rising cost of providing health care. Excluded are cost increases associated with inflation and those that are attributable to the rapidly expanding AI/AN population. The current services increase of $123,685,000 includes the following:

- $34,752,000 for Pay Costs.
- $ 8,615,000 and 116 FTE for Phasing-In of Staffing and Operating Costs for new facilities.
- $35,000,000 for Contract Support Costs.
- $42,531,000 for continuing construction of the Ft Defiance, AZ Hospital and initiating construction of the Parker Health Center; completing design of the Red Mesa Health Center and Pawnee Health Center; and new dental units.
- $ 2,787,000 for increase GSA lease costs.

Program Increases - +$92,502,000 and 174 FTE

- $ 6,000,000 for Women's Health.
- $ 7,000,000 for Dental Health.
- $ 6,000,000 for Mental Health.
- $ 1,000,000 for Alcohol & Substance Abuse.

- $24,000,000 for Contract Health Services.
- $ 7,000,000 for Information & Telecommunication Systems.
- $ 8,470,000 and 100 FTE for Public Health Nursing.
- $11,000,000 for Indian Health Care Improvement Fund.
- $ 2,937,000 for Urban Indian Health.
- $ 7,500,000 for Maintenance & Improvement.
- $ 3,000,000 for Sanitation Facilities.
- $ 7,595,000 and 74 FTE for Facilities and Environmental Health Support which includes injury prevention.
- $ 1,000,000 for Equipment.

Program Decreases - -$46,087,000

- $41,087,000 Non-recurring Health Care Facilities Construction Funds.
- $ 5,000,000 Community Health Representatives.

STATEMENT BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, D.C.

February 24, 1999

by
Jacqueline Johnson
Deputy Assistant Secretary for Native American Programs
Office of Public and Indian Housing
U.S. Department of Housing and Urban Development

Mr. Chairman and Members of the Committee, thank you for holding this hearing today and for your consistently strong support for HUD's goals, priorities, and legislative initiatives.

I especially want to thank you, Mr. Chairman, for your leadership as a strong advocate for Native Americans, Alaska Natives and Native Hawaiians. Your efforts in recent years to preserve funding for HUD's Native American programs in the face of proposed cutbacks are deeply appreciated. People that care about the quality of life for Native Americans are well served by your chairmanship.

It is a pleasure to continue to work closely with you and the other Members of the Committee on Native American housing and community development issues. I am delighted to be here today to discuss those issues, the implementation of the Indian Housing Block Grant Program authorized by the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996, and any other matters of interest to you.

THE PRESIDENT'S FY 2000 BUDGET PROPOSAL

The President's proposed FY 2000 budget for Native American programs reflects HUD's continued support of NAHASDA's purposes and intent: tribal independence and increased flexibility in program implementation. NAHASDA's Indian Housing Block Grant and Title VI Indian Tribal Housing Activities Loan Guarantee Programs; the Section 184 Indian Housing Loan Guarantee Program; and the Indian Community Development Block Grant Program combine to allow tribes to custom-design programs and activities that focus on infrastructure, planning, and cost-effective, innovative housing and community development activities to meet each community's specific needs.

The President's Budget proposes $620 million for the Indian Housing Block Grant Program, the same amount contained in the FY 1999 HUD Appropriations Act. We believe this is a reasonable funding level, given the formative stage of the new program. It represents a $20 million increase over the FY 1998 enacted level. Of that amount, up to $6 million can be used for training and technical assistance activities, and $5 million is set-aside to fund the NAHASDA Title VI Tribal Housing Activities Loan Guarantee Program.

We are proposing that the Indian Community Development Block Grant Program remain at the FY 1999 appropriated level of $67 million. This essential program is used by tribal governments to improve communities by developing or enhancing infrastructure, supporting employment-creating and economic development activities, and other capital programs.

The proposed funding level for the Section 184 Indian Home Loan Guarantee Program is $6 million. That amount of budget authority will support loan guarantees of $72 million. With our national average loan amount at $105,000, we can guarantee approximately 650 new home mortgages. This popular program provides Federal guarantees for market-rate mortgage loans made to income-eligible Native American families who wish to build or acquire a home located on an Indian reservation or on other trust or restricted land. Without these Federal guarantees, lenders have refused to grant loans to otherwise-eligible Indian families.

There are other significant sources of funding in the President's Budget proposal for which Indian tribes and/or their tribally designated housing entities (TDHE) may compete. They include $310 million in the Public and Indian Housing Drug Elimination Program, $427 million in Welfare-to-Work Section 8 Vouchers, and a number of innovative new programs geared toward increasing housing and economic development in rural and other under-served areas.

STATUS OF NAHASDA IMPLEMENTATION

Fiscal Year (FY) 1998 was the first year we implemented NAHASDA. Regulations for the program were published in March of 1998 and virtually all eligible tribes submitted Indian Housing Plans for funding by July of that year. By the end of FY 1998, HUD had approved 367 Plans representing 546 tribes, or **95 PERCENT** of the eligible tribes. Tribes are currently involved in implementing the activities included in their FY 1998 Plans and they are completing their FY 1999 formula allocation reviews.

To date, the overwhelming majority of activities undertaken by tribes are a continuation of previously-funded housing activities. These include the management and maintenance of housing developed with funding pursuant to the United States Housing Act of 1937, new housing construction for rental and homeownership, shelter/transitional housing for the homeless, housing counseling, and crime prevention, safety, security and drug elimination programs. Model activities approved during the first year of the program also followed a historic trend and include community centers and maintenance or management facilities needed to support affordable housing.

It is not unusual that in this first year of NAHASDA implementation, tribes have relied on familiar activities; however, as the program matures, we expect to see more innovative proposals for addressing housing needs.

NAHASDA IMPLEMENTATION CHALLENGES

NAHASDA requires a significant shift in HUD's involvement in the delivery and upkeep of housing for Indian tribes. In the past, HUD was directly involved in the planning, implementation and management of housing programs. Under the new program, tribes have assumed full responsibility for the success of their housing activities. It has been difficult to implement this change in roles; both HUD staff and the tribes have a tendency to default to traditional roles.

This shift in responsibility is the most significant transitional issue faced during

the early implementation of NAHASDA. We are retooling the organizational structure of the Office of Native American Programs to meet this challenge. We are training our Headquarters and Field Office staff to facilitate this altered Federal role. As we interact with tribes, either through normal program relationships or through training and technical assistance, we are emphasizing the leadership role that tribes have (and must actively assume) in the new program.

It remains HUD's responsibility to ensure that Federal funds are spent wisely. While the primary responsibility for program selection resides with grantees, HUD must maintain its program oversight responsibilities. The Office of Native American Programs is establishing a separate office dedicated solely to this function. The office will be responsible for all aspects of program and participant evaluation, and it will work closely with NAHASDA grant recipients to address and eliminate program deficiencies quickly. A team of ONAP managers and staff has been working over the past several months to develop a risk-based system for identifying potential problems before they become critical. The new risk-based system will become operational within the next 90 days.

An example of the changed dynamic between HUD and tribes can be found in the area of environmental reviews of planned activities. Prior to the implementation of NAHASDA, HUD maintained the lead role in assuring that housing development activities complied with the National Environmental Protection Act (NEPA) and related laws. NAHASDA provides for tribes to assume the responsibility for environmental review of their projects. Because some tribes may choose not to assume the responsibility, the program regulations provide for HUD to retain the environmental

review responsibility in those cases.

While most tribes continue to successfully perform their environmental reviews, a few tribes have started projects without completing these requirements. This becomes a violation of NEPA, which automatically voids the eligibility of the project for NAHASDA funding, which can cause financial hardship for the affected tribe. Where tribes are relying on HUD to accomplish the environmental review responsibilities, there is significant concern by tribes that HUD will not be able to promptly complete the required reviews.

HUD has taken a number of steps to address this concern. First, with the approval of every grant, the tribe/recipient is advised that environmental requirements must be met before funds can be obligated. If the tribe has assumed environmental review responsibilities, we have provided them with guidance materials to use in preparing reviews. Second, each of the ONAP field offices has provided basic training to recipients on their environmental review responsibilities. Third, we are working with tribes to develop a step-by-step guide on how to meet environmental review responsibilities, whether or not they currently choose to assume these responsibilities. This guide will specifically identify and detail the information which must be provided to HUD so that an environmental review can be completed. Fourth, we have trained staff from each ONAP field office on environmental review responsibilities. And finally, using this initial training as a base, we are planning to provide several multi-day, comprehensive training sessions for NAHASDA grant recipients.

Our primary objective is to work with tribes so that they are comfortable in assuming the

environmental responsibilities. Assumption of these responsibilities by tribes is in harmony with NAHASDA's recognition of tribal self-determination and self-governance. In the interim, HUD is taking every reasonable step to ensure compliance with environmental requirements so that planned activities are not unreasonably delayed.

SHARED VISIONS & ONE STOP MORTGAGE CENTER INITIATIVE

While NAHASDA offers tribes enhanced opportunities to improve their housing and community development programs, I would like to share with you some of my excitement about several new homeownership initiatives spearheaded by the Department which will bring private capital to Indian country.

At the White House Conference, "Building Economic Self-Determination in Indian Communities," held in Washington, DC on August 5-6, 1998, President Clinton issued a mandate to HUD Secretary Cuomo and Treasury Secretary Rubin to create partnerships with tribal governments, other federal agencies and the private sector to develop a One-Stop Mortgage Center initiative. This effort is intended to streamline mortgage lending for all tribes and create a network of housing assistance centers, bringing to Indian country the homeownership opportunities many Americans take for granted. HUD and our Partners continue to participate in a series of meetings and consultation sessions aimed at identifying barriers to lending in Indian country. It is our goal to develop real solutions to resolve those barriers.

The Navajo Nation was selected by President Clinton to host the first Center. The Pine Ridge Reservation is the second host-site, and nominations are currently

being considered by the Partners for the third site.

At this point the most significant barrier to homeownership remains the lack of available, private-market housing stock on reservations. Without an inventory of homes to purchase, and with no developers willing to build new homes in these areas, Native American families can only wait until rental or other assisted housing is available. This cannot be the only solution.

Secretary Cuomo has made homeownership on reservations a top priority. In close coordination with Indian leaders from across the country, he has directed HUD to partner with tribes to create a national housing model, *Shared Visions*. *Shared Visions* will explore innovative ways to build and renovate affordable housing on tribal lands and thus help more Native Americans become homeowners. The model being developed at Pine Ridge is designed to be replicated on tribal lands everywhere, which will increase the number of affordable, quality homes. A key component of the program is establishing a first-of-its-kind nonprofit entity to provide comprehensive homeownership services to Native Americans. These services would include low-cost financing, down payment assistance, and homeownership counseling.

Shared Visions has two components in 1999. First, we will design the national model, which will be the centerpiece of the activities scheduled at HUD's annual Native American Homeownership, Legal and Economic Development Summit, to be held in Chicago from March 30 to April 1, 1999. Then, during late July and early August, the Partners will work with the Oglala Sioux (Lakota) Tribe of the Pine Ridge Indian Reservation. They will host a "building blitz," which will attract volunteers from across

the country to help construct 50 homes, create the necessary infrastructure, provide technical assistance, and implement a permanent, public-private partnership organization to continue developing homes for private ownership on the Reservation.

Mr. Chairman, this concludes my prepared testimony. I would be pleased to answer any questions you or other Members of the Committee may have.

FISCAL YEAR 2000 PROPOSED FUNDING FOR NATIVE AMERICAN PROGRAMS

Indian Housing Block Grant Program: $620 million

from which the following amounts are set aside:

Title VI Tribal Housing Activities Loan Guarantee Program: $ 5 million

Technical Assistance and Training $ 6 million

Section 184 Indian Housing Loan Guarantee Program: $ 6 million
which supports $72 million in guarantees

Indian Community Development Block Block Grant Program: $ 67 million

NAHASDA repealed Indian eligibility for the categorical programs authorized under the United States Housing Act of 1937, as amended, and certain similar laws, and combined them into a single, formula-based Indian Housing Block Grant (IHBG). Tribes or their tribally designated housing entities (TDHE) apply for the IHBG by submitting an Indian Housing Plan for HUD approval.

Indian families, Indian housing authorities, Indian tribes and TDHEs are eligible borrowers under the Section 184 Loan Guarantee Program.

Title VI Tribal Housing Activities Loan Guarantee Program guarantees are available, under certain conditions, for notes or other obligations issued by Indian tribes or, with tribal approval, their TDHEs.

Indian tribes respond competitively to a Notice of Funding Availability for the Indian Community Development Block Grant Program.

Indian tribes and TDHEs are eligible to compete for the Public and Indian Housing Drug Elimination Program, the Economic Development and Supportive Services Program, the Rural Housing and Economic Development Initiative, and the special Welfare-to-Work Section 8 Voucher Program.

The Office of Native American Programs has the direct responsibility to administer all programs mentioned above, including those where Indian tribes or TDHEs successfully compete for grant funds concurrently available to other entities.

TESTIMONY OF THOMAS L. LECLAIRE
Director, Office of Tribal Justice
U.S. Department of Justice
Before the Senate Indian Affairs Committee
February 24, 1999

Mr. Chairman and Members of the Committee, good morning. I am Thomas L. LeClaire, Director of the Office of Tribal Justice, Department of Justice. Thank you for inviting us to testify concerning our Fiscal Year 2000 budget for Indian country.

I. Introduction

Let me begin by emphasizing the fundamental principles that guide our work with Indian tribes. Congress and the Executive Branch acknowledge the importance of working with Indian tribes within the framework of government-to-government relations when tribal self-government, tribal land and natural resources, treaty rights, or other tribal rights are at issue. The principle of government-to-government relations with Indian tribes has its roots in the historical relations between the United States and Indian tribes. President Clinton recently affirmed that:

> Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. In numerous treaties, our Nation guaranteed the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory.

Executive Order No. 13084 (Consultation and Coordination with Indian Tribal Governments); 63 Fed. Reg. 27655 (1998). Our basic responsibility to preserve public safety for residents of Indian communities derives from the unique trust relationship between the United States and Indian tribes, as well as from specific statutes, such as the Indian Major Crimes Act and the Indian Country Crimes

Act that establish federal jurisdiction for serious crimes, such as homicides, rapes, and assaults resulting in serious bodily injury.

As governments, Indian tribes have the authority to maintain law and order, ensure public safety, and administer justice in Indian country. Consistent with our trust responsibility, the United States Attorneys prosecute felony crimes under the Indian Major Crimes Act and the Indian Country Crimes Act. Tribal law enforcement agencies assist the Federal Bureau of Investigation ("FBI") and the Bureau of Indian Affairs ("BIA") to respond to and investigate felony crimes; serve as first responders to Indian country crimes; and prosecute misdemeanor Indian crimes. An effective tribal law enforcement system is an essential adjunct to effective Federal law enforcement in Indian country.

Under Public Law 280, some states were delegated criminal jurisdiction over Indians in Indian country, and in those states, Indian tribes retain inherent authority over misdemeanor crimes by Indian offenders and often serve as the first responders to Indian country crime.

II. Violent Crime Among American Indians

Historically, Indian tribes had social systems and governing institutions to maintain harmony and balance in their communities but decades of poverty have disrupted the harmony and balance of Indian communities. Today, violent crime exacts a severe toll among American Indians and Alaska Natives.[1]

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[1] As used herein, the term "American Indians" includes American Indians and Alaska Natives.

Throughout most of the Nation, increased law enforcement resources have enhanced efforts to fight crime and violent and juvenile crimes rates have dropped. In contrast, in many Native American communities, violent and juvenile crime rates are rising while tribal and BIA law enforcement agencies are underfunded. Tribal and BIA law enforcement agencies have insufficient staffing among uniformed police, criminal investigators, and detention staff and lack law enforcement, judicial, and detention facilities as well as basic communications and intelligence gathering technology. Although advanced technology is becoming increasingly available to state, local, and federal jurisdictions, many tribal and BIA law enforcement agencies lack even rudimentary crime reporting hardware and software.

The 2.3 million American Indians and Alaska Natives in the United States represent just under one percent of the population, but a February 1999 nationwide Department of Justice, Bureau of Justice Statistics (BJS) survey finds that American Indians are victimized by violent crime at a rate more than twice that of the general population.

Violence against American Indian women is particularly severe.[2] American Indians suffer 7 rapes or sexual assaults per 1,000 compared to 3 per 1,000 among Blacks, 2 per 1,000 among whites, and 1 per 1,000 among Asians. Child abuse and neglect are also serious problems among American Indians. The National Child

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[2] The BJS report details violence among victims age 12 and over.

Abuse and Neglect Data System of the Department of Health and Human Services reports that, from 1992 to 1995, American Indians and Asians were the only groups to experience increases in child abuse and neglect cases involving children under age 15,[3] and the increase among American Indians was 3 times that among Asians. In 1995, the rate of substantiated child abuse and neglect cases among American Indian children was the highest of any group.

Alcohol use is strongly associated with crime among American Indians. In 55% of violent crimes against American Indians, the victims report that the offender was under the influence of alcohol, drugs, or both. In addition, the 1996 arrest rate for alcohol related offenses (driving under the influence, liquor violations, etc.) among American Indians and Alaska Natives was more than double that of the general population.

In addition, we should emphasize that the BJS statistics are derived from American Indian households throughout the Nation, in urban, rural, reservation and off-reservation settings. Reports from the FBI, BIA, and tribal law enforcement agencies indicate that the violent crime problems on many Indian reservations are even worse than these overall national rates.

Testimony by tribal leaders regarding higher rates of homicide and gang violence corroborates information gathered by the FBI, BIA, U.S. Attorneys, and tribal police. Of the 6002 Indian country cases opened by the FBI between 1994-97, 83% were either violent

[3] Rates were calculated on the number of children age 14 or younger because they account for at least 80% of the victims of child abuse and neglect.

crimes or involved child physical or sexual abuse. The homicide rates for some large western Indian reservations, like the Navajo Reservation, compare to the most violent jurisdictions in the country. Tribal leaders are concerned that the lack of adequate tribal law enforcement resources feeds a perception by juveniles in Indian country that they can commit crimes with impunity. Violent crime by juvenile offenders and Indian youth gangs is on the rise in many Indian communities. The number of Indian youth in our Bureau of Prisons (BOP) custody has increased by 50% since 1994. Given the unique nature of Federal jurisdiction and the rise in juvenile crime in Indian country, 68% of the 270 youth in the BOP custody were American Indian, as of February, 20 1999.

Demographics may contribute to the growing problem of juvenile delinquency and violence in Indian country. The median age of American Indians is 24.2 years compared with 32.9 years for other Americans. On many reservations, roughly half of the population is under 18 years of age. Against this background, we must redouble our efforts to provide appropriate juvenile prevention programs to fight the rise in juvenile crime in Indian communities.

III. The Indian Country Law Enforcement Improvement Initiative

Recognizing the severe problem of violent crime among American Indians, on August 25, 1997, President Clinton directed the Secretary of the Interior and the Attorney General to work with tribal governments to analyze law enforcement problems on Indian lands and suggest ways for improving public safety and criminal justice in Indian country. Beyond the increasing crime rates, the

President cited the lack of permanent law enforcement officers, investigators, and detention facilities as evidence of the critical importance of addressing this problem immediately.

In response, the Secretary and the Attorney General formed an Executive Committee for Indian Country Law Enforcement Improvements with tribal leaders and representatives from the Interior and Justice Departments. At the request of the Executive Committee, U.S. Attorneys in districts with Indian tribes led an extensive series of tribal consultations on Indian country law enforcement in the fall of 1997. Consultations revealed a disturbing discrepancy between public safety in Indian country and the rest of the United States.

The Executive Committee found that to effectively fight crime in Indian country and improve public safety, the United States must work with Indian tribes to ensure that there is a full spectrum of Federal and tribal law enforcement resources. That includes BIA and tribal uniformed police, criminal investigators, tribal courts, FBI agents, U.S. Attorney personnel, support staff, victim-witness coordinators, juvenile justice programs, detention facilities, law enforcement equipment, and training.

Uniformed police play an important role in crime fighting because they are the first on the scene. A well-staffed uniformed police force can deal with juvenile offenders swiftly and effectively, deterring them from more serious crime. BIA and Tribal criminal investigators also play a critical role in the criminal justice system. They are often best situated to gather

information about criminal activity and assist in solving cases that threaten community well-being.

Tribal courts are also crucial to maintaining law and order in Indian communities. When tribes have a range of sanctions and crime suppression, prevention, and intervention programs, tribal criminal justice systems can reduce the volume of serious offenders who must be dealt with in the federal system.

The range of sanctions available to tribes should include detention for serious violent offenders, drug courts and other alternative sentencing consistent with tribal traditions for lesser offenders. Tribal anti-crime efforts should also include Boys & Girls Clubs and other juvenile prevention programs.

After giving serious consideration to these factors and the information gathered through consultations with tribal leaders, the Attorney General and the Secretary of the Interior approved the report of the Executive Committee and recommended to the President that Justice and Interior Departments undertake an on-going effort to improve law enforcement in Indian country. The President approved those recommendations, and the Administration obtained funding for the first year of the Indian Country Law Enforcement Improvement Initiative in Fiscal Year 1999 and has sought continuing funding for Fiscal Year 2000.

A. Fiscal Year 1999 Funding

For Fiscal Year 1999, Congress appropriated approximately $89,000,000 to the Justice Department to improve law enforcement in Indian country, including:

- COPS -- $35,000,000 in COPS funding for Indian country that will cover the costs of salary and benefits for additional COPS officers as well as training and equipment for both new and existing officers to promote community policing tailored to the needs of Indian communities.
- Detention -- $34,000,000 for the construction of detention facilities to incarcerate offenders punished under tribal law. The Office of Justice Programs will administer this program through the Corrections Program Office.
- Tribal Youth Program -- $10,000,000 for grants to Indian tribes to fund comprehensive tribal delinquency prevention, control, and juvenile justice system improvement for tribal youth. Funds will be available to tribes through the Office of Juvenile Justice and Delinquency Prevention Programs to support programs to reduce, control, and prevent crime both by and against tribal youth; for intervention for court-involved youth, improvement of criminal justice systems, and juvenile alcohol and substance abuse programs.
- Tribal Courts -- $5,000,000 for grants to Indian tribes for the development, enhancement, and the operation of tribal courts. The Bureau of Justice Assistance will administer this program to assist tribal courts through technical assistance and will award grants to tribal courts for development and enhancement projects. The Bureau will also promote funding for intertribal courts to maximize the impact of limited program resources.

- FBI -- $4,600,000 for 30 additional FBI agents and 20 support staff for areas of Indian country where the need is most pronounced. Allocations to 11 of the FBI's field offices and Training Division have been planned, in consultation with the BIA, and job descriptions are now being finalized.

Under the Federal Indian Self-Determination Policy, as we assist tribal governments under these grant programs, we will work to ensure that our programs have the flexibility necessary to accommodate tribal traditions and meet the unique circumstances of Indian country. We expect that applications for Justice Department Fiscal Year 1999 grant programs will be sent to tribes in April.

To complement our efforts, Congress appropriated $20 million in additional funding for Fiscal Year 1999 Department of Interior Bureau of Indian Affairs for criminal investigators, uniformed police, law enforcement services, dispatchers, and equipment. The Justice and Interior Departments are coordinating these efforts to ensure that they are complementary, and we are collaborating on our training efforts to ensure that law enforcement officers in Indian country receive appropriate training.

B. Fiscal Year 2000 Budget Request

Given the severity of the violent crime problem in Indian communities, Justice and Interior Department efforts to improve Indian country law enforcement must be active and ongoing. For FY 2000, the Justice Department is seeking $124,208,000 for the Indian Country Law Enforcement Improvement Initiative. BIA is seeking $40 million for the Initiative for Fiscal Year 2000.

The Justice Department funds will be dedicated as follows:

- COPS -- $45,000,000 for COPS grants to Indian tribes for additional law enforcement officers, equipment, and training. (This represents a $10,000,000 increase above the amount appropriated for Fiscal Year 1999).
- Detention -- $34,000,000 for the construction of detention facilities in Indian country.
- Tribal Youth Program -- $20,000,000 for grants to Indian tribes to fund comprehensive tribal delinquency prevention, control, and juvenile justice system improvement for tribal youth. (This represents a $10,000,000 increase above the amount appropriated for Fiscal Year 1999).
- Drug Testing/Treatment -- $10,000,000 for drug and alcohol testing and treatment in Indian country to address the high correlation between drug and alcohol abuse and violent crime among American Indians. (This is a new request.)[4]
- Tribal Courts -- $5,000,000 to assist tribal governments in the development, enhancement, and continuing operations of tribal judicial systems.

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[4] The Drug Testing/Treatment program is essential to fight violent crime in Indian country because of the strong association between alcohol abuse and violent crime among American Indians, which is reflected in the BJS survey discussed above. At times, tribal law enforcement agencies can become overwhelmed by the sheer number of alcohol-related offenses. At a meeting with the Oglala Sioux law enforcement in December 1998, tribal law enforcement officers reported that 18,000 of 22,0000 arrests that they made last year were alcohol related. Many offenders can be dealt with more effectively through alternative sentencing, such as supervised residential substance abuse treatment, than through incarceration.

- Tribal Criminal Justice Systems -- $2,000,000 to conduct a national census of tribal criminal justice agencies and related statistical activities to improve the understanding of crime and the administration of justice among American Indians. This request is essential to improve the ability of tribal law enforcement to collect criminal justice statistics because, unlike the state and local governments, most tribal governments do not have the capacity to collect statistics under the Uniform Crime Reporting system, which the FBI uses to track crime rates. (This is a new request.)
- Police Corps -- $5,000,000 for the Police Corps Program to build the human resource infrastructure of tribal police by providing advanced educational opportunities for police in Indian country. (This is a new request.)
- United States Attorneys -- $3,208,000 for 26 Assistant U.S. Attorneys and 10 support staff to augment current Federal investigative and prosecutorial efforts in Indian country.

IV. Other Justice Department Funding Programs

The Justice Department has also sought to make our general programs to assist state and local law enforcement available to Indian tribes. Some examples follow:

- Violence Against Women -- The Violence Against Women Office (VAWO) administers the STOP Violence Against Indian Women Grant Program to assist Indian tribes to develop and strengthen law enforcement and criminal justice system

strategies to prevent and respond to domestic violence.[5] For Fiscal Year 2000, the Justice Department has requested $8.2 million for the STOP Violence Against Indian Women Grant program.

- Drug Courts -- Drug courts are an innovative approach to break the cycle of drug use and crime before abusers become violent by providing intensive judicial supervision, sanctions, incentives, and treatment to help offenders stop abusing drugs, and grants to support drug court development, implementation, and improvement efforts are available to state, local, and tribal governments. For Fiscal Year 2000, the Justice Department is seeking an overall appropriation of $50,000,000 for the Drug Courts program.[6]

We continue to work to ensure that Indian tribes are appropriately included in general Justice Department funding programs designed to assist law enforcement agencies.

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[5] In Fiscal Year 1998, VAWO awarded 68 grants totalling approximately $5,900,000 to Indian tribes under the STOP program. VAWO also administers the Grants to Encourage Effective Arrest Policies Program, and in Fiscal Year 1998, 8 awards totalling approximately $1,325,000 were made to Indian tribes. Under the Rural Domestic Violence and Child Victimization Program, 13 awards totalling approximately $3,580,000 were made to rural Indian tribes to improve services available to women and children who are victims of domestic violence. These programs are particularly important given the severity of the problem of violence against Indian women.

[6] In Fiscal Year 1998, eight tribal government grantees were awarded approximately $2,000,000 for implementation, and thirteen tribal grantees were awarded approximately $300,000 for planning grants.

Conclusion

In closing, the Justice Department recognizes that we must reduce the level of violent crime in Indian communities by ensuring adequate law enforcement resources are available to fight violent crime. The Justice Department urges the Senate Committee on Indian Affairs to support our request for the funding necessary to do so.

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

March 2, 1999

The Honorable Ben Nighthorse Campbell
Chairman
Committee on Indian Affairs
United States Senate
Washington, D.C. 20510-6450

Dear Senator Campbell:

Thank you for providing us the opportunity to present testimony regarding Department of Justice funding in the President's FY 2000 budget. In order to bring meaningful and sustainable improvements to the law enforcement services in Indian country, funding in FY 2000 and subsequent fiscal years will be essential. We greatly appreciate your individual attention and commitment to justice in Indian country, as well as the demonstrated support of the Senate Indian Affairs Committee. Responses to the written questions that you posed follow.

Questions from Chairman Campbell:

Question 1.

What types of training and development would the new "Police Corps" program fund? What do you foresee as the ultimate effect of this new program in Indian country?

Answer to Question 1.

(a) The Department of Justice's FY 2000 budget request will provide $5 million from the Office of Police Corps and Law Enforcement Education (OPCLEE) to implement a Police Corps program in Indian country. This new initiative offers federal scholarships on a competitive basis to college students who agree to serve as police officers for at least four years with a law enforcement agency. Upon graduation, candidates are then required to complete a rigorous 16 to 24 week law enforcement training program, that could be offered at the BIA's Indian Police Academy in Artesia, New Mexico. This training, funded by OPCLEE, is designed to teach the knowledge, skills, and attitudes essential to community patrol. All participants are required to develop the physical, moral, and analytical capabilities required

to satisfy high performance standards for physical, mental, and emotional fitness. While many of the details of this program have yet to be developed, Police Corps officers will likely be required to commit the four years of service to a tribal law enforcement agency. The OPCLEE met with the Indian Country Law Enforcement Section of the International Association of Chiefs of Police on February 26, 1999, to describe the Police Corps program and to request suggestions for implementing Police Corps in Indian country. The program may also use guidelines from the National Police Officer Scholarship Program to provide educational assistance to current tribal law enforcement personnel. The Department will coordinate the development of this program with the Bureau of Indian Affairs Office of Law Enforcement Services (BIA-OLES) to assure the maximum effectiveness of this program in Indian country.

(b) The ultimate effect of the Police Corps program in Indian country should be to address violent crime by helping Indian law enforcement agencies increase the number of highly qualified officers assigned to community patrol in areas with less than adequate service. The Police Corps program also has the potential to improve the retention of new tribal law enforcement officers through the four year commitment requirement. The Police Corps program should reduce the tribal costs of hiring and training new officers and will provide tribal law enforcement agencies with $10,000 for each of the participant's first four years of service. Over time, this program has the potential to increase the number of college-educated tribal police officers while providing education assistance to students with a demonstrated interest in law enforcement.

Question 2.

Are any results in yet from the Law Enforcement in Indian Country Initiative begun last year? If results are available, please provide them for our review.

Answer to Question 2.

Implementation of the President's Initiative on Indian Country Law Enforcement has proceeded on several fronts since congressional appropriation of FY 1999 funding to the Departments of Justice and Interior. As an administrative matter, the Department of Interior has reorganized and consolidated law enforcement programs under the Office of Law Enforcement Services (OLES) and developed a plan to allocate uniformed police, criminal investigators, detention staff, dispatchers, and police vehicles, among BIA and tribal law enforcement programs.

In order to avoid duplication of resources and assure maximum coverage in Indian country, coordination with the Department of Interior has been an essential aspect of the

Department of Justice planning and implementation process. In the allocation of investigatory resources, the FBI and Bureau of Indian Affairs OLES coordinated information regarding the placement of BIA criminal investigators and FBI agents. Since Congress approved $4.6 million in FY 1999 to enable the FBI to place 30 agents and 20 support staff in 11 field offices and training divisions that serve tribal communities, the FBI has allocated these positions to regions that report the greatest increases and highest volume of violent crimes under federal Indian country jurisdiction.

To make informed decisions regarding the implementation of more than $80 million in grant programs under Department of Justice FY 1999 funding, the Department also made efforts to improve the available information regarding the scope and extent of tribal law enforcement needs. The results of these efforts include the Bureau of Justice Statistics study on "American Indians and Crime" and the Bureau of Justice Statistics forthcoming report, "Survey of Jails in Indian Country, 1998." While the findings regarding the prevalence of crime and the poor condition of jail facilities are valuable because they affirm trends suggested by information through the U.S. Attorneys' offices and FBI reports, they also supplement tribe-specific information about staffing levels and law enforcement coverage gathered by the FBI, BIA, and Community Oriented Policing Services (COPS) Office. Aided by this composite, the Department has been developing grant programs through COPS, OJP's Bureau of Justice Assistance (BJA), Office of Juvenile Justice and Delinquency Prevention, and Corrections Program Office.

While solicitations for grant applications have not yet been published and distributed, we are in the process of finalizing program plans for these targeted law enforcement funds and will provide details as they become available to your Indian Affairs Committee staff. We have, however, transmitted the FY 1999 tribal courts implementation plan to Congress and continue to work with Appropriations staff on the plans for tribal detention construction. A summary of the Law Enforcement Initiative programs follows.

Tribal Court Assistance. The Bureau of Justice Assistance will provide $5 million through the Tribal Court Assistance Program (TCAP) for the enhancement, development, and continuing operation of tribal courts. In administering this competitive discretionary grant program, BJA will also encourage the development of inter-tribal court systems.

Police Officer Hiring, Training, and Equipment. The COPS Office will distribute $35 million in funding to tribal law enforcement departments for salary and benefits for new officers, as well as training and equipment for new and existing officers to promote community policing in Indian communities. The Department has coordinated training opportunities with BIA-OLES to assure that tribal police officers, once hired, can obtain the needed

training with a minimum of delay.

Detention. The Corrections Program Office will distribute $34 million in competitive discretionary grants for the construction of detention facilities to incarcerate offenders subject to tribal jurisdiction. To facilitate efficiency, inter-tribal and regional proposals will be encouraged.

Juvenile Delinquency and Crime. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) will make grants to Indian tribes to fund tribal delinquency prevention, control, and juvenile justice system improvement for tribal youth. This $10 million allocation will emphasize programs to reduce, control, and prevent crime both by and against tribal youth; to intervene with court-involved and detained youth; and to address alcohol and substance abuse by juveniles.

We hope that the enclosed information is of assistance to you. As tribes begin to access FY 1999 resources and implement programs with assistance from the Department of Justice, we hope to develop the means to assess the improvements and impacts that follow. Please do not hesitate to contact us should you or your staff require more information.

Sincerely,

Dennis Burke

Dennis K. Burke
Acting Assistant Attorney General

OPENING STATEMENT
of
KEVIN GOVER, ASSISTANT SECRETARY - INDIAN AFFAIRS
on the
FY 2000 BUDGET REQUEST FOR THE BUREAU OF INDIAN AFFAIRS
before the
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
February 24, 1999

Introduction

Good morning, Mr. Chairman and Members of the Committee.

MISSION AND OBJECTIVES

The Bureau is the primary agency of the Federal Government charged with the responsibility to administer Federal Indian policy and to fulfill the Federal trust responsibility for American Indian Tribes, Alaska native villages and Tribal organizations. Federal Indian policy and the trust responsibility are derived from the special legal and political relationship between the Tribes and the Federal Government.

This unique (legal and political) relationship is rooted in American history. Much of Federal Indian policy evolves around this "special" relationship which is often broadly expressed in terms of legal duties, moral obligations and expectancies that have arisen from the historical dealings between Tribes and the Federal Government. In the narrowest sense, the special relationship is described as a trust relationship between a trustee and the beneficiary. The evolution of the trust doctrine over time is primarily the result of U.S. Supreme Court decisions. The Court's literal references to a "guardian-ward" relationship in several cases has served as the conceptual basis for the existence of the trust relationship doctrine today. While the Supreme Court decisions fell short of defining all the attributes of an enforceable trust responsibility, the U.S. Constitution itself suggests the Nation's implicit decision to place Indian affairs under Federal control. See, e.g., Article I, §2, cl. 3 which expressly delegates to "*the Congress . . . the power...to regulate commerce with foreign nations, and among the several states, and with Indian tribes.*"

As a source of Federal power, the Congress set the basic framework of Federal Indian policy in enacting the Trade and Intercourse Acts passed between 1790 and 1834. The central policy of the Acts was to subject all interaction between Indians and non-Indians to Federal control. The Acts prohibited non-Indians from acquiring Indian lands, except with the specific approval of the Congress. Trading with Indians was made subject to Federal regulation. The underlying objective of this early Federal policy was to protect Indians against incursions by non-Indians, since exploitation of Indians was one of the major causes of fighting and conflict between Indians and non-Indians on the western frontier. In fact, the Secretary of War was established in 1784 with its primary mission to "negotiate treaties with the Indians" and with the armed militia at the disposal

of Indian commissioners. Over the next 50 years, laws regulating trade between non-Indians and Indians were added to the books and a network of Indian agents and subagents was established.

When trade restrictions proved ineffective in maintaining peaceful relations between Indians and their neighbors, Federal Indian policy evolved into systematic forced removal of Indian groups from choice eastern lands to the wilderness west of the Mississippi. The Indian Removal Act of 1830 institutionalized the forced removal of Indians. The most notable removal occurred among the Five. Civilized Tribes who were taken from their homes in the southeastern states and marched along the infamous "Trail of Tears" to what is now Oklahoma.

By 1849, with the creation of the Department of Interior (DOI), the Bureau passed from military to civil control, and its primary mission became "civilizing" the Indian people by training them for farming or trades. During this period, the wardship principle developed as those Indians who cooperated were protected and fed, while those who were intractable were "harassed and scourged without intermission". The General Allotment Act of 1887, the intent of which was to assimilate the Indian by giving him individual ownership, institutionalized the continuing efforts to civilize Indians. In the nearly 50 years of the allotment period, Indian land holdings were reduced from more than 136 million acres to less than 50 million acres in 1934 when the policy was completely abandoned.

In response to the Meriam Report, the Congress passed the Indian Reorganization Act of 1934. This brought a halt to the allotment policy and created a foundation for Tribal self-government. Although Tribes were urged to adopt American-style elected democratic governments, in practice the Bureau continued to direct and influence Tribal affairs to a degree greater than was consistent with notions of self-government.

To expedite assimilation, the Congress shortly thereafter passed several bills terminating the special Federal relationship of Indian Tribes with the United States. Twelve termination acts were passed by the Congress between 1954 and 1962, affecting about a dozen Tribes and several hundred small bands and groups in Oregon and California. The tragic results forced the Federal Government to abandon termination, to de-emphasize its custodial functions, and to focus greater efforts on the development of both human and natural resources on Indian reservations. In 1970, President Nixon called for self-determination of Indian people without the threat of termination of the trust relationship over Indian lands. Since that date, self-determination has been the basis of Federal-Indian policy.

Today, the Bureau provides services directly, or through Self-Determination contract, grant and compact agreements with Tribes, to more than 1.2 million American Indians and Alaska Natives in 31 states. The scope of Bureau programs is extensive and covers virtually the entire range of state and local government services:

- elementary, secondary and post-secondary education
- construction and facilities operation and maintenance
- social services
- law enforcement
- judicial courts

- business loans
- land and heirship records
- Tribal government support
- forestry
- agriculture and range lands development
- water resources
- fish, wildlife and parks
- roads
- housing
- adult and juvenile detention facilities
- irrigation and power systems

More importantly, the Bureau's programs are funded and operated in a highly decentralized manner with more than 90 percent of all appropriations expended at the local level with an increasing amount operated by Tribes and Tribal organizations under contracts or self-governance compacts. In addition, the Bureau administers more than 43 million acres of Tribally-owned land, more than 11 million acres of individually owned land held in trust status and 443,000 acres of Federally-owned land.

The Bureau is charged with the primary responsibility for administration of Federal programs for Federally recognized Tribes, and for carrying out the trust responsibility emanating from treaties, the U.S. Constitution, laws, court decisions and other agreements with American Indian Tribes and Alaska Natives. The Bureau has the primary requirement, at law, to serve on an identified constituent group.

In the last two centuries, the Congress has passed more Federal laws dealing with Indian Tribes and Alaska Natives than any other group of people in the United States. While the Snyder Act, the Indian Self-Determination and Education Assistance Act of 1975 and the Indian Education Amendments of 1978 provide the primary budgetary authorities, numerous statutes, court decisions, treaties and other authorities (including those passed in the early 1800's regulating trade with Indians) continue to guide the Bureau's mission and administration. The diversity of these mandates frequently requires the Bureau to balance the inherent conflicts and problems created by more than 200 years of shifting and evolving Federal-Indian policy.

The Bureau's most basic responsibilities are its trust obligations and facilitating Tribal self-determination. However, while the protection of trust resources is a fundamental responsibility, Tribal communities struggling to meet the basic needs of their communities must compete for the same limited resources the Bureau uses to protect trust resources. The Bureau's success relies on judiciously balancing these competing mandates.

Organization

The Bureau of Indian Affairs has two services components reporting to the Assistant Secretary-Indian Affairs:

The *Deputy Commissioner for Indian Affairs* has line authority over 12 Area Offices, 83 Agency offices, three subagencies, six field stations, and two irrigation project offices. The Deputy Commissioner provides program direction and support through the Directors for the Offices of Tribal Services, Trust Responsibilities, Law Enforcement, Economic Development, Management and Administration, Indian Gaming, and the Facilities Management and Construction Center.

The *Director of the Office of Indian Education Programs* supervises 26 education line officers stationed throughout the country and two post-secondary schools. During the 1997-98 school year, the Office of Indian Education Programs supported the operation of 115 day schools, 56 boarding schools, and 14 dormitories which house Indian children who attend public schools.

The Bureau's headquarters offices are located in Washington, D.C. and Albuquerque, New Mexico. The Bureau's organization and regions are outlined in the justifications. As a highly decentralized organization, nearly 95 percent of Bureau's staff work is performed in schools, Area and Agency offices, and other field locations.

In FY 1996, the Office of Trust Funds Management was transferred from the Bureau to the Office of Special Trustee pursuant to *Public Law 104-134* and Secretarial Order 3197.

At the end of FY 1998, the Bureau's total employment was 9,687 full-time equivalents.

The People We Serve

The Bureau's programs serve communities that face great challenges. According to the 1990 census, the American Indian population increased to 1,937,391, four times the population reported in 1960. While most of this increase is due to an increase in self-identification, a large portion is the result of a natural population increase. Based on this rapid rate of growth, the Census Bureau estimates that the American Indian population will reach 4.3 million, representing just over 1 percent of the population, by the year 2050.

Geographically diverse, almost half of American Indians reside on approximately 300 reservations and other restricted and trust lands located throughout the United States. Reservations can vary in size from a few acres, such as the rancherias in California, to the 17.5 million-acre Navajo reservation. Approximately 63 percent of American Indians reside in urban areas - half of whom are concentrated in a relatively small number of cities. According to the 1990 census, more than one-half of the American Indian population lived in just six states: Oklahoma, California, Arizona, Alaska, Washington and New Mexico.

From 1970 to 1980, the American Indian population increased by 28 percent, and added 22 percent in the 1980's. The American Indian population is relatively young as reported by the 1990 census:

	American Indians	**U.S. Population**
Under 5 Years	9.7%	7.3%
Under 18 Years	34.2%	25.6%

The census also reports that the median age of American Indians is 26 years, compared to 33 years for the population at large. This young population is in part the result of mortality rates that are higher for American Indians than for the U.S. population. Cardiovascular disease is the leading cause of mortality among American Indians. The second leading cause of mortality is homicide, suicide, accidents, and alcohol-related deaths primarily affecting Indians in their teens through mid-20's. It is estimated that alcohol-related deaths among American Indians are four times greater than the U.S. average.

By any socioeconomic measure, American Indians trail the general U.S. population. According to the 1990 census, an American Indian's family median income was $21,619 annually compared to $35,225 for the U.S. population. The per capita income in 1989 was $4,478 for American Indians residing on all reservations and trust lands, compared with $8,328 for all American Indians.

More significant is the comparison of 1980 to 1990 census data, and socioeconomic trends which indicate that American Indians are slipping farther behind the U.S. population. In 1979, 28 percent of American Indians were living below the poverty level compared to 12 percent of the U.S. population. By 1989, 31 percent of American Indians were living in poverty compared to 13 percent of the U.S. population. Other socioeconomic indicators reveal the following:

	American Indians	**U.S. Population**
High School Graduates	65.5%	75.2%
4 or More Years of College	9.3%	20.3%
Single Parent Households	35.8%	21.4%
Unemployment	14.4%[1]	6.3%

According to research, two factors account for the decline in American Indians' overall income. While American Indian men's educational progress has improved with tangible results, it did not contribute to a relative gain in income, because non-Indian men also improved their skills and education. The U.S. economy contributed to this situation because the least skilled and least educated were rewarded less and found it harder to remain employed. Since American Indian men were disproportionately represented, the overall income of American Indian men fell. (American Indian women witnessed increased incomes; however, this was largely attributable to an increase in annual hours worked.) In other words, improvements in education levels or labor market experiences of American Indians had little impact on gains in relative incomes.

In 1990 dollars, Federal spending for Indian programs peaked in 1979 at a total of $4.4 billion. By 1989, Federal expenditures fell to $2.5 billion. Since employment in Indian Country has historically relied on Federal jobs and Tribal jobs resulting from contracting of Federal programs, the decline in Federal expenditures is another important factor in the increased poverty levels among American Indians.

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[1] This figure includes the roughly 1/3 of all Indians living on-reservations and the roughly 2/3 living off-reservation where economic conditions are generally more favorable.

In summary, American Indians are younger and have higher levels of poverty, unemployment, single parent families, fertility and mortality than the U.S. population at large. Tragically, trends are deteriorating for this highly vulnerable population.

Tribal self-determination relies on strong Tribal self-governance and self-sufficiency. However, numerous obstacles defined by popular public opinion and misconceptions of Indians present Tribal leaders, managers and their members with seemingly insurmountable challenges hindering the pursuit of strong and stable governing institutions, economic development and human capital development. Today, the Bureau plays a critical role in removing obstacles to building and promoting Tribal self-determination.

For example, the Bureau's implementation of the Self-Determination Act has allowed the Tribes to exert increased control over their own development goals and programs. It is undeniable that helping Tribes improve the quality of life for their members will require substantial investments in, and prudent management of, Tribal government infrastructure, community infrastructure, education, job training and employment opportunities and other components of long term, sustainable development.

FY 2000 BUDGET SUMMARY

The 2000 budget request for the Bureau is $1,902,054,000 in current appropriations, an increase of $155,626,000 above the 1999 Enacted level. The budget stresses the resources Tribes need to provide basic reservation programs and develop strong and stable governments, ensure accreditation of Bureau schools, address critical infrastructure needs, and meet the Secretary's trust responsibilities. The Bureau continues to keep administrative costs low; more than 9 of every 10 dollars appropriated to the Bureau is provided directly to programs on Indian reservations. The request allows the Bureau to attain its goals which are designed to meet the commitment to American Indians and Alaska Natives as outlined in its Strategic Plan and annual performance plans.

The FY 2000 budget request for the Bureau seeks to maintain core existing programs on behalf of our trust responsibilities and commitments to facilitate self determination for American Indians and Alaska Natives. While the Bureau has evolved in its role as trustee for the American Indian and Alaska Natives from the paternalism of the 1800's to its role today as partner, Tribes continue to turn to the Bureau for a broad spectrum of critical and complex programs administered either by the Tribes or the Bureau - from an education system for more than 54,000 elementary and secondary students; to 28 Tribally Controlled Community Colleges; to law enforcement and detention services on more than 200 reservations; to social services programs for children, families, the elderly and the disabled; to management of the forest, mineral, fishery and farmland resources on trust land; to the maintenance of more than 25,000 miles of roads on rural and isolated reservations; to economic development programs in some of the more depressed areas in the nation; to the implementation of legislated land and water claim settlements; to the replacement and repair of schools; and to the repair of structural deficiencies on high hazard dams. The joint Trust and Federal responsibilities are daunting as the Bureau strives to uphold the President's commitment to the American Indian and Alaska Native; Indian Country needs in every program are massive.

Thus, it should be recognized that while the protection of trust resources is a fundamental responsibility, Tribes struggling to meet the basic needs of their communities must compete for the

same limited resources the Bureau uses to protect those trust resources. The Bureau must carefully balance these competing mandates within budgetary constraints imposed upon it. To say it is a challenge is an understatement.

Fulfilling the President's Executive Order 13084, the Bureau continues to meet and consult with Tribal Leaders on a Government-to-Government basis to address issues concerning Indian Self-Determination, trust resources, and other vital programs serving the Indian communities. At the FY 2000 National Budget Hearing attended by Tribal Leaders across the nation, Tribal Leaders continued to expound on the lack of sufficient funding currently provided by the Government to meet their most basic needs. The level of unmet needs as conveyed by the Tribes at the Hearing totaled over $899,000,000.

No other bureau in the Department has the complexity and multitude of programs under one umbrella (i.e., land management to law enforcement to education) that the Bureau has in serving the needs of such a diverse consumer. Further, a February, 1998 study of budget trends by the Congressional Research Service concluded that Federal spending on Indian programs has declined in constant dollars since 1975. This trend has drastically increased the level of challenge to the Bureau to focus on core programs within the constrained budgetary climate while still addressing the needs in Indian Country and upholding its Trust and Federal responsibilities.

Restoring the American Community

On April 29, 1994, in a historic meeting with Indian leaders, President Clinton gave his pledge to fulfill the trust obligations of the Federal Government. Among President Clinton's goals for Indian Country on that momentous occasion were to help position Tribes to compete economically in the 21st century and to invest in Indian education.

Despite serious setbacks imposed by the Congress in 1996 and 1997, the President's commitment to Tribes was acknowledged by the Congress in the Bipartisan Budget Agreement, which designated the Bureau's Tribal Priority Allocations (TPA) as a protected program. The Congress honored the President's TPA requested funding level. However, the Senate raised concerns about the fairness of TPA base funding distributions, which ultimately resulted in the formation of the BIA/Tribal Workgroup on Tribal Needs Assessment.

The Bureau has yet to recover from the serious impacts imposed by the Congress on its appropriations level. While core funding was reduced along with personnel, the Bureau must continue to meet the existing requirements as the Trustee of the American Indian with limited manpower and financial resources. Yet, the Bureau is committed to fulfilling its mission and the Administration's commitment to Native Americans to meet the Federal obligations and responsibilities. The Bureau's FY 2000 budget request seeks to address the current situation in Indian Country while staying focused on our trust and Federal responsibilities which ultimately affects the Native Americans we are here to serve.

Tribes wishing to move forward in accepting the responsibility for delivery of program services and operations have been impeded in their efforts by the moratorium placed on new and expanded contracts, compacts, or grants as authorized under *Public Law 93-638*, as amended, in FY 1999. Thus tribes must continue to rely on the Government to provide the service(s). The FY 2000 request

includes restoration of the Indian Self Determination Fund to continue the Administration's commitment to Native Americans on achievement of self-determination.

The Administration's record of partnership with the Tribes extend from strengthening the relationship between the Governments to increasing educational opportunities to promoting self-determination to protecting Tribal natural resources. Increases requested at the various levels by the Bureau are focused on programs which have direct impact on Native Americans and Indian Self-Determination, including contract support, small Tribes, law enforcement, and education. The increases requested are to strengthen the partnership which exists between the Tribes and the Bureau as we enter the next millennium.

Yet, it should be noted that the request does not include funds for the partial settlement agreement (approximately $76 million) in the *Ramah Navajo Chapter v. Lujan* decision. [The agreement covers the "non-capped" years of 1989 through 1993, and is based on shortfalls of indirect cost funding attributable to non-Bureau organizations.] This is primarily due to the many pending decisions which must be made prior to seeking additional funds for the repayment to the Judgment Fund (which will initially pay the settlement costs as damages under 25 U.S.C. sec. 405m-l(a) by operation of law) such as the determination of which Federal agencies should be required to repay the Fund. Such decisions will have a direct impact on Bureau appropriations and its funding of such essential programs as TPA, as the Department has been informed that reimbursement of the Fund may begin the year after the original payment and possibly spread over more than one year. Resolution efforts will continue throughout FY 1999.

Pursuant to direction provided by the Department in its 5-Year Deferred Maintenance Plan, the Bureau has separated program funds where applicable for operations and maintenance (i.e., Special Programs and Pooled Overhead, Facilities Operation and Maintenance and Other Recurring Programs, Education Facilities Operation and Maintenance) to illustrate separate funding for each specific component. This separation of programmatic function will allow for clearer presentation and more accountability.

Following Congressional report language in FY 1999, law enforcement funds have been identified in the various programs throughout the Bureau's budget, i.e., Self Governance Compacts and Consolidated Tribal Government Program (under Other Aid to Tribal Government), and have been consolidated into the Special Programs and Pooled Overhead, Law Enforcement Initiative program.

OPERATION OF INDIAN PROGRAMS

For FY 2000, the total request for Operation of Indian Programs is $1,694,387,000, an increase of $110,263,000 over the FY 1999 Enacted level.

Tribal Priority Allocations (TPA)

TPA provides the principal source of funds for local units of Tribal Government, most of which are small and lack independent resources to meet the increasing costs of Tribal government operations. Because of Congressional funding levels in 1996 and 1997, Tribal governments are falling increasingly behind in their ability to maintain services to Indian communities and families. Tribes

depend on the TPA budget activity for basic necessities and services such as child welfare, scholarships, Tribal courts, natural resource management, and other programs critical to improving the quality of life and the economic potential of the reservations. The Congress has given the Tribes the flexibility to prioritize the limited funds among TPA programs according to their unique needs and circumstances. TPA supports the goals of Indian self-determination by providing Tribes with the choice of programs provided as well as the means of delivery, either by the Tribe or the Bureau.

Beginning with FY 1998, TPA comprises nearly half of the Bureau's operating budget. Increased funding in TPA is consistent with the Bureau's Strategic Plan and Annual Performance Plan. For FY 2000, the TPA activity is funded at $716,139,000, an increase of $17,131,000 over the FY 1999 Enacted level, which will help Tribes address some of the unmet needs in these basic programs. Shortfalls in these programs have become particularly serious with the reductions in this activity since 1995.

Program increases proposed in this budget submission include $2,058,000 for New Tribes to support 8 new Tribes as they begin to establish viable Tribal government operations. Federal recognition, supervision and support over some Tribes was terminated by an Act of Congress. Others may not have become Federally recognized because they made no treaty with the United States prior to 1871 when treaty-making was prohibited by the Congress; or they may have negotiated a treaty which was not ratified by the Senate. A Federal court ruled in 1975 that the United States has a trust responsibility to existing Tribes, regardless of whether the Government has acknowledged that responsibility by past Federal actions or previous recognition of the Tribe.

An increase of $5,000,000 is requested for the Indian Self Determination Fund to provide funds for new and expanded programs contracted under the authority of *Public Law 93-638*, as amended. The moratorium imposed by the Congress for FY 1999 on any new or expanded contracts, compacts or grants under the *638* authority stalled the ability of the Bureau to fulfill its mission of promoting self-determination on behalf of Tribes. While the Bureau sought other avenues of providing program funds to Tribes through such mechanism as cooperative agreements, the impact of the moratorium was felt nationwide not only by the Tribes, but by the Bureau. In the effort to support Tribes in determining their future to decide which Federal programs they wished to operate themselves, the moratorium in effect halted such action. Tribes in FY 1999 could not proceed with taking over the responsibility of Government programs serving their members thereby allowing the Government to remain the chief responsible party for providing such services. The requested increase of $5.0 million will allow the Bureau to get back on track with supporting and promoting the role of Tribes to operate Government programs which serve their membership.

An increase requested for Contract Support will provide $6,447,000 over the 1999 Enacted level. In FY 1998, the Bureau was able to provide only 80.34 percent of contract support needs, which has resulted in significant concern, anger and hardship with Tribes throughout Indian Country. Tribes are discussing the possibility of retrocession of programs back to the Bureau because appropriations are not sufficient to meet the rates as negotiated between the Tribes and the Office of the Inspector General. Given the downsizing at the Central, Area and Agency level that resulted from the severe budget reductions in FY 1996, the Bureau has neither the staff nor the funding to resume Tribally-operated programs. The end result of retrocession would be no services provided to Indian families and communities, which is in direct conflict with the President's commitment of self determination

commitment of self determination to Tribes. Given the level of budget reductions and increasing populations in Indian communities throughout the country in recent years, Tribes are challenged every day to maintain even level services.

An increase of $2,565,000 is requested for Tribal Courts, a necessary component to ensuring the success of the *Presidential Initiative on Law Enforcement in Indian Country*. In FY 1999, the Congress provided a $20.0 million increase for the *Presidential Initiative* to address the woefully inadequate law enforcement resources in Indian Country. With this first year investment in the multi-year *Initiative*, it opens the door to halting the escalating crime rates in Indian Country. Yet, while Bureau and Tribal law enforcement personnel take the criminals off the street, insufficient funds are available to handle the increased demand for judicial services to keep the criminals off the street. Funding for Tribal Courts goes hand in hand with ensuring that Indian Country law enforcement efforts are strengthened by adequate court systems.

An increase of $3,000,000 is proposed for Small Tribes to support the operation of viable Tribal Governments in the State of Alaska. The requested funds will go entirely to small Tribes in the State of Alaska to move those Native Alaskans toward the Task Force recommended minimum level of funding of $200,000. An increase of $2,048,000 is requested for Welfare Assistance geared towards its Tribal Work Experience Program (TWEP) component. TWEP programs are administered by the Tribes for eligible general assistance recipients to provide these Indian individuals with the resources and means to gain proper work experience and job skills needed to successfully compete in the job market. It is an investment in recipients today to move them towards self sufficiency tomorrow.

An increase of $2.0 million is requested for Adult Care Facility Rehabilitation to bring 7 adult long-term care facilities on the Navajo Reservation to standard condition. Once the standard is attained, the facilities are eligible for funding of their operation and maintenance costs from the State Medicare, Medicaid, and other programs. The initial investment of $2.0 million will save approximately $10.0 million in the long-term for the Bureau.

In FY 2000, Bureau will continue to operate as a highly streamlined and decentralized agency with maximum resources going to Tribal programs. The Bureau anticipates that more than half of the FY 2000 operating budget will be spent directly by Tribes that elect to operate various Bureau programs under self-determination contracts, grants, or self-governance compacts once the present moratorium expires.

Since the founding of the Nation, the Congress has funded specific Indian education programs in response to treaty requirements and Federal statutes. Current Indian Education programs are governed by a number of laws including the Snyder Act, the Johnson O'Malley Act, the Elementary and Secondary Education Act, the Tribally Controlled Community Colleges Act, the Tribally Controlled Schools Act, the Education Amendments of 1978, Goals 2000 and the Improving America Schools Act. Collectively, these laws are aimed at ensuring quality education for Indian youth and improving the long-term employment and economic opportunity on reservations.

Other Recurring Programs

The prominent theme for the new millennium described by the President is the education of our children. The Bureau is responsible for the only major domestic elementary and secondary education system operated by the Federal Government. As such, it is incumbent that this system reflects the high standards President Clinton has set for all education. In support of this Presidential priority, the Bureau's FY 2000 budget request includes a significant investment in Indian education. The request for School Operations, which will fund schools and dormitories serving more than 53,000 elementary and secondary students in 23 States, is $503,568,000, a program increase of $27,482,000 over the FY 1999 Enacted level. The increase will ensure that schools can deliver quality education and provide safe and adequate transportation for an estimated increase in enrollment. Increases are also proposed in facilities operations, facilities maintenance, and administrative cost grants to encourage the continuation of schools going into grant status and under Tribal control.

The budget increases operating grants to the 28 Tribally controlled community colleges by $7,100,000 over FY 1999. The colleges have been successful in providing Indian youth with college degrees and eventual professional employment. They also promote entrepreneurship on reservations.

An additional $500,000 is requested for Bennett Freeze Housing to provide replacement homes for needy Navajo families living within the former Bennett Freeze area; $1,013,000 is requested for Irrigation Operations and Maintenance to conserve water and operate and maintain water delivery systems in a safe, economical, beneficial and equitable manner; and $250,000 is requested to manage Columbia River Fishing Sites built by the Army Corps of Engineers to be managed by the Bureau.

An increase of $1.0 million is requested to assist Tribes in the return of the bison to Indian homelands and for the prudent development and management of bison herds and habitat on Indian reservations. Bison are sacred to American Indians and represent a powerful symbol of America and its heritage as a Nation.

Non-Recurring Programs

The budget includes trust investments crucial to program performance in the out years. The request level for the Bureau's environmental management program is $9,809,000, an increase of $3 million more than appropriated in FY 1999, to begin to address an estimated $200 million backlog of environmental cleanup work in Indian communities throughout the country. [The Bureau consolidated the existing Waste Management program into Environmental Management as they are focused on the same purpose]. The EPA has demonstrated a vigorous interest in the Bureau's environmental compliance in recent years and has directed its enforcement actions at Bureau locations. The request level will provide the resources for the Bureau to conduct baseline assessments of all Bureau facilities and operations by the end of FY 2002. An additional $1,247,000 is requested for endangered species to increase the number of Federally listed threatened and endangered species as well as support Tribal participation in species recovery. An additional $1,100,000 is requested for the Navajo-Hopi Settlement Program to provide services in areas that have been under served as a result of the Navajo-Hopi disagreement. Other program increases include $4,002,000 for Water Rights Negotiation, $1,000,000 for Federal Energy Regulatory Commission re-licensing activities.

Other Programs
An additional $400,000 is proposed for the establishment of the Office of Alcohol and Substance Abuse Prevention to help stem the flow of alcohol abuse and illegal drugs in Indian Country. An increase of $900,000 is requested for a post secondary school, the Southwestern Indian Polytechnic Institute, to handle the increased need for resources due to its rising curriculum and enrollment.

CONSTRUCTION

The request for the Bureau Construction appropriation is $174,258,000, with $108,377,000 for Education Construction. The Bureau will continue to make progress in eliminating the unobligated balances in Construction facilities projects. Increased emphasis on Tribal contracting for projects will be supported by the Bureau's Facilities Management and Construction Center awarding and approving officials until the Tribes and Agencies are fully trained to take over the construction contracting challenge.

The Replacement School Construction program funds replacement of older, unsafe, and dilapidated schools on reservations following a Congressionally approved priority list which is currently limited to 16 schools. In FY 2000, $39,859,000 is requested to complete construction of the Seba Dalkai School (Arizona) and the Fond du Lac Ojibway School (Minnesota). An increase of $30 million is requested in FY 2000 for school construction to allow Tribes to utilize the funding to defease qualified school construction bonds or other taxable bonds to replace or repair Bureau-funded elementary and secondary schools.

For the second year, the budget requests no new funding for Public Safety and Justice construction within the Bureau request. New detention centers on reservations will be funded in the Department of Justice's appropriation following the *President's Initiative on Law Enforcement in Indian Country*. The budget requests $22,057,000 for the correction of structural deficiencies of high hazard dams on Indian lands. The total cost for irrigation construction is estimated at $1.5 billion. The Bureau is responsible for 117 of the over 400 high and significant hazard dams on the Department's Technical Priority List. These dams pose significant potential loss of life or, at a minimum, significant economic damage with liability resting with the Federal Government, both on and off Indian reservations and for both Indian and non-Indian communities. In FY 2000, the Bureau will begin correction of high risk problems on dams in Arizona, Idaho, New Mexico, South Dakota and Montana.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

This program provides payments to meet Federal requirements for legislated settlements. The FY 2000 budget request includes $28,401,000 for payments for settlements resolving long standing Tribal claims to water and lands. A large share of the FY 1999 program continues to be dedicated to the Ute Indian Rights Settlement, in order to move closer to the funding schedule set forth in the Settlement Act.

SPECIAL INITIATIVES

LAW ENFORCEMENT IN INDIAN COUNTRY

LAW ENFORCEMENT INITIATIVE

FY 2000 represents the second year of the multi-year *Presidential Initiative on Law Enforcement in Indian Country*, a joint effort by the Bureau and the Department of Justice (DOJ), to combat the rising crime rates in Indian Country to fulfil the Presidential directive to the Secretary of the Interior and the United States Attorney to work with Tribal Leaders to improve public safety in Indian Country.

Pursuant to the Final Report of the Executive Committee for Indian Country Law Enforcement Improvements, significant investment by the Government is necessary to stem the increasing problem of crime in Indian Country. In simple terms, current resources are inadequate; continued infusion of manpower and financial resources are necessary to ensure that Indian communities receive the same quality and quantity of law enforcement services as their non-Indian counterparts.

The initial investment in FY 1999 for the Initiative provides the foundation from which the Bureau can begin addressing the shortages in law enforcement, but much more resources are needed to adequately respond to the concerns as outlined in the Final Report. The requested increase of $20.0 million continues to build on this foundation while complementing the efforts of the DOJ to maximize the use of the Federal dollar.

TRIBAL COURTS

Going hand in hand with increasing the resources for law enforcement in Indian Country is the ability of Tribal Governments to handle the accompanying increase in caseloads; the FY 2000 increase requested is $2,565,000. More than 250 Tribal justice systems and courts of Indian offenses (serving 40 Tribes) are supported by Bureau funds. These Tribal courts must face the same issues State and Federal courts confront every day, such as child sexual abuse, alcohol and substance abuse, gang violence, and violence against women. Tribal court systems have historically been under funded and understaffed. With the *Presidential Initiative on Law Enforcement in Indian Country* underway to improve law enforcement services in Indian Country, it is essential that additional support be provided to Tribal courts as it is expected with the effort to clean up crime, Tribal courts caseloads will increase dramatically. Tribal courts must have the capacity to adjudicate the resulting criminal cases and resolve disputes. This effort complements the Department of Justice's efforts to provide one-time (competitive) grant support to Tribes.

In addition, *Public Law 103-176*, the Indian Tribal Justice Act, recognizes the situation in Indian Country to improve its judicial function to assist in keeping law and order for its constituency. The Bureau's requested increase will also focus on providing initial funding to Tribes for implementation of the Act.

ALCOHOL AND SUBSTANCE ABUSE

Another factor in the efforts to reduce crime is the influence and effect of alcohol and substance abuse in Indian Country. An additional $400,000 is requested in FY 2000 to establish the Office of

Alcohol and Substance Abuse to provide training and technical assistance on prevention efforts and implementation by Tribes of their Tribal Action Plans regarding programs designed to reduce the incidents of alcohol and substance abuse in their communities.

EDUCATION

REPLACEMENT SCHOOL CONSTRUCTION

Eight-two percent of the Bureau's building square footage is education space; the majority of the buildings are old and often in poor condition. With the Bureau responsible for the only major domestic elementary and secondary education system operated by the Federal Government, it is vital that we provide adequate facilities for this Nation's Indian school children to obtain an education. Research has demonstrated that placing instructional and residential programs in facilities that do not meet health and safety codes distract from the educational program. A point made by the President in Executive Order 13096, which calls for creating educational opportunities for American Indian and Alaska Native students in our nation.

Under the Order, the President called on us to give special attention to five goals: (1) improving student achievement in reading and mathematics; (2) increasing high school completion and post-secondary attendance rates; (3) reducing the influence of long-standing factors that impede educational performance, ...; (4) creating strong, safe, and drug-free school environments conducive to learning; and, (5) expanding the use of science and educational technology. All goals relate directly to the research denoted previously that the environment – the surroundings – play a key role in which the level of learning this Nation's children can achieve is dependent on adequate school facilities. Health and safety threats such as leaking roofs, peeling paint on the walls, overcrowded classrooms, and inadequate heating and/or air systems hinder the ability of children – our Nation's future leaders – to focus on their educational studies. It is widely recognized that it is a given challenge that children's attention spans are limited; therefore, we must provide the necessary resources we can to alleviate these threats from their classrooms.

To this end, the FY 2000 request provides for a requested level of $39,859,000 for replacement of two schools - Seba Dalkai and Fond du Lac Ojibway - on the existing priority list for school replacement. As the President has stated in his call for modernization of our schools, it is through construction that our Nation will begin to meet our generation's historic responsibility to create 21st century schools. Schools may be operated directly by the Bureau or operated by Tribal organizations under the contracting authorities of *Public Law 93-638*, as amended, or *Public Law 100-297* grant.

Record enrollments in our schools compound the existing problem of aging schools buildings. Short-term solutions such as portable classrooms will not be sufficient to respond to the growing population of school age children; recent studies have illustrated that the record enrollment seen nationwide follows a period of steady growth in student populations mainly due to children of the "Baby Boom" generation. It is expected that the growing trend will continue and short-term solutions will no longer be a viable option.

The Bureau's request is an intricate part of the President's education agenda which seeks to reduce class size and help communities renovate and build new schools. The request is also part of the

Department's Safe Visits to Public Lands, which includes the 5-Year Maintenance and Capital Improvement Plan.

As a participant in the Plan, the Bureau is moving forward to eliminate its code and standard deficiencies, currently estimated for school-related facilities alone at approximately $743 0 million; the Bureau's total facilities backlog for education and non-education facilities is nearing the $1.0 billion mark. Projects included in the Plan outline the comprehensive strategy of the Department to address the most critical needs in the Bureau's backlog of construction and maintenance requirements. It is the most in-depth analysis and display of the enormity of the dire situation facing the Bureau in trying to maintain its facilities for the consumers we serve. It is a comprehensive list, causing the Bureau to reassess and validate its many facilities located throughout the Nation to fully capture the challenge we face in maintaining our responsibilities for Bureau-owned facilities and providing for safe and health environments for our constituency. The requested funding level of $38,859,000 for replacement school construction, a key factor in the success of the President's revitalization of Indian education, will greatly assist in reducing the mounting backlog of construction needs.

SCHOOL BOND INITIATIVE

An increase of $30 million is requested in FY 2000 for school construction to allow Tribes to utilize the funding to defease qualified school construction bonds or other taxable bonds to replace or repair Bureau-funded schools. These funds may be made available to Tribes and/or Tribal organizations who will defease qualified school construction bonds by ensuring the repayment of principal to bond holders. This proposal is part of the Administration's school modernization initiative to provide school repairs and replacement in needy public school districts throughout the country. Funding for additional school construction or repairs is proposed as part of the second year of the Administration's facilities restoration initiative. These funds emphasize the Administration's commitment to the long-term stewardship of Federal lands and facilities.

SCHOOL OPERATIONS

As conveyed through the many Executive Orders issued by the President this past year, education is a key focus and high priority of the Administration. The President reiterated this priority by calling upon our nation to prepare Americans for a lifetime of learning:

> *"It is time to show our children and the world that America truly values education. Let us make every school across America a shining, modern temple of learning – a place where a computer is as common in the classroom as a chalkboard, where classes are small enough for teachers to teach and children to learn, where students are inspired to look to the future with hope and confidence. Our children deserve nothing less."*
>
> President Bill Clinton
> September, 1998

As the only nationwide school system operated by the Federal Government which provides basic educational programs to the American Indian population, we echo the President's statement that "Our children deserve nothing less". To this end, the Bureau has requested an increase of $27.5 million for its Education programs that will benefit the increasing American Indian student

population from their residences to the classroom instruction to the classroom itself. The requested increase is vital to the Bureau if we are to ensure that every child obtains a solid foundation of education.

ENVIRONMENTAL CLEANUP

Consistent with Presidential initiatives, the Bureau request includes a $3.0 million increase for environmental clean-up in Indian Country. The Bureau can begin making a significant investment and strides forward in addressing the backlog of environmental cleanup work in Indian communities throughout the Nation. This funding level will also allow the Bureau to respond to the aggressive enforcement efforts of the Environmental Protection Agency (EPA) on the Bureau's environmental compliance efforts. To date, EPA has already directed enforcement actions at Bureau locations. While it has stated its willingness to work with the Bureau to become compliant with existing laws, EPA nonetheless gives no exceptions to the mandates (or its accompanying fines for non-compliance) based on lack of funds. Thus, the $3.0 million increase will allow the Bureau to continue its compliance efforts in an aggressive manner while reducing the long-term costs to the Government by avoiding costly EPA fines.

SECRETARY'S TRUST MANAGEMENT IMPROVEMENT PROJECT

The Bureau proposes in its budget request to transfer a total of $5.068 million in base funds to the Office of the Special Trustee (OST) to begin implementation of the *High Level Implementation Plan* for the Trust Management Improvement Project (TMIP). Increased funding for the Bureau's responsibilities under the Plan are being sought in OST's FY 2000 request. The Bureau has been working with the OST to develop the Plan with its 13 major components. The Bureau will continue to work with the OST to improve the Department's administration and management of its trust responsibilities.

GOVERNMENT PERFORMANCE AND RESULTS ACT

As mandated by the Government Performance and Results Act (GPRA) of 1993, the Bureau has submitted its second year annual performance plan as a component of the Bureau's Strategic Plan and the Department of Interior's strategic plan. The Bureau's second year annual performance plan continues to support its strategic goals and will serve as a benchmark in the overall success of the Bureau to achieve goals set forth in the Strategic Plan. Funding increases requested throughout the Bureau's submission are vital to achieving the goals during its second year of performance. The Bureau has made modifications in its first year annual performance plan to refine its long-term and short-term goals pursuant to the allowance under GPRA for minor adjustments to a strategic plan in the annual performance plan; the second year plan follows this refinement.

JOINT BIA/TRIBAL WORKGROUP ON TRIBAL NEEDS ASSESSMENT

Pursuant to Congressional direction given in the FY 1998 appropriations (Senate Report 105-56), as well as other Congressional action attempted in the 105th Congress, the Congress has clearly conveyed its concern for the distribution of Tribal Priority Allocations (TPA) funds to Federally recognized Tribes in our Nation. Under Congressional directions, the Bureau has been directed to

W. Ron Allen, President

National Congress of American Indians
Prepared Statement on the FY2000 President's Budget Request for Federal Indian Programs to the Senate Committee on Indian Affairs

February 24, 1999

I. Introduction

Good morning Chairman Campbell, Vice-Chairman Inouye and distinguished members of the Indian Affairs Committee. Thank you for the opportunity to present testimony regarding the President's Budget Request for Fiscal Year (FY) 2000 Indian programs and services. My name is W. Ron Allen. I am President of the National Congress of American Indians (NCAI) and Chairman of the Jamestown S'Klallam Tribe located in Washington State.

NCAI views the FY2000 federal budget process as an opportunity to begin to set a better course for federal Indian policymaking in the next century. Tribal governments have found themselves in an increasingly defensive posture in the development of federal Indian policy over the last four years, and budget cuts and budget riders have been the point of attack on tribal self-determination. Leaders from Indian Nations across the U.S. gathered on the first days of the 106th Congress on January 5th to 7th, 1999 to define a course of action for themselves, and the FY2000 budget is an important part of their planning. Tribal governments have developed an *Agenda for Progressive Federal Indian Policies in the 106th Congress* (attached) to renew their historic relationship with the federal government, affirm and educate on the justice of tribal sovereignty, and create a climate of positive relationships for the benefit of Indian people and the entire United States.

First, tribal leaders have set as an important goal that the tribal budget must become a higher priority within the appropriations process. The federal government has treaty and trust obligations to support Indian tribes that it is simply not meeting. Also, tribal citizens pay federal taxes but receive little support from federal funds that go to states. Programs serving the American Indian and Alaska Native population have rarely received the federal funding required to fulfill even the most basic needs and funding for Indian programs has lagged far behind the funding of non-Indian programs. Compared to all other sectors of the American populace, American Indians and Alaska Natives most often rank at or near the bottom or top of most social and economic indicators, whichever is worse. Of the 558 federally-recognized Indian tribes, a great majority of their populations are characterized by the most severe unemployment, poverty rates, ill-health, poor nutrition and sub-standard housing in the U.S. In an era of federal budget surpluses, there are no excuses for failing to meet the federal obligation to remedy the human tragedy behind the statistics.

Second, the solution for the poor conditions in Indian Country must be a reinvigorated approach to economic development. The federal budget for FY2000 can do much to build the necessary infrastructure of roads, schools, housing, child and elder care, hospitals, clinics, technology, law enforcement, courts and other critical elements of any functioning economy in the United States. The United States has an obligation to help rebuild the shattered infrastructures of Indian Nations and create the opportunity for economic prosperity that will benefit not only Indian people, but the entire American economy. It should also be noted that the conversion of welfare entitlement funds into state discretionary funding has added to the urgency felt throughout Indian Country to boost economic development.

Third, the use of appropriations riders to ambush tribal self-government has become more and more frequent. Tribal self-government is recognized in the United States Constitution and hundreds of treaties, federal statutes and Supreme Court cases and is deserving of serious consideration by the Congress. At the very least, if the federal government is going to contemplate legislation affecting tribal self-government, the legislation should be considered in the authorizing committees, given opportunity for consultation with the affected tribes, and taken up as stand-alone legislation where Members of Congress can know and understand what they are voting on. We have been made aware of the introduction of Senate Resolution 8 by Senators Ted Stevens and Robert Byrd. S. Res. 8 would amend the Senate rules to reinstate a former rule which prohibited legislative riders on appropriations bills and which would require a three-fifths vote to waive a point of order under the rule. NCAI would urge the members of the Senate Committee on Indian Affairs to support S. Res. 8.

As Congress begins to shape the FY2000 budget, the NCAI urges an increased investment in Indian programs and tribal government infrastructure. We believe that the President's FY2000 budget request has taken a positive step in that direction. The following testimony is an overview of the recently released President's FY2000 budget request that provides NCAI's viewpoint on sections of the budget that are most critical to tribal governments. NCAI would like to express its appreciation for information and funding recommendations from regional and national Indian organization, including the National Indian Education Association, the National Indian Health Board, the National American Indian Housing Council, the National Indian Council on Aging, the National Tribal Environmental Council, the Native American Rights Fund, the Northwest Portland Area Indian Health Board, the California Indian Manpower Consortium, the Indian and Native American Employment and Training Coalition, and the Inter-Tribal Agriculture Council.

II. Background Information

When comparing trends between FY1975 - FY1999 for the total BIA budget and the federal non-defense budget as a whole, federal spending as a whole increased at a rate of $41 billion a year, with an average level of $669.8 billion, while when corrected for inflation, the

BIA budget actually declined by $10 million a year, on an average spending level of $1.7 billion. Throughout the entire FY1975-FY1999 period, per capita spending on the U.S. population as a whole consistently increased, whereas per capita spending on Indians through major Indian-related programs began to fall after FY1979.

Furthermore, in FY1996, federal funding for Indian programs fell short 13 percent or $581 million from the President's budget request for that fiscal year. This was mostly seen in dramatic cuts in funding for the BIA ($322 million less), Department of Housing and Urban Development (HUD) New Indian Housing ($134 million less), and the Indian Health Service (IHS) ($80 million less). In FY1997, funding for these programs fell short 4.1 percent or $175 million below the President's request. And in FY1998, there was a 1.2 percent or $52 million shortfall from what the President requested. In FY1999, this unfortunate trend continued with a $100 million shortfall.[1] Mr. Chairman, in a year when the U.S. economy is booming and the federal government is expecting over seventy billion dollars in surplus funds, the federal government should not be cutting funds to American Indians, this nation's poorest people.

As you are well aware, in recent years tribes have faced extraordinary challenges throughout the appropriations process. Unprecedented reductions in federal Indian program funding left many tribes facing extreme circumstances. Non-funding "riders" attached to Interior Appropriations bills reached well past the scope of the appropriations process and were interpreted by Indian Country as an attempt to diminish tribal sovereignty and change the basic fabric of the federal-tribal relationship. While we appreciate the commitment to balance the federal budget and reform the welfare system, we maintain that such laudable initiatives do not and should not preclude the federal government from fulfilling its trust responsibilities to Indian tribes throughout this great nation. In short Mr. Chairman, extraordinary budget reductions in federal Indian programs have created a state of emergency for many tribal governments.

NCAI is encouraged, however, with the Administration's FY2000 commitment to begin addressing some areas of priority concern to Indian Country. The Administration should be commended for its renewed commitment to Indian education. Reports indicate the Indian schools are in worst shape than any other system in the country, with a backlog of repairs exceeding $800 million. The President's FY2000 budget request includes a school construction and repair request of $75.9 million to replace two schools, as well as complete urgently needed repair work at existing facilities. The budget also proposes a School Modernization initiative that would provide $400 million in bond issuance authority for tribal governments over two years, as well as increases to school operations of $27.5 million over FY1999 for a total investment of $503.6 million.

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[1] *See generally* "Indian-Related Federal Spending Trends, FY1975-1999", Congressional Research Service (CRS), February 1998.

As this Committee is well aware, Indian Country has faced a sharp rise in criminal activities and most tribes have severely inadequate basic law enforcement protections and services to address this problem. The proposed allocation of an additional $20 million in the BIA as part of the multi-year law enforcement initiative in Indian Country will help support law enforcement in Indian communities through FY2000. NCAI is also encouraged by the Administrations request of $100 million for the Office of Special Trustee, as well as the $1 million request for a "Bring Back the Bison" program within the BIA.

As Congress begins the appropriations process for FY2000, NCAI aggressively seeks support from the Committee in reversing the decline in funding for federal Indian programs that we have experienced since FY1996. In general, we feel the President's FY2000 budget moves Indian Country in this direction. We are concerned, however, that even the Administration's request for certain essential tribal programs and services provided through the BIA and IHS remain seriously inadequate. Accordingly, tribal budgets are insufficient to meet the most basic needs of tribal populations.

The following testimony is an overview of the recently released President's FY2000 budget request that provides NCAI's viewpoint on sections of the budget that are most critical to tribal governments. As more specific information is released from the Administration regarding the details of the budget request, NCAI will provide further information to the Senate Committee on Indian Affairs and the relevant appropriations subcommittees regarding the priorities of the tribal government members of NCAI.

III. The President's FY2000 Budget Request

A. DEPARTMENT OF INTERIOR

1. Bureau of Indian Affairs

The President's FY2000 budget calls for $1.9 billion to be allocated to the BIA, an increase of $155.6 million over the FY1999 enacted level. The budget contains a request of $1.7 billion for the Operation of Indian Programs (OIP), a modest increase of $110 million over the FY1999 enacted level. Another component was the request of $716 million for Tribal Priority Allocations (TPA), a $17 million increase over FY1999. However, as important as these increases are to tribes, and despite the apparent commitment to tribal self-sufficiency, self-determination and self-governance shown by the Administration in its budget request, this increase still falls short of providing adequate funding for critically needed tribal programs.

Although the Administration's budget request for FY2000 includes a $17 million increase in TPA over FY1999, this increase is inadequate to meet the vital needs of tribal governments. TPA budget activity includes the majority of funds used to support on-going services at the local tribal level, including such programs as: housing, law enforcement, child welfare,

education, natural resources management and other tribal government services. TPA gives tribes the flexibility to prioritize funds among these programs according to their unique needs and circumstances.

Over the past two decades, very little funding has been added to TPA to allow exercise of self-determination and self-governance. Further, in FY1995, TPA was drastically cut and critical tribal programs and services were severely impacted. Since then, tribal governments have increasingly fallen behind in their ability to provide services in their communities. These budget reductions clearly are contrary to and undermine the successes tribal governments have achieved.

Funding levels to TPA have yet to be restored to the FY1995 level. The small increases to TPA over the past few years have not been adequate to keep pace with inflation. The failure of the Administration to include a significant increase in overall TPA for FY2000 continues to hinder tribal governments' ability to provide for the essential needs of their communities.

Mr. Chairman, at the very least, the President's requested TPA increase must be supported by Congress. The enormous tribal program responsibilities associated with this budgetary category include the direct tribal operation of programs. Although the President's requested funding level for this budgetary category will help tribes address these needs, Congress is urged to increase the TPA budget category well beyond its current enacted level.

Also of concern within the BIA is the issue of contract support costs. The moratorium imposed by Congress in FY1999 on any new or expanded contracts, compacts or grants under Pub. L. 93-638 hampered many tribes' ability to continue their move towards self-determination. The President's FY2000 budget request for contract support costs includes a very modest increase of $6.4 million to address the Bureau's continuing contract support cost shortfall, plus $5 million for the Indian Self-Determination Fund to address the contract support cost needs of tribes taking on new BIA programs. These sums are woefully inadequate to make any meaningful inroad into a shortfall that continues to penalize tribes which elect to operate BIA programs under the Self-Determination Policy. They are also insufficient to cover the contract support costs associated with the new FY1999 tribal law enforcement initiatives to be transferred to Tribes in FY 2000.

Per NCAI Resolution #MRB-98-036 (attached), Congress and the Administration are respectfully urged to reconsider these sums in FY2000 to finally close the gap in contract support cost funding. Although Congress is encouraged to support the President's increase, at a minimum, it is still just a small step in moving tribes back into the position of operating, on their own, the important programs which serve their communities.

Another major area of concern is BIA construction funding. The $174 million request called for in the President's budget must be supported by Congress. As we reported to Congress last year, our schools, health facilities, courts, police and fire departments all have facilities

that are in desperate need of repair and/or replacement. Included in this request is an increase of $30 million for school construction. This will allow tribal communities the ability to address the vital needs of their children and improve the environments in which they learn. NCAI also supports the President's budget request for continued new funding for Public Safety and Justice construction.

Further, many tribal communities are still awaiting much needed new construction project funding to rehabilitate or replace a variety of facilities, including high cost projects such as dams, power plants and other infrastructure renovations. The President's budget requests $22 million for the repair of high hazard dams on Indian lands. As reported by the BIA, these dams pose significant threat of loss of life, and at minimum, significant economic damage, both on and off Indian reservations. The Federal government is responsible for the maintenance of these structures and is ultimately liable for any damage which may occur as a result of their hazardous condition.

Each year, BIA facilities face increased safety hazards which must be addressed through proper maintenance and re-engineering projects that all require adequate levels of funding. The President's request of $174 million for BIA construction projects is a laudable first step.

As reported to Congress last year, the management of Indian trust lands is in dire need of reform. The BIA manages over 55 million acres of land, 170,000 individual tracts of land, 100,000 active leases, 350,000 land owners, and 2 million owner interests. According to the BIA, the allocation of new resources is designed to "close the books on Indian trust management problems as we enter the next century by completing the replacement of core trust management systems, including the complete cleanup of all trust records in the Trust Asset and Accounting Management System (TAAMS)." NCAI supports the FY2000 budget request of $100 million for the Office of Special Trustee, which will provide $65.3 million for continued implementation of the Trust Management Improvement Project.

The Administration and Congress' attempts to empower tribal governments to assume more management responsibilities over tribal program and service operations, create tribal jobs and develop sustainable economies that lead Indian Country into greater self-sufficiency are very commendable goals, and ones that are clearly shared by tribal governments. However, without adequate federal appropriations these objectives will not be achieved. Increased funding for programs and services under the BIA budget must be provided to ensure that the basic needs of this nation's first citizens are adequately met and our collective goals for a stronger economic base in Indian Country are fully realized.

a. Economic Development

Under the Indian Financing Act of 1974, as amended, guaranteed loans, direct loans, and grants were established for economic development in Indian Country. Unfortunately, since

1996 the grant programs and the direct loan programs have not been funded. As a result, the only program remaining under this Act is the guaranteed loan program.

Economic development conditions on reservations are dire. With welfare reform in full force, sustainable economic development is even more essential. Tribes need to develop economic development plans to reduce the severe impacts on tribal members and tribal governments. However, raising capital to start businesses on reservations is very difficult. Under the Indian Financing Act (IFA), grant money was used for technical assistance, but more importantly grant money was used as leverage for other federal programs. For example, the Department of Agriculture has a loan program that guarantees from 70 percent to 90 percent of the loan. Even though a majority of the loan is guaranteed, many Indian individuals and tribes still have difficulty raising the 10 to 30 percent equity needed to secure the loans. If the IFA grant program was still in existence, it could be combined with other federal loan programs allowing greater participation by individual Indians and tribes. Therefore, through NCAI Resolution #GB-98-004 (attached), NCAI requests at least $20 million be appropriated to reestablish the IFA grant program.

Through NCAI Resolution #MRB-98-080 (attached), NCAI also requests that Congress appropriate $10 million specifically for funding the BIA Office of Economic Development for the purpose of providing training and technical assistance for the development and expansion of reservation business.

b. Indian Education

NCAI commends the Administration for its continual investment in Indian education. President Clinton has proposed a total investment of $503.6 million for BIA school operations, an increase of $27.5 million over FY1999. This increase in school operations allows the BIA to educate approximately 12 percent of the American Indian K-12 population and will cover additional costs for teachers, transportation, and operations resulting from the growing student population in Indian Country. Of the $1.4 billion request for the hiring of 100,000 new teachers, the President proposes to spend $6 million to recruit, hire and train BIA teachers in order to reduce class size in the early grades. The FY2000 school operations budget supports the President's Executive Order 13096 on American Indian and Alaska Native Education which commits to improving the academic performance and reducing the dropout rate of Indian students.

The recent Indian Education Executive Order also cites the need for creating strong and safe environments for Indian students. To help meet this goal, and in accordance with the President's call for modernization of our schools, the Administration has requested $108.4 million for BIA education construction, a significant increase of $48 million over FY1999. This increase will assist in the replacement and repair of some of the 185 BIA-funded schools on reservations where 53,000 Indian students are currently learning in facilities that present serious health and safety threats. According to the Inspector General's office, Indian

schools were in significantly worse shape than even inner city schools. Included in this increase is a new $30 million Indian School Construction Bonding Initiative which will provide critically needed funds for addressing the growing backlog of health and safety deficiencies, which currently exceeds $800 million, at BIA-funded elementary and secondary schools. Although NCAI urges Congressional support for S. 7, the Public Schools Excellence Act, as it would allow tribes to utilize the funding to issue qualified school construction bonds or other taxable bonds to replace or repair BIA-funded schools, this measure and other various school bonding proposals continue to lack bipartisan support. Therefore, NCAI recommends that the federal government, which is responsible for the education of American Indian and Alaska Native students attending BIA-funded schools, authorize and appropriate sufficient funds to complete all Indian education construction requests.

The remaining $78 million in school construction funds will assist in replacing older, unsafe, and dilapidated schools, including the replacement construction of Fond du Lac Ojibway School in Minnesota and Seba Dalkai School in Arizona. NCAI fully endorses the notable funding increase request for school construction; however, with two-thirds of the education facilities over 30 years old, and more than one-quarter over 50 years old, the backlog continues to grow. Therefore, by NCAI Resolution #MRB-98-084 (attached), NCAI calls upon the Congress to support a 5-year construction plan of the Department of Interior to eliminate the deferred maintenance backlog of need by increasing education facilities construction, repair, and maintenance budgets for FY2000 to FY2004 and to fully fund BIA-funded school construction within the next five years.

The following are NCAI's FY2000 budget recommendations for the following BIA Indian education programs.

Tribal Priority Allocations (TPA):

1. Adult Education. This program continues to be one of the most underfunded Indian education areas by the federal government. For FY2000, the Administration proposes $2.6 million for Adult Education; however, the need is $5 million to adequately fund tribally-based adult education programs. The BIA estimates that approximately 20,000 Indian adults who did not finish high school participate in the program in order to obtain their General Educational Development (GED) degree.

2. Johnson-O'Malley (JOM) Program. The FY2000 request is $18 million, the same as FY1999. The funding need for this program should not be less than $25 million in order to provide supplemental educational services for 272,000 American Indian students in 23 states.

3. Scholarships. The FY2000 request of $29 million for undergraduate scholarships for American Indians has increased only $2 million since 1996 and does not allow for the

increase in the number of Indian students wishing to enter college or the increase in tuition costs which are out pacing inflation. The needs of Indian students pursuing post-secondary education are often neglected, especially when critically-needed programs are cut or eliminated such as the Department of Education's Office of Indian Education Fellowship Program.

Generally, the needs of American Indians tribal higher education programs have not been funded at stable and/or adequate levels, and inadequacy of funding is becoming more problematic under the TPA system. Therefore, per NCAI Resolution #MRB-98-075 (attached), NCAI calls for the increase in TPA allocation nationally for higher education.

Other Programs:

1. Indian School Equalization Program (ISEP) Formula. The President's FY2000 request is $312 million for this program, which provides formula-based funding for 185 BIA-operated, grant, and contract elementary and secondary schools. The requested amount would provide $3,199 per Weighted Student Unit (WSU) compared to $3,125 per WSU in school year 1997-98. NCAI supports a funding level of $3,500 per WSU and request an funding increase to meet this level.

2. Student Transportation. The FY2000 request for student transportation is $38.8 million, a $4 million increase over FY1999. In FY1997-98 the BIA-funded transportation cost was $1.98 per mile with 15,197 miles (School Year 1996-1997) driven for day and boarding schools. According to the latest School Bus Fleet information, the national average for student transportation costs in school year 1993-94 was $2.94 per mile for public schools. Therefore, the BIA-funded schools, which are located primarily in rural, isolated areas, are at least $.96 below the national per mile average.

3. Tribal Departments of Education. The FY2000 budget request, as in years past, does not include funding to assist tribes in planning and developing their own centralized tribal administrative entities as authorized by Pub. L. 103-382, the Improving America's Schools Act. Per NCAI Resolution #MRB-98-003 (attached), NCAI recommends at least $3 million for tribal departments of education to accomplish the original intent of the 1994 Act. This would be appropriate given the recent trend to convert more and more schools from BIA to tribal control.

4. Tribal Colleges/Post Secondary Schools. The President's FY2000 request for Tribally-Controlled Community Colleges is $38.4 million, a $3 million increase over 1999. NCAI supports $40 million which would provide for an additional $7 million for TCCC Operating Grants.

5. Post Secondary Schools. The FY2000 request is $14.3 million and is an increase over FY1999 of $2.5 million. The request includes funding for Southwestern Indian Polytechnic

Institute (SIPI) and Haskell Indian Nations University. No longer in the post secondary schools category is the United Tribes Technical College (UTTC). NCAI requests that the amount for Haskell be increased to $10 million since it is the only national institution dedicated solely to the post secondary needs of Indian students.

c. Public Safety and Justice

Of critical importance in the FY2000 BIA budget request is public safety on reservations. As this Committee is well aware, tribal governments are in desperate need of resources to combat crime within their communities. Last year, Congress provided $20 million to the BIA to begin addressing the law enforcement needs of Indian Country. This year, the Administration is requesting another $20 million increase for the continuation of this "multi-year" Presidential Initiative. Along with the increase in BIA funding for Indian Country law enforcement comes a requested $124 million in the Department of Justice for law enforcement on reservations. NCAI also supports the President's proposed increase of $2.6 million for tribal courts. Adequate funding for tribal courts is critical to ensuring the quality of Indian Country law enforcement efforts through a strengthened tribal judicial system.

d. Trust Funds Management

The President's FY2000 budget request includes $100 million for the Office of the Special Trustee for American Indians (OSTAI), a significant increase of $60.5 million over the current enacted level. Over $88 million of this proposal targets OSTAI program operations, with $65.3 million of that figure directed at further implementing the Trust Management Improvement Project. According to the BIA, this project includes a complete overhaul of the Trust Asset and Accounting Management System (TAAMS) currently used to manage trust asset accounts.

Other proposals include a $10 million continuance fund for the Indian Land Consolidation project and a reclassification of over $2 billion in tribal trust funds to the "non-budgetary" status, similar that of Individual Indian Monies (IIM) accounts. This reclassification serves to specifically acknowledge tribal ownership over these trust fund accounts, while affecting no change to the Secretary's obligations to service them.

We recommend the President's budget increase to help the OSTAI improve the Secretary's management of these accounts and to meet his goal of correcting a 70-year-old Indian trust fund mismanagement problem. However, the recent turn of events surrounding the Special Trustee's resigning under protest over the Secretary's decision to rearrange administrative authority over trust funds management is of major concern to tribes. The Secretary's actions seem to usurp Congress' intent to provide the Special Trustee with more independent authority over trust fund management activities. Proper management of Indian Trust Funds continues to elude the federal government, even though Congress and the Administration have attempted to correct this dysfunction.

Total reform of the current trust fund management system may be the only formidable solution at this point. However, legislation introduced in the 105th Congress as H.R. 2732, the Tribal Trust Fund Settlement Act of 1998, failed to propose adequate solutions to the mismanagement of outstanding trust accounts. This prompted the NCAI General Assembly to adopt NCAI Resolution #GRB-98-054 (attached), which opposes H.R. 2732 and urges Congress and the Administration to meet further with tribes to formulate legislation that will fairly and fully compensate tribes for the damages they have suffered due to the federal government's mismanagement practices over outstanding trust fund accounts.

NCAI strongly encourages the Congress and the Trustee to work more collectively with tribes to find an end to these mismanagement practices and begin reconciling outstanding accounts. The longer we wait, the more assured it is that the overwhelming amount of mismanaged and unidentified trust fund accounts will never be reconciled. Therefore, it is in the best interest of all parties that the reconciliation of IIM and trust land asset accounts are resolved immediately. NCAI urges Congress and the Administration to stay committed, as tribes are, to achieving these goals.

e. Indian Reservation Roads

Funding for the Indian Reservation Road (IRR) program, which funds the construction and maintenance of public roads that provide access to and within Indian reservations, Indian trust lands, restricted Indian land and Alaska Native villages, is of critical importance to Indian Country. On average, only $500 per mile and in some cases as little as $80 per mile is available for Indian roads maintenance. In comparison, an average of $2,200 is spent on maintaining other federal roads, and an average of between $2,500 and $4,00 per mile is spent by states. The BIA has only been appropriated $25 million a year for maintenance of all reservation roads in the United States. As a result of insufficient funding, many roads in Indian communities are not sufficiently maintained and have to be shut down during the winter or become impassable other times throughout the year. The deteriorating road systems negatively affect the health and economic viability of all tribal communities.

Mr. Chairman, the Congress should fund the IRR program at an absolute minimum of $300 million annually, as has been recommended by both the tribes and the BIA. This would begin the process of addressing the backlog of road construction projects. NCAI also urges Congress to provide $15 to $20 million annually for Indian reservation bridge construction and repair programs. These funds should come from the national bridge repair program and not from the IRR allocation. Finally, as a matter of policy, tribes should be provided direct access to the various federal discretionary programs, such as scenic by-way funding, highway safety, mass transit, and other programs.

f. Agriculture

In 1986, the BIA and the Department of Interior were directed to submit to the Congress a report on the effectiveness of Federal and tribal agriculture and range programs on the

national level. This report was developed through direct consultation with tribes and was submitted to Congress in September of 1986. The "Indian Agriculture Working Group" was established by the BIA consisting of tribal representatives with experience in agriculture and ranching. After a review of all the national agriculture polices was conducted and hearings were concluded, thirty-two recommendations were submitted to the BIA. Subsequently, nearly all of these recommendations were included in H.R. 1425, the American Indian Agricultural Resource Management Act (AIARMA), which was enacted into law as Pub. L. 103-177.

The purpose of AIARMA is to require the Secretary of the Interior to provide for improved management of Indian agricultural lands by working with Indian tribes to carry out numerous programs. AIARMA required that an independent assessment of Indian agriculture land management practices be conducted as well as final regulations be enacted within 18 months of the law being passed; to-date, neither have been completed. Other articles include: a preference to Indian operations for issuance and renewal of agricultural leases, the establishment of an Indian and Alaska Native agricultural education assistance program, and the development of a ten-year agriculture resource management plan for each tribe's land.

The primary purpose of Pub. L. 103-177 was to establish a policy for the BIA for management of Indian trust lands. As a basis for that policy, a need assessment to determine necessary budgeting and staffing targets was required. To this date, no assessment has been completed. Until this is done, Congress and the Departments will not have a clear direction in their responses to the Indian demand of rectifying this problem.

In 1994, the appropriated budget for this Act was $1million dollars, ultimately increasing to $16 million by 1998. To this date, no funds have been appropriated for this act. The need for agricultural assistance in Indian Country is immense and a land management plan is imperative. Therefore, NCAI urges Congress to provide the funds to fully support Pub. L. 103-177.

In 1996, another essential act was passed. The Food Agriculture Improvement Reform Act (Pub. L. 104-127), set forward an opportunity for an Indian borrower who is facing foreclosure, to transfer the loan to either the BIA or the borrower's respective tribe. Such transfers are not available under the present BIA policy. At this time, approximately 60,000 acres of Indian trust lands are in danger of being moved out of trust status through foreclosure. To prevent this, the regulations under Pub. L. 104-127 must be promulgated immediately. NCAI therefore requests that the appropriate actions be taken.

g. BIA General Assistance Program

The 1996 Interior Appropriations Bill included language which capped BIA General Assistance (GA) program expenditures. Such inadequate and limited appropriations have forced BIA and tribal social service programs to cut caseloads, leaving many potential

recipients unserved. The enactment of recent welfare reform legislation (Pub. L. 104-193) places increasing strain on this program. As tribal members exhaust benefit time limits in Temporary Assistance for Needy Families (TANF) programs, many urban families will return home to their reservation and their family support network. They will also apply for GA, as they are no longer eligible to receive TANF. Without increased funding, GA cannot serve currently eligible tribal members in desperate need of support, let alone accommodate newly eligible recipients.

For the last several years, the BIA has been in the process of revising 25 CFR Part 20, "Financial Assistance and Social Service Program," which regulates, among other programs, the General Assistance program. In June 1998, the BIA made available a working draft of the regulations and met with tribes in Green Bay, Wisconsin, for a day and a half to introduce the draft to tribes and to hear initial comments. In this forum, tribal leaders and social service directors voiced concerns about the dramatic impact the proposed revisions would have on tribal communities. Participants strongly objected to the lack of tribal input into the draft, the late release of the draft, and the lack of advanced notice for the introductory meeting. By far, the most substantial compliant was the lack of tribal consultation for regulations which propose to dramatically reduce the safety net program, General Assistance, which serves Indian people.

To date, no consultation plans have been released. Tribal communities are greatly concerned that the lack of adequate consultation on the part of the BIA will lead to a lack of understanding of tribal needs. Tribes anticipate that the administration will propose draft regulations that reduce the ability of tribal communities to sustain tribal members who are in need. For example, draft proposals that would make the General Assistance program unavailable to persons who have been sanctioned or terminated from an applicable TANF (Temporary Assistance for Needy Families) program for any reason, including an inability to find employment, are strongly objected by tribes.

Tribal communities already manage scarce resources and stretch those as far as possible. Further reductions in program funding and proposed program restrictions in a recently released draft of the revised 25 CFR Part 20 serve to undermine the Congress' intent of the General Assistance program and seriously threaten the quality of life in tribal communities. NCAI Resolution #GRB-98-003 (attached), calls upon the BIA to increase consultation and negotiations with tribal leaders over any proposed changes to 25 CFR Part 20, prior to any proposed social service regulations being forwarded to the Office of Management and Budget for clearance on publication in the Federal Register as a Notice of Proposed Rule Making.

2. Indian Health Service

a. FY2000 Funding

After last year's unacceptable $2.1 billion budget request for the IHS - a mere 1.9 percent increase - the President's FY2000 budget request of $2.8 billion is a step in the right direction in supporting tribal health care needs. However, this total includes an estimated $39 million in Medicare, Medicaid, and private health insurance collections, making the adjusted Administration's request somewhere in the area of only $2.412 billion. This adjusted total falls short of the requested minimum of $2.62 billion tribal governments advised the Administration and Congress to enact, minus any estimated health insurance collections, per NCAI Resolution #MRB-98-097 (attached).

A brief analysis of the President's budget request quickly identifies additional funding needs. The IHS reports that currently enacted funding levels only serve 36 percent of the projected need for Indian health care. Moreover, IHS statistics show a current inflationary rate that will require an additional $30 million to compensate for current inflation alone. The $400 million in increases to the FY2000 IHS budget listed below will help to significantly address outstanding funding needs in areas such as Contract Support, medical inflation rates, and program funding shortfalls. NCAI urges Congress to increase the President's FY2000 IHS budget in the following categories:

▸ Hospitals and Clinics	$76 million
▸ Contract Health Services	$33 million
▸ Contract Health Representatives	$5 million
▸ Contract Support Costs	$100 million
▸ Other Health Service Programs (including Urban, Dental, Mental Health, Alcohol/Substance Abuse Prevention, etc.)	$100 million
▸ Facilities (including Construction, Sanitation and Maintenance & Improvement)	$100 million

What these requested funding increases mean, in real terms, is that thousands of American Indian and Alaska Native people will have access to better and more increased health care services including hospital admissions, outpatient visits, dental services, mental health and social health services, public health nursing home visits, and community health representative visits.

b. Contract Support Costs

The President's budget request includes a $35 million increase in contract support costs associated with IHS programs under tribal operation. Based on current levels of contracting, such an increase would certainly boost the levels of contract support payments to many tribes. But even if inflation is disregarded, it would still leave scores of the least funded tribes underfunded in the range of between 10 percent and 20 percent, depending upon which of

several possible methodologies is used to distribute such an increase. (Possible methodologies include helping all underfunded tribes cover varying shares of their shortfall, as well as methodologies directing all such new funds only to the most severely underfunded tribes.)

At this time, it is unknown whether Congress will lift the Section 328 moratorium, in whole or in part. For its part, IHS is now actively exploring with Indian Country possible alternatives, including approaches which view FY 2000 as a second "transition" or "correction" year in which the vast majority of any effort continues to go toward addressing the ongoing contract support crisis faced by existing tribal programs. These and other reform issues are being actively explored as part of IHS's initiative to revise the agency's contract support cost circular for FY 2000 by April 1999.

As with the BIA shortfall and per NCAI Resolution #MRB-98-036 (attached), the NCAI Workgroup on Contract Support Costs has strongly urged Congress to fully close the gap in the current IHS shortfall for FY 2000, estimated by IHS to be $93.4 million plus unfunded pre-1999 inflation. As part of this effort Congress should restore the Indian Self-Determination Fund to at least $12.5 million in FY 2000, and IHS should immediately begin canvassing Indian Country to secure an assessment of new contracting requirements needed for FY 2000 and FY 2001.

c. Contract Health Services

Contract health is an important component of Indian health programs, particularly in areas without IHS hospitals, where there is rapid business development, and where there are smaller tribes that tend to be contract health services dependent due to a lack of clinical services. To highlight the impacts of continued contract health funding shortages, the Great Lakes Intertribal Council conducted a Wisconsin tribes' study that identified sizable cost shifts to tribes, averaging around $400,000 per tribe, per year for contract health services. These shifts equate to an approximate 70 percent shortage of federal funding for tribal contract health programs. The Wisconsin study also identified $2.6 million in tribal contributions per year to cover these cost shifts, an amount equal to the funding levels Wisconsin tribes received from the IHS. This snapshot of contract health funding shortages in Wisconsin is a good example of the contract health funding shortages experienced by tribes in most other areas of Indian Country.

Vice Chairman Inouye alluded to the concerns over cost shifting contract health costs to tribes in his statement on Indian health care issues before this Committee on May 21, 1998. Moreover, NCAI Resolution #GRB-98-039 (attached) requests that Congress end the impacts of cost shifts to tribes by increasing funding for contract health by 70 percent, the amount identified by the FY2000 Indian Health Service Budget Tribal/IHS Task Force, and encourages further study of the issue of cost shifting, particularly for contract health services, by Congress and the IHS.

d. Urban Indian Health

With nearly half of the nation's Indian population living off-reservation in the urban areas of this country, the funding needs of urban health clinics continue to grow. The President's $3 million increase in Urban Health services is a welcomed improvement. Tribal governments continue to share in the duties and responsibilities of providing health care for urban Indian individuals in conjunction with the federal government. For these reasons it is critical that clinical services, whether they are provided by the IHS, tribal governments, or urban Indian clinics, continue to receive increased funding to keep pace with the ever-increasing needs of service area populations.

e. Indian Health Care Improvement Fund / Comprehensive Health Emergency Fund

Under the President's $12 million budget proposal for the Indian Health Care Improvement Fund, $4.9 million will be lost in Special Pay Funding (physician compensation). NCAI requests an additional $13 million allocation to this important program, allowing IHS hospitals to compete with the private sector in attracting top quality physicians. In addition, NCAI Resolution #MRB-98-116 (attached), calls upon Congress to increase the regular IHS scholarship appropriation from $9.6 million to $20.9 million, providing the necessary funding to accommodate an additional 432 health professional students in FY2000. NCAI also requests an additional $8 million added to the President's $12 million request for the Comprehensive Health Emergency Fund, bringing that fund's total up to the level requested by tribes to meet the projected need in Indian Country.

f. IHS Medicaid Per Capita Expenditures

As reported to Congress last year, a growing disparity exists between Indian and non-Indian citizens in per capita expenditures for Medicaid patients. Current IHS Medicaid statistics reflect a $3,300 per capita expense for non-Indians, compared with a $1,400 per capita expenditure for Indian patients, a disparity of nearly $2000 less expended on Indian Medicaid patients. Per NCAI Resolution #MRB-98-111(attached), Congress is urged to allocate funding levels necessary to close the enormous disparity in the per capita amount of health care costs associated with IHS hospital facilities throughout the nation, a move that will help balance out the inequities between Indian and non-Indian per capita Medicaid expenditures.

g. IHS Facilities Funding

Tribes have reported to NCAI that recent fiscal year decreases in overall federal funding for IHS Facilities maintenance and construction have left facilities struggling to keep pace with the needs of their service areas. Old facilities continue to experience the need for major improvements, and some service areas have grown to the point of requiring the construction of new facilities. NCAI has two resolutions that address IHS Facilities funding needs. The

first, NCAI Resolution #MRB-98-099 (attached), calls upon Congress to funding for the construction, maintenance and improvements of health care facilities. The second, NCAI Resolution #MRB-98-015 (attached), seeks an additional $1.5 million in operating funds for the Lawton Hospital in Oklahoma. This funding is necessary to better staff and operate the only accessible hospital for several tribes in western Oklahoma.

Most IHS facilities throughout Indian Country require specific, quantified levels of funding to operate effectively and efficiently for the patients they serve. Many of these facilities, like Lawton, are the only upper-level health care facility in close proximity to remote tribal communities. Congress must continue to address the growth of tribal health service populations and the health care facility funding needs associated with that growth. To abandon this commitment will create turmoil and confusion within the regions that tribal, IHS and urban health care facilities serve. NCAI urges Congress to support the need for increased health care facilities in Indian Country by increasing the President's FY2000 budget request for IHS Facilities funding by $100 million.

Sanitation facility needs continue to grow in the more remote parts of Indian Country, and especially in Alaska Native villages. With over $1.687 billion in sanitation deficiencies identified by the IHS as of FY1998, the President's requested increase of $3 million falls short of any realistic commitment to improve tribal sanitation services. NCAI urges Congress to appropriate an additional $10 million in IHS sanitation facilities funding, with $5 million earmarked for the Alaska honey-pot eradication project.

h. Y2K Initiative

The integrity of IHS/Tribal/Urban Indian (ITU) health care information systems are compromised by the Year 2000 (Y2K) computer problem. Congress approved funding for FY1999 to begin addressing the magnitude of problems surrounding Y2K. NCAI Resolution #MRB-98-038 (attached) urges Congress to continue Y2K funding in FY2000, allocate a portion of those funds to the Indian Health Service to adequately address the number and diversity of ITU health information systems, and direct the IHS area offices to conduct full consultation with ITU's over the distribution of such funding.

i. IHS 638 Moratorium

In FY1998, a one-year moratorium on Pub. L. 93-638 contracting and compacting of IHS programs was enacted as part of the FY1998 IHS appropriations (Section 326). This moratorium was extended through FY1999 as part of last year's IHS appropriations law (Section 341). NCAI went on record both years opposing such moratoriums. NCAI Resolution #MRB-98-046 (attached) also opposes Section 341 of the FY1999 IHS Appropriations law as a direct assault on tribal sovereignty by eliminating the rights of Alaska tribal governments to contract or compact. This resolution also considers the moratorium an impediment to Congress' intent of expanding self-determination in Indian Country, and contrary to the government-to-government relationship between tribes and the federal

government. NCAI urges Congress to repeal the IHS "638" moratorium and oppose any legislative initiatives that would weaken any tribal authority to contract or compact.

j. Tobacco Settlement

Tobacco Settlement legislation was a major legislative initiative in the 105th Congress which provided significant concerns for tribal governments. IHS statistics show that Indian people suffer from tobacco related illnesses in far greater numbers, per capita, than any other population sector in the United States. Because of this, NCAI's member tribes adopted NCAI Resolution #GRB-98-011 (attached) that supports provisions which would allocate a fair share of any new taxes or funds resulting from a tobacco settlement to the IHS budget. This resolution also calls upon the IHS to develop a tribal consultation process for the distribution of funds resulting from increase tobacco taxes or tobacco settlement monies, and, in the event that funding is directed to state governments only, states would then be required to fund tribes at an equitable level for tobacco related illnesses.

k. IHS Self-Governance Program

NCAI commends the work of the U.S. House of Representatives in last year's passage of H.R. 1833, which would establish permanent authorization of the IHS self-governance program. Such legislation was developed by tribal self-governance and non-self-governance leaders, the IHS and the DHHS policy staff. NCAI Resolution #GRB-98-014 (attached) formally calls upon the Congress to consider and approve the passage of permanent authorization for the IHS self-governance program as quickly as possible.

l. Elevation of the IHS Director

NCAI Resolution #GRB-98-010 (attached) also urges Congress to elevate the IHS Director position to that of Assistant Secretary within the DHHS. Currently, the Director of the IHS, the top administrative official charged with carrying out the federal responsibility for Indian health, does not report directly to the DHHS Secretary. NCAI, along with tribal leaders and tribal health care professionals feel that in order for the IHS to operate efficiently and effectively and have its needs best served by the DHHS, that the head of the IHS must be elevated to the level of Assistant Secretary. NCAI urges Congress to pass such legislation at the outset of the 106th Congress.

m. Tribal Participation in IHS Fiscal Year Budget Development

Along with the $2.62 billion IHS FY2000 funding level request mentioned above, NCAI Resolution #MRB-98-097 (attached) charges the NCAI to urge Congress to direct the IHS to work collectively with NCAI, tribal governments, the National Indian Health Board, the IHS Tribal Self-Governance Advisory Board, the National Council on Urban Indian Health, and regional Indian health boards to develop an IHS budget that adequately addresses the significant needs in health care throughout Indian Country. Quality health care continues to

be one of Indian Country's top priorities It is common knowledge that the IHS has been historically and grossly under-funded, leading to inadequate medical services, facilities and treatment programs within many reservations and urban Indian communities. Because of this, Indian people continue to suffer the highest levels of chronic diseases, infant mortality, teen suicide and substance abuse than any other population sector in the nation.

Over 1.5 million American Indians and Alaska Natives receive health care services from the IHS. In many remote areas of Indian Country, IHS services are the only health care services available. As unacceptable as Indian health care statistics were during times of enormous federal deficit, such statistics are absolutely unconscionable in times when the federal government enjoys a sizable budgetary surplus. Congress is urged to substantially increase the IHS budget as a way of improving the status of Indian health and meeting the critical rise in projected health care needs throughout Indian Country.

3. National Park Service

The Native American Graves Protection and Repatriation Act (NAGPRA) (Pub. L. 101-601) was signed into law to ensure that Native American human remains and sacred objects retained by federal, state, and local governments, universities, and the museum community, are returned to the appropriate tribes and/or descendants. The law also ensures that burial sites on tribal and federal lands are properly protected. Since the passage of this law, activities have intensified in a number of areas, including the completion of summaries and inventories, as well as a variety of successful repatriations. While the process is moving forward, many tribes still finding themselves in very tough positions, with very little resources and limited staff available to complete the work necessary to properly fulfill the mandates of the law. In many cases, government agencies, museums, and universities have resources and staff persons available to implement the requirements of the law, while tribes must locate qualified staff and develop new programs.

Despite a continual tribal request for NAGPRA related grants of $10 million from FY1994 through FY1999, to date, the Administration has requested and Congress has appropriated only a fraction of that amount, $2.4 million. This funding level is far below the projected amount necessary to successfully comply with the provisions of the Act and well below the $10 million level. The protection and return of our ancestors and their sacred objects is of vital concern to our member tribes and in order to be equal partners in the NAGPRA process, tribal governments must be provided with sufficient funding.

Another law on which many tribes rely for the protection of cultural and historic resources is the National Historic Preservation Act (NHPA) (Pub. L. 89-665) . The National Historic Preservation Act provides one of the few legal options available for tribes to protect sites of historic and cultural significance. In 1992, NHPA was amended to authorize tribal governments to assume the responsibilities of State Historic Preservation Offices (SHPO's). The 1992 amendments also include important provisions that apply to federal actions that would affect cultural and sacred sites outside reservation boundaries. Not only does this

language underscore current policy, including the President's Executive Order on Sacred Sites (No. 13007), but more importantly, the 1992 amendments added a requirement that the federal agencies notify tribal governments and invite them to participate in Section 106 consultation if a proposed federal action might affect a National Register site that has cultural or historic importance to the tribe.

Currently, there are 17 tribes which have signed agreements with the National Park Service regarding assumption of SHPO duties since the drafting of agreements began three years ago. This has eased the burden on many federal and state agencies, and has also opened the door for many tribes to have direct control over the protection and preservation of sites that are important to the community. According to the Administration, in this year alone, it is expected that at least six more tribes will assume SHPO responsibilities. The President's FY2000 request of $2.5 million for historic preservation is a positive step. However, the Keepers of the Treasures recently reported to the Administration and Congress that the needs of tribal governments exceed $10 million. In order to preserve the vast history and cultural traditions of our people, NCAI calls upon Congress to fulfill its duties to Indian people and appropriate the additional funding requested, which is necessary to protect these invaluable cultural resources.

4. Institute of American Indian Art

The Institute of American Indian Art (IAIA) is a national fine arts college devoted solely to the teachings and preservation of American Indian and Alaska Native arts and culture. Since its inception in 1962, the Institute of American Indian Art (IAIA) has educated over 4,000 American Indian and Alaska Native students. NCAI is cognizant of the positive impact the IAIA has on the recognition of American Indian and Alaska Native cultures via the arts, and is strongly committed to the continuance, preservation and enrichment of the IAIA.

The President's FY2000 budget request calls for $4.25 million for the IAIA, a $50,000 reduction from the current enacted level of $4.3 million. Concerns continue to mount over what seems to be a decrease in Administrative support for the IAIA. Tribal leaders have voiced opposition to any efforts which may seek to further reduce federal funding for the IAIA, a move that would truly hurt Indian Country's efforts to preserve a significant part of its cultural identity. As directed by NCAI Resolution #SFE-97-049 (attached), NCAI strongly opposes any IAIA funding decrease and encourages Congress to continue its support for the IAIA by considering the current enacted funding level as an appropriation minimum for FY2000.

B. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The Department of Housing and Urban Development (HUD) FY2000 budget request for the Indian Housing Block Grant Program remains at the FY1999 enacted level of $620 million. The National American Indian Housing Council (NAIHC) has determined that the base

funding required to begin to address the housing shortage in American Indian communities is $972 million.

The National Rule Making Committee under the Native American Housing Assistance and Self-Determination Act (NAHASDA) (Pub L. 104-330) has estimated a funding projection of $620 million; a request of this amount simply perpetuates the funding inadequacies affecting American Indians today. Currently, 40 percent of Indian reservation housing is considered substandard; this is in stark contrast to the national substandard housing rate of 5.9 percent. This disparity translates to an inadequate housing ratio of over 6:1. Despite Secretary Cuomo's recent comments on the state of Indian housing and HUD's overall proposed budget increase of $2.5 million, no additional money for new Indian housing was considered.

There is an estimated 200,000 homes that are considered of inadequate and/or substandard condition on Indian reservations. For this reason, NCAI requests an additional $352 million to meet the total need of $972 million, including $32 million to be set aside for Title VI, a program which establishes Loan Guaranteed Subsidies to offer alternative financing and opportunities for Indian Tribes. This enables tribes to establish partnerships with the private sector and other financial institutions. An additional $6 million is requested for the Section 184 Loan Guarantee Program to be set aside for individual mortgage guarantees.

C. DEPARTMENT OF JUSTICE

There is a sharp contrast in public safety on Indian reservations verses the rest of the United States. According to a recent report completed by the Justice Department, American Indians are victims of violent crimes at nearly twice the rate of the all Americans.[2] From 1992 through 1996 the average annual rate of violent victimizations among Indians 12 years and older was 124 per 1,000 residents, compared with 61 for African Americans, 49 for whites, and 29 for Asians. This disparity in the rates of violence affecting American Indians occurs across age groups, housing locations, income groups, and sexes. American Indians are also more likely than people of other races to experience violence at the hands of someone of a different race, and the criminal victimizer is more likely to have consumed alcohol preceding the offense.

Unfortunately, many of these violent crimes remain not only unsolved, but not even investigated, due to a lack of law enforcement resources. For most Native Americans, the level of law enforcement services that many Americans take for granted rarely exists on or near Indian lands. According to the FBI's Uniform Crime Report, there are 2.9 police officers per 1,000 citizens in non-Indian communities, while on Indian reservations there are 1.3 officers per 1,000 citizens. Only 1,600 BIA and tribal uniformed officers are available to serve an estimated 1.4 million Indians living on or near Indian reservations. There are only

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[2] *American Indians and Crime*, Bureau of Justice Statistics, February 1999.

70 jails located within Indian reservations and only 10 are suitable for juveniles. Most of these facilities are in deplorable and unsafe conditions.

Pursuant to the federal trust responsibility, the United States has an obligation to maintain public safety and criminal justice in Indian Country by supporting tribal law enforcement and justice systems. With the current public safety crisis in Indian Country, President Clinton has directed the Attorney General and the Secretary of the Interior to consult with Indian tribes in developing mechanisms to better enable the United States to accomplish its responsibility. During this consultation process, tribal leaders and law enforcement officials unanimously identified inadequate funding as a primary cause of the increase in violent crime in Indian Country.

NCAI fully supports the President's $144 million request to fund this "multi-year" joint Department of Justice (DOJ) and Department of Interior (DOI) initiative to fight crime and bolster judicial systems in Indian Country. The $124 million in new and redirected DOJ funding and the $20 million in additional DOI law enforcement funding will go far in addressing the current public safety crisis on tribal lands. NCAI fully endorses the Administration's commitment to increasing the number of police officers and improving the quality of detention facilities in Indian Country through anti-crime grants to Indian governments and supports the following requests:

1. In the U.S. Attorneys Office, $3.2 million and 26 positions in additional resources will support an initiative to augment current investigative and prosecutorial efforts in Indian Country.

2. In the Office of Justice Programs, NCAI also welcomes the $10 million in Drug Testing and Intervention Program funds for grants to tribal governments. This funding will help tribes develop and implement comprehensive systems to combat alcohol and substance abuse in Indian Country.

3. $5 million in Tribal Courts Program funds will help to assist tribal governments in the development, enhancement, and continuing operation of tribal juvenile justice systems.

4. $20 million in Title V Grants for Local Delinquency Prevention will serve Indian youth by developing, enhancing, and supporting tribal juvenile justice systems.

5. $34 million in State Correctional Facilities Grant Program funds will help to construct or expand adult and juvenile correctional facilities and jails in Indian Country.

6. $2 million will provide for important tribal criminal statistics collection.

7. $5 million in Police Corps Program funding will provide advanced educational opportunities for police in Indian Country.

8. In the Community Oriented Policing Service (COPS), $45 million in COPS Public Safety and Community Policing Grants Program funding will be for additional law enforcement officers, equipment, and training.

Mr. Chairman, the Office of Tribal Justice and the Office of Justice Programs both serve Indian Country in many ways, most notably, through the multitude of grant programs that have recently been extended to tribal governments. These grant programs cover areas such as Corrections Programs, Drug Courts, Violence Against Women, Domestic Violence, Child Victimization Enforcement, and Juvenile Justice and Delinquency Prevention, just to name a few. Although some discretionary grant programs provide funding for tribal needs, such as the STOP Violence Against Women Discretionary Grant Program's four percent set-aside for tribes and tribal organizations, there are many other programs that do not. We urge Congress to consider similar direct funding initiatives for all programs that have a significant impact on tribal governments. Further, we ask that at a minimum that the President's budget request for OTJ and related programs be maintained.

D. DEPARTMENT OF EDUCATION

For FY2000, the Department of Education has requested $77 million of Indian education. This request will allow the Department's Office of Indian Education (OIE) to fund formula grants to Local Education Agencies (LEAs), restore certain discretionary funding for OIE and national research activities through the Department's National Center for Education Statistics (NCES). NCAI fully supports this funding for OIE as it promotes the President's education initiatives. The following are NCAI's recommendations regarding OIE funding by category:

1. Formula Grants to LEAs. For FY2000, $62 million is requested OIE's formula grant program to public schools. The Department estimates that this funding assists 461,000 Indian students attending public schools and over 5,000 students attending BIA schools for a total of 466,000.

2. Special Programs for Indian Children. NCIA fully endorses the Department's effort to restore discretionary funding for certain OIE programs. The $13.3 million request includes $3.3 million for the Special Programs for Indian Children and $10 million for a new American Indian Teacher Corps which would focus on the need to increase the number of qualified Indian teacher in the field. NCAI fully supports President Clinton's new centerpiece to recruit and train 1,000 new Indian teachers over a five year period who will then teach in schools with high concentrations of Indian students. Of the Nation's more than two million elementary and secondary teachers, less than one percent are American Indian or Alaska Native. The lack of role models has contributed to the disproportionately high drop out rates and low academic achievement rates of Indian students. Overall, the Special Programs account, if funded, would continue the following two initiatives: 1) demonstration grants for early childhood and preschool education; and 2) preparation of Indians to take positions in teaching and school administration.

3. Special Programs for Indian Adults. Since 1996, this program has received no funding. NCAI requests that $5 million be appropriated for this discretionary program devoted to increasing the educational skills of Indian adults.

4. National Activities. NCAI supports the Administration requests of $1.7 million to augment the Year 2000 National Center for Education Statistics (NCES) Schools and Staffing Survey (SASS) and other research initiatives. The data collection effort would ensure that American Indian students are included in upcoming NCES surveys that will yield additional information on American Indian learners.

5. Tribal College Executive Order. At the release of the Department's budget, no numbers were available for funding recommendations for the Tribal Colleges Executive Order which was funded in FY1998 at $200,000. NCAI has been informed by the Department that other agencies will have their resources combined for the order's implementation.

6. The National Advisory Council on Indian Education (NACIE). Over the past two years, NACIE has be funded at $50,000 to carry out its congressionally mandated role as a Departmental advisor for Indian Education. Although this funding allows for the two required meetings per year, the fifteen-member presidentially-appointed board has no permanent office and must rely on OIE staff to carry out minimal functions. NCAI is concerned that the Administration's request would neglect the inclusion of one of its own commissions, particularly in its obvious concern for Indian education. Therefore, NCAI request that $500,000 be appropriated for NACIE in light of their increased advisory role in the implementation of the Indian Education Executive Order signed by President Clinton in August, 1998.

7. OIE Fellowship Program. This program was last funded in FY1996 and represented a broad, non-targeted approach to ensuring Indian students participated in postsecondary education. At its peak, the program allowed approximately 150 Indian students annually to attend higher education institutions in fields as diverse as education to medical school. Although there has been increases in education funding, the American Indian higher education community has not been as fortunate. Complicating the situation is the fact that funding for higher education scholarships, at both the undergraduate and graduate levels through the Bureau of Indian Affairs and the Indian Health Service, have been cut over 50 percent since 1996. NCAI recommends that the fellowship program be funded at $5 million.

E. DEPARTMENT OF HEALTH AND HUMAN SERVICES

1. Administration for Native Americans

a. ANA Program Overview

ANA administers its basic grant program in four distinct categories, including: 1) the Social and Economic Development Strategies program (SEDS); 2) an Alaska specific SEDS program primarily geared to governance; 3) an environmental regulatory enhancement program focused on tribal capacity building; and, 4) the native language program to preserve and revitalize native languages. The SEDS program includes a wide range of governance projects allowing for tribal constitution revisions and codes/ordinance development, social projects that are based on maintaining and fostering cultural traditions, and economic development projects covering a wide range of areas.

ANA economic development projects include not only the development of new enterprises but also the expansion of existing successful businesses. The majority of economic development projects are planning grants for architectural and engineering costs or grants that provide for economic development infrastructure (i.e. codes/ordinances development and creation of enterprise boards).

b. New ANA Initiatives

In FY1999, ANA began requiring a 401-(k) retirement plan for approved applicants funded by ANA. As a part of the fringe benefits package provided by the tribe to employees under the ANA project, ANA will fund at least five percent of the employer's share. This initiative will assist in creating a positive and viable retirement system in Indian Country and has received support from a sampling of tribes.

ANA has also leveraged an additional $1 million in ANA funding along with $1 million from the state of Hawaii for a total of $2 million awarded in grants under the Native Hawaiian SEDS specific program. This program will assist Native Hawaiian communities in meeting their unique social and economic development goals.

c. Impediments to ANA Program Grant Expansion

ANA has been at level funding at 35 million dollars since 1995. In real terms this means that ANA has lost 20 percent of program dollars due to the inability of the budget to keep pace with inflation. Under current budgetary conditions, the ANA can fund only about 25 percent of the grant applications submitted for each program. ANA could, however, fund many more grants if funding were available. In FY 1998, for example, ANA received 549 applications but was only able to award 188 new starts.

Since 1994, ANA has also lost 50 percent of its staffing. Of this total, one third has taken place in the current fiscal year. ANA has gone from 33.5 FTE to 16 FTE since 1994. In keeping with Native American preference in hiring, ANA planned on hiring Native Americans in those vacancies that were lost. However, budgetary reductions have stymied that goal. Staff cuts have also negatively impacted the ANA workload both in terms of customer service and necessary monitoring and analytical work on grant awards. FTE

reductions have also impacted the mission of the Intra-Departmental Council on Native American Affairs, chaired by the ANA Commissioner.

Through its Native American program assistance, the ANA has moved many tribal and Native programs from dependency on federal services, or operating federally-mandated programs, to developing and implementing their own discrete projects. ANA continues to serve a large and diverse base of Native American communities and organizations, many of which have little in the way of resources and lack sustainable economic development opportunities. NCAI urges Congress to increase the President's FY2000 budget request of $35 million for this agency to allow for increased grant awards and additional ANA staff. In doing so, Congress will show its support for the tribal self-sufficiency goals promoted by the ANA.

2. Administration for Children and Families

Within the Administration for Children and Families lies a host of Agencies, Bureaus and Divisions that regulate social service programs which are critically needed in Indian Country. Unfortunately, access to these programs and services is extremely limited, with tribal resources and consultation measuring only a fraction of what is provided to states and other non-tribal government entities. Agencies established for the purpose of serving tribal governments suffer the same dilemmas as tribes– i.e., the Division of Tribal Services (DTS), established under the DHHS/ACF to fulfill the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, Pub. L. 104-193).

The President's FY2000 budget request again fails to provide the Division of Tribal Services (DTS) its own discretionary program authorization and budgetary line-item. Because of this, the DTS continues to be forced to borrow scarce resources from other agency programs in order to provide services to tribal governments in the areas of Temporary Services for Needy Families (TANF) and Native Employment Works (NEW) programs. The ACF has tried to provide necessary funding to carry-out these duties, but it has become more and more obvious that without line-item funding authorization for the DTS, the ever-increasing needs of Indian tribes surrounding these social support programs will not be met.

NCAI again urges Congress to immediately authorize for FY2000, an initial $10 million budgetary line-item for the DTS. As part of this authorization, NCAI again asks Congress to expand the DTS responsibilities beyond just TANF and NEW, to include social support related tribal services under the ACF including child care, child support and enforcement, and child protection services. Creating a more streamlined approach to serving tribal government social support program needs will benefit all parties involved in providing, obtaining and accounting for these services. NCAI also calls upon Congress to hold oversight hearing on welfare reform's impacts on Indian country. In this way, tribal leaders can report directly to Congress on their needs, goals and objectives surrounding the conversion of tribal cash assistance populations into tribal workforce populations.

Tribal governments have passed a series of NCAI resolutions pertaining to the lack of direct programs, services, and funding authority within the ACF. Most are tribal TANF specific, but others cover children's issues, disabilities, etc. The following is a brief description of these resolutions.

When welfare reform was enacted, provisions in the law called for state and tribal TANF grant funding levels to be based on FY1994 AFDC enrollment figures of those state and tribal populations. It was quickly apparent that accurate data from state AFDC programs did not identify Indian AFDC recipients from non-Indian recipients. Additionally, many tribes who chose to operate tribal TANF programs soon realized that their TANF caseloads were far exceeding the estimated FY1994 caseload numbers. To formally address this issue, NCAI Resolution GRB-98-021, calls upon Congress to amend the PRWORA to allow tribes the option of basing their TANF grant funding level formula either upon: (1) FY1994 AFDC enrollment levels, (2) the level of actual enrollments based on a tribe's experience in the first year of operating its TANF program, or (3) the current level of actual enrollment. In this way, tribes will be assured that they will receive appropriate funding levels to effectively administer their TANF programs.

Many tribal communities are located in remote areas, with little in the way of public transportation services, creating very limited access to welfare-related support services and programs not directly administered by a TANF agent. Such programs may include Medicaid services, the Food Stamp program and others. To help consolidate these program and service deliveries, NCAI Resolution GRB-98-046 calls upon Congress to create a one-stop shop option for tribal TANF offices wishing to provide other support services not directly related to TANF for their eligible members and service area populations. This one-stop shop concept would allow Indian people to receive such services as Food Stamps from their TANF office, along with having their eligibility determined for programs such as Medicaid.

Consultation with tribal governments over federal Indian program regulations have always been minimal outside of the traditional BIA/IHS regulatory arena. Such lack of consultation has been the experience of tribes with the promulgation of tribal TANF regulations. This runs counter to the President's Executive Order No. 13084, which calls for increased direct consultation between tribal governments and the federal government over issues such as regulatory development. Because of this lack of consultation with tribes over the tribal TANF Notice of Proposed Rule Making (NPRM), NCAI Resolution MRB-98-057 calls upon the Administration to suspend the promulgation process until tribes have been consulted with in a manner mutually agreed upon by tribes and the NCAI. NCAI Resolution MRB-98-059, also highlights specific changes to the current tribal TANF NPRM requested by tribes. We ask Congress to support these tribal positions by directing the Administration to seek further consultation with tribes over any further tribal TANF regulatory process as well as any other federal regulatory processes that directly impacts tribal programs and services.

In regard to the development of tribal Child Support and Enforcement programs, the PRWORA authorizes tribal government to apply for direct funding over an entire tribally-

operated Office of Child Support and Enforcement (OCSE) program, or direct funding for OCSE program functions carried out by the tribe as part of a cooperative agreement with the state over child support enforcement activities. However, the OCSE has stated to tribes that they would not authorize any direct tribal OCSE funding until after regulations over such tribal program functions are promulgated. NCAI Resolution MRB-98-067 requests the OCSE provide funding prior to a final rule being promulgated so that tribes can immediately begin building the infrastructure and technological base to operate such a complex program. NCAI urges Congress to direct the OCSE to adhere to the request of tribal governments under this resolution.

Our disabled Native American population continues to suffer from a lack of attention by the Congress and the Administration. Disability cases in Indian country far exceed those in other population sectors on a per capita basis, with many being disabled veterans. NCAI wishes to highlight three resolutions that speak to the needs of our disabled people.

First, NCAI Resolution GRB-98-042, calls upon Congress to work with the Administration, and specifically, the National Institute on Disability Rehabilitative Research (NIDRR), the U.S. Department of Justice (DOJ), the Rehabilitation Services Administration (RSA) and the Administration on Children and Families (ACF) to establish and fund an American Indian Americans with Disabilities Act (ADA) Technical Assistance Center to serve American Indians and Alaska Natives, respectful of tribal sovereignty and cultural diversity.

Second, NCAI Resolution GRB-980-043, urges the NIDRR to meet tribal needs for assistance with persons with disabilities by funding no less than three Research and Training Centers (RTC's) to work with tribal people and their governments, both on and off the reservation, in health, rehabilitation, and employment issues. NCAI urges Congress to direct the NIDRR to comply with the requests identified in this resolution.

Finally, NCAI Resolution GRB-98-050, calls for the support of a National Wheelchair Recycling Project, similar to a model project in Wisconsin. This project takes used wheelchairs destined for scrap and refurbishes them for additional use. In addition, this project provides a collective benefit for environmental protection, community services, assistance for disabled persons, and a venue for volunteer accomplishments. NCAI urges the Congress to support such noble concepts which provide mobility with dignity to temporary or permanently disabled Native Americans throughout Indian Country.

Many tribal communities continue to suffer from a lack of adequate infrastructure, economic development and other community improvement factors necessary to properly administer their own welfare reform programs. In order to achieve these community development goals, tribes must have adequate funding for economic development, technical assistance, data collection, construction, job training, children and family support services, housing, transportation, alcohol and substance abuse programs and tribal enforcement plans. If federal support is not offered to help tribes create jobs, sustainable

economies and community well being, welfare reform may lead to forced relocation, or even starvation, for many Native American families.

3. Administration on Aging

Three provisions under the purview of the Administration on Aging, authorized in the Older Americans Act (Pub. L. 89-73, as amended), are of special importance to Native American elders. The first is aging grants for Native Americans authorized in Title VI of the Older Americans Act. The purpose of this program is to promote the delivery of supportive services, including nutrition services, to older American Indians, Alaska Natives, and Native Hawaiians. NCAI requests that the full $30 million authorized for Title VI be appropriated in FY2000. Funding of this program provides key "front-line" services for 229 programs serving reservation elders, including congregate and home-delivered meals, transportation, and a wide variety of other services.

The second provision is Aging Research and Training, also authorized in Title IV. Activities supported under this program have helped organizations such as the National Indian Council On Aging (NICOA) gather knowledge about the problems and needs of Indian elders, and design and test innovative approaches to meet the needs of this rapidly-increasing population. Additionally, funds from this program have historically provided training funds for Title VI program directors. For FY2000, NCAI requests an appropriation of $630,000 with at least $130,000 earmarked for a continuing grant to NICOA to gather information on Indian elders and to quantify their needs. The remaining $500,000 should be directed to grants for training Title VI service providers to better serve Indian elders.

The third provision is Ombudsman/ elder abuse prevention authorized in Title VII: Allotments for Vulnerable Elder Rights Protection Activities, Subtitle B: Native American Organization Provisions. Subtitle B was intended to assist in prioritizing elder rights issues and carrying out elder rights protection activities in Indian Country. With deteriorating economic and social conditions in many Indian communities, elder abuse is on the rise. Prevention programs for tribes are desperately needed–yet no funds have ever been provided for Subtitle B, despite an authorization level of $5 million. State programs currently receive $4.5 million for ombudsman services and $4.7 million for prevention of elder abuse programs. However, these programs seldom, if ever, reach Indian Country. Mr. Chairman, we request that the full $5 million be appropriated in FY2000 specifically for tribal programs as authorized in Subtitle B of Title VII.

During the coming year, Congress is expected to take action on a number of policy issues that will greatly impact Indian elders. Three of the more critical issues to be debated include reauthorization of the Older Americans Act (OAA) and the Indian Health Care Improvement Act; as well as the Administration's proposal to establish a National Family Caregiving Support Program, which has been included in Senator Daschle's bill, S. 10, to reauthorize the OAA. NCAI takes the following positions on these three issues.

First, the Older Americans Act was last reauthorized in 1992, with reauthorization long overdue. While appropriations for OAA programs can and do occur without reauthorization, programs serving Indian elders are at risk as the supply of discretionary funds dwindle. For this reason, reauthorization without major changes to existing targeting language is critical.

Second, numerous provisions in the Indian Health Care Improvement Act will require significant modification to better serve Indian elders. When hearings are scheduled for this purpose, the NCAI would like to voice its suggestions for amendments.

Third, the Administration's proposal for assistance to family care givers directs a large majority of the resources directly to states through the OAA. Unfortunately, as proposed, it does not direct any portion of these funds to Indian Country through the existing OAA mechanism–the Title VI program– or directly to tribes. When these issues are heard, the NCAI would welcome the opportunity to suggest ways to ensure that Indian care givers can also receive adequate support.

Without exception, our tribal cultures teach us to honor and respect Indian elders so that our elders–the living expression of our heritage and highest values–can be teachers to us and to our children. We urge Congress to honor this mandate by providing adequate funding for those programs that impact Indian elders, to reauthorize the Older Americans and Indian Health Care Improvement Acts, and to ensure that Indian care givers are adequately recognized in any care giving assistance legislation.

4. Health Care Financing Administration

Indian Country has become increasingly aware of the impacts that major entitlement programs such as Medicaid, Medicare and the Children's Health Insurance Program (CHIP) have on their communities. Because of this, NCAI urges Congress to consider establishing direct tribal programs under the Health Care Financing Administration (HCFA), improve tribal access to existing HCFA programs, and mandate a significant increase in consultation between tribes and the HCFA over such program and service entitlements.

As highlighted above in our discussion on the IHS budget, a growing disparity exists between Indian and non-Indian citizens in per capita expenditures for Medicaid patients. We believe similar funding disparities exist for Medicare and are starting to emerge for the new CHIP program. In spite of these recent trends, recent statistics from the California Rural Indian Health Board and the Oneida Tribe of Wisconsin show a very low enrollment of American Indian and Alaska Native children in the CHIP program. The Balanced Budget Act of 1997, which created the CHIP program, and current HCFA consultation on the implementation of CHIP require state child health plans to prescribe procedures for the delivery of health care services to Indian children. As stated in NCAI Resolution #MRB-98-093 (attached), we must find ways to appropriately address the underlying reasons for these funding disparities and ensure that Indian people who are eligible for these programs can

benefit from them. Moreover, Congress must focus on creating equitable funding streams from these important third party resources to the IHS/Tribal/Urban Indian (ITU's) health care entities that serve CHIP eligible Indian children.

There are a number of reasons that may help explain why these disparities exist and provide clues to how we might begin to overcome them. Many Indian people who would meet the eligibility criteria for these programs don't complete the application process, despite efforts by ITU's to encourage them to do so. For many, lack of transportation to distant eligibility offices, confusion about complex applications and documentation requirements, and inhospitable or culturally insensitive treatment by eligibility workers are barriers. These barriers could be overcome by providing funds for transportation and assistance with application and documentation processes and/or hiring and training more tribal members to serve as out-stationed eligibility workers in their own communities. These approaches would increase outreach, provide explanations of program requirements and benefits to tribal members, and assist applicants in navigating the eligibility determination process.

Certain financial requirements present more difficult barriers for Indian people in accessing these programs. Medicare requires payment of monthly premiums and certain deductibles and co-payments. While standard Medicaid programs do not require premiums, a number of Statewide Medicaid demonstration programs do impose premiums for some people; both standard and demonstration programs in some States impose co-payments for certain services. A number of State CHIP programs also impose premium and cost sharing requirements. Indian people receive IHS-funded services without such requirements in recognition of the Federal trust responsibility for the health, safety, and welfare of Indian people. To charge premiums or establish cost sharing mandates on the delivery of health care to Indian people is offensive and inconsistent with their belief that health care is a pre-paid treaty right.

Section 404 of the Indian Health Care Improvement Act (IHCIA) already offers a means to address most of these problems by authorizing grants and contracts with tribal organizations. While an earlier version of the law authorized several million dollars between FY1981 through FY1984, funds were never appropriated and the specific funding authorization amounts were later struck rather than continued. NCAI urges Congress to re-establish funding streams under the IHCIA as a cost-effective way to maximize third party coverage and collections.

Funding disparities arise not only from the difficulties ITU's face in enrolling Indian people in Medicare, Medicaid, and CHIP, but from other causes, including outdated limits for Medicare reimbursements for IHS and tribal health facilities. Other Medicare-covered services, such as those provided by freestanding clinics or by physicians and other practitioners have become increasingly important in Indian health, as in other health care systems, where there is increased emphasis on more cost-effective outpatient care. However, such services non- reimbursable to IHS clinics and physicians - a situation that Congress could easily be corrected this year in the reauthorization of the IHCIA.

The growing prevalence of managed care in the U.S. health care system generally, and in Medicare, Medicaid, and CHIP, present special challenges for Indian people and the ITU's that serve them. Long before the term became popular in its current usage, Indian health programs were managing care. Due to widespread serious health conditions and limited funds, ITU's have long recognized and practiced early intervention, preventive care, case management, and pre-authorization of selective referrals for specialty care – all hallmarks of managed health care.

Despite their expertise in managing health care services and costs, ITU's find it difficult to fit into the emerging managed care networks that are becoming increasingly common in Medicare, Medicaid, CHIP, and the private health insurance industry. Such networks may be unfamiliar with, or unreceptive to, the special characteristics and needs of the Indian health system. Some managed care systems recruit and enroll Indian people but refuse to reimburse ITU's for covered services if the Indian person went directly to the ITU provider they have used for years, without going through the new managed care gatekeeper first. Case management is often done by a managed care organization, unfamiliar with Indian beneficiaries' medical history and cultural context. Reimbursement to ITU's, when is provided at all, is often inadequate to cover the cost of care.

The historic Balanced Budget Act of 1997 recognized some of these difficulties by exempting Indian people from the requirement that they be enrolled in the new Medicaid managed care State plan process unless there were an ITU participating in the process. However, the same protection was not extended to Medicaid managed care under the existing waiver processes, nor to managed care under Medicare or CHIP. Managed care is clearly the wave of the future. Exempting Indian people and health care providers may provide some short term relief, but in the long run, such an approach may simply produce the unintended result of leaving the Indian health system without the means to effectively participate and receive compensation from many public and private third party billing and collection systems.

We must look for innovative ways to build on the strengths of Indian health providers in managing culturally appropriate health care in ways that fit into emerging managed care networks. For example, Congress may examine the possibility of managed care organizations contracting with ITU's to perform gatekeeper and case management functions for Indian beneficiaries. Another option might be to explore the use of risk-adjusted reimbursement rates for ITU's as a way to cope with costly health care conditions connected with many of the beneficiaries they serve. In this way, cost overruns created from insufficient reimbursement rates developed on an average beneficiaries health care profile, a formula that does not account for extensive health care conditions, could be absorbed more easily. Congressional funding for research and demonstration projects like those eluded to above would be an appropriate way to begin addressing the concerns over health care delivery funding disparities in Indian Country.

Another primary reason for funding disparities may be the lack of long term care services in Indian Country. Long term care accounts for a large and growing part of Medicaid expenditures. There is a growing need for such services by Indian people; Indian elders are finally living long enough to need such care. However, providing needed long-term care to the elderly is growing increasingly complex. Relatives are increasingly unavailable to care for elders because they must work outside the home. IHS funding can only provide limited home health care through nurses and contract health representatives with no funding available for nursing homes or assisted living services, and tribally or privately operated nursing homes and assisted living facilities are scarce and costly to build and operate.

We are pleased that the President has chosen to focus more attention on long term care issues in recent years. However, proposals to date, such as the tax credit and long term care insurance, are likely to provide little help to meet the needs of the predominantly lower income population in Indian Country. We must have a comprehensive examination of the unmet needs and caregiving circumstances in order to develop appropriate, cost-effective solutions. The National Indian Council on Aging (NICOA) is beginning to develop such a study on long-term care in Indian Country. NCAI urges Congress to support such endeavors and use the knowledge gained from these studies to justify increased funding in the area of long-term health care programs for Indian people.

In order to reduce the disparities in health care spending we must address the barriers noted above and others yet to be identified. NCAI cannot do so alone. For that reason, we were encouraged to hear the DHHS Secretary and the HCFA Administrator, address the NCAI 1999 Executive Council Winter Session and pledge greater consultation with Indian Country as well as a commitment to act upon what they hear. We also look forward to the Secretary's invitation for tribal leaders to join in developing future DHHS budgets, beginning this Spring with the FY2001 budget process. We have participated in the development of recent IHS budgets and welcome the opportunity to extend this process to the rest of the Department. NCAI encourages Congress to direct all cabinet-level departments and their agencies within the federal government to increase tribal access to the development of future administrative budgets.

It is important to institutionalize mechanisms to make the government to government relationship real and enduring in meaningful ways. State and local governments and their representative organizations have long enjoyed recognition and procedures to facilitate their regular input into the policies, operations, and proposals of the Executive Branch. We request that DHHS address our current resolutions, including NCAI Resolution #MRB-98-037 (attached), which calls for Tribal consultation on proposed Medicare reforms; NCAI Resolution #MRB-98-093 (attached), which calls for use of a portion of national CHIP outreach funds to be used for Indian populations and having States provide copies of CHIP plans to tribes; NCAI Resolution #MRB-98-062A (attached), which opposes any Congressional reduction in Medicaid appropriations as part of any fiscal year budget resolution, and NCAI Resolution #GRB-98-046 (attached), which, among other things, calls

for the DHHS to develop, with tribes, a plan that allows tribes to determine Medicaid eligibility for tribal member Medicaid beneficiaries

We appreciate the DHHS issuing a consultation plan and DHHS staff efforts to begin consultation discussions. We are also encouraged by the HCFA regional office efforts on consultation with tribes in their states and in their willingness to facilitate some Tribal/State dialogues. In conjunction with NCAI Resolution #MRB-98-093 (attached), we are especially pleased with DHHS' plans to consult with tribes on the implementation of state CHIP plans and the state mandate to describe CHIP accessibility to eligible Indian children through HCFA regional office consultation this spring. We also need to extend consultation beyond regional tribal matters to develop a mechanism to address national policy concerns in a regular and timely way.

We also appreciate the Administrator's recognition that it is important not just to listen but to do, to act on what is heard. In this regard, we are aware that HCFA provides resources to support regular national meetings with state Medicaid directors, as a whole, a smaller executive group, and through ongoing HCFA/State technical assistance groups that work on various issues. We would like to explore with HCFA how NCAI might jointly design a similar process for regular HCFA interaction with tribal governments to address the disparity issues noted above, as well as other emerging national policy issues of mutual concern.

Mr. Chairman, as previously stated to this Committee on May 21, 1998, during an oversight hearing on the unmet health care needs in Indian Country, NCAI urges Congress to fulfill its fiduciary duty to American Indians and Alaska Natives and to uphold the trust responsibility as well as preserve the government-to-government relationship, which includes the fulfillment of health care needs of all Indian tribes in the United States. This responsibility should never be compromised or diminished because of any Congressional agenda or party platform. Tribes throughout the nation relinquished their lands as well as their rights to liberty and property in exchange for these on-going services as well as this trust responsibility. Allowing tribal governments and their citizens a voice in determining the priority of meeting unmet health care needs in Indian Country is a positive step towards acknowledging the fulfillment of health care owed to all Indian tribes.

F. DEPARTMENT OF AGRICULTURE

Within the 54.4 million acres of Indian homelands remaining in the contiguous United States, nearly 47 million acres are used for production of crops, livestock or both. As such, commercial agriculture in Indian Country parallels off reservation agriculture in kind, but not in sale. Even though many farming tribes have abundant natural resources to work with, individual operators and farming tribes are in need of capital, more efficient administration of existing federal programs, and technical assistance.

Since 1990, the Extension Indian Reservation Program, authorized under the Food, Agriculture, Conservation and Trade Act, has been servicing Indian Country on a myriad of

issues ranging from crop and animal production practices to farm business management. Each year of its existence, funding has decreased, reducing the number of extension agents servicing Indian Country Currently, this program is barely surviving with 28 agents. The President's requested budget of $5 million will cover the current applications, but it will not enable the program to grow and furnish additional needed extension agents. NCAI supports the requested increased amount of $5 million for FY2000 and hopes that the Administration continues to see the value in this program and increase funding for FY2001 so that additional agents may be obtained.

As stated previously, Indian lands represent approximately 55 million acres, with 47 million acres made up of range and crop land. Despite such large land holdings, many reservations are checkerboarded or fractionated, often preventing productive use of the lands. Under the Indian Land Acquisition Loans program, Indian tribes may obtain a loan to purchase privately held lands that lie within the reservation. Under this statute $8,000,000 was authorized for this program. Unfortunately, only $1,003,000 was allocated in 1999 and only $1,028,000 has been requested for FY2000. The amount requested for FY2000 is not sufficient to correct the fractionated land problem. Therefore, NCAI requests that the full $8,000,000 authorized be allocated to this desperately needed program.

In 1940, an inter-agency agreement was reached between the Department of Interior (BIA) and the United States Department of Agriculture (USDA) which required the BIA extend the same programs to Indians that are furnished to every land owner in the U.S. by the USDA. In that agreement, the BIA requested "assistance for services required in the performance of its overall trust management responsibility." Eleven years later the BIA and USDA entered into a memorandum of understanding to "work in partnership to improve the delivery of programs and services to better meet the needs of American Indians."

Both funding and staffing reductions within the BIA have resulted in a severe decline in the condition of Indian agriculture. Per the 1940 inter-agency agreement and the memorandum of understanding, the USDA has an obligation to assist the BIA in its overall trust management responsibilities. A USDA full time presence on farming reservations will assist in making up for the BIA shortfalls and bring adequate assistance from the Farm Service Agency, the Natural Resource Conservation Service and the Farm Service Agency, Farm Lending, back into Indian Country.

Finally, through NCAI Resolution #MRB-98-034 (attached), NCAI requests that the United States Congress take action to establish a tribal presence at USDA by passing legislation to create an American Indian and Alaska Native Office with sufficient financial and human resources at the Federal level through which tribes and tribal governments may directly access USDA services and programs.

G. DEPARTMENT OF COMMERCE

1. Minority Business Development Agency

For nearly thirty years, Indian tribes have operated business development centers throughout Indian Country. And yet it is only recently that the Department of Commerce, through the Minority Business Development Agency's (MBDA) - American Indian Program, has attempted to support these tribal initiatives.

Due to the fact that a majority of tribal communities are located in rural and remote areas of this nation, which accounts for the significant lack of economic opportunities available to them, Native American Business Development Centers (NABDC's) are usually the only type of business development centers that have direct contact with tribes and tribal communities. The MBDA has established nine minority business development centers on tribal lands, focusing primarily on providing technical assistance for the growth of Indian-owned and operated business enterprises. The MBDA has also established the Native American Program (NAP) mentioned above, to address the special needs of Indian tribes, firms and individuals interested in entering, maintaining or expanding their efforts in the competitive marketplace.

In FY1999, NCAI encouraged the Department of Commerce through the Minority Business Development Agency to establish additional tribal business centers to serve and improve resources and services to American Indian and Alaskan Native communities. Although additional funds were requested for the FY2000 budget totaling $27.6 million, $600,000 more than the agency's appropriations for FY1999, the creation of new business centers was not included in the budget.

Instead of additional NABDCs, the MBDA is expanding its digitally-based business development services. As such, it has introduced four electronic tools that are available to minority businesses to increase their access to markets. The first is the Phoenix Opportunity System which electronically matches businesses with contracting and other opportunities and automatically e-mails the business when a match is found. The second is the Resource Locator, an internet-based tool to locate business development resources. The third is the Market Analyst which provides sophisticated market research to small businesses. Finally, the fourth is the Virtual Business Centers which allows entrepreneurs to find information on the internet about different growth markets.

NCAI believes the majority of Native American entrepreneurs and small businesses in Indian Country will not benefit from such computer services. Many of the Native American business located on reservations are in the infancy stages, needing assistance with business plans and start up capital. Therefore, many do not have access to computers, the internet or even have the need for the more sophisticated services that the MBDA is offering to provide.

Indian Country in particular, with its geographic isolation, is at the forefront of need for technology. However, without technical assistance from agencies like the Department of Commerce to enable Native American business to get up to technological speed, Indian County will always lag behind and ultimately never be able to benefit from the MBDA digitally-based business development services.

The MBDA is one of the only federal agencies attempting to help tribal governments comply with Congress' intent to create a more self-sufficient Indian Country through the creation of economic development opportunities, tribal jobs and sustainable economies on tribal lands. Therefore, if the MBDC continues with this trend of increasing it digitally-based business development services, without providing the basic technical assistance that Native American businesses require, Native American businesses will ultimately be left behind.

NCAI will continue to request additional funding for the Minority Business Development Agency (MBDA), and its Native American Program (NAP) which has been made to operate at the same level of funding since 1987, despite an increase and growing need for tribal business assistance. In the last four fiscal years, congressional appropriations for the MBDA have been significantly reduced and threatened with total defunding.

Congress must not forget the unique relationship Indian tribes and Indian people have with the United States government and, by descent, with every federal agency. By its own commitment through treaties with the various sovereign Indian nations, the federal government is in a "trust" position with regard to resources and the economic future of Indian people. This relationship is different from the government's relationship with other minority groups, and because of this, business technical assistance to the tribes and Indian business-owners should not to be approached or reviewed the same as other minority programs. Particularly at this time in history, when Native Americans are just beginning to gain some opportunities to participate in a very real way in the U.S. economy, there is a need to continue to support and encourage self-sufficiency and self-determination in Indian Country. Therefore, NCAI again requests Congress to increase funding for the MBDA's - NAP, an agency program that has proven it's importance in helping scores of under served tribal communities in this country.

2. Small Business Administration

The Small Business Administration (SBA) has not always been well accepted or a successful program within Indian Country. A major problem is the aversion by the traditional SBA approved lending institutions to lend to Native Americans due to the mythical risk of dealing with tribal sovereignty and tribal courts. As a result, Native Americans have generally gone to the Bureau of Indian Affairs to access funding under their guaranteed loan programs. However, the President's FY2000 budget for the SBA may initiate a change in how Indian Country perceives and works with the SBA.

Sustainable economic development on Indian reservations is desperately needed, with unemployment rates on many western reservations as high as 70 percent. The President's FY2000 budget is a positive step in assisting Native Americans in accessing more forms of lending, technical assistance and equity capital.

The majority of loans that Native American businesses seek falls directly within the microloan realm. Therefore, NCAI supports the requested $16 million in loan guarantees under the Microloan program and the two-fold expansion of the number of microlenders.

NCAI also supports the appropriation request of $40.9 million for the Small Business Investment Company (SBIC) program and the New Market Venture Capital Companies. Included within the requested SBIC funding is the "Low and Moderate Income" initiative which provides incentives for venture capital investing by SBIC's in distressed communities. NCAI believes that within these programs the Tribal Business Investment Companies (TBIC) should be specifically identified as the vehicle to provide the incentives for venture capital on Indian reservations. Indian reservations are largely located in rural areas that are some of the most depressed areas in the country. As such, tribes are encountering great difficulty in obtaining venture capital. TBIC's work solely with Native American businesses and have the expertise to know the intricacies of Native American business obstacles and needs. NCAI believes that a portion of the $2.4 billion allocated to BIC's should be directed to TBIC to serve tribal venture capital needs.

NCAI supports the $4 million request for the complete implementation of the HUB Zones legislation to enhance government contracting opportunities to small business located in and employing residents of Indian reservations. This would allow Native American businesses increased opportunities to receive federal contracts and awards.

The President's FY2000 budget includes a New Market Tax Credit incentive that would generate $6 billion in private sector investment for business growth in low and moderate income rural and urban communities. Investors would receive a tax credit worth 25 percent of the amount invested. NCAI supports this tax credit since it gives tribes additional avenues to obtain capital for economic development in Indian Country.

NCAI additionally supports the $5 million requested to increase technical assistance and executive development of 8(a) program participants, which includes Indian reservations. This request would nearly double the funding level provided in FY1999.

Finally, NCAI requests an increase to the $1 million request for intensive assistance and outreach through Tribal Business Information Centers. NCAI believes that additional TBICs are needed to adequately serve reservations. Currently, there are 17 TBIC to serve the 557 federally recognized tribes and Alaskan Native villages. Presumably, one TBIC will provide technical assistance to 32 different tribes. The 17 TBIC are concentrated in 5 states, however, there are 33 states that have a federally recognized tribes in it. As a result, the

majority of tribes are not being serviced by a TBIC and additional TBICs are greatly needed.

3. National Telecommunications and Information Administration

As the development of economic opportunities in Indian Country moves forward, the National Telecommunications and Information Administration (NTIA) is playing a significant role in the establishment of the information superhighway in tribal communities. Leading the efforts to help tribes achieve this goal is the NTIA's Telecommunications and Information Infrastructure Assistance Program (TIIAP), which provides matching grants on a competitive, peer review basis for projects that enable communities to develop their telecommunications infrastructure.

The TIIAP has been essential in promoting the development of tribal community networks throughout Indian Country. Congress has also shown some support for these initiatives by the introduction of H.R. 555, the Native American Telecommunications Act of 1997, which states that "[t]he NTIA shall be responsible for designing and proposing policy initiatives to encourage investment in, and the deployment of, telecommunications systems on Indian lands."

An example of programs recent funding has been able to establish is the Alaska Pacific University Rural Alaskan Native Adult program that uses the internet to provide training and undergraduate degrees to the underserved adult learner.

To help ensure that this important work continues, NCAI supports the President's FY2000 request of $20,102 million to promote tribal telecommunications and economic development opportunities throughout this nation's rural and disadvantaged tribal communities.

NCAI also supports the President's request for an increase in funding by $14,055 million to $35,005 million for Public Telecommunications Facilities, Planning and Construction. These monies will be used by the NTIA for modernizing existing communication systems located on Indian reservations.

H. DEPARTMENT OF LABOR

With the enactment of the Workforce Investment Act (WIA), the enduring Job Training Partnership Act (JTPA) has been repealed; most of its various job training programs were redesigned and incorporated into the new WIA programs. WIA includes tribally specific programs with guaranteed funding levels for such programs. However, the President's FY2000 budget request provides no increase for tribal WIA programs. In fact, the President's FY2000 budget request would allocate less funding for summer youth programs than the current level funding provided under JTPA. NCAI urges Congress to increase funding for FY2000 tribal WIA programs which is urgently needed for job training and related employment programs in Indian Country.

NCAI also requests the Congress to reauthorize the Welfare-to-Work (W-t-W) program for tribes an additional two years and to increase the funding level for this program by an additional $30 million. Well over 65 W-t-W plans for tribal programs have been submitted to the Division of Indian and Native American Programs, with slightly over 100 tribes, intertribal consortia and Alaska Native villages covered under these plans. Extension of this program is critical, along with a much-needed funding increase, in order to provide employment services for long-term welfare recipients into the next millennium.

The Senior Community Service Employment Program (SCSEP), authorized in Title V of the Older Americans Act (Pub. L. 89-73, as amended), provides important services for Indian elders. The SCSEP funds ten national sponsors, including the National Indian Council on Aging (NICOA), to train low income elders through community service agencies. NCAI requests an appropriation of $484 million, a 10 percent increase, for Title V programs in FY2000, and maintenance of the provision for a guaranteed minimum allocated to the program serving Indian elders. The Title V program is especially important for Indian Country due to the significant need for many Indian elders to acquire job skills and supplement their very limited incomes, the high rates of unemployment found in Indian Country, and the great need for the community services these trainees provide.

I. DEPARTMENTS OF DEFENSE

The NCAI assisted the Department of Defense (DOD) in a coordinated effort through a year of collaboration and consultation with Indian Country in the development of the DOD American Indian and Alaska Native Policy. The Policy was released at the NCAI Annual Convention in October 1998. We look forward to a successful implementation of the DOD Indian Policy. Meaningful implementation will result in the continued funding of several DOD programs interacting with tribal governments and Indian businesses, some of which are tribally-owned and operated.

The NCAI supports the DOD request under Section 8050 of not less than $8 million to work with tribal governments on the mitigation of environmental impacts, including training and technical assistance; related administrative support; gathering of information; documenting of environmental damage; and, the development of a system for prioritization of mitigation and cost to complete estimates for mitigation on Indian lands resulting from DOD activities. In regard to Environmental Restoration, Formerly Used Defense Sites (FUDS), we support the Department of Army Corps of Engineers request for $225 million for remedial activities on Indian lands. These funds are used for environmental restoration, reduction and recycling of hazardous waste, and, removal of unsafe buildings and debris.

Last year, the DOD Office of Small and Disadvantaged Business Utilization funding streamlined access to the "5 percent Indian Incentive for Prime Contractors" program which provides up to $8 million to prime contractors who utilize Indian-owned companies. This incentive program was made retroactive to FY1997. To ensure that Office of Small and Disadvantage Business Utilization continues to reach out to Indian Country to work with

tribal and individual Indian entrepreneurs who seeking to work with DOD contractors, NCAI supports approval of the $8 million funding request.

J. DEPARTMENT OF ENERGY

The Department of Energy (DOE) manages programs to mitigate and remediate Indian lands including ceded and former Indian lands contaminated by the Cold War legacy. Inadequate funding is detrimental to programs that institute: tribal involvement in decision-making processes; shipping of high and low level radioactive waste through Indian Country (whose jurisdictions do not have adequate emergency response programs in place to protect people, lands and resources); and, the siting of permanent repositories for spent nuclear waste on former traditional lands (under an arbitrary policy which inequitably supports non-Indian state and county governments for oversight activities, but does not involve tribes in geographical proximity and indigenous to the area).

The Nevada Test Site is within the traditional homelands of the Shoshone and Paiute peoples whose culture, environment, and health has been already impacted by federal government-sponsored atomic testing and other activities. The DOE Office of Civilian Radioactive Waste Management (OCRWM) has performed scientific and technical studies at Yucca Mountain on the Nevada Test Site for a proposed high-level spent nuclear fuel and radioactive waste permanent repository. The 16-year compilation of the Yucca Mountain study, the Yucca Mountain Viability Assessment, was released in December 1998. However, the Indian nations indigenous to the area do not have the technical staff to analyze the massive data.

Last year's DOE-OCRWM budget did not provide funding for oversight activities for the tribes indigenous to this area. However, $16 million was given to the state of Nevada, nine Nevada counties, and one California county (designated local units of government under the Nuclear Waste Policy Act of 1987, as amended) for oversight activities at Yucca Mountain. This year, $10.2 million has been requested for non-Indian governments. NCAI asks that this Committee end the disparate treatment of tribal governments by earmarking $5 million for tribal involvement in the Yucca Mountain area. By funding the impacted tribes, Congress will transform the DOE-OCRWM's arbitrary policy of ignoring the tribes who remain in their homelands but are left out of the oversight process at Yucca Mountain.

The NCAI Nuclear Waste Program, funded through a DOE-OCRWM cooperative agreement, is a national information dissemination effort to provide tribal governments with updates on the implementation of the Nuclear Waste Policy Act of 1982, as amended. The long-range issues and impacts to Indian Country are significant and national in scope, but tribes do not have adequate staff or resources to track this program. The current NCAI Nuclear Waste Program year is the second under a renewed five-year cooperative agreement period. The Program budget is at its lowest funding level since its inception in 1982, and DOE-OCRWM did not request funding to continue this highly successful program and important link to Indian Country. In order to sustain a viable program to

provide tribal leaders with relevant and current information and assist in the interactive DOE process, the NCAI requests the Congress to direct the DOE-OCRWM to provide annual funding to the NCAI cooperative agreement in the amount of $300,000 as part of its trust responsibility toward keeping tribes informed on programmatic impacts and maintaining open dialogue with impacted tribal communities.

The NCAI is making an effort to inform tribes located near nuclear utilities that the DOE Office of Nuclear Energy, Science and Technology budget has $31 million in two programs. The Nuclear Energy Plant Optimization program, and the Nuclear Energy Research Initiative, will conduct research and development to advance nuclear energy, and to refurbish and upgrade those nuclear utilities whose licenses will soon expire and will have to apply to the Nuclear Regulatory Commission for relicensing. Several tribal communities are located withing the 10-mile Emergency Planning Zone and the 50-mile Ingestion Pathway which are part of emergency preparedness plans for nuclear utilities. A community's readiness to respond to a radiological emergency event should be a critical is part of the overall evaluation of a nuclear plant's license renewal. Many tribes are currently left unprotected and at risk in radiological accident scenarios. To better protect tribal communities in these critical geographical areas, we request the DOE direct a portion of this funding to be shared with tribes within the 10-mile Emergency Planning Zone and the 50-mile Ingestion Pathway Zone around commercial nuclear reactors.

The DOE Federal Preservation Officer (FPO) is funded through DOE Office of Environment, Safety and Health (ES&H), and oversees National Environmental Policy Act activities. The current FPO has worked with tribal environmental program managers and the NCAI on cultural resources protection and management issues. We are concerned that the FPO's responsibilities have been relegated to minimal outreach and programmatic functions. In light of the DOE Indian Policy, this office should be expanding its capacity to work with tribes instead of becoming less visible. Indian country has had a positive interaction with the FPO and we now urge the Congress to provide funding to this office for tribal outreach activities. We request the Congress to fund this office in the amount of $500,000.

Under the DOE Office of Environmental Management Office of Public Accountability (EM-22), ten tribes have cooperative agreements to participate in site cleanup and waste management oversight activities. The DOE-EM program FY2000 budget request does not provide an increase for critical tribal program continuity. Adequate tribal program funding always has been a problem, despite the fact many federal sites slated for cleanup are former tribal lands or ceded territory and contain significant cultural sites. DOE-EM officials have suggested they are working to avoid negative impacts on tribal budgets, however their budget does not reflect this assertation. We request the Congress provide increased tribal funding for a total of $6 million for the cooperative agreements so as not to undermine tribal cleanup programs, and to provide funding for Indian outreach by organizations including NCAI.

Funding for the Waste Isolation Pilot Project comes primarily through DOE-EM. We are aware that DOE-EM has lowered funding allocation for emergency preparedness, public information, and accident prevention activities in the FY 2000 budget. The tribes on the WIPP transportation corridor in the designated corridors do not have adequate emergency response capability in the event of a radiological transportation accident. Emergency response organizations require several years to develop. In the interest of protecting tribal communities, NCAI requests that the DOE-EM's WIPP emergency preparedness funding be increased to $1 million.

NCAI also supports funding for the following tribal programs: (1) Energy Efficiency & Renewable Energy - provides grants and technical assistance to tribes for weatherization, wind energy systems, hydropower, photovoltaic, and renewable energy technologies, $5 million; (2) Fossil Energy - supports oil exploration and drilling research which is beneficial to tribes, $540,000; (3) Defense Programs - educational and scientific outreach by national laboratories, $750,000; (4) Economic Impact & Diversity - support for small business and educational grnts $200,000; and, (5) Bonneville Power Administration - cultural resources for Pacific Northwest Tribes, $5 million.

Non-Indian organizations are being provided funding to conduct forums and policy analysis about tribal government participation and impacts. Tribal businesses and Indian organizations are capable of doing this work, probably at a more reasonable cost. We reject the notion that outside consulting and convenor groups like Aspen and Keystone are receiving funding to delve into American Indian and Alaska Native issues while they remain largely ignorant of tribal sovereignty and cultural matters. We believe such funding should be made available to tribes and Indian organizations, such as NCAI. A tribal organization will also protect tribal integrity, maintain confidentiality, and prevent breaches of protocol. NCAI respectfully requests this Committee recommend to the DOE the need change this outdated and unproductive practice of non-Indian intrusion.

K. DEPARTMENT OF VETERANS AFFAIRS

Adequate funding for Veterans programs is another critical concern of Indian communities. You know first hand, Mr. Chairman, that Native American veterans have served the United States with honor and distinction since this nation was founded. Compared with other segments of the population, Indian people have the highest percentage of veterans. According to the Veterans Administration, over 160,000 American Indians have served in the Armed Forces. Even during the Persian Gulf War, about one in three Marines who served were of American Indian descent. Our warriors also carry the proud distinction of being the most decorated group in this country's history. Today, Native veterans have many pressing needs such as housing, health care, benefits, and other concerns that include issues unique to Indian country, such as the availability of service providers to geographically remote reservations.

We are encouraged by the Administration's continued support for the Native American Veterans Housing Loan Program, and NCAI supports the $520,000 request within the President's budget. The Native American Veterans Housing Loan Program provides direct loans to veterans living on trust land. These loans are available to purchase, construct or improve veterans' homes. The principle amount of the loan under this authority is generally limited to $80,000, except in areas where housing costs are significantly higher than costs nationwide. This pilot program began in 1993 and is authorized through December 31, 2001. Mr. Chairman, to date, there have been no defaults on any loans under this program.

As you know, the United States has an responsibility to Indian tribes and Indian people that supports its obligations to our veterans. In Congress and the Administration's attempts to meet the needs of Indian people, it is our hope that Native veterans programs will continue to meet the rising needs of this nation's first warriors.

L. ENVIRONMENTAL PROTECTION AGENCY

In 1984, the Environmental Protection Agency (EPA) became the first agency to implement an American Indian and Alaska Native Policy. Since that time, tribes have made progress toward regulating environmental quality standards within their jurisdictions and in a few areas where significant pollution has impacted the cultural integrity of their communities. As part of its trust responsibility to Indian nations, the EPA has slowly increased tribal program funding for tribal governments. The EPA did not request an increase in tribal program budgets in its FY2000 budget proposal. NCAI respectfully requests the Congress to provide the EPA with an additional $47.3 million above the EPA tribal programs request for FY 2000. This increase will greatly assist tribal governments in tribal environmental quality enhancement and mitigation.

As we point to specific EPA activities in need of increased funding, NCAI wants to inform this Committee that it is our concern that in the immediate two years following FY2000, tribal funding will stall at current year levels. We ask this Committee to make an inquiry on our behalf to the EPA to ensure that future EPA budget requests do not preclude tribal specific funding increases if the need exists. The following four programs are part of EPA's Operating Programs, but are funded in the State and Tribal Assistance Grants appropriation account: the Indian General Assistance Program; Section 106 Source Clean and Safe Water Program Water Quality Management Planning; Clean Water Act Section 319 Non-point Source Pollution; and, Hazardous Waste Financial Assistance.

The EPA did not increase funding for the Indian General Assistance Program (GAP) under the Multimedia section of State and Tribal Assistance Grants. Tribal environmental program managers view GAP activities as the highest priority. NCAI is supportive of an increase from the current EPA request of $42.5 million to $52.5 million for the Indian General Assistance Program. By FY2000, we anticipate more tribes will be participating in developing water quality management activities under Section 106 of Clean and Safe Water Programs. Existing tribal participants are in need of expansion of their current funding levels. NCAI

requests an increase of $7 6 million for tribal programs for a total of $25 million for Clean and Safe Water programs.

In its FY2000 budget, the EPA proposes to eliminate the statutory one-third of 1 percent cap on Clean Water Act Section 319 Non-point Source Pollution grant funds that may be awarded to Tribes. We support the EPA's effort to remove this arbitrarily-derived cap. NCAI also requests $9.75 million for tribes to implement the President's Clean Water Action Plan initiative. Inherent tribal regulatory authority gives rise to tribal governmental responsibility for illegal dumping and hazardous waste disposal and management problems. In order to comply with the Resource Conservation and Recovery Act, NCAI requests $6.25 million to develop tribal programs to implement RCRA and hazardous waste management programs.

Tribal governments are responsible for protecting the health and welfare of their citizenry. Emergency preparedness and planning are requisites for ensuring protection of tribal communities. The Superfund Amendments and Reauthorization Act of 1986 (SARA Title III), presents tribes with an unfunded mandate of compliance for emergency planning, and ability to respond to chemical emergencies. NCAI urges Congress to provide $13.7 million to establish Tribal Emergency Response Commissions (TERC) and Local Emergency Planning Committees (LEPC), as required under SARA Title III.

M. FEDERAL EMERGENCY MANAGEMENT AGENCY

The Federal Emergency Management Agency (FEMA) released its American Indian and Alaska Native Policy at the end of 1998. We applaud FEMA for embracing the NCAI's longstanding recommendation for the agency to adopt an Indian policy. However, FEMA is one of the few remaining agencies requiring significant policy and regulatory changes to firmly establish tribal programs on a government-to-government level. Indian Country is looking forward to a successful partnership with FEMA. In establishing a solid relationship and implementing tribal outreach and service delivery, FEMA will need to make every effort to remove all programmatic barriers.

Indian Country inhabitants remain at risk without adequate emergency preparedness and response mechanisms in place to protect them. When disaster declarations are made, tribal decision-makers are left out of the loop. Indian Country has always been at an economic disadvantage to repair community infrastructure following natural and manmade disasters.

Currently most FEMA money is disbursed to states with the intent that the states will share with tribes. In the absence of FEMA oversight, state money often does not reach tribal programs. Even if funds were provided to tribes through state agencies, such a procedure violates a government-to-government relationship with tribes. Although FEMA will reimburse tribes following a disaster declaration, most tribes believe the best strategy is a proactive approach utilizing funding for prevention and preparedness. The best way for tribes to achieve funding parity with state governments and to participate in programs is to

implement set-aside programs. For these reasons, NCAI requests a tribal set-aside of not less than $5 million for emergency prevention and preparedness for tribal governments.

Under the Policy and Regional Operations activity, FEMA has requested $1.5 million for strategic planning, regional policy coordination, and intergovernmental affairs. As a step toward tribal readiness, it is our understanding FEMA will utilize $500,000 for tribal pilot programs. Five tribes will be selected for this program at an average of $100,000 per year. Although we support the pilot program initiative, we believe the amount requested will not allow tribal governments to effectively improve emergency management in tribal communities within a one year time frame. NCAI urges the Congress to increase the Policy and Regional Operations activity budget by $1 million and direct FEMA to operate the five tribal pilot programs for two years and at the same funding level each year.

NCAI also plans to approach the Congress in the near future regarding assistance to tribal leaders in resolving the matter of disparity in declaration of emergencies in Indian Country. The Stafford Act is an inequitable law that usurps the sovereignty of tribal governments in protecting tribal communities during disaster situations. FEMA has interpreted the absence of tribal-specific language as a preclusion to emergency preparedness funding for tribes. Because of the nature of disasters and unmet needs in Indian Country, tribes should be equitable partners regarding disaster declaration issues.

IV. Conclusion

Mr. Chairman, we urge the Congress to fulfill its fiduciary duty to American Indians and Alaska Native people and to uphold the trust responsibility as well as preserve the Government-to-Government relationship, which includes the fulfillment of health, education and welfare needs of all Indian tribes in the United States. This responsibility should never be compromised or diminished because of any Congressional agenda or party platform. Tribes throughout the nation relinquished their lands as well as their rights to liberty and property in exchange for this trust responsibility. The President's FY2000 budget request acknowledges the fiduciary duty owed to tribes. We ask that the Congress to maintain the federal trust responsibility to Indian Country and continue to aid tribes on our journey toward self-sufficiency. This concludes my statement. Thank you for allowing me to present for the record, on behalf of our member tribes, the National Congress of American Indians' initial comments regarding the President's FY2000 Budget. I will be happy to answer any questions you may have at this time.

* * * * *

ATTACHMENTS - 36

NATIONAL CONGRESS OF AMERICAN INDIANS
COMPARATIVE TABLE OF FY1995 THROUGH FY2000 -- INTERIOR AND RELATED AGENCY APPROPRIATIONS
(As of February 1, 1999 -- numbers in thousands)

Program	FY95 Enacted	FY1996 Enacted	FY1997 Enacted	FY1998 Enacted	FY1999 Enacted	FY2000 President's Budget Request
BIA Operation of Indian Programs						
Tribal Priority Allocations	$520,846	$654,152	$680,861	$757,348	$699,008	$716,139
Other Recurring Programs	700,799	493,497	534,166	549,296	542,039	580,196
Non-Recurring Programs	79,527	66,221	62,442	61,179	64,150	71,190
Central Office Operations	79,119	50,521	46,499	47,339	45,739	47,750
Area Office Operations	53,222	36,714	38,861	40,886	42,940	42,443
Special Programs and Pooled Overhead	83,962	83,329	74,073	72,540	190,248	236,669
Total - Operation of Indian Programs	$1,517,475	$1,384,434	$1,436,902	$1,528,588	$1,584,124	$1,694,387
Office of Special Trustee for American Indians	--	$18,308	$32,126	$33,907	$39,499	$100,000
BIA Construction						
Education	39,891	$42,539	$31,139	$54,379	$60,400	$108,377
Public Safety and Justice	7,212	6,000	4,400	14,500	5,550	5,564
Resource Management	62,337	47,245	51,246	48,321	49,620	51,823
General Administration	8,081	5,049	7,746	7,851	7,851	8,494
Total - BIA Construction	$117,521	$100,833	$94,531	$125,051	$123,421	$174,258
Indian Land and Water Claims Settlements and Miscellaneous Payments to Indians	$77,096	$80,645	$69,241	$43,352	$28,882	$28,401
Indian Guaranteed Loan Program	$9,671	$5,000	$5,000	$5,000	$5,001	$5,008
National Indian Gaming Commission	$1,000	$1,000	$1,000	$1,000	$0	$0
Office of Navajo and Hopi Relocation	$24,888	$20,345	$19,345	$15,000	$13,000	?
Institute of American Indian and Alaska Native Culture and Arts Development	$11,213	$5,500	$5,500	$4,250	$4,300	$4,250
Advisory Council on Historic Preservation	$2,942	$2,500	$2,500	$2,700	$2,800	?
Smithsonian Institution						
National Museum of the American Indian						
Cultural Resource Center	$19,469	$15,000	$4,000	--	--	--
Mall Museum	--	--	--	$29,000	$16,000	?
National Park Service						
National Historic Preservation Act	$1,996	$2,000	$1,896	$2,296	$2,600	$2,500
Native American Graves Protection and Repatriation Act	$2,295	$2,300	$2,453	$2,655	$2,400	$2,400
Indian Health Services						
Hospitals and Health Clinics	$822,539	$863,635	$883,691	$906,801	$949,140	$1,002,852
Dental Health	57,518	59,680	62,285	65,517	71,400	84,360
Mental Health	36,448	37,561	38,640	39,279	41,305	48,446
Alcohol and Substance Abuse	91,352	91,666	92,538	91,782	94,680	96,326
Contract Health Services	362,564	365,099	371,569	373,375	385,801	410,442
Public Health Nursing	23,505	24,311	26,552	28,198	30,363	40,363
Health Education	8,244	8,421	8,633	8,932	9,430	9,541
Community Health Representatives	43,955	43,958	44,857	44,312	45,960	40,960
Immunization	1,328	1,328	1,339	1,328	1,367	1,388
Urban Health	23,349	23,360	24,580	25,288	26,382	29,382
Indian Health Professions	27,479	26,271	28,545	28,720	29,623	29,700
Tribal Management	5,048	2,348	2,368	2,348	2,390	2,390
Direct Operations	49,709	49,260	50,297	47,386	49,309	50,600
Self-Governance	8,594	9,104	9,184	9,106	9,391	9,391
Contract Support Costs	145,460	154,840	161,191	168,702	203,781	238,781
Total - Indian Health Services	$1,707,092	$1,760,842	$1,806,269	$1,841,074	$1,950,322	$2,094,922
Indian Health Facilities						
Maintenance and Improvement	$38,334	$38,334	$39,334	$39,435	$40,625	$48,125
Sanitation Facilities	84,889	84,889	87,889	89,082	89,328	92,884
Construction Facilities	27,822	12,297	14,500	14,900	38,587	42,531
Facilities and Environmental Health Support	88,480	89,981	91,021	101,616	107,682	119,682
Equipment	12,975	12,975	14,505	12,505	13,243	14,243
Contract Support Costs	482	482	482	--	--	--
Total - Indian Health Facilities	$252,982	$238,958	$247,731	$257,538	$289,465	$317,465

Beginning a Century of Honor for Indian Nations in the United States

An Agenda for Progressive Federal Indian Policies in the 106th Congress

National Congress of American Indians
1301 Connecticut Ave., NW Ste 200
Washington, DC 20036
202.466.7767
202.466.7797 Fax
www.ncai.org

Beginning a Century of Honor for Indian Nations in the United States

An Agenda for Progressive Federal Indian Policies in the 106th Congress

Leaders from Indian Nations across the U.S. gathered on the first days of the 106th Congress on January 5th to 7th, 1999 to define a course of action for themselves and for the country. Tribal governments have found themselves in an increasingly defensive posture in the development of federal Indian policy, and it is likely that the upcoming years will prove to be damaging to tribal self-determination if this defensive posture is maintained. . These circumstances call for direct communication with federal officials to inform and improve federal policymaking. Tribal governments have developed the following agenda to renew their historic relationship with the federal government, affirm and educate on the justice of tribal sovereignty, and create a climate of positive relationships for the benefit of Indian people and the entire United States.

The Agenda's Core Principles

Self-Government and Sovereignty

As recognized in the United States Constitution and hundreds of treaties, Indian Nations are sovereign governments and are guaranteed the power to govern their own citizens and lands. Self-government empowers Indian Nations to remain culturally and economically viable as distinct groups of people. The 106th Congress should reaffirm its commitment to protect tribal sovereignty and strengthen the ability of Indian Nations to govern effectively.

Treaty Rights and the Federal Trust Obligation

Hundreds of Indian treaties have created a fundamental contract between Indian Nations and the United States. Indian Nations ceded millions of acres of land that made the United States what it is today, and in return received the promise of self-determination on their own lands and certain rights to health care, housing and education, among others. The United States Supreme Court has ruled that the United States owes a trust responsibility, "a moral obligation of the highest responsibility and trust," to protect Indian Nations, their resources and their rights.

Economic Development

It is commonly known that despite its responsibilities, the United States has historically brutalized Indian people. What is less well understood is how U.S. policies continued to subjugate Indian communities well into the 1960's and to a degree continuing until today. The enduring legacy of these many decades of devastation is that most Indian Nations remain among the poorest and least developed communities in the U.S. The U.S. has an obligation to help rebuild the shattered infrastructures of Indian Nations and create the opportunity for economic prosperity that will benefit not only Indian people, but the entire American economy.

The Agenda

As leaders of Indian Nations, we propose not just to change federal Indian policy, but even more important, to restore the bonds of trust between the Indian Nations and the United States. That is why we have agreed to begin with our own obligations toward this renewed relationship. We shall undertake to:

Communicate with the public, the Congress and the Administration on the status of Indian Nations as governments, the federal-tribal relationship, and the enduring history and purpose of tribal self-determination;

Educate ourselves about the issues and concerns of our neighboring communities, and the country in general in order to find common ground and participate in the shared responsibilities of all people of the United States;

Unify on issues of common concern to Indian Nations and speak with a clear voice to the country about our collective goals for independent and self-reliant Indian communities living in harmony with our neighbors.

In order to meet the U.S. Government obligations to Indian Nations, the Congress and the Administration are also compelled to educate themselves and take actions to fulfill those obligations. Indian Nations put forward the following policy initiatives for the 106th Congress to serve as a platform for the next century of honor in federal-tribal relationships.

- Develop a Congressional Resolution to affirm the recognition of tribal self-determination and inherent sovereignty by the 106th Congress.

- Facilitate tribal insurance and risk management vehicles through legislation and/or model tribal codes that will protect tribal sovereignty and establish a better climate for business development on Indian lands.

- Address the burden of dual state taxation on Indian lands and facilitate the resolution of tribal-state conflicts on tax issues. In many instances, state taxation of transactions on Indian lands places an unjust structural burden on tribal economies. Nevertheless, most states and tribes have developed effective methods for resolving these issues and the few remaining can be similarly resolved.

- Improve law enforcement and safety by affirming tribal criminal and civil jurisdiction within their territories. At the same time, the capabilities of tribal law enforcement and court systems must be adequately funded to assure justice for all people who live and work within Indian communities.

- Protect and restore tribal land bases. Even in recent decades, millions of acres of land have been unjustly taken from Indian Nations without compensation. Federal policy must continue to support adequate land bases for the purposes of self-government and economic development.

- Prioritize the Indian budget in order to meet the federal treaty and trust obligations and meet the desperate needs for schools, elders, law enforcement, tribal courts, trust programs, water rights settlements, contract support, and economic development.

- Support legislative economic and infrastructure development incentives to enhance the ability of tribes to develop sound business sectors New positive developments and initiatives that may be addressed include:
  (1) additional tax and wage incentives for reservation developments;
  (2) investment incentives;
  (3) unemployment compensation relief for tribal governments;
  (4) enhanced bonding authority;
  (5) modernize BIA regulatory requirements.

- Maintain the commitment in the Alaska National Interest Lands Conservation Act to enforce subsistence hunting and fishing rights for Alaska native people. The failure to support this commitment would undermine some of the most unique native cultures in the United States.

- Pass legislation elevating the Director of the Indian Health Service to an Assistant Secretary within the Department of Health and Human Services in order to facilitate advocacy for the development of appropriate Indian health policy; and promote consultation on matters related to Indian health. Similarly, take up permanent self-determination and self-governance legislation for the Indian Health Service.

- Repeal current laws that require BIA approval of contracts for attorney services. While these laws served a historic purpose, they are no longer necessary and place an unneeded burden on the BIA and tribal governments.

- Pass consensus tribal legislation amending the Indian Child Welfare Act to provide adequate notice to tribal governments of adoption proceedings involving Indian children and address common concerns on finality of adoptions.

- Support the Presidential Order on Indian Education and create a solid legislative foundation for Indian education.

- Create legislation for the Federal Emergency Management Agency to authorize direct access to FEMA funding for tribal governments.

- Support policies under the Indian Gaming Regulatory Act that will resolve conflicts between states and tribes through a process mediated by the Department of Interior.

- Address the concerns of Indian Elders in long-term care, Social Security and Medicare.

- Address the concerns of Indian Nations in Welfare Reform and Welfare-to-Work legislation.

- Pass constitutionally appropriate legislation to resolve issues of fractionated heirship on Indian lands. Additionally, Indian trust fund reform must be closely monitored by Congress to ensure U.S. compliance with current law.

- Address tribal concerns regarding Census 2000 and the need for methods that ensure an accurate census in Indian country.

NATIONAL CONGRESS OF AMERICAN INDIANS

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EXECUTIVE DIRECTOR

RESOLUTION # MRB-98-003

Title: Support for Federal Funding of Tribal Education Departments

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, in his August 6, 1998 Executive Order on Indian Education, President Clinton has directed the Federal Government to assist tribal governments in meeting the unique educational needs of their children, and

WHEREAS, under current law, both the Bureau of Indian Affairs and the Department of Education are specifically authorized to fund grants to tribes for the development and operation of Tribal Education Departments, and

WHEREAS, the President's fiscal year 1999 budget request does not include funding for these grants

NOW, THEREFORE BE IT RESOLVED, that NCAI does hereby call upon the Administration and the Congress of the United States to take affirmative measures to assist tribes in meeting the educational needs of their children by funding Tribal Education Departments at the $3 million level, and

BE IT FURTHER RESOLVED, that NCAI does hereby continue to support the funding of Tribal Education Departments through the Bureau of Indian Affairs and the Department of Education

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W. Ron Allen
Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens Jr.
Oneida Nation of Wisconsin

RECORDING SECRETARY
Lela Kaskalla
Nambe Pueblo

TREASURER
Russell (Bud) Mason
[illegible]

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M. Clifford
[illegible]

ALBUQUERQUE AREA
Joe A. Garcia
Ohkay Owingeh
[illegible]

ANADARKO AREA
Gary McAdams
[illegible]

BILLINGS AREA
Earl Old Person
Blackfeet Tribe

JUNEAU AREA
Steve Ginnis
[illegible]

MINNEAPOLIS AREA
Bernida Churchill
[illegible]

MUSKOGEE AREA
S. Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W. Schindler
Seneca Nation of Indians

PHOENIX AREA
Ivan Makil
[illegible]

PORTLAND AREA
Henry Cagey

SACRAMENTO AREA
Cheryl A. Seidner
[illegible]

SEATTLE AREA
[illegible]

EXECUTIVE DIRECTOR

JoAnn K. Chase

RESOLUTION # MRB-98-015

Title: Funding for Lawton Indian Hospital

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the Indian Health Service (IHS) Lawton Service Unit is responsible to provide health care services to American Indians in a ten (10) county area in Southwest Oklahoma, and

WHEREAS, the members of the Apache, Caddo, Comanche, Delaware, Fort Sill Apache, Kiowa, and Wichita Tribes of Oklahoma represent the principle service population of the IHS Lawton Service Unit, and

WHEREAS, the Lawton Service Unit Intertribal Health Board consists of the elected leaders of the Apache, Caddo, Comanche, Delaware, Fort Sill Apache, Kiowa, and Wichita Tribes of Oklahoma, and

WHEREAS, the Lawton Service Intertribal Health Board serves as an advocate for improved health care services for the service population of the Lawton Service Unit, and

[illegible]

WHEREAS, the Lawton Service Unit Intertribal Health Board serves as an advisory board to the management of the Lawton Service Unit, and

WHEREAS, the Lawton Service Unit consists of a hospital with an outpatient clinic in Lawton, Oklahoma, a health center in Anadarko, Oklahoma, and a health clinic in Carnegie, Oklahoma, and

WHEREAS, the current budgetary policy of the IHS is to request additional operating funds to support the funding needs of newly constructed hospitals and/or clinics in the year the facilities are completed and,

WHEREAS, the request for additional operating funds is based on an amount equal to 85% of the level of need funded (LNF) as determined by the application of the IHS Resource Requirement Methodology Needs Assessment (RRMNA), and

WHEREAS, the construction of the existing Lawton Hospital was completed in 1967 and

WHEREAS, the IHS had not developed the RRMNA when the Lawton hospital was constructed, therefore, the IHS did not request nor did Congress provide IHS with additional funds for the Lawton Hospital when it was completed, and

WHEREAS, the Lawton Hospital is the only IHS health facility that has been constructed with IHS funds that has not received additional funds when it was constructed, and

WHEREAS, a recent completion of a RRMNA for the Lawton Hospital, based on FY 1997 actual workloads, revealed an LNF of less than 50%, and

WHEREAS, the current inadequate funding base for the Lawton Hospital was created because it did not receive any additional operating funds when it was constructed, as all other IHS constructed facilities have received, and

WHEREAS, the current inadequate funding base for the Lawton Hospital has had a severe and detrimental affect on the quality and quantity of health care services available for Indians who seek health care facility, and

WHEREAS, the additional amount required to fund 85% of the LNF for the Lawton Hospital is $10,848,000 in the Indian Health Services appropriation and $4,376,000 in the Indian Health Facilities Appropriation

NOW THEREFORE BE IT RESOLVED, that IHS should respond to this injustice by seeking additional operating funds for the Lawton hospital based on the same policy that has been followed for all other IHS facilities that have been constructed with IHS funds and include in its budget for FY 2000 a request for $1 5 million for the Lawton hospital for staffing and operating costs as if it was a newly constructed facility in the FY 2000

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W Ron Allen
Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens Jr
Oneida Nation of Wisconsin

RECORDING SECRETARY
Lela Kaskalla
Nambe Pueblo

TREASURER
Russell (Bud) Mason
[illegible]

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M Clifford
[illegible]

ALBUQUERQUE AREA
Joe A Garcia
Ohkay Owingeh
[illegible]

ANADARKO AREA
Gary McAdams
[illegible]

BILLINGS AREA
Earl Old Person
Blackfeet Tribe

JUNEAU AREA
Steve Ginnis
[illegible] Port Yakutat

MINNEAPOLIS AREA
Bernida Churchill
Mille Lacs Band of Ojibwe

MUSKOGEE AREA
S Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W Schindler
Seneca Nation of Indians

PHOENIX AREA
Ivan Makil
[illegible] Mohave

PORTLAND AREA
Henry Cagey
[illegible]

SACRAMENTO AREA
Charles A Antone
[illegible]

[illegible]

EXECUTIVE DIRECTOR

[illegible]

RESOLUTION # MRB-98-021

Title: American Indian & Alaska Native Elder Resolution

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, Indian Health Service (IHS) does not have policy regarding community-based or facility-based long term care for Indian elders; and

WHEREAS, Title VI of the Older Americans Act has never been fully funded, and

WHEREAS, the rural nature of American Indian and Alaska Native communities places greater challenges and costs in providing services for the elderly; and

WHEREAS, the IHS has no geriatric policy, nor other specific policy intended to deal with the special and specific needs of older American Indians, and

WHEREAS, American Indians and Alaska Natives have always, since the beginning of their cultures, respected and honored elders, caring for them in their later years as needed, and

WHEREAS, changing socioeconomic conditions have reduced individual and collective abilities to care for the frail elderly, and

WHEREAS, American Indian and Alaska Native communities, for the most part, are located in rural areas, far from long term care services and facilities, and

WHEREAS, Indian elders prefer to remain in their communities or with their own people, and

WHEREAS, Title VI of the Older Americans Act states that it is the sense of Congress that these older individuals "are a vital source entitled to all benefits and service available and that such services and benefits should be provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities," and

WHEREAS, numerous treaties and executive orders, recognized as internationally enforceable laws, and well-documented legal precedents establish American Indian tribes as sovereign entities with a separate and unique relationship with the United States federal government, and

WHEREAS, the Congress of the United States is considering various bills concerning health care reform, representing differing views of how health care reform should be accomplished, and

WHEREAS, domestic violence is increasing among American Indian elders who are exploited, physically and emotionally abused, and

WHEREAS, American Indian and Alaska Native elders are increasingly the sole support for their grandchildren, and

WHEREAS, there is no legislation currently under consideration which fully satisfies the trust responsibilities of the United States government to provide health care for American Indian and Alaska Native elderly people, and

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby recommend that Congress fully fund Title VI of the Older American Act and that other Titles of the Act, particularly those authorizing community-based long term care services, include specific funding for Indian elder care programs

BE IT FINALLY RESOLVED, that NCAI does hereby adopt as a top priority the reduction of elder abuse and support programs for American Indian and Alaska Native elders

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalia, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

NATIONAL CONGRESS OF AMERICAN INDIANS

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Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens Jr
Oneida Nation of Wisconsin

RECORDING SECRETARY
Leia Kaskalla
Acoma Pueblo

TREASURER
Russell (Bud) Mason
[illegible]

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M Clifford
[illegible]

ALBUQUERQUE AREA
Joe A Garcia
Ohkay Owingeh
[illegible]

ANADARKO AREA
Gary McAdams
[illegible]

BILLINGS AREA
Earl Old Person
Blackfeet Tribe

JUNEAU AREA
Steve Ginnis
Native Village of Port Graham

MINNEAPOLIS AREA
Bernida Churchill
Mille Lacs Band of Ojibwe

MUSKOGEE AREA
S Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W Schindler
Seneca Nation of Indians

PHOENIX AREA
Ivan Makil
Salt River Pima Maricopa

PORTLAND AREA
Henry Cagey
[illegible]

SACRAMENTO AREA
Cheryl A Seidner
[illegible]

SOUTHERN PLAINS
[illegible]

EXECUTIVE DIRECTOR
[illegible]

RESOLUTION # MRB-98-034

Title: Supporting an "Indian Desk" at the Federal Level Within the Department of Agriculture

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the Department of Agriculture operates an array of federal programs for which tribal governments are eligible to apply; and

WHEREAS, blatant discrimination in the past against minorities, including Native Americans and tribal governments, in program delivery and employment has been admitted by the Department; and

WHEREAS, the requirements for accessing programs and services do not take into account the unique circumstances of tribal governments or the various types of land owned and/or operated by tribes and tribal members, and

WHEREAS, the current structure requires tribal governments to defer to county and state committees and offices in order to access many of the programs designed to protect and conserve tribal lands, and

WHEREAS, the county and local administrative area boundaries do not correspond to tribal boundaries or tribal jurisdictional areas, and

WHEREAS, tribal governments are sovereign nations, exempt from county or state control, inherently empowered to conduct business on a government-to-government basis, and

WHEREAS, there needs to be in place a process for tribes and tribal governments to request information, regulatory waivers and technical assistance at the federal level rather than through often times several various county offices and/or program personnel, and

WHEREAS, the current Native American Programs Office at USDA is only established by USDA regulation (Number 1340-6), and

WHEREAS, the American Programs Office has primary responsibility for coordinating USDA agencies program serving American Indians and Alaska Natives; and

WHEREAS, a congressionally established tribal presence at USDA would elevate American Indian and Alaska Native issues at USDA

NOW THEREFORE BE IT RESOLVED, that NCAI call upon Congress to take all necessary action to pass legislation creating an American Indian and Alaska Native Office with sufficient financial and human resources at the federal level at which tribes and tribal governments may access services and programs provided by the U.S Department of Agriculture.

BE IT FINALLY RESOLVED, that NCAI does hereby declare that such action by the Congress is necessary in order to meet the federal government's trust responsibility to all Indians and to fulfill the government's promises and policy goals to promote Indian economic self-sufficiency.

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

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Jamestown S'Klallam Tribe

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Oneida Nation of Wisconsin

RECORDING SECRETARY
Lela Kaskalla
Seneca Nation

TREASURER
Russell (Bud) Mason

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M. Clifford

ALBUQUERQUE AREA
Joe A. Garcia
Ohkay Owingeh

ANADARKO AREA
Gary McAdams

BILLINGS AREA
Earl Old Person
Blackfeet Tribe

JUNEAU AREA
Steve Ginnis
Native Village of Port Graham

MINNEAPOLIS AREA
Bernida Churchill
Mille Lacs Band of Ojibwe

MUSKOGEE AREA
S. Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W. Schindler

PHOENIX AREA
Ivan Makil

PORTLAND AREA
Denis Cuges

SACRAMENTO AREA
Cheryl A. Seidner

EXECUTIVE DIRECTOR

RESOLUTION # MRB-98-036

Title: Support for Full Funding for Contract Support Costs to Achieve the Goals of Self-Determination

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, Congress, through Public Law 93-638, the Indian Self-Determination and Education Assistance Act, has supported Self-Determination since 1975, and

WHEREAS, P.L. 93-638 has been enacted and amended to advance the empowerment of tribal governments to transfer the management and administration of federal programs, activities, services and functions intended for the benefit of Indians to tribal governments; and

WHEREAS, this transfer of federal resources to tribal governments is consistent with the de-centralization movement advanced by both the Congress and the Administration; and

WHEREAS, contract support costs represent costs previously incurred by the federal government which were identified and negotiated between the tribes and the federal Office of Inspector General consistent with Office of Management and Budget (OMB) circulars, and

WHEREAS, contract support costs are federal funds, in addition to direct program expenditures transferred to tribes to operate their own programs, and

WHEREAS, contract support costs are essential for tribes to realize the goal of Self-Determination, and

WHEREAS, recent federal court decisions have made it imperative that the Congress address the legislative and administrative policies by various federal agencies that place limits on indirect costs, and

WHEREAS, NCAI has passed a resolution STE-97-007 calling for the Congress and the Administration to fully fund contract support costs for the implementation of P L 93-638, and

WHEREAS, NCAI supports the proposal to distribute contract support costs for all formally proposed (as of October 20, 1998) contract support cost agreements on a pro rata basis so tribes now on the queue can receive a proportional share of new contract support funding,

THEREFORE BE IT RESOLVED, that NCAI does hereby request that the Indian Health Service to fund all formally proposed contract support costs agreements on a proportional basis for tribes officially on the queue as of October 20, 1998 and assure that the final percentage for each tribe is no less than 70 percent,

BE IT FURTHER RESOLVED, that NCAI urges the Administration and the IHS to continue the negotiations with tribal governments through the IHS Contract Support Costs Work Group in the implementation of proportional funding of contract support costs for Indian tribes in the queue which guarantees each tribe shall receive no less than 70 percent of their contract support cost

BE IT FURTHER RESOLVED, that NCAI urges the Congress to consult with tribal governments in the development of acceptable options for resolving contract support cost issues and wait until the NCAI Contract Support Costs Workgroup submits its final report on contract support costs by April 1999 before proposing any changes to current legislative and contract support cost policies.

BE IT FINALLY RESOLVED, that NCAI urges the Administration and the Congress to advance a budget for the Department of Interior and the Department of Health and Human Services to fully fund contract support cost funds for the implementation of P L 93-683

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen, President

ATTEST:

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W. Ron Allen
Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens Jr.
Oneida Nation of Wisconsin

RECORDING SECRETARY
Leta Kaskalla
Acoma Pueblo

TREASURER
Russell (Bud) Mason
[illegible]

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M. Clifford
[illegible]

ALBUQUERQUE AREA
Joe A. Garcia
Okkay Owingeh
[illegible]

ANADARKO AREA
Gary McAdams
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BILLINGS AREA
Earl Old Person
[illegible]

JUNEAU AREA
Steve Ginnis
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Bernida Churchill
Red Lake Band of Ojibwe

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S. Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W. Schindler
[illegible]

PHOENIX AREA
Ivan Makil
[illegible]

PORTLAND AREA
Henry Cagey
[illegible]

SACRAMENTO AREA
[illegible]

[illegible]

EXECUTIVE DIRECTOR
[illegible]

RESOLUTION # MRB-98-037

Title: Support For Consultation With Tribes on Proposed Medicare Reforms

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the Indian Health Service is the federal agency with the responsibility to fund Indian health programs operated by Tribes and by the Indian Health Service but has insufficient funds to meet the health care needs of Indian seniors, and

WHEREAS, the Medicare Commission has proposed reform measures for the Medicare Program with no input form tribes, the IHS or urban Indian health programs, and

WHEREAS, American Indians and Alaska Natives are often eligible for Medicare Part A and Part B coverage, and

WHEREAS, the Health Care Financing Administration reports that only 35,000 of 180,000 to 200,000 AI/AN are enrolled in the Medicare Program

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby urge the Congress and the President to consult with tribes on any proposed changes to the Medicare Program.

BE IT FINALLY RESOLVED, that NCAI does hereby urge the Congress and the President to make changes to the Medicare Program necessary so American Indians and Alaska Natives may participate in the Medicare Program.

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen, President

ATTEST:

Lela Kaskalia, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W Ron Allen
Jamestown S'Klallam Tribe

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Oneida Nation of Wisconsin

RECORDING SECRETARY
Lela Kaskalla
Yakama Nation

TREASURER
Russell (Bud) Mason
[illegible]

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M Clifford
[illegible]

ALBUQUERQUE AREA
Joe A Garcia
Ohkay Owingeh
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ANADARKO AREA
Gary McAdams
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Blackfeet Tribe

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MUSKOGEE AREA
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NORTHEAST AREA
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[illegible]

PHOENIX AREA
Ivan Makil
[illegible]

PORTLAND AREA
Henry Cagey

SACRAMENTO AREA
[illegible]

[illegible]

EXECUTIVE DIRECTOR

[illegible]

RESOLUTION # MRB-98-038

Title: Support for an Allocation of New Funding to Address the Year 2000 Problem that Recognizes the Technological Needs of Indian Health Programs

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the integrity of these information systems is compromised by the Year 2000 problem (Y2K) that has the demonstrated potential to negatively impact the delivery of safe and effective health care services and the maintenance of health and financial records, and

WHEREAS, the Congress has approved FY 1999 funding to address the Y2K problem, and

WHEREAS, the Department of Health and Human Services is the federal agency with budget authority for the Indian Health Service

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby support an allocation of funds to the Indian Health Service from the Department of Health and Human Services adequate to address the number and diversity of tribal and IHS health information systems, and

[illegible]

BE IT FINALLY RESOLVED that the method for distribution of funds to tribal, IHS and urban Indian health programs be determined at the area office level with full consultation of tribes and area health programs

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998.

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

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TREASURER
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NORTHEAST AREA
Michael W Schindler

PHOENIX AREA
Ivan Makil

PORTLAND AREA
Henry Cagey

SACRAMENTO AREA
Charles A Sisk

EXECUTIVE DIRECTOR

Jackie K Cole

RESOLUTION # MRB-98-046

Title: Opposing Section 341 which Creates a Congressional Prohibition on New Tribal Contracting or Compacting of Indian Health Service Programs

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, Section 326 of the Appropriations Bill for FY98 was introduced last year in Congress, and placed a moratorium on any contracting or compacting by Alaska tribes for Indian Health Service programs, and

WHEREAS, Section 326 was the first assault on PL 93-638 contracting which would affect Indian Nations, and

WHEREAS, Section 341 of the FY99 Appropriations Bill was introduced this year in Congress, extending the moratorium of Section 326, and would prohibit Alaska tribes from entering into any new contracts or compacts of Indian Health Service programs for a three year period, and

WHEREAS, while Section 341 is site specific to Alaska, it sets a precedent for all tribes by altering the contracting and/or compacting relationship between tribes and the federal government; and

WHEREAS, Section 341 is in direct conflict with the intent of PL 98-638; and

WHEREAS, Section 341 is a direct assault on tribal sovereignty and eliminates the rights of Alaska tribes to contract and/or compact and is contrary to the government-to-government relationship between the United States and the tribes, and

WHEREAS, there has been no tribal consultation on Section 341

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby reaffirm its full support for the rights of the tribes to contract and/or compact in Alaska, and

BE IT FURTHER RESOLVED, that NCAI does hereby call upon the Alaska Congressional delegation to consult with the tribes of Alaska with regard to any proposals that would impede any tribe from contracting and/or compacting with the Indian Health Service, and

BE IT FURTHER RESOLVED, that NCAI recognizes that Section 341 sets unwelcome precedence for all tribes in the United States and urges the Congressional delegations of all tribes to oppose such infringement on tribal rights, and

BE IT FINALLY RESOLVED, that NCAI will oppose any legislative initiatives, state or federal, that would weaken any tribal authority to contract or compact

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W. Ron Allen
Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens Jr.
Oneida Nation of Wisconsin

RECORDING SECRETARY
Lela Kaskalla
Yerba Pueblo

TREASURER
Russell (Bud) Mason
[illegible]

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M. Clifford
[illegible]

ALBUQUERQUE AREA
Joe A. Garcia
Ohkay Owingeh

ANADARKO AREA
Gary McAdams
[illegible]

BILLINGS AREA
Earl Old Person
Blackfeet Tribe

JUNEAU AREA
Steve Gunnis
[illegible]

MINNEAPOLIS AREA
Bernida Churchill
White Earth Band of Ojibwe

MUSKOGEE AREA
S. Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W. Schindler
[illegible]

PHOENIX AREA
Ivan Makil
[illegible]

PORTLAND AREA
Harry Capoy

SOUTHWESTERN AREA
[illegible]

[illegible]

EXECUTIVE DIRECTOR

[illegible]

RESOLUTION # MRB-98-057

Title: Support for Consultation with Tribes Regarding the Development of Department of Health and Human Services Tribal TANF Regulations

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the Department of Health and Human Services Administration for Children and Families (ACF) Division of Tribal Programs has published proposed rules regarding Tribal Temporary Assistance for Needy Families (TANF) in the Federal Register, and

WHEREAS, the development of these proposed rules has not occurred in consultation with tribes as required in government to government relations and as directed in President Clinton's Executive Order for all Federal agencies

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby fully support meaningful and timely consultation with tribes regarding the development of regulations, and

BE IT FINALLY RESOLVED, that NCAI does hereby recommend that ACF delay the promulgation of final rules for Tribal TANF until tribes have been consulted in a manner mutually agreed upon by tribes and NCAI

[illegible]

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998.

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W. Ron Allen
Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens Jr
Oneida Nation of Wisconsin

RECORDING SECRETARY
Lela Kaskalla
Nambe Pueblo

TREASURER
Russell (Sue) Mason

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M. Clifford

ALBUQUERQUE AREA
Joe A. Garcia
Ohkay Owingeh

ANADARKO AREA
Gary McAdams

BILLINGS AREA
Earl Old Person

JUNEAU AREA
Steve Ginnis
Native Village of Port Lukon

MINNEAPOLIS AREA
Bernida Churchill
Mille Lacs Band of Ojibwe

MUSKOGEE AREA
S. Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W. Schindler

PHOENIX AREA
Ivan Mikel

PORTLAND AREA

EXECUTIVE DIRECTOR

RESOLUTION # MRB-98-059

Title: WELFARE REFORM

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, NCAI has sponsored a series of Welfare Reform Forums to initiate a dialogue among social service experts who are familiar with Tribal communities and their unique needs surrounding welfare reform and to discuss the solutions to the impacts of welfare reform; and

WHEREAS, these forums have resulted in the identification of recommended changes needed in the proposed regulations of P. L. 104-193 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), changes or technical amendments to the law, the inclusion of Tribes in associated federal funding opportunities relevant to welfare reform, improved coordination of federal resources for tribes, parity in the provisions, requirements and resources between Tribal and State TANF programs, stronger federal support for Tribal TANF programs, and explicit tribal consultation procedures established with the Department of Health and Human Services, Office of Community Services, Division of Tribal Services

WHEREAS, the proposed regulations should not be more burdensome or require more than what is prescribed by the Act itself as in the proposed requirements at §286 40 which limits administrative costs to 20%; §286.85 and §286.90 requires 20 hours per week of work activity participation rather than allowing Tribes to establish "similar participation requirements,"

WHEREAS, the Act itself requires technical amendments found in the proposed regulations at §286 50 does not give tribes "carry-over authority" afforded to States; §286 65(g) applies non-applicable state standard to tribes; §286 140 does not allow a waiver process for tribes even though time frames are not specified in the law, and §286.230 does not consider cultural diversity with the reference to "out-of-wedlock" births, and

WHEREAS, there is a need for Tribes to participate in the bonus and incentive provisions and to retain funds for use in succeeding years in a manner comparable to the states, and

WHEREAS, Tribes will require funding for planning, start-up expenses, management information system and other infrastructure needs in order to develop an administratively effective Tribal TANF program, and

WHEREAS, there is a need for the Administration and Congress to provide access to federal job creation, small business development, entrepreneurial and economic development resources to create 50,000 new jobs that will provide living wages for the 50,000 adult Indians who are unemployed or under-employed based on Tribal JOBS, NEW and G A data, and

WHEREAS, there is a need for the United States Department of Health and Human Services to require strict compliance by all states with equitable access and the requirement that a person is exempt from the TANF time limits while living in an area where 50% or more of the adults are not employed; and

WHEREAS, upon the expiration of the Welfare to Work Program in fiscal year 1999, there will be a need to continue to provide training and employment services for Tribal TANF recipients at a level of not less than the current $25 million, and

WHEREAS, the educational level of Indian TANF recipients is lower than that of the general population there is a need to amend P L 104-193, to expand the work activity allowance for basic, vocational post-secondary education from the current twelve months period up to twenty-four month period

NOW THEREFORE BE IT RESOLVED, that the NCAI recognizes needs and does hereby support these recommendations and deems them necessary to the successful operation and implementation

of Tribal TANF programs and to the successful achievement of self-sufficiency for Indian TANF recipients, and

BE IT FURTHER RESOLVED, that in support and recognition of these needs they will authorize the NCAI Welfare Reform Task Force to support, encourage and promote the efforts of the Administration and Congress to take appropriate and necessary action to enable these essential changes

BE IT FINALLY RESOLVED, that full consultation with tribes precede any significant changes to welfare laws and regulations

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W. Ron Allen

FIRST VICE PRESIDENT
Ernie Stevens Jr.

RECORDING SECRETARY
Lela Kyskalla

TREASURER
Russell (Bud) Mason

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M. Clifford

ALBUQUERQUE AREA
Joe R. Garcia
Ohkay Owingeh

ANADARKO AREA

BILLINGS AREA
Earl Old Person

JUNEAU AREA
Steve Ginnis

MINNEAPOLIS AREA
Bernida Churchill

MUSKOGEE AREA
S. Diane Kelley

NORTHEAST AREA
Michael W. Schindler

PHOENIX AREA
Ivan Makil

PORTLAND AREA

EXECUTIVE DIRECTOR

RESOLUTION # MRB-98-067

Title: ***Support for Tribal Child Support Enforcement Activities and Direct Funding from the Office of Child Support Enforcement***

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the Office of Child Support Enforcement (OCSE) under the Department of Health and Human Services is responsible for implementing support enforcement provisions of the Personal Responsibility and Work Opportunity Reconciliation Act (P.L. 104-193) and the Balanced Budget Act (P.L. 105-33), and

WHEREAS, under these laws tribal governments are eligible to apply for direct funding, enter into cooperative agreements with states on child support enforcement activities, and

WHEREAS, the OCSE has informed tribal governments that they will not be eligible to apply for direct funding until after the Final Rule is in place (regulations), and

NOW THEREFORE BE IT RESOLVED, that NCAI requests the OCSE to provide funding prior to final rules and regulation, to tribes to develop and operate their own tribal child support enforcement activities, and

BE IT FINALLY RESOLVED, that NCAI requests the OCSE to recognize and honor the unique ways the American Indian/Alaskan Native family supports their children and community members, with respect to how tribal members are served in both tribal and state child support enforcement programs

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST·

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998.

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W. Ron Allen
Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens Jr.
Oneida Nation of Wisconsin

RECORDING SECRETARY
Leta Kaskalla
Santa Ana Pueblo

TREASURER
Russell (Bud) Mason
Red Cliff Band

AREA VICE PRESIDENTS

ABERDEEN AREA
George M. Clifford
[illegible]

ALBUQUERQUE AREA
Joe M. Garcia
Ohkay Owingeh
[illegible]

ANADARKO AREA
Gary Mendams
[illegible] Apache Tribe

BILLINGS AREA
Earl Old Person
Blackfeet Tribe

JUNEAU AREA
Steve Ginnis
[illegible] Fort Yukon

MINNEAPOLIS AREA
Bernida Churchill
Red Lake Band of Ojibwe

MUSKOGEE AREA
S. Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W. Schindler
[illegible] Indians

PHOENIX AREA
Ivan Makil
[illegible]

PORTLAND AREA
[illegible]

[illegible] AREA
[illegible]

[illegible]

EXECUTIVE DIRECTOR
[illegible]

RESOLUTION # MRB-98-075

Title: Support for Tribal Priority Allocation for Higher Education Needs

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the needs of American Indian Tribal higher education programs have not been funded at stable and/or adequate levels and inadequacy of funding is becoming more problematic under the Bureau of Indian Affairs Tribal Priority Allocation (TPA) system, and

WHEREAS, the cost factors of attending institutions higher education and percentages of unmet need have been rising on a yearly basis thus forcing Indian higher education programs to reduce grants to participants, and

WHEREAS, tribes across the Indian Country have experienced this problem and since more Indian people are applying for higher education assistance there is a great shortage of funding for direct support as well as for ancillary supportive services to these students, and

WHEREAS, the National Indian Education Association has identified the lack of funding from national levels as a major impediment of Indian participation in higher education

[illegible]

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby fully support the increase in TPA allocation nationally for higher education in the BIA budget

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W. Ron Allen
Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens Jr.
Oneida Nation of Wisconsin

RECORDING SECRETARY
Lela Kaskalla
Nimbe Pueblo

TREASURER
Russell (Bud) Mason
[illegible]

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M. Clifford
[illegible]

ALBUQUERQUE AREA
Joe A. Garcia
Ohkay Owingeh
[illegible]

ANADARKO AREA
Gary McAdams
[illegible]

BILLINGS AREA
Earl Old Person
Blackfeet Tribe

JUNEAU AREA
Steve Ginnis
Native Village of Fort Yukon

MINNEAPOLIS AREA
Bernida Churchill
Mille Lacs Band of Ojibwe

MUSKOGEE AREA
S. Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W. Schindler
Seneca Nation of Indians

PHOENIX AREA
Ivan Makil
[illegible]

PORTLAND AREA
[illegible]

SACRAMENTO AREA
Cheryl A. Seidner
[illegible]

SOUTHEAST AREA
[illegible]

EXECUTIVE DIRECTOR

JoAnn K. Chase
[illegible]

RESOLUTION #98-080

Title: BIA Economic/Development Training and Technical Assistance Funding

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI

WHEREAS, historically, Indian tribes and nations have been recognized as separate political and economic entities, which has often lead to great economic and social inequities for tribes and their members, and

WHEREAS, historically, the great potential of Indian reservations for further economic development has not been fully realized; and

WHEREAS, the lack of economic development has lead to consistently high rates of unemployment and great hardship for Indian people on many reservations, with unemployment rates often exceeding 25% of all employable adults, many times the national average, and

WHEREAS, the passage of welfare reform legislation creates additional urgent incentives for the continued creation of jobs and highlights the need for sustainable economic development on Indian reservations, since as welfare programs are ended, Indian people on the reservations will need quality employment opportunities, and

[illegible] 202 466 7767 Fax 202 466 7797

WHEREAS, various programs have been enacted, such as the BIA economic development office, which allows businesses owned by Indian tribes and Indian individuals to take advantage of opportunities for business development, and

WHEREAS, the United States Congress passed legislation, creating the Indian Finance Act, which included all Indian reservations, providing incentives for businesses on reservations and providing business opportunities for Indian and Tribal owned businesses, and

WHEREAS, the legislation that created the Indian Finance Act to fund past BIA training and technical assistance has been drastically removed from the BIA budget, and

WHEREAS, the President of the United States, at the August 8, 1998 Summit on "Building Economic Self-Determination in Indian Communities", declared that he would remove barriers to funding economic development in Indian Country, by Executive Order if necessary.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby urge the U.S Congress, to appropriate additional 10 million dollars specifically for funding the BIA Office of Economic Development for the purpose of providing training and technical assistance, and for the development and expansion of reservation businesses

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998.

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
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Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens, Jr
Oneida Nation of Wisconsin

RECORDING SECRETARY
Leta Kaskalla
Santa Ana Pueblo

TREASURER
Russell (Bud) Mason
[illegible]

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M. Clifford
[illegible]

ALBUQUERQUE AREA
[illegible] Garcia
[illegible] Owingeh
[illegible]

ANADARKO AREA
Gary McAdams
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BILLINGS AREA
Earl Old Person
[illegible] Tribe

JUNEAU AREA
Steve Ginnis
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Cherokee Nation

NORTHEAST AREA
Michael W. Schindler
[illegible] Nation of Indians

PHOENIX AREA
Ivan Makil
[illegible]

PORTLAND AREA
[illegible] Cigey

SACRAMENTO AREA
[illegible] Scribner
[illegible]

[illegible] AREA
[illegible]

EXECUTIVE DIRECTOR
[illegible]

RESOLUTION # MRB-98-084

Title: Support for Full Funding for BIA School Construction & Repairs

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the BIA's Education Facilities Management & Construction program is a large, complex, geographically dispersed operation that impacts the health, safety and learning environment of 53,000 Indian students in 185 schools and dormitories, and

WHEREAS, there is a significant backlog of deferred maintenance and capital improvement which includes replacement and repair of existing schools that is estimated at several billion dollars and growing, and

WHEREAS, the past and current appropriations have not been adequate to deter the continuing deterioration of school buildings, which directly impact children's health, safety and learning, and

WHEREAS, the research clearly indicates a direct correlation between the quality of the learning environment and a student's academic success, and

WHEREAS, the fourth goal cited by President Clinton in Executive Order 13096 on American Indian and Alaska Native Education signed on August 6, 1998, cites the need for creating strong and safe environments for Indian students, and

WHEREAS, Congress has requested and the Assistant Secretary for Policy, Management and Budget and the Assistant Secretary for Indian Affairs of the Department of the Interior have testified that a 5-year plan is being developed by the Department to address the deferred maintenance backlog, and

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby call upon the U. S. Department of the Interior and Congress to support a 5-year construction plan to eliminate the deferred maintenance backlog of need by increasing education facilities construction, repair, and maintenance budgets for Fiscal Years 2000-2004 to adequately address the facilities needs for the sake of Indian children in BIA funded schools and dormitories

NOW THEREFORE BE IT FINALLY RESOLVED, that NCAI does hereby support the request for increased appropriations to fully fund the BIA FI&R, facilities maintenance and new construction projects within the next five years

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W Ron Allen
Jamestown S Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens Jr
Oneida Nation of Wisconsin

RECORDING SECRETARY
Leta Kaskalla
Santa Ana Pueblo

TREASURER
Russell (Bud) Mason
[illegible]

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M Clifford
[illegible]

ALBUQUERQUE AREA
Joe A Garcia
Ohkay Owingeh
[illegible]

ANADARKO AREA
Gary McAdams
[illegible]

BILLINGS AREA
Earl Old Person
[illegible] Tribe

JUNEAU AREA
Steve Ginnis
[illegible]

MINNEAPOLIS AREA
Bernida Churchill
[illegible]

MUSKOGEE AREA
S Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W Schindler
[illegible]

PHOENIX AREA
Ivan Makil
[illegible]

PORTLAND AREA
[illegible]

SACRAMENTO AREA
[illegible]

EXECUTIVE DIRECTOR
[illegible]

RESOLUTION # MRB-98-093

Title: Assuring Indian Access to Children's Health Insurance Program (CHIP)

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the NCAI is concerned about the health care of American Indians throughout the United States, and

WHEREAS, the Indian population has a greater proportion of children, a higher birth rate, and more people living below the poverty level than other Americans; and

WHEREAS, many Indian people lack access to Indian Health Service (IHS) or other culturally affordable health care and very few Indian people have access to or can afford private health insurance, and

WHEREAS, the President re-allocated Children's Health Insurance Program (CHIP) funding to states to assure that Indian children who are disproportionately without health insurance will now have their fair chance to be covered by CHIP

NOW THEREFORE BE IT RESOLVED, that the NCAI requests that the U S Department of Health and Human Services (HHS) assure that a portion of National CHIP outreach funds be used to increase awareness, of Tribes and Indian people of the availability of CHIP and encourage enrollment of eligible Indian families in the program, and

THEREFORE BE IT FURTHER RESOLVED, that the NCAI request that State CHIP agencies provide a copy of the State plan to all Tribes in their State, and

THEREFORE BE IT FINALLY RESOLVED, that the NCAI requests that HHS consult with tribes on how to facilitate a state-tribal process that will assure implementation of the requirement in section 2102 (b) (3) (D) of the CHIP law, which requires all State CHIP plans to describe procedures to ensure provision of CHIP to targeted low-income children in the State who are Indians

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W. Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

BE IT FURTHER RESOLVED, the National Indian Health Board and the National Congress of American Indians will work with Dr Michael Trujillo, Director of the Indian Health Service, to ensure that an ongoing process is established that provides Tribal Governments the opportunity to monitor the implementation of the IHS budget to assure that the American Indian people are receiving the full benefit of all funding appropriated by the U S Congress through the Indian Health Service, and

BE IT FINALLY RESOLVED, that the National Indian Health Board requests the National Congress of American Indians to act on behalf of the National Indian Health Board, the Tribal Self-Governance Advisory Committee, and the National Council on Urban Indian Health, by arranging a series of meetings with the appropriate Committees of the U S Congress, The White House Office of Management and Budget, the Secretary of the Department of Health and Human Services and the Indian Health Service, on the efforts of Tribal Governments to secure a budget no less that $2,621,900,000 for the Indian Health Service in Fiscal Year 2000 necessary to save the lives of Indian People in fulfillment of the solemn Trust Responsibility purchased in exchange for our precious lands

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

WHEREAS, this year for the second time ever the Indian Health Service held budget formulation meetings in every area of the IHS and invited representatives of Tribal Governments and their health care systems to develop the Fiscal Year 2000 Budget, and

WHEREAS, the National Indian Health Board, the Tribal Self-Governance Advisory Committee and the National Council on Urban Indian Health met collectively with the Indian Health Service and reviewed the budget recommendations developed in each of the twelve Area Budget Formulation workshops on June 3, 1998, in Rockville, Maryland, and

WHEREAS, there has been agreement by the National Indian Health Board, the Tribal Self-Governance Advisory Committee and the National Council on Urban Indian Health that the Fiscal Year 2000 Indian Health Service Budget should be at least $8 0 billion, but no less than the Secretary's request of $2 622 billion in order to address the health care need of American Indian and Alaska Native people, and

WHEREAS, the National Indian Health Board and the Tribal Self-Governance Advisory Committee, and the National Council on Urban Indian Health have agreed that the Secretary Shalala's request of a $504 million increase for the Indian Health Service in Fiscal Year 2000 is the first incremental increase necessary to reaching the $8 0 billion base funding level for IHS, and

WHEREAS, the National Indian Health Board and the Tribal Self-Governance Advisory Committee have selected as their number one priority the appropriation of at least $325,112,000 in Fiscal Year 2000 for Contract Support Costs, which is critically needed to ensure that Tribal Governments are successful in fulfilling the goals of Indian Self-Determination and Self-Governance

NOW THEREFORE BE IT RESOLVED, the National Indian Health Board respectfully requests the NCAI to advise the United States Congress, the Administration and Tribal Governments on the enactment of a budget no less than $2,621,900,000 within the Fiscal Year Interior Appropriations legislation, and

BE IT FURTHER RESOLVED, the National Indian Health Board requests that the NCAI will work to establish a meeting with The White House Office of Management and Budget (OMB) prior to and after the OMB passback on the Fiscal Year 2000 IHS Budget, and that the National Indian Health Board, the Tribal Self-Governance Advisory Committee, and the National Council on Urban Indian Health will be included in this meeting to ensure consultation, and

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

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W. Ron Allen
Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens Jr.
Oneida Nation of Wisconsin

RECORDING SECRETARY
Lela Kaskalla
Nenana Native Council

TREASURER
Russell (Bud) Mason
[illegible]

AREA VICE PRESIDENTS

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Oglala Sioux

ALBUQUERQUE AREA
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San Juan Pueblo

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Nenana Village of Fort Yukon

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S. Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W. Schindler
Seneca Nation of Indians

PHOENIX AREA
Ivan Makil
[illegible]

PORTLAND AREA
Henry Cagey
[illegible]

SACRAMENTO AREA
Cheryl A. Seidner
[illegible]

[illegible]

EXECUTIVE DIRECTOR
[illegible]

RESOLUTION # MRB-98-097

Title: Tribal Participation in Indian Health Service (IHS) Fiscal Year (FY) 2000 Budget

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the fundamental policy of Congress with respect to Indian Nations has been to encourage the policy of self-determination and self-governance since 1975, and

WHEREAS, the Indian Self-Determination and Education Assistance Act as intended to transfer effective control and operations of programs previously controlled and operated by the federal government to the management of Tribal Governments for the benefit of Indian people, and

WHEREAS, tribal governments are locally based and therefore in the best position to know the needs of the people they serve, and

WHEREAS, the Indian Health Service (IHS) budget formulation process prior to fiscal year 1999 did not fully represent the wants and needs of tribal governments and the American Indian people that we represent, and

WHEREAS, former tribal participation in IHS budget preparation did not occur until it was too late for tribal governments to have meaningful participation in affecting the IHS budget in the succeeding fiscal year, and

[illegible]

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

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Jamestown S'Klallam Tribe

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Ernie Stevens Jr
Oneida Nation of Wisconsin

RECORDING SECRETARY
Leta Kaskalla
Tonto Apache

TREASURER
Russell (Bud) Mason
[illegible]

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ABERDEEN AREA
Gerald M Clifford
[illegible]

ALBUQUERQUE AREA
Joe H Garcia
Ohkay Owingeh
[illegible]

ANADARKO AREA
Gary McAdams
[illegible]

BILLINGS AREA
Earl Old Person
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MUSKOGEE AREA
S Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W Schindler
Seneca Nation of Indians

PHOENIX AREA
Ivan Makil
[illegible]

PORTLAND AREA
[illegible]

SACRAMENTO AREA
[illegible]

[illegible]

EXECUTIVE DIRECTOR

[illegible]

RESOLUTION # MRB-98-098

Title: Equal Dollars for Equal Health Services Provided by Tribal and Indian Health Service Health Programs

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the NCAI cites the Snyder Act of 1921; P L 63-638, the Indian Self-Determination Act, with subsequent amendments, and the Indian Health Care Improvement Act, P L 94-437, with subsequent amendments, as basis for maintaining and fulfilling trust, legal, and moral responsibilities of the federal government to American Indians and Alaska Natives, and

WHEREAS, the NCAI is mandated by tribal membership to protect and preserve all resources including Congressional authorities and appropriations which provide "benefits, care, and assistance" to American Indians and Alaska Natives as provided by the above Acts, and

WHEREAS, the United States Congressional authorities and appropriations which provide for "benefits, care, and assistance" for American Indians and Alaska Natives is not equal to similar benefits provided for other public programs, and

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby request that Congress

1) provide the same level of funding for health services to American Indians and Alaska Natives that it does for the general public by providing equal dollars for equal services,

2) the Balanced Budget Act (BBA) should provide equal and proportionate funding levels directly to tribes that include contract support costs,

3) The BBA has provisions for Children's Health Insurance Program, the unique government to government relationship needs to be respected by allocating funds directly to the tribes.

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998.

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

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W. Ron Allen
Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens, Jr.
Oneida Nation of Wisconsin

RECORDING SECRETARY
Lela Kaskalla
Acoma Pueblo

TREASURER
Russell (Bud) Mason
Three Affiliated Tribes

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Oneida Nation

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Ohkay Owingeh
San Juan Pueblo

ANADARKO AREA
Gary McAdams
Wichita & Affiliated Tribes

BILLINGS AREA
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Native Village of Fort Yukon

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S. Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W. Schindler
Seneca Nation of Indians

PHOENIX AREA
Ivan Makil
Salt River Pima-Maricopa

PORTLAND AREA
Henry Cagey
Lummi Nation

SACRAMENTO AREA
Cheryl A. Seidner
Yuba Band of Maidu Indians

SOUTHEAST AREA
A. Bruce Jones
Lumbee Tribe

EXECUTIVE DIRECTOR

JoAnn K. Chase
Women Building Leadership

RESOLUTION # MRB-98-099

Title: Construction, Maintenance and Improvement Funding for Indian Health Service (IHS) Facilities

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, Indian Health Service (IHS) funded facilities address long-standing and are often the only primary care services available for American Indian/Alaska Native (AI/AN); and

WHEREAS, many of the health facilities built for the IHS are severely overcrowded and deficient in life and safety building codes; and

WHEREAS, funding for new construction and dollars for maintaining and/or improvement of the current facilities has been grossly under appropriated; and

WHEREAS, the NCAI is mandated by tribal membership to protect and preserve the rights of all AI/AN to have access to health care service and to receive those services in a safe and culturally appropriate environment; and

1301 Connecticut Avenue NW, Suite 200, Washington, DC 20036 202 466-7767 fax 202 466-7797

NOW THEREFORE BE IT RESOLVED, the United States Congressional authorities and appropriations which provide for construction and maintenance and improvement of health care facilities is not. 1) suitable to support current facilities, 2) considerate of increased workload on current facilities from population and increases of disease conditions, 3) able to support inefficient and outdated physical infrastructures, and

BE IT FURTHER RESOLVED, that NCAI does hereby request that Congress increase funding to address the above deficits

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W. Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998.

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

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Jamestown S'Klallam Tribe

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Oneida Nation of Wisconsin

RECORDING SECRETARY
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Santa Ana Pueblo

TREASURER
Russell (Bud) Mason

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PORTLAND AREA
Henry Cagey

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Cheryl A Scrivner

SOUTHEAST AREA

EXECUTIVE DIRECTOR
JoAnn K Chase

RESOLUTION # MRB-98-111

Title: To Request the U.S. Congress to Allocate Funds to the HHS-PHS Indian Health Service to Provide Funding Equity to Indian Health Service Hospitals in Indian Country

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, IHS hospitals are main providers of western-style medicine to Indians, and

WHEREAS, the IHS Acoma Tribe is served by the Acoma-Canoncito-Laguna Indian Health Service hospital facility which is woefully and inequitably underfunded at about a cost of $791 per patient served or $2,481 less that the average per capita amount cost of the health care cost of non-IHS hospital services throughout the United States, and

WHEREAS, the average U S per capita amount cost for health care in the non-IHS hospitals throughout the country is about $3,261 per cost of per patient served, and

WHEREAS, the Acoma-Canoncito-Laguna IHS Hospital is operating with limited and aged equipment, and

WHEREAS, increasing the per capita patient cost will improve the poor health conditions on the Acoma reservation

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby request the U S. Congress to allocate funds to the IHS to close the enormous disparity of the per capita amount of health care cost for the Acoma-Canoncito-Laguna Hospital with the national non-IHS per capita cost, as well as for other IHS hospital facilities throughout the United States.

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen, President

ATTEST:

Leia Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998.

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W Ron Allen
Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
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Oneida Nation of Wisconsin

RECORDING SECRETARY
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Nambe Pueblo

TREASURER
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Three Affiliated Tribes

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Salt River Pima Maricopa

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SACRAMENTO AREA
Cheryl A Seidner

SOUTHEAST AREA
A Bruce Jones

EXECUTIVE DIRECTOR

JoAnn K Chase

RESOLUTION # MRB-98-116

Title: IHS Scholarship Funding and Reauthorization

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, under the Indian Health Care Improvement Act, P L 94-437, the Indian Health Service is authorized to conduct a variety of scholarship programs to train American Indians and Alaska Natives to staff IHS health programs and other vital health programs serving Indian nations and their people, and

WHEREAS, in 1981, there were only 697 Indian health professionals in the Indian Health Service compared to 3,560 non-Indian health professionals, and

WHEREAS, in 1997, there were 1,967 Indian health professionals compared to 4,291 non-Indian Health Service compared to 4,291 non-Indian health professionals, and

WHEREAS, there are severe shortages in all health fields and the current vacancies are 123 Physicians, 286 Nurses, 70 Dentists, and 47 Pharmacist, and

WHEREAS, in 1998, there were 1,100 qualified American Indian and Alaska Native applicants for new scholarships while available funds permitted the acceptance of only 237 new scholarship recipients and deserving applicants were turned away, and

WHEREAS, P L 94-437 reauthorization will be considered by the Congress in the year 2000

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby strongly urge the Congress to appropriate for fiscal year 2000, $9,670,320 in addition to the regular IHS Scholarship Appropriation, for a total amount of $20,920,320. This will provide funding for an additional 432 health professional students (one half of the eligible students turned away in Fy 1998 due to a lack of funds).

BE IT FURTHER RESOLVED, that NCAI does hereby strongly urge the Congress to reauthorize P.L 94-437 in the year 2000

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present

W. Ron Allen

W Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998

National Congress of American Indians

Resolution # GRB-98-003

Title: Tribal Consultation on Proposed General Assistance Regulations prior to submittal to the Office of Management and Budget

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, all federal policies must serve to strengthen the ability of Tribal governments to help Indian families meet the challenges of welfare reform, and

WHEREAS, programs authorized by the Snyder Act for social services are major responses to welfare reform, and

WHEREAS, the Bureau of Indian Affairs has circulated a draft of regulations for social services programs, and

WHEREAS, such regulations will directly affect the ability of Tribes to use these resources in a wide variety of Tribally-specific ways, and

WHEREAS, all interest parties - Tribal leaders, Tribal experts in social services, employment/job creation, education and other experts related to welfare reform - have not had an opportunity to shape these regulations

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby calls on the Secretary of the Interior and Assistant Secretary for Indian Affairs to work with NCAI to develop a consultation process on these regulations that will

1 Bring together Tribal leaders, program experts and concerned members of Tribal communities in a discussion on these issues at each Area office and one National meeting

2 Establish a national level work group of Tribal leaders and technical staff of contract and compact Tribes to develop these regulations, including a funding distribution methodology with officials in BIA and other federal agencies with programs related to welfare reform

3 To analyze policies regarding all BIA social services programs in a broader context including all welfare reform-related services

BE IT FURTHER RESOLVED, that NCAI does hereby appreciates the President's Executive Order, released on May 14, 1998, regarding consultation and coordination with Indian Tribal Governments, and that such a consultation and partnership process with Tribes proceed expeditiously of any package of proposed social service regulations to the Office of Management and Budget for clearance prior to publication in the Federal Register as proposed rules

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established

ATTEST:

Lela Kaskalla, Recording Secretary

W Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998.

National
Congress of
American
Indians

Resolution # GRB-98-004

Title: Restore BIA Community and Economic Development Grant Program

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 created a Temporary Assistance for Needy Families (TANF) block grant to replace the former Aid to Families with Dependent Children entitlement program, and

WHEREAS, Tribal Governments promote personal responsibility and work opportunities despite high rates of poverty, discrimination and the lack of economic opportunity on Indian reservations, and

WHEREAS, Immediate and severe impacts on Tribal members and Tribal governments will occur when the first wave of TANF recipients are terminated from the TANF programs due to time limits, and

WHEREAS, Tribes need to develop economic plans/strategy to reduce unemployment and provide opportunities through job development, and

WHEREAS, The Bureau of Indian Affairs has not requested appropriation to continue funding for this important program

NOW THEREFORE BE IT RESOLVED, that the NCAI request the Bureau of Indian Affairs to seek appropriations at least 20 million to continue the Community and Economic Development Grant Program for Tribes

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established

ATTEST:

Lela Kaskalla, Recording Secretary

W Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998

National Congress of American Indians

Resolution # GRB-98-010

Title: SUPPORT FOR SENATE BILL 1770: THE ELEVATION OF THE DIRECTOR OF THE INDIAN HEALTH SERVICE TO ASSISTANT SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, the Indian Health Service is the federal agency responsible for funding the delivery of health services to Indian people; and

WHEREAS, the Indian Health Service is administratively located in the Department of Health and Human Services; and

WHEREAS, over twenty percent of all Department of Health And Human Services employees are employees of the Indian Health Services; and

WHEREAS, in 1996 the Department of Health and Human Services eliminated one of the seven secretaries of HHS, the Assistant Secretary for Health, most recently held by a strong advocate for Indian Health, Dr Philip Lee; and

WHEREAS, the Director of the Indian Health Service, the top administrative official charged with carrying out the federal responsibility for Indian Health, does not report directly to the Secretary of HHS, and

WHEREAS, for the Indian Health Service to operate efficiently and effectively in the Department of Health and Human Services it is necessary that the head of IHS be at the level of Assistant Secretary; and

WHEREAS, NCAI believes that Indian Health needs are best served when the Secretary of HHS hears directly from the lead advocate for Indian Health programs; and

WHEREAS, Senator John McCain has introduced and Senators Ben Nighthorse Campbell, Daniel Inouye, and Kent Conrade have cosponsored S.1770 title, "A bill to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes;" and

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby support the passage of Senate Bill 1770 which would elevate the Director of the Indian Health Service to Assistant Secretary of the Department of Health and Human Services

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established.

ATTEST:

Lela Kaskalla, Recording Secretary

W. Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998.

National Congress of American Indians

Resolution # GRB-98-011

Title: SUPPORT FOR AN ALLOCATION TO THE INDIAN HEALTH SERVICE BUDGET OF ANY NEW FUNDING RESULTING FROM TOBACCO TAX INCREASES OR A TOBACCO SETTLEMENT FOR LIABILITY ASSOCIATED WITH TOBACCO USE

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, the Indian Health Service is the federal agency responsible for funding the delivery of health services to Indian people; and

WHEREAS, the Congress is considering legislation that will may result in legislation and/or settlement regarding tobacco company liability for health care costs resulting from the use of tobacco; and

WHEREAS, the Indian Health Service funded health programs share in the increased costs due to tobacco use and are entitled to a share in any tobacco settlement; and

WHEREAS, the Indian Health Service Budget has been severely under funded in recent years, and

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby supports an amendment to tobacco legislation that would allocate a fair share of any new taxes or funds resulting from a tobacco settlement to the Department of Health and Human Services for the Indian Health Service Budget; and

BE IT FURTHER RESOLVED, that the Indian Health Service develop a tribal consultation process for the distribution of any funds resulting from increase tobacco taxes or any tobacco settlement; and

BE IT FINALLY RESOLVED, that should funding be directed to state governments they be required to fund tribes at an equitable level.

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established.

ATTEST:

Lela Kaskalla, Recording Secretary

W. Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998.

National Congress of American Indians

Resolution # GRB-98-014

Title: SUPPORT FOR HR.1833 TITLE V OF P.L. 93-638 PERMANENT LEGISLATION FOR IHS SELF-GOVERNANCE

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the National Congress of American Indians each possess and exercises sovereign powers, and

WHEREAS, the United States has through treaty, executive order, or other actions recognized the inherent sovereignty of each Indian Nation or Tribe, and

WHEREAS, the United States, at the time of such agreements assumed obligations to each Indian Nation or Tribes through such treaties, executive orders or other actions, and

WHEREAS, Tribal Self-Governance Initiative authorized in 1988 and developed by Tribal Leaders and Federal Staff has proven to be an effective means of quality service delivery to Tribal members through their governments, and

WHEREAS, the Self-Governance Initiative was made a permanent part of the Department of the Interior in 1994 with the passage of P.L. 103-413, and

WHEREAS, the IHS has continued to operate its Self-Governance Initiative as a "demonstration program" which now represents nearly one third of the total service delivery system of the IHS, and

WHEREAS, permanent legislation now under consideration by the Congress has been developed by Tribal Self-Governance Leaders in consultation with other Tribal Leaders, IHS and DHHS Policy staff, and

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby formally calls on the Congress of the United States to consider and approve the passage of H R 1833, the Title V Legislation, with all deliberate speed

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established

ATTEST:

Lela Kaskalla, Recording Secretary

W Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998

National Congress of American Indians

Resolution # GRB-98-021

Title: SUPPORT FOR AN AMENDMENT TO THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996 TO PROVIDE ADEQUATE FUNDING FOR TRIBAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS (TANFS)

WHEREAS, we, the members of the National Congress of American Indians of the United States. invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values. and otherwise promote the welfare of the Indian people. do hereby establish and submit the following resolution. and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, the Personal Responsibility and Work Opportunity Act of FY 1996 (Welfare Act of 1996) authorized Tribes to Operate Tribal Temporary Assistance for Needy Families Programs (TANFs), and

WHEREAS, the grant amount for Tribal TANFs is determined by counting the number of American Indians/Alaska Natives on Aid for Families and Dependent children (AFDC) in FY 1994; and

WHEREAS, the experience of existing Tribal TANF programs is that caseloads will exceed the number of American Indians/Alaska Natives who were actually on welfare in FY 1994. and

WHEREAS, the experience of Tribal TANFs makes it clear that American Indians/Alaska Natives were under enrolled in Welfare Programs in FY 1994. and

WHEREAS, in order for the intent of Congress for successful Tribal TANFs to be realized. changes in the Welfare Act of 1996 are required: and

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby supports an amendment to the Welfare Act of 1996 to allow tribes the option of setting the TANF grant at the FY 1994 level or at the level of actual enrollments based on a tribe's experience in the first year of operating its Tribal TANF, or current level of actual enrollment

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established

ATTEST:

Lela Kaskalla, Recording Secretary

W. Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17 1998

National Congress of American Indians

Resolution # GRB-98-039

Title: Support Increased Funding for Contract Health in the FY 1999 Indian Health Service Budget to End Cost Shift Identified in Wisconsin Study.

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution: and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, contract health is an important component of Indian health programs, particularly in areas without IHS hospitals, where there is rapid business development, and where there are smaller tribes that tend to be contract health services dependent due to lack of clinical services; and

WHEREAS, the existence of these types of conditions in Wisconsin lead to the study of contact health funding shortages at the direction of the Great Lakes Intertribal Council that identified sizeable cost shifting to tribes in the amount of approximately $400,000 per tribe, per year for contract health (equal to an approximate 70% shortage), in Wisconsin; and

WHEREAS, the Wisconsin study also found a total per tribe annual contribution for all health services of over $2 6 million per year an amount nearly equal to the amount the average tribe received from the Indian Health Service; and

WHEREAS, the trend to shift costs to tribes has been observed by Senator Daniel Inouye in his May 21, 1998 statement before the Senate Indian Affairs Committee and by tribes nationwide.

NOW THEREFORE BE IT RESOLVED, that NCAI requests that the Congress end the cost shift to tribes by increasing funding for contract health in the FY 1999 Indian Health Service budget in the amount of $259,926,000 (a 70% increase over FY 1998). the amount identified by the FY 2000 Indian Health Service Budget Tribal/IHS task force

BE IT FINALLY RESOLVED, that the National Congress of American Indians encourages further study of the issue of cost shifting, particularly for contract health services.

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established.

ATTEST:

Lela Kaskalla, Recording Secretary

W Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay. Wisconsin on June 14-17. 1998

National Congress of American Indians

Resolution # GRB-98-042

Title: SUPPORT FOR AN AMERICAN INDIAN ADA TECHNICAL ASSISTANCE CENTER

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employmen opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribes concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, one in three American Indians, or 759,000 tribal members, report having a disability; and

WHEREAS, tribal people are interested in integrating members with disabilities and improving services to them but tribes do not have access to needed information and technical expertise; and

WHEREAS, the national network of Disability Business Technical Assistance Centers lack the understanding of native culture and law, the resources, and the legal mandate to help tribes. A center specially designed to meet the needs of American Indian tribes could offer a wealth of information, education and technical assistance

NOW, THEREFORE BE IT RESOLVED, that NCAI, does hereby support and acknowledge the need for an American Indian ADA Technical Assistance Center to serve American Indians and Alaska Natives that is respectful of tribal sovereignty and cultural diversity

BE IT FURTHER RESOLVED, that NCAI hereby encourages the National Institute on Disability Rehabilitative Research, the U.S Department of Justice and the Rehabilitation Services Administration to establish and fund an American Indian ADA Technical Assistance Center

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established

ATTEST:

Lela Kaskalla, Recording Secretary

W Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17 1998

National Congress of American Indians

Resolution # GRB-98-043

Title: SUPPORT FOR THREE RESEARCH AND TRAINING CENTERS TO ASSIST TRIBES TO PROVIDE ADEQUATE SERVICES FOR TRIBAL MEMBERS WITH DISABILITIES.

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution: and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI: and

WHEREAS, American Indians suffer disability conditions at a rate more than three times greater than that of the non-tribal population; and

WHEREAS, the 30% rate of disability among the 2.3 million American Indians yields a total of 759,000 persons with disabilities from 557 different tribes and cultures, over 300 distinct languages, in all parts of the United States, and in urban and rural areas, and includes individuals of all ages birth to sunset years; and

WHEREAS, the NCAI recognizes the critical need for assistance to tribes in dealing with the multitude of issues related to disabling conditions, including major barriers to employment; and

WHEREAS, the NCAI has become aware that the two Research and Training Centers which assist tribes now are going to be reduced to only one Center, and that tribal needs for assistance cannot be met by only one Center: and

NOW, THEREFORE BE IT RESOLVED, that NCAI does hereby urge the National Institute on Disability and Rehabilitative Research (the Centers' funding agency) to meet tribal needs for assistance with persons with disabilities by funding no less than three Research and Training Centers to work with tribal people and governments, both on and off the reservation, in health, rehabilitation, and employment issues

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established

ATTEST:

Lela Kaskalla, Recording Secretary

W Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998

National Congress of American Indians

Resolution # GRB-98-046

Title: Develop HHS and DOA, regulatory language to allow Tribal TANF Tribes to provide a one stop shop for cash assistance, Food Stamps and Medicaid eligibility determination.

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns: and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 created a Temporary Assistance for Needy Families (TANF) block grant to replace and end the former Aid to Families with Dependent Children entitlement program; and

WHEREAS, PRWORA provided an Indian provision to allow Indian Tribes to administer their own Tribal TANF program similar to a State TANF; and

WHEREAS, transportation is one of the major barriers to providing/receiving social services to Indian people living in Indian Country: and

WHEREAS, Tribal TANF programs provide cash assistance at one site and Tribal members must travel to a county site to apply for Food Stamps and Medicaid: and

WHEREAS, easier access to services, can be provided at local Tribal TANF sites in a one stop shop concept

NOW THEREFORE BE IT RESOLVED, that NCAI support Tribal TANF program desiring to administer a one stop shop for TANF and TANF related services by requiring HHS and DOA, in consultation with Tribes to develop regulatory language allowing Tribal TANF program to administer the Food Stamp program and determine eligibility for Medicaid

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established.

ATTEST:

Lela Kaskalla, Recording Secretary

W Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998

National Congress of American Indians

Resolution # GRB-98-050

Title: REQUEST FOR FINANCIAL RESOURCE TO WHEELCHAIR RECYCLING PROJECT

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, thousand of people with permanent or temporary disabilities are unable to live life to the fullest because they do not have insurance or funding for needed medical equipment, and

WHEREAS, the Wheelchair Recycling Project was established in Wisconsin to refurbish wheelchair and other medical equipment and to distribute free of charge to persons without financial resources; and

WHEREAS, the Wheelchair Recycling Project has worked successfully with Great Lakes Inter-Tribal Council in Wisconsin for the past several years, and would like to extend the benefits of the services to all Native Americans in need; and

WHEREAS, Wheelchair Recycling Project's work provides a unique marriage of environmental protection, community services, assistance for disabled persons, and volunteer accomplishment, and

WHEREAS, the WRP has diverted 150 tons of landfill waste in Wisconsin in 1996 and since distributed over 12,000 items to persons in need

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby endorse the Wheelchair Recycling Project's mission to expand services which provide mobility with dignity to temporary or permanently disabled Native Americans throughout Indian Country, nationally.

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established

ATTEST:

Lela Kaskalla, Recording Secretary

W. Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998

Resolution # GRB-98-054

Title: Call for Opposition to Tribal Trust Fund Settlement Act of 1998; H.R. 2732 and developed by U.S. Department of Interior

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI, and

WHEREAS, the United States of America, over a long period of time, has unilaterally assumed the role as trustee of lands and monies belonging to Indian tribes; and

WHEREAS, for the past 180 years, the United States has grossly mismanaged its trust responsibilities, such that the Government lost untold millions or billions of dollars of the tribes' money and is unable to provide the tribes with any adequate accounting of what happened to their money; and

WHEREAS, court decisions make it clear that the United States should be liable in monetary damages for any losses a tribe suffered as a result of the Government's mismanagement of the tribe's trust funds or trust resources and that under trust law principles, the burden is on the United States to account for every penny of the money that was or should have been collected, just as when tribes are unable to account for grant or contract dollars awarded to them by the United States, the tribe is compelled to pay back every penny for which it is unable to account for, and

WHEREAS, the Department of Interior has submitted proposed legislation to Congress, introduced as H R. 2732 and known as the Tribal Trust Fund Settlement Act of 1998. for settling the Government's liability for mismanagement of the tribe's trust funds and resources that places all of the burdens of proof on the tribe and that would institute a procedure that will vastly under compensate the tribes by focusing on just one small portion of the mismanagement while letting the Government off the hook for the bulk of the losses the tribes have suffered. and

WHEREAS, the Intertribal Monitoring Association on Indian Trust Funds (ITMA), a group of more than 35 tribes all of whom have funds held in trust for them by the United States. and formed to ensure that the trust funds held for tribes are properly handled and accounted for, has analyzed the Department's proposed legislation and has recommended to tribes that have funds held in trust by the United States and to the member tribes of NCAI that they strongly oppose the proposed legislation. and

WHEREAS, some tribes may still want to settle with the Federal government concerning trust fund management along the lines of the legislation proposed by the Secretary of Interior. and should have a mechanism by which to reach settlement for their trust funds

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby oppose the legislation concerning settlement of the trust funds issues as proposed by the Secretary of Interior, and

BE IT FURTHER RESOLVED, that NCAI does hereby urge Congress and the Department of Interior to meet further with tribes to formulate legislation that will fairly and fully compensate tribes for the damages they have suffered as a result of the United States' gross breach of trust by applying standard trust law principles: and

BE IT FINALLY RESOLVED, that NCAI does hereby urge all tribes and intertribal organizations to work cooperatively to develop a strong and united front to finally resolve this long-standing problem that has cost tribes so much of their money, which should have been available over the years to help us develop their economies and governments.

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum established

ATTEST:

Lela Kaskalla, Recording Secretary

W. Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998.

National Congress of American Indians

Resolution # GRB-98-062A

Title: NCAI Opposition to House of Representatives Reductions in FY99 TANF and Medicaid Appropriations

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution, and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI

WHEREAS, the United States House of Representatives has adopted the FY1999 House Budget Resolution which will reduce appropriations or the Temporary Assistance to needy families (TANF) Program by $12 Billion dollars, and

WHEREAS, this same action will result in a reduction of $10 billion dollars in appropriations for Medicaid, and

WHEREAS, NCAI believes that these reductions will result in the reduction in, or loss of servicces to native people served by these programs, particularly individuals served by tribal TANF programs

NOW THEREFORE BE IT RESOLVED, that NCAI does herby call on members of th United States Congress to restore the funds reduced by the House Budget Resolution, and

BE IT FURTHE RESOLVED, that NCAI does hereby recommend that NCAI member tribes which agree with this resolution communicate their opposition to these reductions to members of their respective Congressional delegation, and

BE IT FINALLY RESOLVED, that NCAI does hereby direct NCAI staff to forward a copy of this resolution to each member of the House Appropriations Committee

CERTIFICATION

The foregoing resolution was adopted at the 1998 Mid-Year Session of the National Congress of American Indians, held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998 with a quorum present

Lela Kaskalla, Recording Secretary

W Ron Allen, President

Adopted by the General Assembly during the 1998 Mid-Year Session held at the Regency Suites Conference Center in Green Bay, Wisconsin on June 14-17, 1998

National Congress of American Indians

THE NATIONAL CONGRESS OF AMERICAN INDIANS

Executive Committee

President
W. Ron Allen
Jamestown S'Klallam Tribe

First Vice President
Ernie Stevens Jr.
Oneida Nation of Wisconsin

Recording Secretary
S. Diane Kelley
Chickaw Nation

Treasurer
Gerald (Gerry) L. Hope
Ketchikan Indian Corporation

Area Vice Presidents

Aberdeen Area
Russell (Bud) Mason
Three Affiliated Tribes

Albuquerque Area
Joe Garcia
San Juan Pueblo

Anchorage Area
Mark Hood
[illegible] Tribe

Billings Area
John Sunchild Sr.
Chippewa Cree Tribe

Juneau Area
Edward K. Thomas
Central Council Tlingit and Haida

Minneapolis Area
Marge Anderson
Mille Lacs Band of Ojibwe

Muskogee Area
Ron Duncan
Chickasaw Nation

Northeast Area
Ken Phillips
Oneida Nation of New York

Phoenix Area
Arlan D. Melendez
Reno Sparks Indian Colony

Portland Area
Bruce Wynne
Spokane Tribe

Sacramento Area
Joana Majel
Pauma Band of San Luiseno

Southeast Area
Jim Hardin
Lumbee Tribe

Executive Director
LaNada K. Chase
Martin Hilario S. Andrews

2010 Massachusetts Ave. NW
Second Floor
Washington, DC 20036
202 466 [illegible]
202 [illegible]

RESOLUTION # SFE-97-049

Title: To Support the Revitalization and Continued Federal Funding for IAIA

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local tribal concerns, and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, the Institute of American Indian Arts is a National Fine Arts College devoted solely to the teaching, and preservation of American Indian and Alaska Native Arts and Culture; and

WHEREAS, the NCAI has been made aware of the Congressional decision to terminate Federal funding for the Institute of American Indian Arts in FY 99, and

WHEREAS, the Institute of American Indian Arts has educated approximately 4,000 American Indian/Alaska Native students since its inception in 1962, and

WHEREAS, the NCAI is cognizant of the positive impact the IAIA has on the recognition of American Indian/Alaskan Native Cultures via the arts; and

WHEREAS, the NCAI is strongly committed to the enrichment and preservation of American Indian/Alaska Native cultures and art and to the continuance of the IAIA; and

WHEREAS, the Board of Trustees of the Institute of American Indian Arts has communicated to NCAI and asked for the advice and assistance of NCAI and tribal leaders as it works to immediately address the problems of IAIA and revitalize its dedication to Indian and Alaskan Native Arts and Culture; and

THEREFORE BE IT RESOLVED, that the NCAI offers its support to the IAIA Board of Trustees and appropriate others to begin a process to.

1. Explore alternative models of governance,
2. Ensure Indian and Native Alaskan Administrative Leadership,
3. Identify potential new funding mechanisms, both governmental and private,
4. Involve the Congress, tribal Governments, the AIHEC, the IACA, the NIEA, the NCAI, and other appropriate entities in this most important endeavor,
5. Modify IAIA models of governance, funding and operations for continued existence and contributions to education, cultures and the arts, and

BE IT FURTHER RESOLVED, that the NCAI is in full support of the IAIA Board of Trustees efforts to rebuild and restructure the Institute of American Indian Arts and hereby urges the President of the United States and the U.S Congress to restore federal funding for IAIA beyond 1999

CERTIFICATION

The foregoing resolution was adopted at the 54th Annual Session of the National Congress of American Indians, held at the Sweeney Convention Center in Santa Fe, New Mexico on November 16-21, 1997 with a quorum present.

W. Ron Allen

W. Ron Allen, President

ATTEST:

Lela Kaskalla

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 54th Annual Session held at the Sweeney Convention Center, Santa Fe, New Mexico on November 16-21, 1997

NATIONAL CONGRESS OF AMERICAN INDIANS

EXECUTIVE COMMITTEE

PRESIDENT
W Ron Allen
Jamestown S'Klallam Tribe

FIRST VICE PRESIDENT
Ernie Stevens, Jr
Oneida Nation of Wisconsin

RECORDING SECRETARY
Lela Kaskaila
Hopi Pueblo

TREASURER
Russell (Bud) Mason
Three Affiliated Tribes

AREA VICE PRESIDENTS

ABERDEEN AREA
Gerald M Clifford
Oglala Sioux

ALBUQUERQUE AREA
Joe A Garcia
Okkay Owingeh
San Juan Pueblo

AMARILLO AREA
Gary McAdams
Wichita & Affiliated Tribes

BILLINGS AREA
Earl Old Person
Blackfeet Tribe

JUNEAU AREA
Steve Ginnis
Native Village of Fort Yukon

MINNEAPOLIS AREA
Bernida Churchill
Mille Lacs Band of Ojibwe

MUSKOGEE AREA
S Diane Kelley
Cherokee Nation

NORTHEAST AREA
Michael W Schindler
Seneca Nation of Indians

PHOENIX AREA
Ivan Makil
Salt River Pima-Maricopa

PORTLAND AREA
Henry Cagey
Lummi Nation

SACRAMENTO AREA
Cheryl A. Seidner
Table Bluff Reservation/Wiyot

SOUTHEAST AREA
A. Bruce Jones
Lumbee Tribe

EXECUTIVE DIRECTOR

JoAnn K. Chase
Mandan, Hidatsa & Arikara

March 3, 1999

The Honorable Ben Nighthorse Campbell
Chairman
Senate Committee on Indian Affairs
United States Senate
Washington, D.C 20510

Dear Mr. Chairman:

On behalf of the National Congress of American Indians (NCAI), I would like to thank you again for the opportunity to present testimony on the President's FY2000 budget before the Senate Indian Affairs Committee on February 24, 1999. Listed below are responses to the questions forwarded by letter on that same day.

1. *TPA was begun to allow tribes flexibility in solving local problems Is there any reason to suspect that tribes are "abusing" TPA funds to the extent that TPA should be done away with?*

   There is absolutely no reason to suspect that "abuse" of TPA funds is occurring at the local tribal level. In fact, quite the opposite is true in that tribal governments are utilizing TPA funds and re-designing programs to best meet the needs of their respective tribal communities. TPA funding represents vital core funding— the only dependable recurring federal resources available to tribes to provide basic governmental services to their members; including such services as education, training, housing, public safety, infrastructure, economic development and resources management. These funds may be utilized within flexibly-designed programs and reallocated between the many competing responsibilities at the local level. While there may be some limited examples of tribal governmental "abuse" or "mis-use" of these funds, these examples are an anomaly rather than the norm and would not make a compelling argument that TPA funds should be questioned or eliminated.

1301 Connecticut Avenue NW, Suite 200, Washington, DC 20036 202 466 7767 fax 202.466 7797

Letter to Chairman Nighthorse Campbell
March 3, 1999
Page 2

2. *Historically, the programs in the Department of Commerce have not been made accessible to tribes. Does the NCAI support legislation I introduced with Senator Inouye to require a central, coordinating office for these programs?*

Yes, NCAI supports S. 401, the Native American Business Development, Trade Promotion, and Tourism Act of 1999. As you are well aware, tribal governments have traditionally gone to the BIA for all of their funding needs. With that precedent set, most other federally agencies also expect tribes to go to the BIA for funding. This has created problems especially for Native American businesses in accessing more "nontraditional" programs for funding For this reason, NCAI is encouraged that under S. 401, the Office of Native American Business Development would be created to coordinate federal programs that provide financial and technical assistance to increase business and the expansion of trade and economic development in Indian Country NCAI believes that the solution to the poor conditions in Indian Country must be a reinvigorated approach to economic development and we support S 401 as a means of advancing this goal.

3 *One of the major problems we face is in determining the actual level of needs funding in Indian Country Has the BIA/Tribal Workgroup on TPA tried to develop a standardized method to measure need?*

Yes, the BIA/Tribal Workgroup on TPA has developed a comprehensive model and conducted an initial analysis to quantify the level of unmet need in Indian Country This model quantifies a level of need for the programs, functions, and activities that are supported with TPA funds and identifies what portion of that need is in fact being met with the current funding levels. An expected outcome from this exercise was that a measuring instrument would be developed that would allow for a tribe by tribe comparison of the level of needs being funded through the TPA.

The Workgroup has attempted to identify comparable functions and activities that other governments (federal, state, local) provide that are the same as, or similar to, the functions and activities tribal governments provide with TPA funding After a comparable service was identified, a unit cost for the provision of that service was determined as a measurable standard Using the total TPA funding amount for each service, the average unit cost that tribes are receiving was compared to the amount being expended by the other governmental units A simple mathematical calculation was then made to show the amount of funding adjustment needed to bring tribes to a comparable spending level for the particular function or activity: amount

spent per unit by others - TPA amount spent per unit = need x number of units = total unmet need.

While the format and comparables used in the national aggregate analysis appeared to be viable, it is difficult to determine if such a definition of need could be used as a measuring devise at the local level. A sampling of tribes from each area volunteered to provide tribal specific data to test the concept. In addition to the TPA funds being spent in providing the identified services, the tribes were asked to indicate the amount of tribal funds that were being used to support that service. No distinction was made as to the source of the tribal revenues that were being used. Twenty tribes volunteered and have provided information. We recognize this is a very small sample and that no definitive conclusions or extrapolations can be made from this information, but the trends are very informative.

In it's initial review of this analysis, the Workgroup has found that TPA funding lags significantly behind what other non-Indian entities are expending to provide the same services. In many cases, the TPA provides less than one third of the resources being used by other governmental entities. The Workgroup is currently in the process of completing it's analysis and final report to be submitted to the Congress on April 1, 1999.

Mr Chairman, I would like to reiterated that NCAI views the FY2000 federal budget process as an opportunity to begin to set a better course for federal Indian policymaking in the next century As you know, tribal leaders have set as an important goal that tribal budgets must become a higher priority within the appropriations process since programs serving the Indian population have rarely received the federal funding required to fulfill even the most basic needs. NCAI believes that the federal budget for FY2000 can do much to build the necessary infrastructure of roads, schools, housing, child and elder care, hospitals, clinics, technology, law enforcement, courts and other critical elements of any functioning economy in the United States

If you have any further questions, please call me or JoAnn K. Chase, NCAI Executive Director at (202) 466-7767.

Sincerely,

W. Ron Allen
President

PREPARED STATEMENT OF THE
NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCATION
PRESENTED BY
THE HONORABLE JILL E. SHIBLES, PRESIDENT
NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION
CHIEF JUDGE, MASHANTUCKET PEQUOT TRIBAL COURT
P.O. BOX 3126
MASHANTUCKET, CT 06339
(860) 396-6156
FAX: (860) 396-6320
E-MAIL: jshibles@mptn.org
naicja@snet.net

SUBMITTED TO THE
UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS
OVERSIGHT HEARING ON THE PRESIDENT'S BUDGET REQUEST
FOR INDIAN PROGRAMS FOR FY2000
WASHINGTON, DC
FEBRUARY 24, 1999

INTRODUCTION

Chairman Campbell, Vice Chairman Inouye and distinguished members of the Committee, my name is Jill E. Shibles. I am a member of the Penobscot Nation of Maine, I am the Chief Judge of the Mashantucket Pequot Tribal Court and I serve as the President of the National American Indian Court Judges Association ("NAICJA"). Thank you for the invitation to address the President's Budget Request for Indian programs for FY2000, particularly with respect to proposed funding for Tribal Courts. This year NAICJA, a national membership association governed by a sixteen member board of tribal judges representing the over 250 tribal justice systems and Indian Code of Federal Regulation (CFR) courts across the country, celebrates its 30th anniversary. NAICJA's mission is to strengthen and enhance tribal justice systems nationally. We hope that after thirty years of hard work and struggle to maintain peace in our homelands, that FY2000 will be the year that tribal justice systems receive the funding that is so urgently needed.

TRIBAL JUDICIAL RESPONSE TO VIOLENT VICTIMIZATION

"American Indians are the victims of violent crimes at more than twice the rate of all U.S. residents," reported the Justice Department's Bureau of Justice Statistics just ten days ago. What was not a surprising finding to tribal judges is that offender use of alcohol was a major factor in incidents of crime involving American Indians. The BJS found that Native Americans reported that in 46% of all violent victimizations that the offender had been drinking. Approximately 70% of jailed Native Americans convicted of violence reported that they had been drinking at the time they committed the offense. It would not be unreasonable to estimate that close to 90% of all Native Americans charged with offenses in tribal courts were either drinking at the time of the crime or are charged with an alcohol related offense. It is clear that alcohol has had a particularly toxic impact on Native communities. Almost 4 in 10 Native Americans held in local jails had been charged with a public order offense, most commonly, driving while intoxicated.

The BJS study results should come as no surprise to the Committee. These latest statistics simply reaffirm the frighteningly high disproportionate rate of violent crime in Indian Country which triggered the Indian Country Law Enforcement Initiative. Native American communities across the country can look forward to increased law enforcement presence as a result of this Committee and Congress' commitment to addressing the public safety crisis on our reservations. While we applaud the increase in funding of Indian law enforcement by over 80%, or $108 million, to pay for new jails, patrol cars and up to 1,000 officers, the tribal courts are alarmed at the lack of corresponding Indian courts funding. Increased law enforcement will inevitably lead to an increase in tribal court caseloads in already overwhelmed systems, yet only $5 million, or 4.6% of the increase appropriated for

law enforcement has been set aside for tribal courts.[1] Given the more than 250 tribal justice systems, that amount won't stretch very far.[2] The ability of tribal courts to absorb this new caseflow will be seriously jeopardized. Ever since 1993, the year the Indian Tribal Justice Act was enacted, tribal court base funding has decreased. Another factor that compounds the chronic underfunding is the significant number of new tribal courts that have been established.

Tribal justice systems are already inadequately funded and the lack of adequate funding impairs their operation.[3] With the addition of 1,000 new police officers, one can only imagine the potential impact on these stressed systems. We support the request of the Bureau of Indian Affairs to increase Tribal Court funding, (albeit in an extremely modest and insufficient amount) as it is an indispensable component to ensuring the success of the Initiative. Without adequately staffed and trained tribal judiciaries to handle the influx of new criminal prosecutions, the goal of providing to 1.4 million Native Americans who live on or near Indian lands the same "protection of their basic rights, a sense of justice, and freedom from

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[1]See NAICJA Resolution 98-13, "Funding of Department of Justice Tribal Court Programs and Indian Tribal Justice Act" (requesting an increase in the funding directed to the Indian court project portion of the Indian Country Law Enforcement Initiative to the amount of $30 million) (Copies of all cited NAICJA resolutions are attached.)

[2]Another concern is the limiting language placed on the $5 million which will eventually be distributed among a few tribes on a one-time competitive grant basis. NAICJA's Board of Directors believes that if so little funding is to be provided, (which will obviously not meet the existing need of individual tribal justice systems) that there should be statutory and/or regulatory provisions allowing for the funding of tribal justice enhancement and capacity building projects of a national scope--which could provide a benefit to each and every tribal justice system. Such projects could include· judicial and court staff scholarships to attend relevant training in development and implementation of court rules of procedure and evidence; exploration of prevention strategies for domestic violence, gang violence, child abuse and substance abuse through court intervention; and the development and sharing of model codes, procedures, court forms and benchbooks.

[3]The 1991 United States Civil Rights Commission found that "the failure of the United States Government to provide proper funding for the operation of tribal judicial systems . . has continued for more than 20 years." The Indian Civil Rights Act· A Report of the United States Civil Rights Commission, June 1991, p 71. Moreover, the Commission asserted that "If the United States Government is to live up to its trust obligations, it must assist tribal governments in their development . . " Eight years ago, the Commission "strongly support[ed] the pending and proposed congressional initiatives to authorize funding of tribal courts in an amount equal to that of an equivalent State court" and was "hopeful that this increased funding will allow for much needed increases in salaries for judges, the retention of law clerks for tribal judges, the funding of public defenders/defense counsel, and increased access to legal authorities."

fear" enjoyed by Americans at large, will not be attained.[4]

JUSTICE TAKES TIME AND MONEY

Substance abuse, particularly abuse of alcohol, has long ranging effects on Native communities. Not only does it manifest itself in dramatically higher rates of both adult and juvenile crime, but it contributes to the destruction of families and most tragically, to the ill health of Native American children suffering from Fetal Alcohol Affect and Syndrome. The BJS study confirms what tribal judges and tribal communities have known all aiong. While $400,000 will be insufficient to meet the vast need for sobriety and prevention efforts, we urge you to support the establishment of the Office of Alcohol and Substance Abuse which will provide training and technical assistance for the development of prevention programs.

In the past two years, increasing numbers of tribal courts are beginning to utilize the Drug Court Program of the Department of Justice. The results of these programs are extremely promising. The continued funding of the Drug Court Program is a wise investment.[5] One component of a successful Drug Court (sometime known as a "Wellness Court" in Indian Country) is the weekly involvement of the tribal judge in the supervision of the offender through regular court appearances. Tribal courts routinely take a significant amount of time and deliberation in considering the entire situation surrounding the commission of a crime on the reservation. The current restorative justice and victim's rights national movements can find their origins in Native systems. All of these approaches can be highly effective; however, they are extremely time and labor intensive. Add the influx of new criminal cases, most likely involving abuse of alcohol, being filed as a consequence of the Initiative, and the demand on the tribal judge becomes insupportable. It is crucial that all of these components be considered and BIA base funding (TPA) for tribal courts sufficient to increase the number of full time judges and to move part-time judges to full-time status be authorized and appropriated.[6]

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[4]Final Report of the Executive Committee for Indian Country Law Enforcement Improvements, p. 4.

[5]See NAICJA Resolution No. 98-15, "Commending to President Clinton the Efforts of the Attorney General Janet Reno and the Department of Justice."

[6]See NAICJA Resolution No. 98-12, "Increase of Tribal Court Tribal Priority Allocation and Funding of Indian Tribal Justice Act," (calling for the increase of the TPA appropriation for tribal courts to be increased from $11.4 million to $15.5 million and for full funding of the $58 million authorized by the Tribal Justice Act.)

ECONOMIC POTENTIAL RESTS ON THE TRIBAL JUDICIARY

During the 1990's, America has enjoyed a period of great economic prosperity. Unfortunately as of this date, economic success in Indian Country has not been achieved for the vast majority of tribal nations and their members. Rather, poverty levels for Native Americans have risen while Federal spending has dropped to about half of what it was twenty years ago.[7] It is widely accepted that economic development is the future of self-sufficiency in Indian Country.

A developer and vendor of court case management computer software, in boasting about his company's international sales success, recently noted that when a developing country seeks to attract businesses to set up shop, the first step it takes is to establish a fair and capable judicial system. Tribes are realizing, just as are the former Soviet Republics, Haiti and many other nations throughout the world, that one cannot do business in a global economy without stability, certainty and efficiency in legal relationships.[8] Tribal courts, therefore, are an integral part of the emerging economic development of Indian Country.

Effective and efficient resolution of disputes arising from commercial dealings is an essential component of the governance infrastructure which tribes must provide. Businesses are keenly aware of the need to have relative certainty in the outcome of commercial litigation. Such certainty is a part of the risk assessment they do for siting business enterprises. They also take into account the availability of clear and detailed commercial laws which may be interpreted and enforced by competent judiciaries. Tribal courts are, therefore, a focal point in the infrastructure necessary for successful economic development to take place.

The Bureau of Indian Affairs acknowledges that its fundamental responsibilities are: (1) to fulfill the United States' trust obligations to Indian tribes which emanate from treaties, the U.S. Constitution, federal laws, court decisions and other agreements, and (2) to facilitate tribal self-determination.[9] Its efforts to meet these federal responsibilities are brought up short by Congress' twenty year

---

[7]In 1979, 28% of Native Americans were living below poverty level During that same year, Indian program spending was a total of $4.4 billion in 1990 dollars. By 1989, 31% of Native Americans were living in poverty, but Indian program spending dropped to $2.5 billion. Bureau of Indian Affairs Overview of FY 2000 Budget Request, p. 8, (quoting 1990 U.S. Census data).

[8]Honorable Daniel E. Wathen, Chief Justice, Maine Supreme Court, "The State of the Judiciary: A Report to the Joint Convention of the 117th State of Maine Legislature", February 1995.

[9] Bureau of Indian Affairs Overview of FY 2000 Budget Request, p. 8. This trust responsibility, however, does extend to every federal department, agency, bureau and office.

legacy of failing to provide proper funding for the operation of the tribal court systems.[10] To address this serious inequity, Congress authorized in the Indian Tribal Justice Act of 1993 annual funding beginning in fiscal year 1994 and running through fiscal year 2000 in the amount of fifty eight million dollars ($58,000,000.00) per year. So far Congress has yet to appropriate a single dollar under these authorizations. There are several members of the Committee still remaining from that time who remember all the study and effort that went into the passage of the Act. The Act remains as an unfulfilled promise to tribal justice systems. The time has come for that promise to be honored.

We ask that the Committee support the BIA's request of $2.6 million to provide initial funding for implementation of the Act. While the funding request falls far short of the authorized $58 million, if enacted, the funds could be used for planning, development and operation of tribal justice systems, including: training, code, procedure and benchbook development, records and case management and exploration of culturally based innovative prevention programs. Given the current public safety crisis in Indian Country and the long standing financial starvation of tribal justice systems, these funds are essential if we are to start to turn the situation around in Indian Country.

CONCLUSION

Tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities. They are the keystone to tribal economic development and self-sufficiency. Any serious attempt to fulfill the federal government's trust responsibility to Indian nations, must include increased funding and enhancement of tribal justice systems.

Woli won for the opportunity to comment on the President's Budget Request for Indian programs for FY2000 with respect to proposed modest funding for Tribal Courts.

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[10]The 1991 United States Civil Rights Commission found that "the failure of the United States Government to provide proper funding for the operation of tribal judicial systems . . . has continued for more than 20 years." The Indian Civil Rights Act: A Report of the United States Civil Rights Commission, June 1991, p. 71. The Commission also noted that "[f]unding for tribal judicial systems may be further hampered in some instances by the pressures of competing priorities within a tribe." Moreover, the Commission opined that "If the United States Government is to live up to its trust obligations, it must assist tribal governments in their development . . ." Seven years ago, the Commission "strongly support[ed] the pending and proposed congressional initiatives to authorize funding of tribal courts in an amount equal to that of an equivalent State court" and was "hopeful that this increased funding will allow for much needed increases in salaries for judges, the retention of law clerks for tribal judges, the funding of public defenders/defense counsel, and increased access to legal authorities."

NATIONAL AMERICAN INDIAN
COURT JUDGES ASSOCIATION

1301 Connecticut Avenue NW
Suite 200
Washington DC 20036
Telephone (860) 396-6319
Fax (860) 396-6320
e-mail naicja@snet net

DIRECTORS

JILL E SHIBLES
Mashantucket Pequot
Mashantucket CT
President

MARY T WYNNE
Colville
Nespelem, WA
First Vice President

DON SOLLARS
Blackfeet
Browning, MT
Second Vice-President

IRENE TOLEDO
Navajo
Crownpoint NM
Secretary

JOE JOHNSON
Muscogee Creek
Okmulgee OK
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ED FRYE
Muscogee Creek
Okmulgee OK
Director

CLARENCE MCDADE
Reno-Sparks
Reno, NV
Director

ELBRIDGE COOCHISE
Intertribal Court of Appeals
Phoenix, AZ
Director

A T STAFNE
Fort Peck
Poplar, MT
Director

EUGENE WHITE-FISH
Forest County Potawatomi
Crandon, WI
Director

LEROY GREAVES
Rosebud Sioux
Yankton, SD
Director

WESLEY W ATAKAI
Navajo
Tuba City, AZ
Director

EARNEST RAY WHITE
Poarch Creek
Atmore, AL
Director

NEIL T FLORES
Colorado River
Parker, AZ
Director

ROMAN DURAN
Tesuque Pueblo
Santa Fe NM
Director

RESOLUTION NO. 98-12

Title: Increase of Tribal Court Tribal Priority Allocation and Funding of Indian Tribal Justice Act

WHEREAS, the National American Indian Court Judges Association ("Association") was incorporated in the State of Delaware on March 31, 1969, and

WHEREAS, the objectives and purposes of the Association include (a) to foster the continued development, enrichment and funding of tribal justice systems as a visible exercise of tribal sovereignty and self-government, (b) to provide continuing education for tribal judges and tribal justice staff members in order to promote and enhance the operation of the tribal judiciary, (c) to further the public knowledge and understanding of tribal justice systems; and

WHEREAS, the Board of Directors are delegated with the responsibility to carry out the objectives and purposes of the Association, and

WHEREAS, while the crime rate, especially the violent crime rate, has been increasing substantially in Indian country; and

WHEREAS, tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities - with adequate resources and training, tribal justice systems are in the best position to institute crime prevention and peacekeeping, and

WHEREAS, fulfilling the federal government's trust responsibility to Indian Nations means not only adequate federal law enforcement in Indian Country, but enhancement of tribal justice systems as well, and

WHEREAS, there is no question that tribal justice systems are currently, and historically have been, substantially under-funded. Tribal courts agonize over the very same issues as federal and state courts, but tribal courts must address these complex issues with far fewer financial resources; and

WHEREAS, as increased funding and improvements are provided for law enforcement services in Indian country, there must be a corresponding increase in funds for judicial services to deal with the increased caseloads; and

WHEREAS, in 1991, the U S Civil Rights Commission found that "the failure of the United States Government to provide proper funding for the operation of tribal judicial systems has continued for more than 20 years," and

WHEREAS, Congress recognized the needs of tribal courts when it enacted the Indian Tribal Justice Act (Public Law 103-176) in 1993 and included specific Congressional findings that "tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments"

Resolution No 98-12
Page 2

and "tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation," and

WHEREAS, while the Indian Tribal Justice Act promised more than $58 million per year in additional funding for tribal court systems starting in FY94, no funding has yet been appropriated under the Act In fact, the inadequate BIA funding for tribal court systems has actually significantly decreased since the Act was passed. The BIA again failed to request funding under the Act for fiscal year 1999, and

WHEREAS, the needs of tribal justice systems has been adequately documented - (a) Congress recognized the need when Congress authorized $58 million in annual funding under the Indian Tribal Justice Act (ITJA) in 1993, (b) this need has only increased in the five long years since the ITJA was enacted in 1993, and (c) the ITJA does not require the completion of the Survey of Tribal Judicial Systems before funding can be requested and the bureaucratic delays in completing the survey should not be used as an excuse for failing to request funding under the ITJA

NOW THEREFORE BE IT RESOLVED THAT the Association respectfully requests that the Department of the Interior increase the Tribal Priority Allocation (TPA) appropriations for tribal courts from the FY 98 level of $11 4 million to at least the $15 5 million in funding provided when Congress enacted the Indian Tribal Justice Act in 1993, and

BE IT FURTHER RESOLVED THAT the Association respectfully requests that the Department of the Interior request full funding of $58 million promised under the Indian Tribal Justice Act for FY 2000 and subsequent years, and

BE IT FURTHER RESOLVED THAT the Association respectfully requests that in the event that the Department of the Interior does not plan to request full funding of the Indian Tribal Justice Act, the Department of the Interior transfer authority to request funding under the Indian Tribal Justice Act to the Department of Justice

CERTIFICATION

The foregoing resolution was considered and adopted by the Board of Directors of the National American Indian Court Judges Association on the 15th of August 1998 and the vote was 8 in favor, 0 opposed, and 0 abstaining

JUDGE JILL E. SHIBLES, PRESIDENT
National American Indian Court Judges Association

JUDGE IRENE TOLEDO, SECRETARY
National American Indian Court Judges Association

NATIONAL AMERICAN INDIAN
COURT JUDGES ASSOCIATION

1301 Connecticut Avenue NW
Suite 200
Washington, DC 20036
Telephone (860) 396 6319
Fax (860) 396 6320
e mail naicja@snet net

DIRECTORS

JILL E SHIBLES
Mashantucket Pequot
Mashantucket CT
President

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Colville
Nespelem WA
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Poarch Creek
Atmore AL
Director

NEIL T FLORES
Colorado River
Parker, AZ
Director

ROMAN DURAN
Tesuque Pueblo
Santa Fe, NM
Director

RESOLUTION NO. 98-13

Title: Funding of Department of Justice Tribal Courts Program and Indian Tribal Justice Act

WHEREAS, the National American Indian Court Judges Association ("Association") was incorporated in the State of Delaware on March 31, 1969, and

WHEREAS, the objectives and purposes of the Association include (a) to foster the continued development, enrichment and funding of tribal justice systems as a visible exercise of tribal sovereignty and self-government, (b) to provide continuing education for tribal judges and tribal justice staff members in order to promote and enhance the operation of the tribal judiciary, (c) to further the public knowledge and understanding of tribal justice systems, and

WHEREAS, the Board of Directors are delegated with the responsibility to carry out the objectives and purposes of the Association, and

WHEREAS, while the crime rate, especially the violent crime rate, has been increasing substantially in Indian country, and

WHEREAS, tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities - with adequate resources and training, tribal justice systems are in the best position to institute crime prevention and peacekeeping, and

WHEREAS, fulfilling the federal government's trust responsibility to Indian Nations means not only adequate federal law enforcement in Indian Country, but enhancement of tribal justice systems as well; and

WHEREAS, there is no question that tribal justice systems are currently, and historically have been, substantially under-funded Tribal courts agonize over the very same issues as federal and state courts, but tribal courts must address these complex issues with far fewer financial resources, and

WHEREAS, as increased funding and improvements are provided for law enforcement services in Indian country, there must be a corresponding increase in funds for judicial services to deal with the increased caseloads, and

WHEREAS, in 1991, the U S Civil Rights Commission found that "the failure of the United States Government to provide proper funding for the operation of tribal judicial systems has continued for more than 20 years," and

WHEREAS, Congress recognized the needs of tribal courts when it enacted the Indian Tribal Justice Act (Public Law 103-176) in 1993 and included specific Congressional findings that "tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments" and

Resolution No 98-13
Page 2

"tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation;" and

WHEREAS, while the Indian Tribal Justice Act promised more than $58 million per year in additional funding for tribal court systems starting in FY94, no funding has yet been appropriated under the Act. In fact, the inadequate BIA funding for tribal court systems has actually significantly decreased since the Act was passed and the BIA again failed to request funding under the Act for fiscal year 1999; and

WHEREAS, the Joint Department of Justice-Department of the Interior Indian Country Law Enforcement Initiative if fully funded would provide an additional $182 million in fiscal year 1999 funding ($157 5 million through the Department of Justice) for law enforcement in Indian Country, including $10 million to establish an Indian Tribal Court Program at the Justice Department, and

WHEREAS, the needs of tribal justice systems has been adequately documented - (a) Congress recognized the need when Congress authorized $58 million in annual funding under the Indian Tribal Justice Act (ITJA) in 1993, (b) this need has only increased in the five long years since the ITJA was enacted in 1993, and (c) the ITJA does not require the completion of the Survey of Tribal Judicial Systems before funding can be requested and the bureaucratic delays in completing the survey should not be used as an excuse for failing to request funding under the ITJA

NOW THEREFORE BE IT RESOLVED THAT the Association respectfully requests that the Department of Justice increase funding for the Indian Tribal Courts Programs from the $10 million requested for FY 1999 to a $30 million request for FY 2000, and

BE IT FURTHER RESOLVED THAT the Association respectfully requests that the Department of Justice work with the Department of the Interior to encourage the Department of the Interior to request full funding of the Indian Tribal Justice Act in FY 2000, and

BE IT FURTHER RESOLVED THAT the Association respectfuliy requests that in the event that the Department of the Interior does not request full funding of the Indian Tribal Justice Act for FY 2000, then the Department of Justice seek to have the authority to request funding under the Indian Tribal Justice Act transferred to the Department of Justice

CERTIFICATION

The foregoing resolution was considered and adopted by the Board of Directors of the National American Indian Court Judges Association on the 15th of August 1998 and the vote was 8 in favor, 0 opposed, and 0 abstaining

Jill E. Shibles

JUDGE JILL E. SHIBLES, PRESIDENT
National American Indian Court Judges Association

Irene Toledo (js)

JUDGE IRENE TOLEDO, SECRETARY
National American Indian Court Judges Association

NATIONAL AMERICAN INDIAN
COURT JUDGES ASSOCIATION

1301 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
Telephone (860) 396-6319
Fax (860) 396 6320
e-mail naicja@snet.net

DIRECTORS

HILL F. SHIBLES
Mashantucket Pequot
Mashantucket CT
President

MARY T. WYNNE
Colville
Nespelem WA
First Vice President/ Treasurer

DON SOLLARS
Blackfeet
Browning MT
Second Vice President

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Navajo
Crownpoint, NM
Secretary

JOE JOHNSON
Muscogee Creek
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Coeur D'Alene
Plummer, ID
Director

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Santa Fe NM
Director

RESOLUTION NO. 98-15

Commending to President Clinton the Efforts of Attorney General Janet Reno and the Department of Justice

WHEREAS, the National American Indian Court Judges Association ("Association") was incorporated in the State of Delaware on March 31, 1969, and

WHEREAS, the objectives and purposes of the Association include (a) to foster the continued development, enrichment and funding of tribal justice systems as a visible exercise of tribal sovereignty and self-government, (b) to provide continuing education for tribal judges and tribal justice staff members in order to promote and enhance the operation of the tribal judiciary, (c) to further the public knowledge and understanding of tribal justice systems, and

WHEREAS, the Board of Directors are delegated with the responsibility to carry out the objectives and purposes of the Association, and

WHEREAS, since her appointment in 1994, Attorney General Janet Reno has lead the United States Department of Justice in efforts to effectuate the government-to-government relationship between Indian tribes and the United States, and

WHEREAS, tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities,

WHEREAS, the Attorney General has spearheaded efforts to enhance the operation of tribal justice systems by seeking funding through the Indian Country Law Enforcement Initiative, by providing technical assistance and training through the resources available through the Office of Justice Programs and by facilitating improved working relationships between the federal, state and tribal justice systems through the efforts of the Tribal Courts Project;

NOW THEREFORE BE IT RESOLVED, that NAICJA commends to President William Jefferson Clinton, the extraordinary efforts of the Attorney General, and the Department of Justice, particularly Thomas LeClaire, Director, Mark Van Norman, Deputy Director, Soo Song, Deputy Director, Office of Tribal Justice, Norena Ann Henry, Director, American Indian and Alaska Native Affairs Office, Office of Justice Program, and Terri L. Henry, Tribal and Rural Affairs Associate, Violence Against Women Grants Office, Office of Justice Programs to strengthen and enhance tribal justice systems nationally

CERTIFICATION

The foregoing resolution was considered and adopted by the Board of Directors of the National American Indian Court Judges Association at its meeting at Mashantucket, CT on the 15th of August 1998 and the vote was 8 in favor, 0 opposed, and 0 abstaining

JUDGE JILL E SHIBLES, PRESIDENT
National American Indian Court Judges Association

JUDGE IRENE TOLEDO, SECRETARY
National American Indian Court Judges Association

NATIONAL AMERICAN INDIAN
COURT JUDGES ASSOCIATION
Established in 1969

1301 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
Telephone (860) 396-6319
Fax (860) 396-6320
e-mail naicja@snet.net

DIRECTORS

JILL E SHIBLES
Mashantucket Pequot
President

MARY T WYNNE
Northwest Intertribal
First Vice President

DON SOLLARS
Montana Intertribal
Second Vice President

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Director

GERALD GARDNER
Administrator

March 2, 1999

Honorable Ben Nighthorse-Campbell
Chairman
United States Senate
Committee on Indian Affairs
Washington, DC 20510-6450

Dear Senator Campbell:

Thank you for the opportunity to present testimony regarding the President's FY 2000 budget before the Senate Indian Affairs Committee last week. In response to your questions as set forth in your letter of February 24, 1999, I am providing to you the following answers on behalf of the Association:

1. Has your association found any correlation between the development of tribal courts and reservation economies?

There is a very clear correlation between the development, or increased use, of tribal courts and growth of reservation economies. Many tribes have, in fact, moved toward improving economic conditions in their communities by establishing and supporting tribal judiciaries which provide impartial and efficient resolution of commercial disputes. (See attached Testimony of Donald R Wharton and Jill E. Shibles Before the Senate Committee on Indian Affairs, April 9, 1998). Tribes are increasingly requiring, as provisions of contracts with vendors to tribal businesses, that the tribal court be the forum to resolve disputes. Tribal waivers of sovereign immunity frequently provide that the tribal court will have exclusive jurisdiction over claims brought pursuant to any such waiver. Such claims may include: contract disputes, tort actions, employment matters and civil rights claims. Where tribal economies are thriving, tribal courts handle hundreds of cases involving torts, contracts, employment, regulatory and administrative appeals, secured transactions, and an array of criminal matters. The advent of Indian gaming has brought a new type of case to the tribal court as seen in Abdo v. Fort Randall Casino, 957 F. Supp. 1111, 1114 (D.S.D. 1997) which involved a suit of an ex-casino manager against a tribal casino, which was independently cognizable under the Indian Gaming Regulatory Act.

As tribal businesses prosper and tribal members benefit from the improving tribal economy, the tribal court often experiences an increase in caseload in such areas as: paternity establishment, child support, tribal income distribution challenges, guardianship and probate matters.

Moreover, the "presumptive" tribal court jurisdiction rule recognized by the United States Supreme Court in Iowa Mut. Ins. Co. v. LaPlante, 480 U.S. 9, 14 (1987) and the "tribal court exhaustion" rule established by the holding of National Farmers Union Ins. Co. v. Crow Tribe of Indians, 471 U.S. 845, 856 (1985) have reemphasized the need for tribes to have strong and competent tribal judiciaries in place.

2. Is there any mechanism that tribes now have to combine the many alcohol services and programs to address this problem?

This question presupposes that there are many alcohol services and programs available to the tribes and their tribal courts. Unfortunately, as tribal judges, we are unaware of such programs. We most often utilize the limited substance abuse services available through Indian Health Services. If a tribe is fortunate, its tribal clinic can offer on-site counseling services and may be able to refer a tribal member to an off-reservation detoxification or 30 day program, such as Partridge House in New York or Cherokee in North Carolina. Tribal half-way house programs designed to give the recovering tribal member a supportive environment to utilize newly acquired sobriety tools, are virtually non-existent. It is believed, by substance abuse professionals treating reservation Indians, that this lack of a half-way house program is a primary reason why the patient relapses. Prevention efforts directed to assist at-risk Indian youth are sporadic and short-lived at best due to the lack of adequate funding.

The Association supports the BIA's request to establish an Office of Alcohol and Substance Abuse because the stated intent of the BIA for this program is "to provide training and technical assistance on prevention efforts and implementation by tribes of their Tribal Action Plans regarding programs designed to reduce the incidents of alcohol and substance abuse in their communities," which we see as an unmet critical need in our tribal communities. (Opening Statement of Kevin Gover, Assistant Secretary - Indian Affairs, Testimony before the Senate Committee on Indian Affairs, February 24, 1999, p. 12). The Drug Court Program, which is just starting to be implemented in

Indian Country, only applies to persons who are already involved in the tribal court system due to criminal behavior, it does not focus on prevention efforts.

In answer to the question; there is no mechanism known to us for combining alcohol and drug services and programs—even if they existed and were available in Indian Country.

3. Is there a need for a capacity-building mechanism in tribal courts that would include the needs of tribal judges, tribal administrators and attorneys? There are many programs that are now unconnected but could be drawn together under one program and made available to tribal courts such as alcohol and drug programs, probation assistance, employment and other counseling, and legal services. Would NAICJA support such a measure?

The answer to the first part of this question is an emphatic "yes". It has been noted in my prior testimony before the Committee, that unlike federal court judges, who have the Federal Judicial Center and the state court judges who may utilize the National Center for State Courts, the tribal judges have no access to an equivalent institution. The National Judicial College has made isolated efforts to provide training to tribal judges, however, such sessions are offered on a one-time, limited enrollment basis. (There was a course on Tribal Jurisdiction in 1993 and not another course specifically designed for tribal judges was conducted until 1998.)

Our Association offers each year a three day National Tribal Judicial Conference which provides information updating tribal judges on Congressional activity and federal court decisions impacting Indian Country, and includes topics specific to the tribal judiciary such as, the evidentiary issues surrounding the introduction of tribal tradition and custom in tribal court proceedings. Unfortunately, tribal court budgets often do not allow for the tribal judges to attend the Conference. Due to lack of funding, the Association cannot provide the type of regular training and technical assistance that tribal judges so urgently need. As an alternative to the preferable Tribal Judicial Center (a permanent institution), we are currently pursuing the concept of a National Resource Center for Tribal Courts which would be accessed through the Internet. (See attached proposal). Such a web site would require highly computer skilled, legally trained, culturally knowledgeable staff to maintain it and to answer queries from tribal judges and other persons interested in tribal justice systems. Sadly,

far too many tribal courts do not have computers with which to access such a site. Some tribes are so remote that they do not even have the necessary telephone line access. As of this date, we have been unsuccessful in funding this much needed project.

In the 1970's, with funding provided via the Bureau of Indian Affairs, the Association researched, wrote and distributed several comprehensive Tribal Court benchbooks on a variety of subject matters. Although wildly out of date, we continue to receive calls from new tribal judges looking for them as a resource. One of our priorities has been to update or wholly rewrite these benchbooks, however we lack the funding to carry out this major undertaking.

The second part of this question, presupposes that there are many unconnected programs that could be drawn together. Once again, the Association is unaware of the programs to which you refer. We do know that the Association's need for culturally sensitive, tribal-specific, readily available training and technical assistance is not being met by any existing program.

While such private trainers as the National Indian Justice Center, do exist, we are finding that such trainers are unable to provide meaningful training to the entirety of the vast span of tribal judges--ranging from law trained attorneys to tribal elders serving in traditional tribal dispute resolution forums. The courses that are offered on an ad hoc basis by the National Indian Justice Center, even if they are at an appropriate level of sophistication for the judge, are prohibitively expensive given the funding shortage of tribal courts.

While tribal judges, tribal administrators and attorneys do share similar concerns and training needs, each group does have distinct and unique needs that may not be accommodated in a single capacity-building mechanism. There may also be ethical and governmental considerations, that would prevent these groups from discussing certain issues in concert.

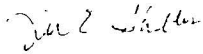
If there do exist "many" programs, there may be a significant amount of logic in collecting these under an omnibus program so long as accommodations would be made to address the unique needs of each of the clients: tribal judges, court staff and attorneys. The drawing together of these programs would also serve the function of allowing one to see where a population, such as Indian youth, are under-served or where a

subject area, such as substance abuse and alcohol prevention, is not being addressed.

The Association would support the establishment of a capacity-building mechanism for tribal courts that would include the needs of tribal judges, tribal court personnel and attorneys. It is also essential that scholarship funding to cover training and travel expenses also be provided to judges, court personnel and attorneys as a part of any such capacity-building effort.

I hope that I have answered your questions sufficiently, however should you require additional information or have any further questions, please do not hesitate to contact me at (860) 396-6333 or write me at jshibles@mptn.org.

Sincerely yours,



Judge Jill E. Shibles
President, NAICJA

Attachments (2)

VIA Telefacsimile and U.S. Mail

BJA Concept Proposal
National Resource Center for Tribal Court Systems
Applicant: National American Indian Court Judges Association (NAICJA)

I. What is the problem?

Native American tribal courts must deal with a wide range of difficult criminal justice problems on a daily basis, including the following:

- While the crime rate, especially the violent crime rate, has been declining nationally, it has been increasing substantially in Indian Country - but tribal court systems are grossly under-funded to deal with these critical criminal justice problems.

- Congress recognized this need when it enacted the Indian Tribal Justice Act (Public Law 103-176) in 1993 and included specific Congressional findings that "tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments" and "tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation".

- While the Indian Tribal Justice Act promised more than $58 million per year in additional funding for tribal court systems starting in FY1994, tribal courts have yet to see any funding under this Act

- Since Congress enacted the Indian Tribal Justice Act in 1993, the needs of tribal court systems have continued to increase, but there has been no increase in funding for tribal court systems. In fact, the Bureau of Indian Affairs funding for tribal courts has actually decreased

As Attorney General Janet Reno stated in her testimony before the Senate Committee on Indian Affairs, it is vital to "better enable Indian tribal courts, historically under-funded and under-staffed, to meet the demands of burgeoning case loads" The Attorney General indicated that the "lack of a system of graduated sanctions through tribal court, that stems from severely inadequate tribal justice support, directly contributes to the escalation of adult and juvenile criminal activity". She also decried the lack of availability of advanced technology for Indian country criminal justice agencies and the "lack of even rudimentary crime reporting hardware and software" In her testimony, the Attorney General requested substantial increases in funding for tribal law enforcement and indicated the need to "have tribal courts with the capacity to adjudicate resulting criminal cases and resolve disputes. As she indicated "one of the most meaningful steps the Department of Justice can take to combat crime in Indian country is to help Indian tribes to strengthen their own justice systems".

The vast majority of the approximately 350 tribal court systems function in isolated rural communities These tribal justice systems face many of the same difficulties faced by other isolated rural communities, but these problems are greatly magnified by the many other complex problems which are unique to Indian country. These problems include high crime rates, high underage population with high rate of juvenile delinquency, lack of resources, lack of legal resources/assistance, lack of access to even the most basic law libraries and other resources, lack of jurisdiction over non-Indians, complex jurisdictional relationship with federal and state criminal justice systems, inadequate law enforcement, great distance from the few existing resources, lack of detention staff and facilities, lack of sentencing or disposition alternatives, lack of access to advanced technology, etc. It should also be noted that in most tribal justice systems, 80-90% of the cases are criminal case and 90% of these cases involve the difficult problems of alcohol and/or substance abuse.

It is difficult to overstate these problems. Many tribal court judges are lay judges They often come to the job with extensive knowledge of their own communities, but without a formal legal education or access to legal resources and legal assistance Yet they are required to serve on the front lines of the tribal criminal justice systems in systems which are grossly under-funded. When the inevitable problems occur, they are faced with a lack of training, technical assistance, legal resources and other resources. Moreover, they have no one to turn to for assistance in dealing with these problems. Many of the most intractable problems concerning criminal justice systems in Indian country occur when an overworked tribal criminal justice system has no place to turn for assistance when problems arise

State court judges generally have formal legal education, access to substantial legal resources and established systems for obtaining the necessary assistance and resources. Moreover, state court judges have a number of national resources which they can turn to when problems arise - including the National Center for State Courts, the State Justice Institute, and the National Judicial College. Tribal courts, however, do not have any national resource centers.

II. What are you proposing to do and how do you intend to do it?

The National American Indian Court Judges Association (NAICJA) proposes to design, develop, and implement a National Resource Center for Tribal Court Systems. While this proposed project will not be able to implement a resource center on the scale of the state and federal court centers, it will be designed to include the following components (as funding permits):

1. *An 800# Helpline which tribal court personnel can call when issues and problems arise.*
2. *An extensive collection and/or access to tribal court specific resources*
3. *Contacts/links with other available resources to assist tribal justice systems*

4. *An on-line Clearinghouse of tribal court information and resources*
5. *A periodic newsletter to keep tribal court personnel informed concerning legal developments and available resources.*

This proposed 18 month program has the potential to make vital links between tribal court personnel and a wide range of available legal resources. The current links for tribal court personnel have to date only been accomplished on an ad hoc basis This program will utilize available technology (including an 800#, electronic communications, and the Internet) to facilitate the provision of legal information and assistance for tribal court personnel It will provide an innovative communication system and technical assistance methodology designed to help tribal court personnel meet the challenges identified in section one of this proposal. Contact with tribal court personnel will initially focus upon telephone communication, but will be designed to expand the potential resources as tribal courts gain access to electronic communication and the Internet

Program Activity #1: Program Advisory Committee (Months 1-2 / on-going)
The first general step in program development and implementation will be the establishment of a broad based Program Advisory Committee to assist with all aspects of program development and implementation.

Program Activity#2: Establish Program Parameters and Priorities (Months 1-4)
The Project Advisory Committee will be responsible for establishing program parameters and priorities, including ethical guidelines for legal assistance. It will also be necessary to designate or hire a project director as early as possible.

Program Activity #3: Compile Existing Resources (Months 1-6 and ongoing)
It will be critical to compile and analyze existing resources as soon as possible These resources would include tribal court specific resources, Tribal Court Clearinghouse and/or other Internet resources, and general legal resources It will also be necessary to establish contacts and links with various possible resources so that these resources can be accessed once the Helpline is up and running

Program Activity #4: Technological Assessment/Implementation (Months 2-4)
Access to technological innovations is a critical component of this proposed program It would not be feasible without the effective utilization of available technology, including electronic communications (e-mail) and the Internet. During this initial period, it will be critical to assess the most effective use of available technology.

Program Activity #5: Announce Program Development/Solicit Assistance (Months 3-6)
It will be necessary to announce the program development to tribal court personnel (through a newsletter, press releases, and other methods) and to solicit program partners/collaborators and other resources.

Program Activity #6: Hire and Train Project Attorney(s) (Months 3-6)

It will be critical to hire and train/orient the project attorney(s) who will be used for the Helpline and/or other resource services.

Program Activity #7: Establish Helpline/Announce Availability (Months 4-6)
It is anticipated that the Helpline itself could be up and running within 4-6 months of the start of the program. Once it is ready, then it will necessary to publicly announce its availability to tribal court personnel.

Program Activity #8: Program Evaluation (Months 4-18)
Formal program evaluation will begin once the Helpline is on-line and continue throughout the remainder of the 18 month project period.

Program Activity #9: Update Resources/Develop Additional Resources (Months 4-18)
Existing resources will be updated and additional resources developed to the extent possible with available funding.

Program Activity #10: Program Sustainability/Expansion (Months 12-18)
A critical step will be the implementation of plans for program sustainability and dissemination so that this methodology can be continued at these sites beyond the initial 18 month period and expanded to include more rural tribal court systems.

III. What other agencies/resources will work with you?

This proposal is submitted on behalf of the National American Indian Court Judges Association (NAICJA), but it includes substantial contributions from various partners/collaborators as follows. Most of these partners have already worked together through NAICJA on an ad hoc basis, but this program proposes to enlist these partners on a more formal long term basis in order to ensure long term success for this specific program.

1. National American Indian Court Judges Association (NAICJA)
NAICJA will receive and administer grant funds and manage and coordinate all grant activities NAICJA is a national voluntary association (non-profit corporation - incorporated in 1969) of current and former tribal court judges throughout the United States. NAICJA has a long track record of providing quality training and technical assistance services for tribal justice systems. It is difficult to overstate the importance of NAICJA's role in ensuring the long term success of this program. NAICJA is the only organization with the proven ability to enlist the support and cooperation of tribal courts throughout the country.

2. Experienced Tribal Court Judges
Through NAICJA, this program will enlist the support and assistance of experienced tribal court judges and other experienced tribal court personnel throughout the country

3 Academic Advisors

Through NAICJA, the program will enlist the support and assistance of academic advisors to both facilitate and assist with the project. Furthermore, these academic advisors will be able to access a wide range of legal resources for tribal court systems which would not otherwise be available, including direct technical assistance, law library resources, law clerk services through Indian Law clinics, and free academic use of computer legal research services. The academic advisors would include law school professors such as the following (most already have a history of working with NAICJA):

- University of Iowa School of Law (Robert N. Clinton)
- University of South Dakota School of Law (Frank Pommersheim)
- University of Montana School of Law (Maylinn Smith)
- U of Colorado (David Getches, Richard Collins, and/or Sarah Krakoff)
- U of New Mexico School of Law (Christine Zuni and Gloria Valencia-Weber)
- U of California, Los Angeles (UCLA) School of Law (Carol Goldberg)
- U of California, Berkeley, School of Law (Jerry Gardner)

4. University of Iowa School of Law Tribal Court List Servers

Professor Robert Clinton (U of Iowa) has already developed two tribal court list serves (announced at the recent NAICJA conference June 14-17, 1998 in Spokane, Washington) which will serve as a critical communication components for this program. The first list serve (TRIBALCT) is open to any lawyers, lay advocates, tribal judges, tribal members, or other professionals with an interest in the administration of justice in tribal courts The second list serve (NAICJA) - which is restricted to active tribal judges - will be used extensively for this program.

5 Tribal Law and Policy Institute- Tribal Court Clearinghouse

The Tribal Law and Policy Institute is developing a comprehensive Internet web site for tribal courts (the Tribal Court Clearinghouse) which is designed to provide easy access to Internet information from the perspective of tribal courts as they come on-line. This site (which was also announced at the June NAICJA conference) has been internally developed and will be posted on the Internet within the next few months. Extensive tribal court information is included on the site along with links to extensive additional information. The site is designed to facilitate tribal court utilization of technological innovations and the vast information available on the Internet and it will be a critical resource for this program.

6 Program Advisory Committee/Federal, State, and Tribal Resources

The program will also partner with a wide range of other tribal, federal, and state resources through NAICJA, the Program Advisory Committee, the academic advisors, and the experienced trial judges. These resources will include law schools, tribal organizations such as the National Congress of American Indians (NCAI) and the Native American Rights Fund (NARF), state and federal judicial agencies such as the National

Judicial College, Justice Department resources, and many other agencies, organizations, and community-based groups.

IV. How will you know if your concept works?

1. *What will be measured:* The primary measurement of program effectiveness will be the quantity and quality of the interaction between the resource center and tribal court systems (e.g., did the tribal court personnel contact the resource center when problems arose and with what results? Did they use resources provided by or through the program?). The quantity of the contacts will be measured by monitoring the frequency of contact with the resource center (telephone, fax, e-mail, list serves, etc.) and the use of resources. The quality of the interactions will be measured by self-reporting and analysis of the resources accessed by the teams.

2. *Who will do the measurement:* The primary method of measurement will be confidential self report and assessment by the individual tribal court personnel. Different program evaluation instruments will be utilized such as comment or survey forms sent to all personnel who contact the resource center . All legal advisors will be required to keep contact logs and to copy program communications.

3. *How will the information be used:* The information will be used confidentially by the Program Advisory Committee in order to improve the program and to ensure program sustainability and expansion.

V. What are the costs and cost benefits of implementing the strategy?

The following is only a broad overview of the costs of the program. We are requesting initial funding of $250,000 to get the program underway. The program has very substantial cost benefit potential - the primary purpose of the program is to leverage very limited funding in order to access a vast array of resources for tribal court systems throughout Indian country. The proposed program will leverage substantial additional support from tribal justice systems, state and federal agencies, law schools, private organizations, and many other agencies/resources.

The largest portion of the funds will be used (1) to hire a project director/project attorneys and (2) to pay for the direct provision of resources for tribal court systems. Administrative and overhead costs will be kept to a minimum. It is not anticipated that any significant office space or expenses will be necessary. Instead, technological advances will allow NAICJA to contract and access legal assistance services from attorneys throughout the country

PREPARED STATEMENT OF THE
NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION
PRESENTED BY DONALD R. WHARTON, ATTORNEY
NATIVE AMERICAN RIGHTS FUND
1506 BROADWAY
BOULDER, COLORADO 80302
303.447.8760 fax 303.447.8760,
AND
THE HONORABLE JILL E. SHIBLES, PRESIDENT
NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION
P.O. BOX 3126
MASHANTUCKET, CT 06339
860.572.6319

SUBMITTED TO THE
UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS
ECONOMIC DEVELOPMENT HEARING
ST. PAUL, MINNESOTA
APRIL 9, 1998

INTRODUCTION

Chairman Campbell, Vice Chairman Inouye and distinguished members of the Committee, my name is Donald R. Wharton. I am an attorney with the Native American Rights Fund, a non-profit law firm providing legal representation to Native American Tribes and individuals since 1970. I am here today to offer testimony on behalf of the National American Indian Court Judges Association (NAICJA), an association governed by a sixteen member board of tribal judges which has for the past 27 years provided representation for the interests and concerns of over 240 tribal and Indian Code of Federal Regulation (CFR) courts across the nation. NAICJA appreciates the invitation to address the Committee concerning the role and place of tribal courts in economic development in Indian Country.

ECONOMIC DEVELOPMENT KEY TO FUTURE TRIBAL SELF-SUFFICIENCY

It is widely accepted that economic development is the future of self-sufficiency in Indian Country. The increasing role of tribal governments in providing the support for programs for their citizens and territories is closely linked to the reduction in real federal funding for many of those same programs. As tribal leaders and their constituents assume greater responsibility for economic self-determination the need for tribal governmental infrastructure support for domestic commercial development increases significantly. With few notable exceptions (e.g. gaming and control over certain renewable [fisheries, timber, etc.] and non-renewable [e.g. oil, gas, coal, etc.] resources) Tribes generally are not in business for themselves, but rather are creating the physical and governance infrastructure necessary to support private enterprise.

Competent Well Funded Tribal Judiciaries Are Essential to Tribal Economic Development

Strong, competent and impartial tribal courts are integral to the development of business friendly environments in Indian Country. Effective and efficient resolution of disputes arising from commercial dealings is an essential component of the governance infrastructure which tribes must provide. Businesses are keenly aware of the need to have relative certainty in the outcome of commercial litigation. Such certainty is a part of the risk assessment they do for siting business enterprises. They also take into account the availability of clear and detailed commercial laws which may be interpreted and enforced by competent judiciaries. Tribal Courts are, therefore, a focal point in the infrastructure necessary for successful economic development to take place.

Many tribes have, in fact, moved toward improving economic conditions in their communities by establishing and supporting tribal judiciaries which provide impartial and efficient resolution of commercial disputes. In addition, Tribal courts handle hundreds of cases involving torts, contracts, employment, regulatory and administrative appeals, secured transactions, and an array of criminal matters. These courts are presided over by well-trained and experienced tribal judges.

Congress has Consistently Failed to Provide the Needed Funding for Tribal Courts

Both Congress and the Courts have over the years recognized the important role of tribal courts in the development of tribal self-sufficiency and self-government. Congress in the adoption of the Indian Tribal Justice Act of 1993 found that the "Congress and the Federal Courts have repeatedly recognized tribal justice systems as the appropriate forums for the adjudication of disputes affecting personal and property rights." 25 U.S.C. 3601 (6) (107Stat. 2004, Dec. 3, 1993). The Supreme Court has observed that "Tribal courts play a vital role in tribal self-government, and the Federal Government has consistently encouraged their development." *Iowa Mut. Ins. Co. v LaPlante,* 107 S.Ct. 971 (1987).

Tribal judiciaries in Indian Country have, however, historically been asked to subsist on the scantiest of budgets. As an example, the Colville Tribal Court receives combined federal and tribal funding of eighty-five dollars ($85.00) per case to adjudicate its cases. By comparison, the local county court receives over five hundred dollars ($500.00) per case, and the federal district court over two thousand dollars ($2,000.00) per case. Tribal courts have, nonetheless, done and are doing an extraordinary job given the resources available to them. Some tribes have responded in this area by creating arbitration options with specific requirements for the training and experience of the presiding officers. Other tribes have created tribal courts expressly for the purpose of providing dispute resolution capability for business transactions. There is, moreover, a clear and unmistakable trend toward ever more independent judiciaries in those few cases where it doesn't already exist.

But Congress also found in adopting the Indian Tribal Justice Act that "tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation." 25 U.S.C. 3601 (8). The United States Civil Rights Commission concurred. In its 1991 report "THE INDIAN CIVIL RIGHTS ACT: A Report of the United States Civil Rights Commission, June 1991," the Commission reported that "enforcement of the Indian Civil Rights Act today takes place solely in tribal forums," and that "the failure of the United States Government to provide proper funding for the operation of tribal judicial systems, particularly in light of the requirements of the Indian Civil Rights Act of 1968, has continued for more than 20 years." Pp 71-72.

To address this serious inequity Congress authorized in the Indian Tribal Justice Act of 1993 annual funding beginning in fiscal year 1994 and running through fiscal year 2000 in the amount of fifty eight million dollars ($58,000,000.00) per year. So far Congress has yet to appropriate a single dollar under these authorizations. In addition, Congress imposed a requirement that a survey of the conditions of tribal judicial systems be done to determine the extent of the resources and funding needed for the expeditious and effective administration of justice. This information was to be updated annually by the Secretary of the Interior. For this purpose Congress authorized four hundred thousand dollars ($400,000.00). Again, there has been no appropriation. This essential and critical information about tribal judicial systems goes unprovided at a particularly important time.

CONGRESS' FAILURE TO FUND TRIBAL COURTS IS USED IN PART TO ATTACK TRIBAL SOVEREIGNTY

Any serious proposal to support economic development in Indian Country must include support for tribal courts and appropriations to make that support meaningful. But instead of support for the appropriations needed to strengthen tribal courts, Congress presently has before it legislation in the form of Senate Bill 1691 to once again diminish the sovereignty of tribal governments, and their courts. The proposal would waive a tribe's sovereign immunity to suit in federal and state courts, subjecting tribes and their treasuries to the jurisdiction of a foreign tribunal. This far reaching and drastic proposal should be based upon informed debate and carefully gathered and reliable information. Instead, it appears to be based largely on anecdotal complaints from disgruntled individuals who did not get their way in a particular tribal forum, or merely dislike a proposed tribal project. Does there exist anywhere a governmental forum--state or federal--that does not have a detractor who will complain of the denial of their rights before that forum? Contrary to the impression which the anecdotal complaints are designed to create, a recent survey conducted in February of 1998 by the University of Connecticut's Center for Survey Research and Analysis, shows that 81% of Americans agree that tribal governments should have the freedom to improve the economic and social conditions of their people, and 87% believed that Congress should assist tribes in this effort. Over half (55%) of the respondents expressly rejected placing limits on tribal sovereignty.

But having denied tribal forums--through the failure to appropriate funds for the mandated tribal court survey--the ability to generate the information so important to the present debate, and having starved these forums for decades of the resources needed to carry out the tasks placed upon them (in part by Congress) some in Congress would now forward legislation to punish tribes for the failures of the federal government to fulfill its solemn trust responsibilities expressly acknowledged in its own legislation. Is there a clearer case of blaming the victim?

The pretense that tribes are the only governments relying on sovereign immunity to suits brought against them by others is indefensible. Nothing could be further from the truth. A cursory survey of state and federal sovereign immunity cases over the past 10 years turned up nearly seven thousand (7,000) cases. The waivers of immunity in state and federal forums have, moreover, been extremely carefully crafted over two hundred years. These waivers were developed in the context of the development of the forums--administrative and judicial--for the implementation of those waivers and with a wary eye toward the protection of the public treasury from unwarranted invasion. They were, moreover, developed by the sovereigns being subjected to the suits that would be brought almost always in their own courts. There is no principled reason why tribal governments should have any less right to fashion waivers of their immunity to suit in any different fashion. Indeed, many tribes have developed limited waivers of immunity to suit, tailored to their individual situations. Allowing those closest to the issue to continue to fashion the fairest remedy continues to be the best approach.

CONCLUSION

Tribal courts are an integral and essential part of the emerging economic development of Indian Country. Any serious effort to support economic development for tribal governments must include a component for support of the development of tribal commercial laws and the judiciaries to implement those laws. Thank you again for the opportunity to present these views to you today.

Statement of
Dr. Janine Pease-Pretty On Top
President
The American Indian Higher Education Consortium
and Little Big Horn College, Crow Agency, Montana
February 24, 1999

I. Introduction

Mr. Chairman and Members of the Committee, on behalf of the American Indian Higher Education Consortium (AIHEC) and the 32 Tribal Colleges that comprise AIHEC, thank you for this opportunity to share our comments on the President's budget for Fiscal Year 2000.
As you are aware, Tribal Colleges remain the most poorly funding group of higher education institutions in this country, however, our achievements have been nationally acclaimed. We strive to increase the delivery of quality higher education, as we respond to the mounting needs of the most remote and economically disadvantaged reservation populations. More support is desperately needed to comprehensively assess and address the complex issues Tribal Colleges face. Congress must take appropriate action to ensure that more consideration is given to the important role our colleges hold in society. We respectfully request that this Congress build upon the modest increases requested by the President in several key areas. We also strongly urge the Senate Indian Affairs Committee to hold a comprehensive hearing on Tribal Colleges.

My statement focuses on three areas: Department of Interior appropriations, which provide essential core funding for 26 institutions through the Tribally Controlled College or University Act; Department of Education appropriations; and Department of Agriculture appropriations for 30 of our member institutions, which are referred to as the 1994 Land-Grant Institutions.

II. Background on Tribal Colleges

In isolated rural communities throughout Indian Country, and even in a few towns and cities, this nation's Tribal Colleges are bringing higher education to more than 25,000 students from over 250 American Indian tribes. Since the first Tribal College, Diné College, was established on the Navajo reservation in Arizona 30 years ago, these vital institutions have come to represent the most significant development in American Indian educational history, promoting achievement among students who most likely would never know educational success.

These important institutions were developed through the recognition of tribal leaders that only through local, culturally-based education institutions could American Indians succeed in higher education. It was also known that the Tribal Colleges, an exercise in self-determination, could help bring much needed economic development to reservations and would be essential in preserving tribal communities and cultures. In the late 1960s and early 1970s, the first Tribal Colleges were chartered on remote reservations by their respective tribal governments, to be governed by boards of local tribal people. In 1972, the first six tribally-controlled institutions came together to form the American Indian Higher Education Consortium (AIHEC). Today, AIHEC is a cooperatively sponsored effort on the part of 32 member institutions in the United States and Canada, and has become the premier national voice in Indian higher education.

121 Oronoco Street, Alexandria, Virginia (703) 838-0400; fax (703) 838-0388; e-mail aihec@aihec.org

The Tribal Colleges offer primarily two-year degrees, with some colleges offering four-year and graduate degrees. Since their inception, the Tribal Colleges have helped address the problems and challenges of our welfare system by providing adult education, job training, GED, and other college preparatory courses. Tribal Colleges also serve as community centers, providing libraries, tribal archives, career centers, economic development centers, public meeting places, and child care centers. We have done all this because our missions require us to help move American Indians toward self-sufficiency and help make American Indians productive, tax-paying members of our society. Fulfilling this obligation has been a difficult challenge and will become even more difficult over the next several years, as Tribal Colleges continue to feel the impact of welfare reform. Already, our colleges are experiencing increasing enrollments due in part to many welfare recipients turning to the colleges for training and employment opportunities.

III. Interior Appropriations

The first and most critical priority of this nation's American Indian Tribal Colleges and Universities is to achieve sufficient and equitable appropriations for core operations and programs for the majority of our institutions which are supported under Titles I and II of the Tribally-Controlled College or University Assistance Act (P.L. 95-471). Title I funds 25 Tribal Colleges and Title II funds Dine' College. Known as the "Tribal College Act," this legislation provides funding on a per full-time Indian student count (ISC) basis and is administered by the Bureau of Indian Affairs, Office of Indian Education Programs. This per-student funding for Tribal Colleges, inadequate from the outset, has remained almost level over its appropriation history and has actually decreased in recent years. Core operational funding levels still only equal approximately half of the $6,000 authorized level and 40 percent less than mainstream community colleges receive. Inflation has had a devastating impact on stagnant appropriation levels. In FY99, overall enrollment increases and the eligibility of an additional Tribal College absorbed the Tribal Colleges' meager $1.4 million appropriations increase. The allocation per Indian student fell from $3,017 in FY98 to $2,964 in FY99 -- an decrease of $53 per Indian student!!

The Tribal Colleges have recently gained recognition from this Administration, in particular from the Office of Management and Budget. They have made an effort to learn firsthand what Tribal Colleges are all about and have requested several justifications for our funding requests. Over the past two years, the President's budget has shown more support for Tribal Colleges – an attempt to rectify the fact that the Tribal Colleges have remained a low priority for the Bureau of Indian Affairs over our history. We hope Congress will build on the President's FY 2000 budget recommendation of a $7.1 million increase for Titles I and II of the Tribal College Act. We respectfully request a $10 million increase to bring the colleges slightly closer to their full authorization level. With an estimated full-time Indian student enrollment increase of seven to ten percent next year, a funding increase will raise per-student funding to $3,827, still far below the amount needed and mainstream levels.

Despite the challenge of underfunding, all Tribal Colleges are fully accredited by mainstream accrediting agencies, with the exceptions of just a few colleges that are candidates for accreditation. The importance of core funding through the Tribal College Act has been

underscored by warnings from accrediting agencies about the hazards of relying too heavily on a patchwork of small, competitive, and temporary grants. ***Tribal Colleges find themselves caught in a vicious cycle: inadequate funding threatens their ability to maintain accreditation; yet, accreditation is required for most federal and private grant programs. Additional funding is desperately needed in this area to help maintain accreditation and to stabilize basic operational budgets.***

Another important funding concern is the state of Tribal College facilities. The Tribal College Act authorizes $1.8 million for the facilities renovation. Facilities construction, maintenance and improvement are urgently needed at the Tribal Colleges, which, for the most part, are currently operating in abandoned, donated, or even condemned buildings. Hazards include leaking roofs, exposed asbestos and wiring, and crumbling foundations. Tribal Colleges have identified facility maintenance and renovation a high priority. We recommend that if more funding is garnered for BIA educational facilities, Tribal Colleges will be a priority of this Congress. Full funding for the Tribal College Act facilities construction provision would allow for a small but essential allocation to help address the most urgent needs, but it would only touch the tip of the iceberg. We therefore ask Congress and the Department of Interior to seriously consider the overall facilities needs of our institutions and do what they can to address these needs.

AIHEC also supports the individually submitted requests of our affiliate members, funded under a separate authority in the Interior Appropriations bill. These include The Institute of American Indian Arts, Haskell Indian Nations University, Southwestern Indian Polytechnic Institute and United Tribes Technical College.

IV. Education Appropriations

Within the Department of Education Appropriations, we are specifically concerned with Titles III and V of the Higher Education Act, the restoration of Title IX of the Improving America's Schools Act and continued support for Indian programs within the Carl D. Perkins Vocational Education and Applied Technology Act.

Title III funding. The Aid for Institutional Development programs support minority institutions and other institutions that enroll large proportions of financially disadvantaged students and have low per-student expenditures. Tribal Colleges clearly fit this definition. With the reauthorization of the Higher Education Act in 1998, Tribal Colleges joined Historically Black Colleges and Universities (HBCUs) and Hispanic Serving Institutions (HSIs) in garnering an authorization within the Title III program. Congress recognized that the Tribal Colleges are young, struggling, and most deserving of a separate section at a $10 million authorization. The President's budget requested $6 million for this section, however $10 million is essential to fund a greater number of eligible Tribal College applicants. Even at full funding, this level is significantly less than the funding levels received by HBCUs and HSIs. While grant amounts would be less than a typical Title III grant, full funding could provide essential support to up to 30 of our member colleges.

All of the Tribal Colleges should benefit from Title III funding, and we know that the Tribal Colleges will use these funds to address basic infrastructure needs, enhance their facilities, support faculty and curriculum development, gain access to emerging technologies, and provide vital services to a growing number of students. **The Strengthening Tribal Colleges section of**

Title III, Part A (Section 316) will help Tribal Colleges meet these increasing developmental needs, and we urge you to build on the President's FY 2000 request of $6 million and raise it to the full authorization level of $10 million.

Title V – Partnerships for Teacher Preparation. As part of this program, the President has committed $10 million in FY 2000 to create a new American Indian Corps of Teachers (AICT). This Corps, aimed at producing 1,000 new teachers for schools serving American Indian students, would provide $5 million for fellowships to college students majoring in education programs and $5 million for professional development programs in Indian Country to support current teachers. *We strongly urge Congress to ensure that Tribal Colleges are a priority within this proposal, and AIHEC supports the President's requested amount.*

Greater Support of Title IX of Improving America's Schools Act. This title supports adult education programs for American Indians that are offered by state and local education agencies, and by Indian tribes, institutions, and agencies. The section has not been funded since FY95. As mentioned earlier, the Tribal Colleges provide adult education classes to their communities. The Tribal College Act does not include funding for remediation and adult basic education, as it only supports those students enrolled in postsecondary programs. It is alarming that early indications show that Tribal Colleges will serve an increasing number of adult basic education students, as reservation communities struggle with high rates of illiteracy and the impact of welfare reform. The President's budget does not include funding for this Title, but the Tribal Colleges need a minimum of $5 million to provide limited support for the ever increasing demand of basic adult education services. Without this minimum commitment, how can we even begin to sustain and build upon the vitally needed services for our adult student populations? This is a serious oversight of the Administration and greatly impacts our institutions.

Perkins Act funding. Section 117 of the Carl Perkins Vocational Education Act provides core operational support to our two tribally-controlled postsecondary vocational institutions (Crownpoint Institute of Technology and United Tribes Technical College) and should continue to be funded at $4.1 million (FY99 level funding).

V. Agriculture Appropriations

Today, 137 years after enactment of the first land-grant legislation, Tribal Colleges, more so than any other institutions, truly exemplify the original intent of the land-grant legislation. The first Morrill Act was enacted in 1862 specifically to bring education to all the people and to serve their fundamental needs. Mr. Chairman, this is the definition and mission of the Tribal Colleges.

On behalf of the 1994 Land-Grant Institutions, we respectfully request full funding of the provisions of our 1994 authorizing legislation. The 1994 Institutions' appropriations request for FY 2000 is extremely modest when compared with the annual appropriations of other existing land-grant institutions. It is important to remember that ***total funding for the programs authorized for all 30 of the 1994 Institutions combined, only equals approximately the amount the Department of Agriculture allocates to just one state land-grant institution each year.***

Endowment Fund for 1994 Land-Grant Institutions. The President's budget requests $4.6 million payment to the endowment fund. This endowment installment remains with the U.S.

Treasury, and only the interest is distributed to the 1994 Institutions. Just as other land-grant institutions historically received large grants of land or endowments in lieu of land, this sum assists the 1994 Institutions in establishing and strengthening our academic programs in the areas of curricula development, equipment and instrumentation for teaching, and student recruitment and retention in food and agricultural sciences. As the endowment increases over time, it will provide each 1994 Institution with much needed assistance and *is not scored as budget outlay or authority.* We fully support the President's request.

Educational Equity Grant Program. The President requested $1.5 million for this program, a $52,000 decrease from FY99. However, closely linked with the endowment fund, last year this program provided $52,000 per 1994 Institution to assist in academic programs. Through the funding made available in fiscal years 1996 through 1999, the Tribal Colleges were able to begin to support vital courses and planning activities specifically targeted to meet the unique agriculture needs of our respective reservations. Some of the programs supported through these grants include: the creation of natural resource management courses; nutrition and dietetic programs; environmental sciences curricula; comprehensive horticulture programs; and courses on sustainable development, forestry, and buffalo production and management. We ask that last year's appropriation level be sustained at $1.552 million.

Extension Services. The President's budget reflected only a $3.5 million request for extension activities (a modest increase of $1.44 million). AIHEC recommends full funding of $5 million in order to sustain and further develop much needed extension services on our respective reservations. Although current land-grant programs at the Tribal Colleges are modest, our 1994 authorizing legislation is vitally important to us because of the nature of our land base. Already, we are using our extension grants to address the under-use and under-development of the 54.5 million acres that comprise American Indian reservations.

Tribal Colleges are addressing economic development through land use, as they enter into partnerships with 1862 land-grant institutions through extension services. This program represents an ideal combination of federal resources and Tribal College-state institution expertise, with the overall impact being far greater than the sum of the parts.

Additional funding to support such efforts is needed because extension services provided by the states on our reservations are woefully inadequate, and the Tribal Colleges need to fill that void. It is important to note that this program is not duplicative of ongoing extension activities, and that it will complement and build on the existing Indian Reservation Extension Agent program.

Institutional Capacity Building Grant Program. This competitive grant program, which requires a non-federal match, would provide the 1994 Institutions with the investment necessary to allow us to strengthen and more fully develop our educational infrastructure. As indicated earlier in my statement, construction, maintenance and improvement assistance is urgently needed at the Tribal Colleges. Many facility improvements are needed simply to provide American Indian students with the education necessary to fully compete in the modern agricultural world.

Research funding. With the passage of the Agricultural Research, Extension, and Education Reform Act of 1998, the 1994 Land-Grant Institutions were authorized to conduct agricultural research. This authority, and its corresponding appropriation, is vital to ensuring that Tribal

Colleges finally have the opportunity to become full partners in this nation's land-grant system of colleges and universities. Many of our institutions are currently conducting applied agriculture-based research, yet they struggle to finance this research and meet their community's other research needs. Some of the research in progress includes soil and water quality research; amphibian propagation; pesticide and wildlife research; range cattle species enhancement; and native plant preservation, for medicinal and economic purposes. This competitive program is authorized at "such sums as may be necessary," and the President's budget reflects only a $667,000 request, however, this is far below the assistance the 1994 Institutions require. We therefore, are asking for an initial investment of $10 million for our 30 member institutions.

VI. Conclusion

The Tribal Colleges are efficient and effective tools for bringing education to American Indians. The modest federal investment in the Tribal Colleges has paid great dividends in terms of employment, education, and economic development, and continuation of this investment makes sound moral and fiscal sense. We desperately need help to sustain our programs and thrive in achieving our missions. No communities are in greater need of land-grant programs than American Indian reservations. We hope that you will continue to help us in our struggle to meet the needs of our communities.

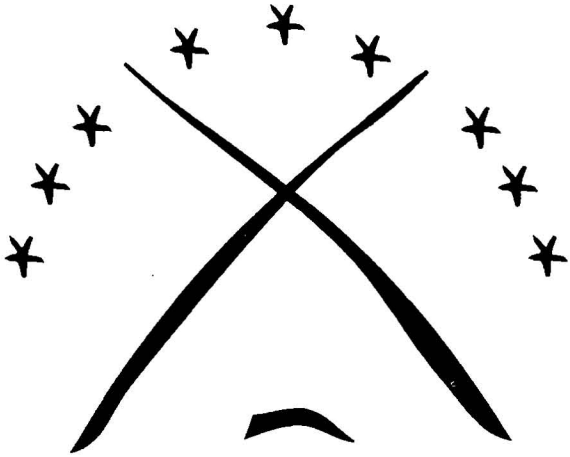
Mr. Chairman, we appreciate your long-standing support of the Tribal Colleges and the support of all the Members of this Committee. We are extremely grateful for your commitment to bring self-sufficiency to our communities. We look forward to continuing a partnership with you and the Members of your Committee-- a partnership that will bring equal educational, agricultural, and economic opportunities to Native America. In addition to the budget recommendations we have outlined in our statement, we also respectfully request that a comprehensive joint hearing on the Tribal Colleges and their impact on Indian Country be conducted by the Indian Affairs Committee and the Health, Education, Labor and Pensions Committee as soon as possible.

Thank you for this opportunity to present our views to the Committee on Indian Affairs and for your careful consideration of our recommendations.

Testimony of

Christopher D. Boesen,
Executive Director

NATIONAL AMERICAN INDIAN HOUSING COUNCIL



Before the
SENATE COMMITTEE ON INDIAN AFFAIRS

February 24, 1999

Chairman Campbell, Vice-Chairman Inouye and other distinguished members of the Committee, on behalf of the Members of the National American Indian Housing Council and its Board of Directors, particularly Chairman Chester Carl of the Navajo Nation, thank you for this opportunity to address you today on the President's budget.

This Committee has been, and continues to be, a good friend to Indian Country and the opportunity to speak frankly about our concerns before this distinguished panel is a tremendous honor, especially for a former staff member of this Committee.

HUD'S BUDGET REQUEST:

It is a disappointing year for Indian housing because the rhetoric coming from the Department of Housing and Urban Development does not match the reality of the President's budget.

HUD Secretary Andrew Cuomo has visited Indian Country in the last year and was rightfully appalled at what he saw. Indian housing is six times more substandard than any other housing in the United States. 40% of Indian families on reservations live in overcrowded or substandard housing, compared with 6% of non-Indians. In essence, Mr. Chairman, we have third world housing condition within the borders of the United States.

As you know, the President's Budget proposal to Congress included significant increases in a number of programs. In fact, HUD's proposed budget authority goes up by 10% or $2.5 billion. This is a major increase, but somehow, not a dime of this increase went to the benefit of Indian tribes who receive level funding of $620 million for the principle Indian housing program, the block grant authorized under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA).

If the Secretary believes, as he has stated, that Indian housing is the worst in the nation, why haven't any more resources gone to Indian housing?

FUNDING NEEDS FOR INDIAN HOUSING:

For the last two years, NAIHC has estimated that to meet the needs as presented to us now, not taking into account the rapid growth in the Indian population occurring, we needed at least $850 million in HUD funding, the bulk of which would be within the NAHASDA block grant.

This year, however, we have an added challenge of providing housing in the midst of dramatic changes in the Nation's welfare system. These changes will have a serious impact on Indian housing programs, with an estimated $122 million in new budget authority needed to combat the problems.

As this chart shows, NAIHC's request for $972 million is not an arbitrary figure, but represents the minimum funding level our organization believes is needed to make real headway in our effort to improve housing for Native families.

Need for Indian Housing Program Funding, Fiscal Year 2000

Program or Function	Appropriation Needed
Existing Housing Operation Housing Modernization/Improvements New Housing Development	$ 90,000,000 220,000,000[1] 325,000,000[2]
Implementation/Program Operations Costs HOME Program Contribution Homeless/Youthbuild/Miscellaneous Programs	$ 148,000,000[3] 21,000,000 8,000,000
Title VI Loan Guarantee Credit Subsidy Section 184 Mortgage Guarantee Credit Subsidy	$ 32, 000,000 6,000,000
Welfare Reform Cost Increase for Tribal Programs	122,000,000[4]
FY 2000 INDIAN HOUSING FUNDING TOTAL	**$ 972,000,000[5]**

[1]HUD estimates 40,000 units currently need renovation and an additional 16,000 need replacement. This figure assumes an average of $25,000 per unit, for 8,800 units.

[2]Assumes current spending level for 3,600 units at an average cost of $90,000/unit. HUD estimates new construction needs at 1/3 of the existing housing stock or approx. 50,000 units. Also assumes that about 30 federally recognized tribes will now be eligible for housing assistance.

[3]Includes 20% for administration of the Indian housing programs, totaling $127 million, and an additional $21 million for environmental reviews, planning and technical assistance as required under the Act.

[4] This figure is based on NAIHC research including Census data and HUD's 1996 Assessment of American Indian Housing Needs and Programs: Final Report. The research assumes 50,012 households are likely to return to the reservations, based on a population of 28% of American Indians and Alaska Natives living in metropolitan and non-metropolitan non-tribal areas at 50% area median income or below and further presupposing the Assessment's report's 71% figure for tribal members' preference to return to the reservation applied to that 28%.

[5] Compared to fiscal year 1999 Appropriations of $620 million.

THE IMPACT OF WELFARE REFORM ON INDIAN HOUSING PROGRAMS:

Welfare reform has as its basic principle that some people choose not to work. In Indian Country, the choice is often non-existent; job opportunities do not exist.

NAIHC believes welfare reform will have two significant unintended consequences:

1. Tribal members losing benefits will place an increased burden on tribal housing programs. Welfare income may be counted as income. Therefore NAHASDA's limitation that a tribe or TDHE may charge only 1/3 of a tenant's income for rent means that the rent paid to that tribe or TDHE will decrease. This could affect thousands of Indian families, costing tribes millions of dollars.

2. Cessation of benefits to Indian families living in non-tribal areas will cause some families to move back to tribal areas, where housing is already scarce. According to federal government statistics, 28% of the more than 250,000 American Indian and Alaska Native families living in non-tribal areas are very low income. Assuming, as the same statistics do, that 71% of these families would like to move back to tribal areas, one must recognize that as many as 50,000 families could return to tribal areas when their benefits are cancelled if not before.

NAIHC estimates the effect of welfare reform on Indian housing programs to be at least $122 million a year, simply to house these families. Development of new units could drive this cost upward substantially.

THE SECRETARY'S INITIATIVE:

HUD Secretary Andrew Cuomo, while taking an increased interest in Indian Country, is focusing his efforts on "model" programs, particularly one at the Pine Ridge reservation in South Dakota. Now before I say anything more about this program, let me say that there is no community in the United States that is in more dire need of assistance than Pine Ridge. It is quite literally the poorest community in the United States, facing unemployment as high as 85%, with dramatically substandard housing conditions.

The Secretary's solution to this is to create a homeownership program at the reservation. NAIHC has been and continues to be an advocate for homeownership opportunities in Indian Country, but we must ask ourselves if homeownership is always the answer.

The Secretary's focus on this program may be drawing much of the attention away from the basic operation of the NAHASDA program. This is a crucial time for NAHASDA as it gets off the ground. This program, which HUD's Inspector General says should be considered a model for all HUD programs, needs careful attention from permanent staff and political appointees. Unfortunately, it is languishing while attention is focused on the pilot project.

I realize that simply running an Indian housing grant program is not "sexy" in a political sense. Very few politicians can hope to win an election based on running a good Indian housing program, but this Congress must hold political officials accountable for running good programs even when there is no press story.

HUD'S FAILURE TO PRODUCE GUIDELINES VERGES ON DISHONESTY:

The Committee will remember that the biggest controversy associated with the regulations implementing NAHASDA concerned lump sum draw down: should tribes get all of their grant up front, or draw down funds as needed? HUD's compromise was to allow tribes to draw down a portion of the grant for a maximum two-year investment period if the tribe met stringent requirements. Clearly this is a far cry from the tribes' request, but was accepted by tribes as a show of good will. The agreement on this was reached 10 months ago, but HUD only issued guidelines 10 days ago, when Indian housing professionals and tribal leaders gathered here in Washington for NAIHC's Legislative Conference.

In fact, guidelines implementing the Title VI loan guarantee program have still not been published. Title VI is crucial to the overall success of NAHASDA. Without it, most tribes have no opportunity for large-scale development to meet the massive need for new housing units on reservations. Strangely, HUD has already begun training for this program through a contractor, but the guidelines are not available. Not only is this putting the cart before the horse, we may have forgotten to attach it the horse altogether.

The simple fact is, HUD is not carrying out agreements reached months ago with tribes. This failure of HUD to live up to its word damages the relationship between HUD and tribes and frustrates those within tribal organizations and HUD who want to see Native families get better housing.

ENVIRONMENTAL CONCERNS:

Environmental review requirements under NAHASDA are also proving to be a major problem. Under the NAHASDA regulations, a tribe can either perform an environmental assessment themselves and provide HUD with a certification, or have HUD perform the assessment. The latter was the way assessments were done under the HUD programs previous to NAHASDA, so tribes have very little experience with performing these functions themselves.

Today, however, HUD is telling tribes that there are not enough resources within HUD to perform these assessments and that tribes must perform the assessments themselves. Unfortunately, HUD is also enforcing requirements in an absurdly strict manner. A tribe is considered to have violated the law if they even makes a simple paperwork error, such as not providing certification that a particular project does not need an assessment. Tribes are held to a stricter standard than the Department. If a tribe fulfills the requirements as HUD had in the past, they will be found in non-compliance. If this is discovered after work has begun, not only may no more federal funds go to the development of that project, but the Department will also recapture money already spent. A single one of my members believes this could cost them as much as $9.5 million.

Especially for smaller tribes, the increased cost of having to provide for your own assessments will seriously damage the ability to tribes to provide housing. In fact, this

could be considered an unfunded mandate if tribes are being told they must perform these assessments themselves.

Our question to HUD must be, why will they not provide either sufficient training or perform these assessments? Where has the money gone?

NAIHC Responds to Pine Ridge's Needs Through Self-Determination:

NAIHC has responded to Pine Ridge's request for assistance through our technical assistance program. We believe strongly that the Oglala people deserve better housing and we are working with the housing authority, in particular the Executive Director, Paul Iron Cloud, to strengthen their low rent program and improve housing conditions for Native families.

In all honesty, the Department should be concerned about providing resources to tribes so that they can make their own judgements about their housing needs and how to solve them. NAHASDA was supposed to be about ending the Washington-knows-best approach. Indian Country is not suffering because of a lack of involvement by government. It is suffering because government policies toward tribes -- from warfare to termination to "Mother may I" programs of misguided social engineers -- all fail to recognize that Indian Country must solve its own problems. Unless a solution is truly Indian and local in nature, it is destined to failure.

Consultation and Oversight:

Many of the problems associated with the implementation of NAHASDA stem from one simple fact: formal consultation between tribes and the federal government on these issues is no longer taking place. HUD has stated quite clearly that the Negotiated Rulemaking Committee no longer exists, but what other mechanism can we hope to utilize for consultation?

Both NAIHC and the National Congress of American Indians have expressed their strong concern that HUD has failed to develop a formal consultation policy as required under the President's Executive Order on government-to-government relationships. It was never intended that the phrase "Self-Determination" was to be struck from the title of the Act after regulations were published. It is a crucial element to the success of NAHASDA and must be maintained if cooperation between tribes and HUD is to continue.

As a result over our concern on consultation, environmental review, and other issues, NAIHC respectfully requests this Committee, working in cooperation with the Senate Banking Committee, to initiate oversight hearings into HUD's implementation of NAHASDA. There are too many questions surrounding this program that, left unanswered, could launch us into a situation similar to the one two years ago, when alleged scandals, not progress, became the focus of attention in this program.

ECONOMIC DEVELOPMENT:

Like the chicken and the egg question that has plagued man for centuries, policy makers in Washington must consider the conundrum of which comes first, the capital or the market.

The Chairman is correct in his comments this year that economic development must be the fundamental building block of any success in Indian Country. Education, housing, health care, all of this depends on a strong economic base. In fact, the very concept of self-determination for tribes is meaningful only if it includes some degree of economic independence from the federal government. Gaming, while clearly a success in many communities, will not be the answer for every tribe.

So we must turn to other ideas and tools for wealth building. For most of America, the concept of homeownership is the primary tool for wealth building. Buying a home is the single largest purchase of most American's lives. Also, by paying down their mortgage a homeowner creates equity that can also be increased by upturns in local housing markets. This means that a homeowner with as little as $5,000 or $10,000 and an ability to pay a few hundred dollars a month can eventually have a $200,000 investment. By borrowing against this equity, a family can start a business, expand an existing business, pay for a college education or afford long-term health care costs. Some estimates show that more than 50% of the small businesses started in the United States each year are done so with the equity in the business owner's house. In most cases, you need a mortgage to start a small business.

We must also consider the impact homebuilding itself has on the economy. Any report on economic conditions in the United States will include figures on home starts. It indicates not only the health of the community, but can also be directly related to employment opportunities; 20 to 30 people are required to build a house, not to mention the various appliances and furniture it takes to fully furnish one.

However, in Indian Country there is very little opportunity for this kind of wealth building. While construction goes on, it is generally through federal grant programs or occasionally through government guarantees. The largest sector of the national single family building market, private mortgage lending, does not exist on reservations. The General Accounting Office reports that from 1992 through 1996, only 91 conventional home purchase loans were made on Indian trust land. More than 80 of these were at two reservations.

HOW TO BRING CAPITAL TO INDIAN COUNTRY:

Unfortunately, there is no quick easy answer to how to bring capital, particularly mortgage capital, to Indian Country. We must pursue a whole range of initiatives, small and large, federal and private.

First, we must improve existing guarantee programs. HUD's Section 184 program has still closed fewer than 500 loans. This program must be expanded and, if possible,

removed from annual appropriations limitations. The Federal Housing Administration's Section 248 insurance program, slated for termination a little over a year ago, has been given a stay of execution. The *Federal Register* notice of the continuation of the program was published just this week. Now we must focus on marketing the program.

NAIHC has embarked on an aggressive education initiative, which we call our Mortgage Partnership Program. We have already announced a partnership with the National Community Reinvestment Coalition to train tribes about the Community Reinvestment Act. A partnership with the National Association of Affordable Housing Lenders is designed to educate lenders about the unique situation in Indian Country with regard to land status, sovereignty and tribal laws and courts. Our education effort with regard to the tribes themselves is also moving rapidly. Our NAIHC Leadership Institute, launched last month, will provide certificate track-based training to professionals from throughout Indian Country. Last year our training programs reached more than 800 students. This year we are aiming for over 1000.

We should also consider whether the secondary market is appropriately incentivized to support lending programs in Indian Country. Too many lenders are holding loans in portfolio because the Fannie Mae and the Freddie Mac are still developing effective programs. Worse yet, lenders not willing to risk having to hold loans in portfolio may be avoiding Indian Country altogether. If we hope to spur a significant growth in mortgage lending, we must consider requiring specific targets for Fannie Mae and Freddie Mac for loans in tribal areas.

But we must look to the "big picture" as well. As I mentioned earlier in my testimony, much of what we see in Indian Country is reminiscent of much of the third world. The lack of housing, nascent governmental structures and extreme poverty on so many reservations cries out for new, bolder steps. I believe we must look to the World Bank as a model for long-term development. A privately owned institution run by tribes but with authority for loan guarantees would seem to meet all of the criteria for a successful solution to private capital needs: tribally-run, but utilizing the strengths of the federal government. I look forward to working with you, Chairman Campbell, and your staff to pursue some of these ideas.

CONCLUSION:

In closing, I would like to thank the Committee for their time and attention to these matters. I would also like to express my sincere gratitude to the Committee staff, in particular Paul Moorehead, the newly appointed Staff Director, and Patricia Zell. I have enjoyed working with these individuals in the past and I am even more excited about what future collaborations may bring.

The National American Indian Housing Council is a 501(c)(3) organization representing tribes and tribal housing organizations nationwide. It operates a national technical assistance and training program as well as the Native American Housing Resource Center in Washington, DC through an appropriation from the Congress administered by HUD. NAIHC's offices are at 900 Second Street, NE, Suite 305, Washington, DC 20002; phone: (202) 789-1754, fax: (202) 789-1758; http://naihc.indian.com.

NATIONAL INDIAN HEALTH BOARD
1385 S. Colorado Blvd. p Suite A-707 p Denver, CO 80222
Phone: (303) 759-3075 p Fax: (303) 759-3674

Statement of Buford Rolin
Chairman
National Indian Health Board
On the
Fiscal Year 2000 Indian Health Service Budget
February 24, 1999

Chairman Ben Nighthorse Campbell, Vice-Chairman Daniel Inouye, and distinguished members of the United States Senate Committee on Indian Affairs, I am pleased to offer testimony on behalf of the National Indian Health Board (NIHB) on the Fiscal Year (FY) 2000 Indian Health Service (IHS) Budget. The NIHB serves all 558 Tribal Governments in advocating for the improvement of health care delivery. Our Board Members represent each of the twelve Areas of the Indian Health Service and are generally elected at-large by their respective Tribal Governmental Officials within their regional area. We have the duty to ensure that the solemn treaty commitments of our ancestors are upheld in all matters related to health and human services.

It is my understanding that more than 800 Treaties, Executive Orders and legal statutes, were declared and negotiated between the United States of America and our native ancestors. These men and women were leaders who shed blood and witnessed the massacre of their people, by the U.S. Army or other Non-Indians who sought to carry out "Manifest Destiny". American Indian and Alaska Native Governments were forced to turn over more than 450 million acres of land with the promise that their sovereign nationhood would be preserved. In exchange for the precious land which sustained a quality lifestyle, our Indian leaders were promised health care, education, housing and other forms of Federal assistance intended to mainstream Indian people into the general society.

Senator Daniel K. Inouye has best captured the historic notion, "That the first inhabitants of this great land purchased the first pre-paid health care plan in the Country in exchange for their land". And like any negotiated health plan, there are premiums to be paid and minimum benefits to be derived.

Inequity and Injustice

Today, the United States of America is failing to provide 100 percent of the health care benefits required in the "Trust Obligation" provisions of their health care plan. While the Congress and the Administration celebrate their accomplishments in reducing the Federal deficit, nearly half a million Indian patients will go without ambulatory outpatient visitations in the coming year because the basic mandatory costs necessary

1385 S. COLORADO BLVD., SUITE A-707
DENVER, CO 80222
TELEPHONE: (303) 759-3075
TELEFAX (303) 759-3674
jroberts@nihb.org

to cover inflation and Federal Employee Pay Act increases will have to be absorbed without full increased funding. You might ask how can this happen when the Administration has requested a $170.1 million increase on behalf of the Indian Health Service. The best way that I can demonstrate the injustice affecting Indian health care is to draw you a picture.

IHS Funding Compared with Other Federal Agencies

I present for your review, a comparison or trend analysis of the per capita expenditures available to an Indian health beneficiary versus other Federal Agencies' per capita health expenditures. The agencies represented in this comparison include Medicaid and the Veterans Administration. As you are probably well aware, Medicaid is a health program available to the poor who cannot purchase health care. Medicaid for all its intent and purposes is a welfare program designed to provide a safety net for the Nation's indigent. While the Veterans Administration provides health services to former military personnel.

Unlike Medicaid, the budget of the IHS (which is funded primarily under the authority of the Synder Act) is treated as a discretionary program in the federal budget process. During the past seven years, the enacted appropriations for the IHS grew very slowly with increases between 1 and 3 percent per year. In FY 1999, we were quite pleased to have realized a 5.9 percent increase. Although these increases may have been comparable to or slightly in excess of many federal discretionary programs during this period, they were less than the increases provided to the major federal health care entitlement programs. Medicaid averaged over 10 percent growth per year for the period 1992 to 1996, over 4 times the levels of growth in the IHS budget over the same period.

The trend is not new. The IHS has been struggling to keep pace with the growth in the cost of health care and the rising number of IHS beneficiaries for the past two decades. A report issued by the Department of Health and Human Services in 1986, entitled, *"Bridging the Gap: Report on the Task Force on Parity of Indian Health Services,"* found that expenditures per capita by IHS declined from 75 percent of national expenditure levels in 1975 to less than 69 percent in 1986. In the subsequent decade, this gap widened.

In the FY 2000 President's Budget Request for the IHS, the document indicates that the IHS per capita expenditure is $1,400, compared to the U.S. civilian resident per capita expenditure of $3,200. This would suggest that in FY 2000 the IHS expenditures will provide less than 43 percent of the per capita expenditure for the civilian U.S. population. While this particular comparison looks specifically at the contrast between IHS expenditures and the amount of medical expenditures available to the general population, in today's discussion we look to compare funding for the IHS and other Federal programs comparable to the IHS.

The charts and table attached to my testimony presents the disparity, in actual appropriations and in dollars adjusted for inflation to their spending power in 1993 for the period FY 1993 to FY 1998 for the IHS versus Medicaid and the IHS versus the Veterans Administration. In FY 1993, the actual per capita expenditure for an Indian person in the IHS was $1,442 as compared to $3,042 for a Medicaid beneficiary and $5,249 for a Veterans' Administration beneficiary. Four years later in FY 1997, the per capita expenditure for an Indian person was $1,430 as compared to $3,369 for a Medicaid beneficiary and $5,458 for a Veterans' Administration beneficiary.

The difference between the expenditure for an Indian in an IHS program as compared to a Medicaid beneficiary is $1,939. When adjusted for inflation, the per capita expenditure in FY 1997 for an Indian person in the IHS is $1,217 as compared to $2,600 for a Medicaid beneficiary. (See attached tables).

The difference between the expenditure for an Indian in an IHS program as compared to a Veterans Administration beneficiary is $4,028. When adjusted for inflation, the per capita expenditure in FY 1997 for an Indian person in the IHS is $1,217 as compared to $4,503 for a Veterans Administration beneficiary. (See attached tables).

As you can well observe, Indian people in the Indian Health Service programs are not being served under the Nation's first prepaid health plan at a level which even meets one-third of what is available to a Medicaid and one-fifth of what is available to Veterans' Administration beneficiaries. Even though many Indian people are eligible to participate in Medicaid and Medicare, there are many limitations which confound their participation. Tribal and IHS health programs do not have equal access to these programs due to technical legislative impediments. At the same time, new Medicaid managed care efforts are largely controlled by State governments and managed care providers who will do their best to count Indian patients as a part of their plan, but will not make reasonable reimbursements to Indian health programs. And while improvements have been made to increase reimbursement rates within Indian health programs, the net gains in collections simply do not equal the disparity inherent in the IHS Budget.

The Nation's first pre-paid health plan is failing to meet the Trust obligation, as demonstrated by the FY 1999 IHS Budget. It is quite obvious that American Indians and Alaska Natives in IHS and Tribal programs are treated unequally when compared to Medicaid recipients and Veterans who secure services in other Federal programs.

For purposes of today's hearing, we have looked externally at IHS per capita expenditures as compared to other Federal programs. Internally, there is a growing need for the Congress to provide guidance on behalf of Tribal Governments to ensure that per capita expenditures between IHS and tribal programs are analyzed fully. No one is certain what level of unmet need is valid and true between IHS and tribal facilities. At present there is a systemic, nationwide inconsistency in resource allocation within the IHS, between Areas and between programs.

As the Senate Committee begins to contemplate the reauthorization of the Indian Health Care Improvement Act, we stand ready to assist the Committee in ensuring that facility per capita expenditures are established within the IHS. For how can we expect to clarify the availability of a minimum benefits package for Indian people as part of the nation's first pre-paid health care plan, when facility per capita expenditure information is absent. Without an established baseline in funding and health outcomes, it will be difficult to assess progress in the new century. To this end we have encouraged the establishment of the Level of Need funded workgroup.

Level of Need Funded Workgroup

In the past six months, we have observed the activities of the IHS-chartered workgroup which is undertaking an examination of IHS funding to establish a common estimate of health care funding needs for Indian people. At present, the IHS Resource Requirement Methodology forecasting tools are inadequate for a contemporary nationwide estimate of health needs. To assist the LNF Workgroup, three outside independent contractors have been selected to help the LNF Workgroup identify reasonable approaches for determining health care needs for Indian people.

One of these approaches looks specifically at comparing a comprehensive medical benefits package to the services which should be available under an IHS or tribal health system. It appears that the best means for comparing benefits is derived from the Federal Employee Health Benefits (FEHB) plan which uses a Blue Cross and Blue Shield standard for displaying the variety of FEHB plans that a Federal Employee might consider when selecting a plan. For purposes of establishing comparability, the LNF workgroup has determined which IHS services and programs can be considered as core benefits or as "Wrap Around" public health services. And the LNF Workgroup has also estimated population variables and current health spending, to ultimately develop a model for comparing funds needed and funds available to determine the level of need within Indian health or tribal health programs.

Early estimates would suggest that $3,391 per person is available for insured persons under a Federal Employee Health Benefits plan, as compared to $1,244 for an Indian person with comparable Blue Cross Blue Shield benefits currently available under an IHS or tribal health program. This is a disparity of $2,147 and is a little over one-third of what a Federal employee secures in their health care. These estimates are not yet final, but confirm the inequity and injustice which Indian people suffer under the present IHS budget. Based on population estimates and current appropriations, including Medicaid and Medicare collections, the total funding needed to bring American Indians and Alaska Natives up to a standard of care available to Federal Employees is $7.78 Billion.

We are well aware that Members of Congress and their staff are also enrolled in the Federal Employee Health Benefits program. In this day and age, when the economy is booming and there are talks about a Budget Surplus, it seems quite

reasonable for American Indians and Alaska Natives to ask why they too cannot secure the same care available to the Congress and the Administration. Indian people are not asking for anything more, they merely seek to increase the resources necessary to bring their health status up to a level which is equal to all other citizens. The loss of 450 million acres of land was an extraordinary loss and thus to secure health care under the IHS budget at a level which is one-third of what a Federal Employee or a Medicaid beneficiary presently receives is a true violation of the United States' Trust Responsibility.

Developing a Tribally-driven Budget for the IHS

Nearly three years ago, the National Indian Health Board met with Dr. Michael Trujillo, Director of the Indian Health Service, to propose a new process to develop a tribally-driven Indian Health Service budget. This tribally-driven IHS budget was to be developed with the input of every tribal government in consultation with the IHS. Under the guidance of Dr. Michael Trujillo, every Area of the IHS held two day consultation sessions last spring and Tribal Governmental Officials provided their best recommendations on how IHS funding should be increased and applied to improve health services within the FY 2000 IHS Budget. This same process for the FY 2001 IHS Budget formulation is now underway, where tribal and urban Indian representatives are gathering to meet with IHS representatives on the budget.

The Tribal Needs Based Budget for FY 2000 includes a request of $8,019,281,000, which represents the collective recommendations of each of the twelve Areas of the IHS, their Tribal programs and urban Indian health projects. The budget provides for an additional $2.6 billion for Services and $2.9 billion for Facilities, above the FY 2000 IHS request to provide access to high quality primary and secondary medical services, basic preventive services and the infrastructure for service provision. The current proposed FY 2000 President's Budget request of $2.4 billion represents a growing disparity between Indian and non-Indian citizens. (See attached Table which identifies Tribal Priorities for FY 2000.)

Today, we respect the effort of Dr. Trujillo and his staff for holding these consultation sessions. Yet it is truly disappointing that tribal priorities are overlooked when for the second time in the history of the IHS, Tribal Governments have recommended a practical approach for improving health care in Indian Country. Under Dr. Trujillo's leadership, the National Indian Health Board, the Tribal Self-Governance Advisory Committee and the Urban Indian Health Council have joined forces to advocate for an increase in the FY 2000 Indian Health Service budget.

NIHB Priorities

My colleagues on the National Indian Health Board and other Tribal leaders join me in strongly recommending an increase of $543,881,000 for the Indian Health Service in Fiscal Year 2000 over the enacted FY 1999 appropriation of $2,242,287,000. An increase of $543.8 million would restore major reductions in IHS programs realized over

the past seven fiscal years and would amount to a total appropriation of $2,786,168,000 in FY 2000. The amount of funding recommended over and above the President's request of $2,412,387,000 for FY 2000, is $373,781,000.

While we are only requesting less than one-tenth of the comprehensive tribal-based needs budget, we feel these priority areas should be funded in FY 2000. The increase of $543,881,000 includes $126,730,000 for full Contract Support Cost funding, $100 million for Contract Health Services, a $10 million increase for Community Health Representative programs, $58,151,000 for Pay Act Increases and Inflationary Costs not included in the FY 2000 IHS Request, and $78.9 million for Tribal Health Needs, in addition to the $170.1 million increase provided for in the President's FY 2000 Request.

Full funding for Contract Support Cost and why it is important

Our top priority is to realize a $126.7 million increase in Contract Support Costs in FY 2000. The leadership of the Tribal Self-Governance Advisory Committee also supports this recommendation. While President Clinton and the Congress have strongly encouraged Indian Self-Determination and Self-Governance policy development, the full amount necessary for Contract Support Costs remains absent. An appropriation of $365,511,000 in FY 2000 would provide additional funds for existing contracts and provide the $100 million needed for new and expanding contract support costs. Without the benefit of federal administrative support structures or funding, Tribal Governments cannot be expected to bear the burden of managing programs on behalf of the Federal Government. With the recent publication of final regulations to the 1994 Amendments to the Indian Self-Determination and Education Assistance Act, which was sponsored by Senator McCain and many of the Members of the Senate Committee on Indian Affairs, the need continues to grow.

In 1998, the National Indian Health Board published a year-long study on the policy of Indian Self-Determination and Self-Governance as it affects health care delivery. As you may recall, I and fellow Board Member, Alvin Windy Boy, presented testimony on this study to both the House and the Senate Committee on Indian Affairs during hearings on the Title V Self-Governance legislation.

This descriptive study was national in scope and includes the Tribal perspectives of 210 tribes and tribal organizations, which is representative of 38 percent of the 554 Tribal Governments. Tribal leaders and Tribal health directors were surveyed representing each of the three primary groups of tribes participating in Contracting, Compacting and as IHS direct service tribes. Every IHS administrative Area was represented in the study. According to the health director survey results, the lack of Indian Self-Determination contract support funding was regarded as a barrier to contracting and compacting for 27 percent of the IHS direct service tribes, 28 percent of contracting tribes and 11 percent of compacting tribes.

Despite the limitations of Contract Support Costs funding, on average, every type of tribe – IHS direct service, contracting and compacting – has achieved a higher

level of health care since the self-governance demonstration project began. And Tribes more commonly perceive an improvement in the quality of care when they manage their own health care systems. These are only a few of the major conclusions resulting from this study which suggests that if the Federal Government wants to encourage tribal management, full funding for both direct and indirect costs for Tribal management of health services is a key to quality and cost-effective health care.

Full funding for Contract Health Services – Life and Death, Pain and Suffering

There has been no inflationary increase provided for the Contract Health Services program in the past five years. And while the CHS program is the activity most directly affected by Medical Inflation, it has not been recommended for funding increases by the Administration and the Congress. The Contract Health Services program, which helps to purchase hospital-based services, pharmaceuticals and referrals to specialized services such as cancer screening, mammography, gall-bladder surgery, etc., is often the only form of health care available to tribal communities when no other IHS funded source is available. To restore the funding lost and ensure that CHS services are not restricted to only life and limb-saving procedures thru the entire fiscal year, the NIHB recommends a $100 million increase. The NIHB does not agree with the rationing of this program, as new standards of referral force IHS and tribal providers to determine, "Who is in the most pain and who should be referred to alleviate their pain." It is only humane for IHS and Tribal providers to refer everyone who needs a referral to not only sustain life and limbs, but to secure care which is needed to improve their health and well being. And these referrals should be facilitated in every quarter of the fiscal year, not just the first quarter.

Community Health Representatives – First Responders

The NIHB strongly disagrees with the judgement of the Office of Management and Budget related to the Community Health Representative Program which would decrease this program by $5 million to offset an increase in the Public Health Nursing Program. This vital program is nearly 100 percent tribally-run and often serves as the front-line connection and communications link to thousands of Indian people, especially the elderly, disabled or handicapped. We have reviewed the latest data and firmly believe the CHR Program is only funded at 52 percent of need, thereby requiring an increase of $72.7 million more to fully provide the broad array of paraprofessional services needed for successful health promotion and disease prevention initiatives. While we wish to recommend full funding, the NIHB seeks to increase the CHR program by $10 million in FY 2000.

Mandatory Pay Act Increases and Inflationary Costs

The NIHB has reviewed page 13 of the FY 2000 President's Request and is very concerned that Pay Act Increases and Inflationary cost increases which would have sustained current services each year from FY 1993 to FY 1999 has lead to an actual decrease of $359,871,000 in budget authority. More specifically, each year the IHS

determines what it will cost to pay all Congressionally mandated Pay Act Increases for it's Federal Employees. And the IHS calculates Medical and Non-Medical inflationary cost increases each year consistent with other Federal programs. (Although the medical deflator is much lower than the inflation factor used in the Consumer Price Index for Medical Services.) Even though these funds are necessary and should be added to the base budget of the IHS each year, they have not been included and are eventually absorbed by the agency in program decreases and staffing reductions.

In Fiscal Year 2000, the entire amount of funding needed to fund Pay Act Increases is estimated to be $40,673,000 (at 4.4 percent) and $52,530,000 is needed for inflation (2.1 percent for non-medical costs and 3.8 percent for medical costs). The total amount which is recommended for funding in FY 2000 by the Administration for Pay Act and Inflation is only $34,752,000 and the amount not recommended for funding is $58,151,000. It is suggested by the Administration that IHS absorb this additional $58.1 million in mandatory fixed costs, thereby leading to a $418,022,000 loss in fixed costs between the period of FY 1993 to FY 2000. While we don't believe the Clinton Administration intends on institutionalizing this type of loss in budget authority, it weighs heavily on the IHS and tribal health programs who have to redirect funds to make up for the mandatory costs which are required under the Pay Act and under inflation. Therefore, we ask the Congress to fully fund Pay Act increases and these modest estimates for inflation at $58,151,000 in FY 2000.

We appeal to the Senate Committee on Indian Affairs to advise the Senate Budget Committee that the Indian Health Service budget has already contributed to the cost savings used to achieve a balanced budget. The loss of $418,022,000 in fixed costs as demonstrated on page 13 of the President's Request is a substantial loss of budget authority. We urge the Indian Affairs Committee to request report language which directs the Department of Health and Human Services and the Office of Management and Budget to ensure that mandatory cost increases due to inflation and Federal Pay Act increases be included in the base budget of the IHS prior to it's earliest deliberations in future budget submissions.

Tribal Health Priorities

We have recommended an additional $78,900,000 to partially fund the tribal health priorities recommended in at least six of the twelve Areas nationwide. This $78.9 million includes a 10 percent increase in the following programs, as identified in the Tribal Needs Based Budget for FY 2000, this includes: $12.1 million increase for Diabetes Programs; $12.1 million increase for Substance Abuse/Alcoholism Programs; $13.1 million increase for Injuries (of which $7.2 million is for Health Promotion/Disease Prevention efforts, $3.6 million is for Emergency Medical Services and $2.3 million for Tribal Environmental Health Programs); $15 million increase for Cancer, principally for Breast and Cervical Cancers; $19.5 million increase for Dental programs; and $7.1 million for Mental Health programs. While the total amount of funding needed to fully fund the top 6 priorities recommended by the budget formulation teams nationwide is

ten times greater, we felt it was important to add these increases to those identified by the Indian Health Service within the FY 2000 President's Budget request.

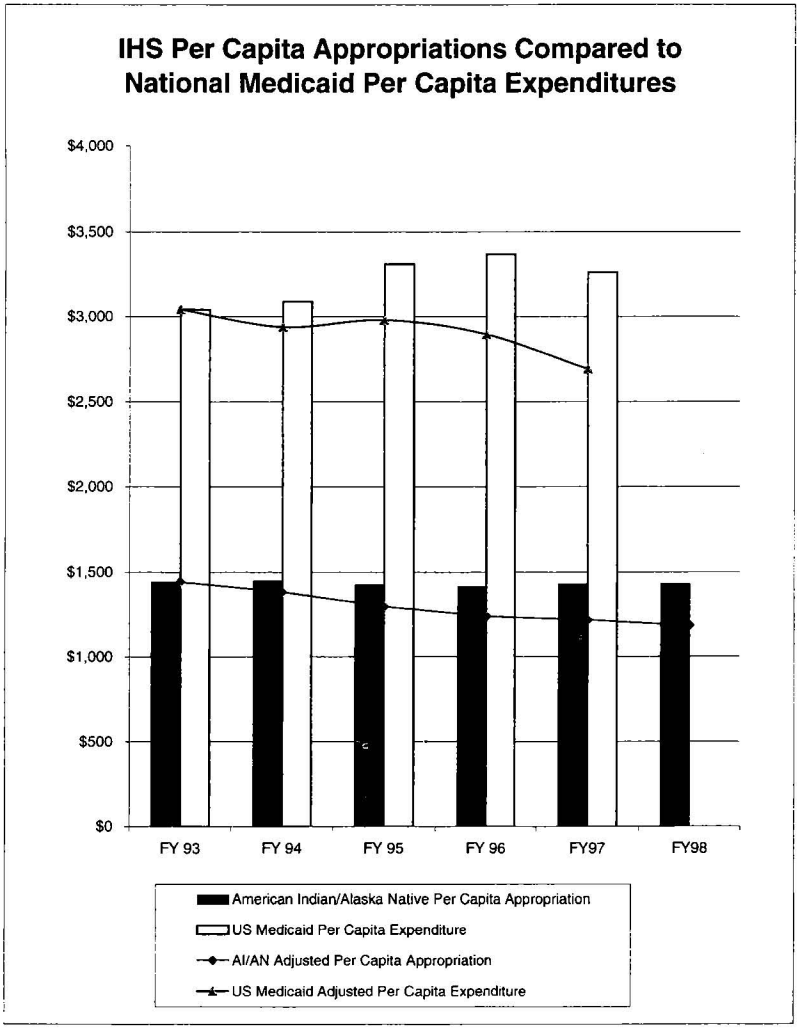
The tragic consequences of the FY 2000 IHS Budget

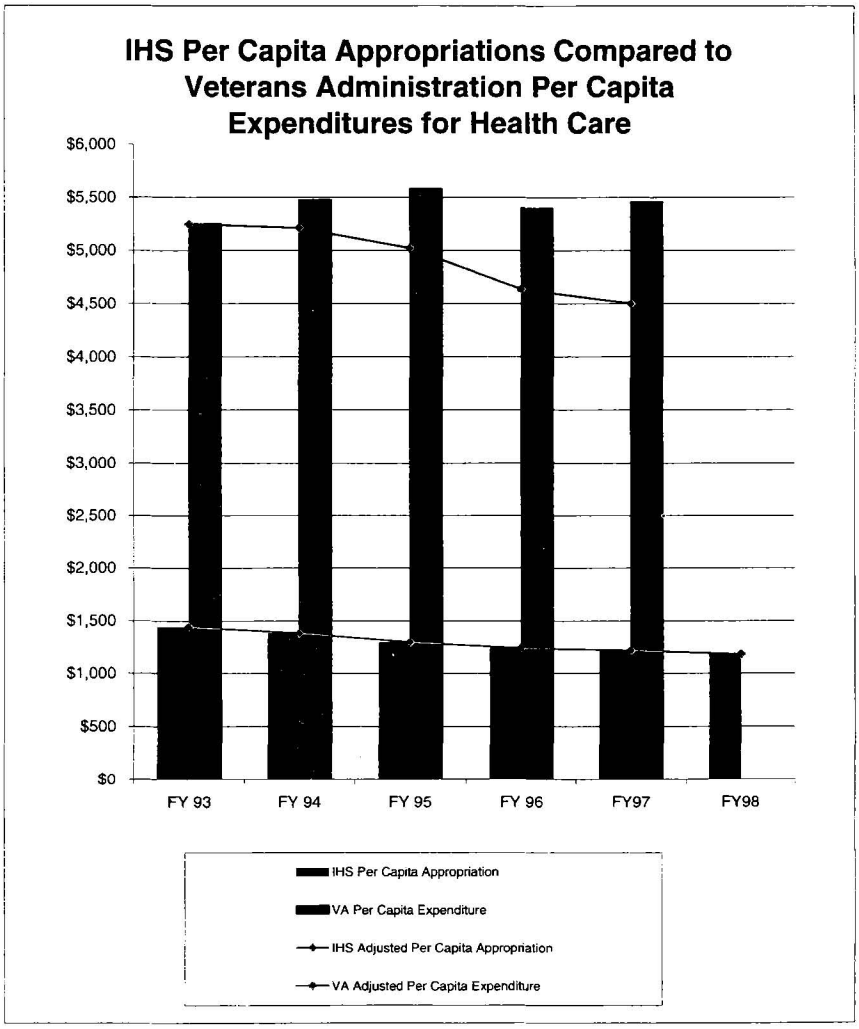
Tribal leaders and health care providers continue to deal with the impact of the lack of mandatory increases for inflation and Pay Act increases. But what does this mean in terms of health services? Thousands of people will be denied hospital admission, nearly half a million outpatient visits will be reduced, dental services will be cut, mental health and social services will be decreased, public health nursing home visits will not be performed and CHR visits will be severely impacted. The FY 2000 budget does not include sufficient increases for inflation, Contract Support Costs, the phasing in of staffing at new facilities, Pay Act increases, and population growth. And with an unwillingness to fully fund Facilities Construction projects which are ready for funding, program improvements and sanitation needs will go unmet and accreditation of health facilities will be compromised.

Conclusion and Call for Action

Mr. Chairman, in this era of diminishing Federal resources, every health care provider in the Indian Health Service and tribal health programs continues to work day in and day out in an environment where less than 43 percent of the need is being met by the United States Government. All of the health care providers, whether they are denied yearly salary increases or who work in facilities which are at times over 80 years old, are doing their very best to maximize every precious federal dollar appropriated by the U.S. Congress for the benefit of Indian people. And yet they will forced to turn people away or watch Indian people die from lack of appropriate resources. Today, we cannot afford to even ask for more prevention dollars, because the acute care of Indian people is being prioritized in this deficit-reduction mode.

On behalf of the National Indian Health Board, we thank the Indian Affairs Committee for considering our recommendations for improving Indian health programs. I call upon my Indian friends to work together with the distinguished Chairman of the Senate Committee on Indian Affairs to uphold the Treaty commitments our great leaders agreed upon more than a century ago. We seek to provide the same level of care to our citizens that you would provide to all citizens eligible for Medicaid, the Veterans Administration or the Federal Employee Health Benefits program. It is time to restore the losses realized in the past seven years and support a budget for the IHS in the amount of $2.7 billion in FY 2000. This amount of funding will only meet one fourth of the Tribes declared need, but it is a start and one that is badly needed.


IHS Per Capita Appropriations Compared to National Medicaid Per Capita Expenditures
$4,000
$3,500
$3,000
$2,500
$2,000
$1,500
$1,000
$500
$0
FY 93
FY 94
FY 95
FY 96
FY97
FY98
American Indian/Alaska Native Per Capita Appropriation
US Medicaid Per Capita Expenditure
AI/AN Adjusted Per Capita Appropriation
US Medicaid Adjusted Per Capita Expenditure


IHS Per Capita Appropriations Compared to Veterans Administration Per Capita Expenditures for Health Care
$6,000
$5,500
$5,000
$4,500
$4,000
$3,500
$3,000
$2,500
$2,000
$1,500
$1,000
$500
$0
FY 93
FY 94
FY 95
FY 96
FY97
FY98
IHS Per Capita Appropriation
VA Per Capita Expenditure
IHS Adjusted Per Capita Appropriation
VA Adjusted Per Capita Expenditure

IHS PER CAPITA APPROPRIATIONS COMPARED WITH OTHER FEDERAL AGENCY PER CAPITA EXPENDITURES
FY 93 - FY 98
(Dollars in Thousands)

Year	Appropriation	Population	% Pop Growth from 93	Medical CPI	% CPI Growth from 93		2		3		4	
							Medicaid Per Capita US Pop	Medicaid Adjusted US Pop Per Capita	DOJ Bureau of Prisons Per Capita	DOJ Bureau of Prisons Per Capita	VA Per Capita Health Care Cost	VA Per Capita Health Care Cost
FY-93	$1,874,351	1,299,415	-	199	-		$3,042	$3,042	$3,122	$3,122	$5,249	$5,249
FY-94	$1,943,068	1,340,666	3.20%	208	4.90%		$3,089	$2,938	$3,146	$2,992	$5,479	$5,211
FY-95	$1,963,062	1,376,692	5.90%	218	10.00%		$3,311	$2,980	$3,430	$3,087	$5,680	$5,022
FY-96	$1,986,800	1,405,437	8.20%	227	14.10%		$3,369	$2,894	$3,549	$3,049	$5,397	$4,636
FY-97	$2,054,000	1,435,947	10.50%	233	17.50%		$3,261	$2,690	$3,489	$2,878	$5,458	$4,503
FY-98	$2,098,612	1,466,354	12.80%	240	20.90%							
FY-99	$2,118,349	1,495,681	13.12%									

[1] Includes all directly appropriated dollars including construction funds (Source: Indian Health Services).

[2] National Medicaid expenditures (Source: Health Care Financing Administration, Office of Statistics & Data Management).

[3] The figures include all costs associated with health care to BOP inmates. This includes (but is not limited to) Public Health Service associated costs (e.g., salary reimbursement), medical transportation and airlift costs, outside hospitalization, security gurard services, mental health care services, activation costs, HIV testing costs, salaries, consultants, equipment, and supplies (Source: Federal Bureal of Prisons, Office of Congressional Affairs).

[4] FY-93-95 unique patient totals exclude Readjustment Counseling and CHAMPVA patients (count in those particular years is unknown) which accounts for approximately 3% of total unique patients in FY-96-97 (Source: Department of Veterans Affairs, Office of Chief Financial Officer).

National Indian Health Board's Tribal Needs-Based Budget Recommendation for FY 2000 as compared to President's Budget Request

February 23, 1999

(Dollars in Thousands)

Sub Sub Activity	FY 1999 Enacted Budget	FY 2000 President's Budget	Tribal/ Urban Needs	Health Defeciency Needs	Percent Unmet Needs
SERVICES:					
Hospitals & Health Clinics	949,140	1,002,852	2,580,772	1,577,920	61%
Dental Services	71,400	84,360	299,155	214,795	72%
Mental Health	41,305	48,446	125,921	77,475	62%
Alcohol & Substance Abuse	94,680	96,326	264,685	168,359	64%
Contract Health Services	385,801	410,442	633,301	222,859	35%
Total, Clinical Services	1,542,326	1,642,426	3,903,834	2,261,408	58%
Public Health Nursing	30,363	40,363	40,095	(268)	0%
Health Education	9,430	9,541	12,336	2,795	23%
Comm. Health Reps	45,960	40,960	113,709	72,749	64%
Immunization AK	1,367	1,388	1,623	235	14%
Total, Prev Health	87,120	92,252	167,763	75,511	45%
Urban Health	26,382	29,382	127,297	97,915	77%
Indian Health Professions	29,623	29,700	108,522	78,822	73%
Tribal Management	2,390	2,390	2,697	307	11%
Direct Operation	49,309	50,600	56,917	6,317	11%
Self-Governance	9,391	9,391	11,548	2,157	19%
Contract Support Costs	203,781	238,781	365,511	126,730	35%
Total, Services	1,950,322	2,094,922	4,744,089	2,649,167	56%
FACILITIES:					
Maintence & Improvement	40,625	48,125	308,826	260,701	84%
Sanitation Facilities	89,328	92,884	1,702,447	1,609,563	95%
Hlth Care Facs. Const.	41,087	42,531	839,200	796,669	95%
Facil. & Envir. Hlth Support	107,682	119,682	374,663	254,981	68%
Equipment	13,243	14,243	50,056	35,813	72%
Contract Support Costs	0	0	0	0	
Total, Facilities	291,965	317,465	3,275,192	2,957,727	90%
Total, Budget Authority	2,242,287	2,412,387	8,019,281	5,606,894	70%

NATIONAL INDIAN HEALTH BOARD
1385 S. Colorado Blvd. • Suite A-707 • Denver, Colorado 80222
Phone: (303) 759-3075 • Fax: (303) 759-3674

February 26, 1999

The Honorable Ben Nighthorse Campbell
Chairman
U.S. Senate Committee on Indian Affairs
Room 838, Hart Senate Office Bldg.
Washington, D.C. 20510

Dear Chairman Campbell:

I have received your letter of February 24, 1999, with questions regarding the President's FY 2000 Indian Health Service budget. I believe that our responses reflect an accurate view or sense of Tribal Governments nationwide. However, it must be noted that each of the 558 Tribal Governments that we represent are unique and often have their own views related to Tribal Sovereignty, health care management and their own experiences regarding Indian Self-Determination and Self-Governance policies.

In response to question one, **"Can you explain to the Committee how the ongoing Contract Support Cost shortfall affects the provision of services by tribal health providers?"**. The National Indian Health Board (NIHB) study which was published in 1998, found that lack of contract support funding was regarded as a barrier to contracting or compacting for 27 percent of IHS direct service tribes, 28 percent of contracting tribes and 11 percent of compacting tribes. As you might recall, this study involved 210 tribal governments (representing 38 percent of the Tribes) and is fairly representative of health systems managed by the Federal Government, by contracting or compacting.

One question asked in the health director survey was, "Is your Tribe receiving full funding for direct and indirect contract support costs?" A strong majority of the tribes answered, "No", including 73 percent of IHS direct service tribes, 73 percent of contracting tribes, and 63 percent of compacting tribes. Health Directors were also asked to estimate the shortfall in contract support cost funding for their tribes. For compacting tribes, these estimates ranged from $12,000 to $3 million with an average of $728,000 and a median of $300,000. For contracting tribes, the estimated shortfall ranged from $5,000 to $3.2 million with an average of $577,000 and a median of $200,000. Tribes classified in the study as IHS direct service tribes reported their estimated shortfall ranged from $2,300 to $300,000 with an average of $84,500 and a median of $66,700.

According to the Health Directors Survey, the lack of Indian Self-Determination (ISD) contract support cost funding was preventing tribes from contracting and compacting. One Health Director from an Aberdeen Area Tribe explained it this way:

> "If we were to contract, it would take 3 to 5 years to get contract support dollars and as previously mentioned, the Tribe does not have operating capital to wait that long."

While it would be too tedious to share more than one tribal perspective, our analysis of survey results indicated that while Tribal Governments are very interested in Contracting and Compacting, the absence of Contract Support Cost dollars is a primary barrier towards the exercise of this policy.

We are forwarding a copy of both Volume One and Volume Two of the study, **"Tribal Perspectives on Indian Self-Determination and Self-Governance in Health Care Management"** for your use. We are happy to make this information available to Vice-Chairman Daniel Inouye as well. Further, we would be most appreciative, if you would distribute one copy of Volume One to each of the Members of the Committee for their review and use. I believe you will find the documents useful in future health policy discussions.

Question two, **"Can you explain the goals of the "Level of Unmet Need Workgroup"?** *I am sending a copy of a fact sheet provided by the Indian Health Service* which describes the Level of Need Funded Workgroup, which is the same workgroup you referenced as "Level of Unmet Need Workgroup". Essentially, the Level of Need Funded (LNF) is a term which refers to a measure of health care funding deficiency for Indian people. This workgroup was created in response to the Fiscal Year 1998 Interior Appropriations bill's House Report which directed the IHS to "work with tribes to determine an acceptable methodology for determining level of need".

The IHS formed this workgroup which represents both Tribal and Federal representatives from virtually every Area of the IHS. Ms. Deanna Bauman and Mr. Alvin Windy Boy both serve on this workgroup and have an affiliation with the NIHB.

As noted in my written testimony, the workgroup is nearing a point of finalizing their study effort. I presented preliminary per capita expenditure information comparing IHS benefits with the Federal Employee Health Benefits plan expenditures. The NIHB believes this information will present the need for the Congress, the Administration, Tribal Governments and the general public to begin a strategy to potentially double the IHS budget in the coming year for personal health care services. While we have consistently presented the disparity in per capita expenditures between the IHS, Medicaid, Federal Prisons, and the Veterans Administration, in the past two years, the comparison has been based on economic data. Now, for the first time, the Congress and the Administration, will have comparative data which is based almost entirely on health benefits. When the final results are released, we hope to use the data to support the Tribal Needs Based Budget of $8 billion that Tribal Governments have formulated, along with the IHS.

In response to question three, **"With a $1 billion dollar backlog in health facilities, would the NIHB support alternative methods for financing the construction of new health care facilities such as bonding, cost-sharing, or joint venture agreements?"**, we are supportive.

The construction of new facilities is critically needed in Indian Country. And as you might recall, the IHS and tribal facilities are on average 36 years old, as compared to private health care facilities which are on average 9 years old. The inadequacies of these aged facilities make the efficient, safe and pleasant provision of health service difficult at many locations, and impossible at others. While the IHS has previously constructed more than a $100 million in new facilities a year, this line item in the IHS budget has dropped by 85

percent to roughly $13.5 to $28 million a year. And even though the IHS does a great job in constructing new facilities, their approach is regarded by some, as antiquated and very long term, from initial planning to final construction.

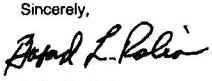
We have supported Senator John McCain's policy recommendation to incorporate new alternative methods for health facility construction, since it's inception in 1991. And our budget formulation teams in each Area of the IHS have also supported earmarked funding to implement this policy recommendation in actual budget authority. However, it tends to receive a low priority and virtually no funding when the IHS Budget is finally submitted each year.

Our study on Indian Self-Determination and Self-Governance found that there were more new facilities in contracting and compacting tribes, as compared to the IHS operated facilities. We found that 74 percent of the compacting tribes had expanded their programs and/or secured new facilities, as compared to 53 percent of the contracting tribes and 24 percent of the IHS operated facilities. This area of study looked both at service programs and facility construction together, so we couldn't say explicitly how much greater the construction activity was for those 210 tribes who responded. However, it makes clear that with greater flexibility, Tribes are leveraging their resources creatively to expand their programs.

I am very pleased for this opportunity to respond to your questions and want to thank you for considering the views of the National Indian Health Board.

If you have any further questions, please feel free to call upon Ms. Yvette Joseph-Fox, Executive Director, at (303) 759-3075.

Sincerely,



Buford L. Rolin
Chairman

Attachments

cc: Vice-Chairman Daniel K. Inouye

Questions and Answers -- LNF Project

What is the meaning of term "LNF"?	This term refers to a measure of health care funding deficiency for Indian people. Existing funding is compared to a needed amount and expressed as a percentage. This percentage is known as the level of need presently funded.
What is the function of the work group?	The Congress directed the IHS to "work with tribes to determine an acceptable methodology for determining level of need". The IHS formed a stakeholder-working group, comprised of tribal officials and health professionals from each of the 12 IHS geographic Areas plus at-large representatives, to provide input and perspectives from Indian country.
What product will the work group produce?	The Work Group will adopt and describe a methodology to measure health needs of Indian people. The methodology will estimate funding needed for health care of Indian people.
How do you determine health funding "need"?	The primary assumption is "comparability" with other Americans. The Work Group will measure funding need as if health care benefits comparable to comprehensive employer based health plans were assured to Indian people. Second, it will estimate costs per person using prevailing costs or prices.
What is the methodolgy to cost out the services?	The Work Group adopted two widely recognized forecasting methods. As an interim step, regional average expenditures per person for ten categories of personal medical services (inpatient, outpatient, pharmacy, etc.) will serve as proxy for prevailing prices. The final plan is to cost out a defined benefits package for Native Americans at prevailing prices using industry standard actuarial methods.
To whom will the method apply?	The Work Group will estimate health care funding requirements for the following populations: 1) current users of IHS and Tribal health programs, 2) eligible Indians residing in IHS service areas, 3) Indians residing in urban areas, and 4) all other Indians.
How will the results be used?	The Work Group will estimate LNF percentages for service units and rank them from lowest to highest. The Work Group will calculate the amount of additional funds that is necessary to raise all I/T/Us to succeeding LNF levels of 50%, 60%, 70%, 80%, 90%, 100%.

NATIONAL INDIAN EDUCATION ASSOCIATION
700 N. Fairfax St., Ste. 210 • Alexandria, VA 22314 • Phone: 703-838-2870 • Fax: 703-838-1620
E-mail: niea@mindspring.com • Web site: www.niea.org

STATEMENT OF THE NATIONAL INDIAN EDUCATION ASSOCIATION SUBMITTED TO THE SENATE COMMITTEE ON INDIAN AFFAIRS ON THE PRESIDENT'S FISCAL YEAR 2000 BUDGET

March 3, 1999

"As President, I have worked very hard to honor tribal sovereignty and to strengthen our government-to-government relationships. Long ago, many of your ancestors gave up land, water, and mineral rights in exchange for peace, security, health care, education from the federal government. It is a solemn pact. And while the United States government did not live up to its side of the bargain in the past, we can and we must honor it today and into that new millennium." – President Clinton, before signing Executive Order 13096 on American Indian and Alaska Native Education, August 6, 1998

The National Indian Education Association (NIEA), the oldest national organization representing the education concerns of over 3,000 American Indian and Alaska Native educators, tribal leaders, school administrators, teachers, parents, and students is pleased to submit this statement on the President's FY2000 budget for the education of American Indian and Alaska Native children. NIEA has an elected board of 12 members who represent various Indian education programs and Indian Country constituencies from throughout the nation. Annually, NIEA holds a convention which provides our members with an opportunity to network, share information, and hear from Congressional leaders and staff, as well as from, federal government officials on policy and legislative initiatives impacting Indian education. The following presents a view of Indian education as it currently exists and how the FY2000 budget request could improve the state of education for American Indian and Alaska Native people.

Executive Order No. 13096 on American Indian and Alaska Native Education

When measured against the general population, American Indian students continue to rank at, or near, the bottom of every educational indicator. In light of the many challenges these students face, the Administration has made an impressive move to increase educational access for American Indian and Alaska Native people through issuance of Executive Order 13096 in August, 1998. The executive order outlines six broad challenges for increasing student achievement among American Indians and Alaska Natives and reducing the dropout rate. The six goals of the order include:

1. Improving reading and mathematics;
2. Increasing high school completion and postsecondary attendance rates;

3. Reducing the influence of long-standing factors that impede educational performance, such as poverty and substance abuse;
4. Creating strong, safe, and drug-free school environments;
5. Improving science education; and
6. Expanding the use of educational technology.

NIEA is encouraged by President Clinton's focus on Indian education through this order. NIEA will work cooperatively with the Administration, federal agencies and other national Indian organizations to ensure the order meets its objectives and that Indian Country is made aware of the progress of the order.

We commend President Clinton for a budget that emphasizes the importance of education for all citizens of this country, including the First Americans. Both political parties have indicated that education is their top priority and nowhere is the need greater than in American Indian and Alaska Native communities. There are certain programs within the Department of Education and Department of Interior, Bureau of Indian Affairs (BIA) which deserve consideration for increases. These programs will be covered in this document with justification provided. Alternative methods of federal education funding, as proposed by certain members of Congress, will also arise again this year. Block grant funding is one of these methods which needs to be considered very carefully by Congress. Funding for certain Indian education programs are the result of the Federal/Tribal Trust relationship and may not be conducive to this type of proposal.

Indian Education as a Budget Priority

NIEA has identified several priority areas that need congressional support and funding in order to eliminate the barriers to Indian student achievement. These priorities include:

1. **Eliminating the backlog in school construction/repair in BIA Schools**
   NIEA is greatly concerned over the health and well-being of over 50,000 Indian students who attend classes and/or live in inadequate educational facilities. Funding for BIA and Department of Defense (DOD) schools are the sole responsibility of the Federal Government while public education is a combination of state, federal and local resources. Public schools also have the ability to pass bond initiatives for school repair and construction needs. On the contrary, Tribal and BIA schools rely exclusively on the federal government to ensure their academic and construction needs are met. The extent to which the federal government has assumed this responsibility is unfortunately evident in the backlog of construction, repair and renovation costs in BIA schools which now exceeds $800 million. The area of school construction and repair remains problematic as recent annual appropriations have historically targeted less than ten percent of the total need.

2. **Increasing funding for higher education scholarships at both the undergraduate and graduate level**
   NIEA is encouraged by the array of programs that are designed for improving the educational achievement of Indian students in K-12 schools. However, few opportunities exist for Indian students once they have graduated from high school. NIEA proposes funding the existing authorities for scholarship and fellowship programs at levels that will actually make a difference

by strengthening the bridge between high school and college. Our funding proposals for postsecondary education are contained later in this document.

3. Increasing funding for adult education programs
The lack of adequate adult education funding continues to plague any economic self-sufficiency efforts by Indian Tribes, and Indian communities in rural and urban settings. Programs such as GED programs and basic education skill courses specifically for Indian adults should be of sufficient quality and quantity to effect change throughout the entire Indian community.

4. Reinstating the office of the National Advisory Council on Indian Education (NACIE)
The Indian Education Executive Order requires NACIE to play a major advisory role in the order's implementation. It is literally impossible for them to conduct this activity without a physical office within the Department of Education. The order is now seven months old and NACIE needs to be providing input into agency decisions that are now being made.

Elementary and Secondary Education Act Reauthorization
The Elementary and Secondary Education Act (ESEA) of 1965 is due for reauthorization this session of Congress. NIEA has developed recommendations for consideration by the authorizing committee, the Department of Education and Indian Country. Several tribes, including the Affiliated Tribes of Northwest Indians (ATNI), have endorsed NIEA's recommendations as they apply to the current ESEA, as amended by the Improving America's Schools Act (IASA). The issuance of Executive Order 13096 by President Clinton in August of 1998 on American Indian and Alaska Native Education and the reauthorization of the Elementary and Secondary Education Act in 1999 will both play a major role in determining the future of education in general, and Indian education in particular. Our comments, as presented in this document, will be tied directly to both of these initiatives. NIEA calls on members of the Senate Committee on Indian Affairs to schedule an oversight hearing on the reauthorization of the IASA.

NIEA's testimony will discuss Indian education and related programs administered by the Departments of Commerce, Education, Health and Human Services, Interior, and Labor, and specifically those within the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

1. DEPARTMENT OF COMMERCE

I. National Telecommunications and Information Administration (NTIA).

A. Telecommunications and Information Infrastructure Assistance Program (TIIAP). The FY2000 request is $20.1 million, $1.9 million less than 1999. TIIAP provides grants for projects that enable schools and communities to develop their telecommunications infrastructure and to offer students opportunities to develop their technology skills. Tribes and tribal colleges are among those who recognize the importance of this program in meeting their telecommunications technology needs and in producing technology-literate students. Developing a tribal workforce skilled in telecommunications technology can help tribes reduce unemployment in their communities by giving individuals marketable job skills; supporting established businesses on,

or attracting new ones to, their reservations; and strengthening tribal government administrative infrastructures in order to improve delivery of education, health, and other social welfare programs in addition to carrying out day-to-day governmental functions and responsibilities. Recent grantees include the Alamo Navajo School Board in New Mexico; Fort Berthold Community College in North Dakota; Northwest Portland Area Indian Health Board in Oregon; Oglala Sioux Tribe in South Dakota; Council of Athabascan Tribal Governments in Alaska; and the Minneapolis American Indian Center in Minnesota.

B. Corporation for National Service. The FY2000 request is $848 million and is an increase of $134 million over 1999. NIEA supports the funding that goes to Indian tribes under AmeriCorps basic grants. The budget proposal features an increase in AmeriCorps from 53,000 to 69,000 members, aiming at 100,000 members by 2002. Service-learning programs will expand to over one million students. The budget requests $10 million for the President's Student Service Scholarship Program, which provides matching scholarships for high school students selected for outstanding community service. Here are some key budget numbers:

- $302 million for AmeriCorps grants, up $65 million from '99;
- $81 million for AmeriCorps*VISTA, up $8 million;
- $21 million for AmeriCorps*NCCC, up $3 million;
- $50 million for Learn and Serve America, up $7 million; and
- $185 million for the National Senior Service Corps, up $11 million. (RSVP - $46 million, Foster Grandparents - $95 million, Senior Companions - $39 million, Demonstration Programs - $5 million)

2. DEPARTMENT OF EDUCATION

President Clinton has proposed several new programs for FY2000 in his 21st Century Schools initiative which focuses almost entirely on improving the human and physical infrastructure needs of public schools. The Administration's FY2000 proposals include: the second year of funding for Class Size Reduction which plans to add 100,000 new teachers; a new School Construction and Modernization effort; accountability measures for ending social promotion; and expanding after-school activities. Most of these, if funded, would mean additional education resources for Indian students attending public and Bureau of Indian Affairs (BIA) schools. The last few appropriation cycles have shown several school construction/bonding proposals which have failed to be funded for various reasons. We encourage the committee to endorse the school construction proposal from the Administration and/or increase the amount of direct funding the BIA receives for school construction/renovation and repair needs. As was the case last year, there is still a backlog in all areas of education construction within the BIA school system now estimated at over $1 billion, according to Interior officials.

I. Office of Indian Education (OIE).

For FY2000, the Department of Education has requested $77 million to fund Office of Indian Education's formula grants to Local Education Agencies (LEAs), partially restore discretionary funding for OIE and fund certain National Center for Education Statistics (NCES) surveys.

This amount, in addition to LEA grants, would include a partial reinstatement of discretionary grant programs, minimal funding for the National Advisory Council on Indian Education (NACIE) and funding for the carrying out the objectives of the Executive Order on American Indian and Alaska Native Education. In 1997, budget authority for OIE transferred from Interior to Labor, Health and Human Services, and Education Appropriations.

Partial funding has been restored for OIE's discretionary program called Special Programs for Indian Children. NIEA requests the Committee's support for full reinstatement for other discretionary programs in adult education, adult literacy and Indian fellowships. The Administration's support for Indian students throughout its other programs is well established and desperately needed by the Indian community, however, few Departmental initiatives are available for Indians attending postsecondary institutions or needing adult education services. This educational gap prevents full educational access generally assured other students. NIEA's FY2000 request proposes to fill this educational inequity.

The following are NIEA's recommendations regarding OIE funding by category:

A. Formula Grants to LEAs. For FY2000, the Administration has requested $62 million for OIE's formula grant program to public schools which is level funded with FY1999. Formula grants are authorized under Title IX, Subpart 1 of the Improving America's Schools Act of 1994. The Department estimates that this funding assists 461,000 Indian students attending public and Bureau of Indian Affairs schools. In FY1999 there were 415,297 public school Indian students and 45,485 BIA Indian students receiving services through this program. The number of grants awarded in 1999 included: 1,120 public schools; 84 BIA-grant/contract schools; and 70 BIA-operated schools for a total of 1,274 grantees.

B. Special Programs for Indian Children. The FY2000 request is $13.3 million and is $10 million over FY1999. NIEA fully supports the initiatives being supported by this funding. The Administration proposes to fund a new initiative called the American Indian Teacher Corp that would be funded at $10 million. All Subpart 2 programs are authorized by Title IX of the Improving America's Schools Act. The two currently active authorizations under Subpart 2 include:

- Improvement of Educational Opportunities for Indian Children (Section 9121)
  Under this authority, discretionary grants are awarded to State Education Agencies (SEAs), local educational agencies, Indian tribes and organizations, and institutions of higher education to improve Indian student achievement through such programs as early childhood education, drop-out prevention, and school-to-work and secondary school higher education transition programs. In FY1999, $1.4 million is available to award seven grants averaging $200,000. The Administration requests level funding for FY2000.

- Professional Development (Section 9122)
  Under this authority, discretionary grants are awarded to institutions of higher education, SEAs, LEAs, Indian Tribes and organizations, and BIA-funded schools in consortium with institutions of higher education. The programs goal is to increase the number qualified Indian individuals in professions serving Indian people. Individuals receiving funding under this program are required to secure employment in a field that benefits Indians. In

FY1999 the department will fund approximately eight 3-year grants serving 270 students with $1.8 million is available for this program. The Administration requests level funding for FY2000. *NIEA requests funding this category to a level of $3 million.*

- American Indian Teacher Corp (Section 9122)
  This new program would combine several program elements in a manner that effectively trains Indian students to work in schools with concentrations of Indian children and youth. Tribal colleges would assume a major role under this program as would postsecondary institutions that offer teacher training to develop and ensure that program reflect the needs of Indian students. TCCCs would facilitate the recruitment effort working with paraprofessional already in the field in Indian communities. The proposed funding of $10 million would provide training for an initial cohort of 500 prospective teachers. NIEA supports this initiative.

C. National Activities. The Administration requests $1.7 million in FY2000 to augment the Year 2000 National Center for Education Statistics (NCES) Schools and Staffing Survey (SASS) and other proposed research initiatives. The FY2000 request is $1 million over FY1999. The data collection effort would ensure that American Indian students are included in upcoming NCES surveys that will yield additional information on American Indian learners.

NIEA appreciates the targeted increases for Indian education, but continues to be concerned that studies on American Indian and Alaska Native students are not already a part of the Department's data gathering effort. All other ethnic populations receive considerable research results without having their respective program budgets cover the cost. A 1996 report by the United States Commission on Civil Rights titled the 'Equal Educational Opportunity Project Series, Vol. 1' found that Department of Education data on student characteristics was lacking among students from American Indian, Asian and other national backgrounds. The report stated that *"accurate, reliable and complete data on these ethnic groups are vital for the efforts of the education community to assess the needs of all student sub-populations."* The report recommended that documents from the Department of Education's Office of Educational Research and Improvement (OERI), and other federal agencies that contain data utilized by policy and decision makers, should include information on these populations. NIEA echoes this position and recommends that the Department of Education make a concerted effort to provide research data for all ethnic categories when conducting studies and that they do so with funds requested through their own research department.

D. Tribal College Executive Order. At the release of the Department's budget, no numbers were available for funding recommendations for the Tribal Colleges Executive Order which was funded in FY1999 at $200,000. NIEA has been informed by the Department that other agencies will have their resources combined for the Order's implementation. We are not sure which agencies will be asked to contribute.

E. The National Advisory Council on Indian Education (NACIE). For the past four appropriation cycles, NACIE has been funded at $50,000. *NIEA recommends funding for NACIE in the amount of $500,000 in order for it to re-establish an office within the Department of Education and hire full-time staff.* NIEA is aware that appropriation language in the Senate Labor, Health

and Human Services, and Education Appropriations Subcommittee Report from September, 1998 (S.R.105-300) recommends funding NACIE at $200,000. NIEA supports this recommendation and encourages the Department to support our higher recommendation. We are concerned that the Administration's request would neglect the inclusion of one of its own commissions, particularly in its obvious concern for Indian education.

NIEA requests that funding be made available for NACIE in light of their increased advisory role in the implementation of the Indian Education Executive Order signed by President Clinton in August, 1998. Since several requirements are to be completed during the first year, it is critical that NACIE re-establish an office to facilitate its executive order mission. NACIE currently has no permanent office and must rely on OIE staff to carry out minimal functions. Discussions with the NACIE Chair indicate that communications between NACIE and OIE staff have been minimal. NIEA has made every effort to involve NACIE in several Indian education initiatives including keeping the council updated on Executive Order functions.

F. OIE Fellowship Program. This program is not recommended for funding in the FY2000 request. *In lieu of funding this program, NIEA recommends increasing the amount of funding available under OIE's Professional Development to $3 million in FY2000 and $4 million in FY2001.*

G. OIE Administration. Since FY1997 funding for OIE administration has been covered under the overall Department of Education's General Administration account. A budget footnote in the Education Department's 2000 budget request indicates that $2.8 million will be available for OIE administration. NIEA encourages the Administration and the Department of Education to use a portion of these funds for the reinstatement of the NACIE office.

II. Other DoEd Indian Education-Related Programs.

NIEA fully supports the Indian set-asides for the following Department of Education programs.

A. Class Size Reduction Initiative. The FY2000 request is $1.4 billion to support an estimated 38,000 teachers in early grades under the second year of the Administration's class size reduction plan. In FY1999, $1.2 billion was appropriated toward the seven-year plan in which 30,000 teachers are expected to be hired in the first year. The initiative's goal is to hire 100,000 new teachers over seven years. The Administration proposes to spend $7.3 billion over seven years to reduce class sizes particularly in urban areas. The Department estimates that approximately $3.5 million would be available in FY1999 and $4 million in FY2000 for American Indians and Alaska Natives. NIEA supports this initiative.

B. Reading and Literacy Grants. The FY2000 request is $86 million and is $26 million over the FY1999 funded amount. NIEA fully supports the funding request for this program. NIEA is concerned that the original Administration program was called the "America Reads" program and would have contained a set-aside for Indian tribes and the BIA in the amount of $1.9 million. This set-aside is not included in the Reading Excellence Act as it was passed in October, 1998. *NIEA strongly encourages the committee to support a technical amendment that would include Indian tribes and BIA schools as eligible for a tribal set-aside of 1.5 percent.*

C. Goals 2000. The FY2000 request is $491 million and is level funded with FY1999. NIEA supports the President's request for Goals 2000. One percent of Title III funds for Territories and BIA-funded schools are used to support comprehensive, systemic education reforms to improve teaching and learning. The FY2000 budget for Bureau of Indian Affairs schools is estimated at $2.9 million, $50 less than FY1999. Approximately 43,000 Indian students are to be served.

D. Safe and Drug-Free Schools. The FY2000 request is $591 million and is $25 million over FY1999. NIEA supports the FY2000 request for Safe and Drug-Free Schools. State grants under this program total $439 million. BIA schools receive a one percent set-aside, which in 1999 was $5.3 million. A similar amount for Indian schools is to be available in FY2000. The FY1999 request is expected to benefit approximately 40,000 Indian students.

E. School-To-Work. The FY2000 request is $55 million and continues the phase-out of the School-to-Work program in 2001 with States or other vocational education dollars continuing the program. NIEA supports the President's request for School-To-Work funding. The FY2000 request is $55 million with an equal request from the Department of Labor bringing the total program to $105 million. FY1999 funding was $125 million each Department. Up to one percent of program funds are set-aside for programs to help Indian youth acquire the knowledge and skills they need to make a smooth transition from school to career-oriented work and further education and training. The amount going to Indian students in FY2000, based on prior year allocations, should be $1.2 million.

F. Title I, Grants to LEAs. The FY2000 request is $6.6 billion and is $300 million over 1999. Title I, Education for the Disadvantaged, covers four programs: Title I basic grants; Title I concentration grants; Title I targeted grants; and capital expenses for private school children. The FY 1999 request for Title I Basic Grants was $6.3 billion, an increase of $788,000 (less than 0.1 percent) over 1998. The BIA set-aside amount under the FY2000 appropriation would be $51 million and serve approximately 24,500 Indian students. NIEA supports the FY2000 funding recommendation.

G. Title I, Comprehensive School Reform. The FY2000 request is $150 million and is $30 million over FY1999. This Title I initiative funds research based school-wide reform. Under this proposal, the BIA would share a 1 percent set-aside with U.S. Territories. The BIA portion would be approximately $1 million.

H. Title I, Even Start. The FY2000 request is $145 million and is $10 million over FY1999. The Even Start program supports local projects that blend early childhood education, parenting instruction, and adult education into a unified family literacy program. The FY2000 Indian set-aside amount is estimated at $2.2 million. NIEA fully supports this program.

I. Eisenhower Professional Development State Grants. The FY2000 request is $335 million and is level funded with FY1998 and FY1999. NIEA supports this program. The Eisenhower Professional Development program emphasizes improvement of instruction in mathematics, science and other professional development areas. The FY2000 Indian set-aside amount under this program is $1.7 million, comparable with FY1999.

J. Impact Aid. The FY2000 request is $724 million and is $100 million less than FY1999. The Administration's request would provide the following allocations: Basic - $640 million; Special Education - $40 million; Heavily Impacted Districts - $0; Facilities Maintenance - $5 million; Construction, $7 million; and Payments for Federal property - $0. *NIEA supports the National Association of Federally Impacted Schools (NAFIS) request of $944 million which proposes the following allocations: Basic - $754 million; Heavily Impacted Districts - $77 million; Special Education - $50 million; Payments for Federal property - $43 million; Construction - $14 million; and Facilities Maintenance - $6 million.*

Impact Aid compensates school districts in areas where large numbers of children live on, or are associated with, Federal property such as Indian reservations or military bases. In 1999 the Department estimated that over 124,000 Indian children living on Indian lands would generate approximately $300 million, well over the FY1998 amount of $214.5 million for local school districts. In FY2000, the following estimates show how much support Indian students will generate by category for public schools: Basic - $296 million; Special Education - $20 million; and School Construction - $4 million. The total FY2000 amount Indian students may generate under the Administration's request is $320 million.

K. Education for Homeless Children and Youth. The FY2000 request is $31.7 million and is $2.9 million over 1999. NIEA supports the FY2000 request. Under this program, the BIA receives a one percent set-aside for homeless students served by the BIA. This amount is $100,000.

L. Bilingual Education. The FY2000 request is $415 million and is $35 million over 1999. NIEA supports the Administration's request for Bilingual Education. In FY1999 American Indian and Alaska Native students received indirect funding for Bilingual Education programs in public schools in the amount of $30.2 million. BIA schools are eligible to apply for Bilingual Education funding directly through the Department of Education. In FY1999 the amount of grants to BIA schools was $749,000. Funding is distributed through grants to school districts to address the severe academic problems of school children who are limited English proficient. The Department estimates that 182,000 American Indian students in BIA and public schools will receive bilingual education assistance in FY1999. Under previous allocations, the Bilingual education program has included comprehensive reform funding designed to retain native languages of Indian communities. NIEA strongly encourages continuance of this effort.

M. Special Education Grants to States. The FY2000 request is $4.3 billion and is $4 million over 1999. The Individuals with Disabilities Education Act (IDEA) was reauthorized in 1997 as Public Law 105-17. BIA schools receive 1 percent for the education of children 5-21 years with disabilities who live on reservations. An additional .25 percent is allocated for distribution to tribes and tribal organizations to provide for the coordination of assistance and related services for children aged 3-5 with disabilities on reservation schools. The set-aside amount in the FY2000 budget request is $52.9 million and is $7 million over 1999. Approximately 7,000 Indian students with disabilities would be served with Special Education funding. NIEA voiced its opposition during the reauthorization of IDEA when authorizors proposed to lower the Indian set-aside amount from 1.5 to 1.25 percent. NIEA supports the increased amount.

N. Special Education Grants for Infants and Families. The FY2000 request is $390 million and is $20 million over FY1999. The Indian set-aside under the request is $4.8 million and is

$300,000 over 1999. NIEA supports the $4.8 million request for Grants for Infants and Families program. BIA schools receive 1.25 percent for distribution to tribes and tribal organizations for the coordination of assistance in the provision of early intervention services to children aged birth to 2 years.

O. Vocational Rehabilitation State Grants. The FY2000 request is $2.3 billion and is $35 million over FY1999. NIEA supports the Presidents FY2000 request. Within the Vocational Rehabilitation State Grants program is the Grants to Indians section that is recommended for funding in the FY2000 request at $23.4 million. NIEA fully supports the Grants to Indian program.. Funds for this program are based on a .5 percent set-aside. These critical dollars provide vocational rehabilitation services to 7,000 American Indians with disabilities living on reservations.

P. Education Technology. The FY2000 request is $570 million and is $20 million less than 1999. The program includes a Technology Literacy Challenge fund, Technology Innovation Challenge Grants, and Regional Technology in Education Consortia. American Indians are estimated to benefit with approximately $2.3 million in Technology Literacy Challenge funds in FY1999. NIEA supports the higher FY1999 funding level for this program.

Q. Protection and Advocacy of Individual Rights. The FY2000 request is $10.9 million and is level with FY1999. The request would support systems in each state to protect and advocate for the legal and human rights of individuals with disabilities. These systems pursue legal and administrative remedies to ensure the protection of the rights of individuals with disabilities under federal law. The Indian set-aside in FY2000 is estimated at $50,000 and is level with FY1999.

R. Fund for the Improvement of Education (FIE). The FY2000 request is $139.5 million and is $7.5 million less than FY1999. This program supports a variety of activities aimed at stimulating reform and improving teaching and learning. FIE also funds through the States a portion of the Title I Demonstrations of Comprehensive School Reform which provides resources and incentives to apply research findings and strategies to help turn around failing schools. The FY2000 Indian set-aside amount is $81 million and is level with FY1998 and FY1999.

S. Alaska Native Education Equity. The FY2000 request is $10 million and is level with FY1999. NIEA fully supports the FY2000 request. The FY2000 proposal will fund an Educational Planning, Curriculum Development, Teacher Training, and Recruitment program at $5.1 million; a Home-based Education for Pre-School Children program at $3.8 million; and a School Enrichment program at $1.1 million. The Alaska Native Education Equity program funding request provides funding for continuation of projects that address the barriers preventing Alaska Native students from achieving to higher academic standards.

T. Vocational and Adult Education. The FY2000 request is $1.1 billion and is recommended at $9 million over 1999. Under the Basic Grants program there is an Indian and Hawaiian Natives set-aside in the amount of $15.4 million that is recommended at level funded with FY1999. Additionally, there is a Tribally Controlled Postsecondary Vocational and Technical Institutions

program recommended at $4.1 million, level with FY1999. NIEA fully supports both of the funding recommendations for these programs.

3. DEPARTMENT OF HEALTH AND HUMAN SERVICES

I. Administration for Children and Families:

A. Head Start. The FY2000 request is $5.3 billion and is $607 million over 1999. NIEA supports the FY2000 budget request. The Indian Head Start program under the FY2000 budget would receive $146.6 million which is $25.3 million over 1999. In 1998, over 21,600 American Indian and Alaska Native children attending Head Start If the budget request is approved, Indian communities should see an increase in Indian Head Start programs and enrollment. Currently there are 150 Indian Head Start programs serving Indian communities.

If enacted, this increase would be the largest in history, and would enable Head Start to serve an additional 42,000 children and bring the total national enrollment to 877,000 children. Under the Clinton administration, funding for Head Start has already increased by 68 percent, and enrollment has increased by over 200,000 children, reaching 835,000 children in fiscal year 1999. The FY2000 budget request would increase funding to nearly double the level when the President took office, keeping continues the Administration's commitment to expanding the Early Head Start (EHS) program that serves low- income families with children under three years old. The FY 2000 budget request would serve 7,000 more EHS children, well on the way to the goal of doubling the program by 2002. The increase also includes approximately $250 million in new funds to continue to improve program quality.

II. Indian Health Service.

A. Indian Health Professions Scholarships. The FY2000 request for the Indian Health Service (IHS) Health Professions program is $29.7 million and is $77,000 over FY1999. NIEA is deeply concerned that no discernable increase in the program has been evident since FY1997. The need for health professionals in Indian Country has exceeded the available funding for ensuring adequate numbers of American Indians enter the medical profession. NIEA supports this program but requests additional funding based on actual numbers of qualified applications received annually. The Indian Health Professions is authorized by Public Law 94-437, the Indian Health Care Improvement Act (IHCIA), and includes various Health Profession programs under sections 102 through 105; 108; 110; 112; and 114. Below are brief descriptions of each section..

Sec. 102 authorizes grants to public or nonprofit private health or educational entities, Indian tribes, or tribal organizations to identify and recruit American Indians and Alaska Natives into the health professions. In FY1998, awards were made to the Lac Courte Oreilles Tribe, the Eastern Band of Cherokee, South Central Foundation of Alaska, and Northwest Portland Area Indian Health Board. Funding in FY1998 was $723,300.

Sec. 103 authorizes two scholarship programs, the health Professions Preparatory Compensatory Preprofessional Scholarship and the Health Professions Preparatory Pregraduate Scholarship. Funding in FY1998 was $3.6 million.

Sec. 104 authorizes scholarships to American Indian and Alaska Native Students who are enrolled or accepted for matriculation in the health professions, leading to graduatiion and service in the IHS and other Indian Health Boards. This program requires a payback arrangement on a year-for-year basis. Funding in FY 1998 was $8.7 million.

Sec. 105 authorizes the IHS Extern Program. This program provides Health Profession Scholarship recipients and other health and allied health profession students the opportunity to gain practical experience during non-academic periods of the school year. An average of 240 externs participate in the program annually. Funding in FY1998 was $1.3 million.

Sec. 108 authorizes the repayment of loans incurred by health professional in exchange for a minimum service obligation of 2 years in the IHS, tribal programs funded under P.L.93-318 or Buy Indian contractors or Title V (P.L. 94-437) urban Indian program. In FY1998, 250 contracts were awarded to participants in the IHS Loan Repayment Program. Funding in FY1998 was $11.9 million.

Sec. 110 Authorizes the IHS to fund on a competitive basis Indian Tribes and tribal and Indian organizations to recruit, place, and retain health professionals to meet the staffing needs of Indian health programs. In FY1996, Sec. 110 grants were made to the Sisseton-Wahpeton Sioux Tribe; the Southeast Alaska Regional Health Board; the Five Sandoval Indian Pueblos, Inc.; the Consolidated Tribal Health at Ukian, California; the Fort Mohave Tribe; and the Lac Courte Oreilles Tribe. New awards should be made in FY1999. Funding in FY1998 was $580,000.

Sec. 112 authorizes the IHS to provide funds on a competitive basis to public or private schools or nursing, tribally controlled community collegesand tribally controlled postsecondary vocational institutions, and nurse midwife programs, and nurse practitioner programs that are provided by any public or private institution. In FY1998, awards were made to University of Arizona, the Salish Kootenai College, the University of North Dakota at Grand Forks, the University of Wisconsin at Eau Claire, Oglala Lakota College, the University of Oklahoma, Sisseton-Wahpeton College and the University of South Florida. Funding in FY1998 was $1.7 million.

Sec. 114 authorizes IHS to provide competitive grants to colleges and universities for the purpose of maintaining and expanding Native American health careers programs known as the Indians into Medicine Program (INMED). The IHS in FY1998 funded INMED programs at the University of North Dakota at Grand Forks and the University of Minnesota at Duluth. The University of Minnesota grant will expire in FY2001 and be re-competed. The funding in FY1998 was $220,000.

III. Other DHHS Indian Education-Related Programs:

A. Administration for Native Americans (ANA). The FY2000 request is $34.9 million and has been level funded with FY1998 and FY1999. *NIEA urges Congress to fund this program at the FY1998 level of $38 million.* ANA provides funding for tribes and non-profit Indian organizations to develop economic development, environmental management, and language retention and preservation projects. Its mandate makes this agency uniquely situated to help Indian and Alaska Native people address their economic and social needs. ANA provides direct services to all tribes, but only has a staff of sixteen. NIEA recommends at least two additional staff members be hired by ANA from outside sources.

B. Native American Languages Act Grants. This program is funded out of the ANA appropriation funded above. NIEA anticipates approximately $2 million going toward language preservation grants, which is $200,000 more than in 1998. NIEA supports the Native Language Act of 1992 which authorized a funding level of $2 million in FY1993. Funding for the act was never appropriated as ANA was directed to administer native language grants through its regular programs. We urge the Committee to consider increased funding for ANA since this is the only funding tribes have access to for economic and social development support.

C. Child Care Development Block Grant (CCDBG). The FY2000 request is $1.2 billion in discretionary child care funds in FY 2001. Because the Child Care and Development Block Grant is advance appropriated, $1.2 billion was already provided for FY 2000 in the FY 1999 appropriation. These funds, an increase of $183 million over FY 1999, will support affordable, quality child care for low-income working parents. Of these funds, $173 million will support activities that improve the quality of child care. Ten million dollars will be set aside for research, demonstration and evaluation activities. Recently, ACF solicited input from over 500 experts in the child care field in shaping its child care research agenda. These funds are part of an Administration initiative to help working families find safe and affordable child care. The FY 2000 budget includes $4.1 billion in mandatory child care funding.

D. Community Services Programs, Community Services Block Grant The FY2000 request is $5.1 billion and is level requested with FY1999. NIEA supports the FY 1999 request of $5.1 billion for child care activities. The Community Services Block Grant program provides States, territories, and Indian Tribes with a flexible source of funding to help reduce poverty, including services to address employment, education, housing assistance, energy and health services. In FY 2000, $500 million is requested for the Block Grant. The budget does not include funds for previously supported discretionary community services programs, i.e., Community Economic Development, Community Food and Nutrition, National Youth Sports, and Rural Community Facilities. Included in this request are funds for child care entitlements (Mandatory Funds), and Discretionary Funds (the former CCDBG). Tribes receive a 2 percent set-aside of these funds.

Also included in the $5.1 billion request are funds to implement the President's Child Care Initiative. These funds will support the following new activities: an Early Learning Fund; a Standards Enforcement Fund; a Child Care Provider Scholarship Fund; and a Research and Evaluation Fund. It is expected that Tribes will benefit from these new child care initiatives in

FY1999. In FY1999 tribal grantees were awarded $86.5 million in Child Care and Development funds. In FY1998, 243 tribal grantees were awarded over $61 million in Child Care and Development Fund (CCDF) grant funds. Through consortia arrangements, CCDF tribal grantees serve over 500 Federally recognized Indian Tribes and Alaska Native Villages.

4. DEPARTMENT OF INTERIOR

I. Bureau of Indian Affairs (BIA):

Within BIA's overall departmental framework are six categorical areas that contain education-related programs serving federally-recognized Indian tribes. The programs serve Indian students in K-12, postsecondary, and adult education programs either through direct funding from the BIA or indirectly through allocations to tribes. These programs include: Tribal Priority Allocations; School Operations; Tribally Controlled Community Colleges; Special Programs and Pooled Overhead; and Education Construction. The FY2000 budget request for each category includes:

BIA CATEGORY	FY1998	FY1999	FY2000
Tribal Priority Allocation	53,220,000	52,675,000	51,106,000
School Operations	460,387,000	476,086,000	503,568,000
Tribally Controlled Community Colleges	29,911,000	31,311,000	38,411,000
Special Programs/Pooled Overhead	14,019,000	14,258,000	15,670,000
Education Construction	54,019,000	60,400,000	108,377,000
Institute of American Indian Arts	4,250,000	4,250,000	4,250,000
BIA EDUCATION TOTAL	**$616,166,000**	**$638,980,000**	**$721,382,000**

Below are detailed descriptions of each education program by category.

A. Tribal Priority Allocations (TPA) - $51,106,000

1. Scholarships. The FY2000 request is $28.6 million and is $919,000 less than FY1999. Since FY1994, allocations for tribal college scholarships have fallen from $31 million to less than $29 million in the 2000 request. *NIEA recommends $39 million for this scholarship program.* NIEA has identified the lack of funding for Indian scholarships as one of the biggest need areas in Indian education. One of NIEA's major priorities is to increase funding for all postsecondary education programs for American Indians and Alaska Natives. The needs of Indian students pursuing postsecondary education are often neglected, especially when critically-needed programs are cut or eliminated such as the Department of Education's Office of Indian Education Fellowship Program in 1996. The 1990 Census identified the majority of the Indian population as being under the age of 25 compared with 17 percent nationally. The BIA estimates that 9,800 students will be awarded scholarships through this program with an average award of $3,000. The requested reduction means 306 Indian students will be denied scholarships.

   The Department of Education estimates that there are 130,000 American Indian and Alaska Native students attending postsecondary institutions nationally. NIEA is concerned that a major discrepancy exists in the funding that Indian students receive in their efforts to obtain a higher

education degree. We encourage the committee and the Administration to increase funding for Indian higher education scholarships.

2. Adult Education. The FY2000 request is $2.6 million and is a reduction of $28,000 from FY1999. *NIEA strongly recommends the program be funded at $4 million in FY2000.* Next to Indian scholarships, adult education programs continue to be one of the most critically-needed areas in Indian communities. Adult education programs have a twofold purpose in allowing - Indians adults who did not finish high school to obtain their General Educational Development (GED) degree and/or increase their life-coping skills. The BIA estimates that approximately 20,000 Indian adults participate in the program.

   The elimination in 1996 of the Adult Education Program in the Department of Education's Office of Indian Education (OIE), put a strain on the limited resources of the BIA and did little to focus resources on the majority of Indians living off-reservation. Older Indian adults are less apt to not attend state-operated programs and tend to be more successful in Indian-operated programs.

3. Johnson-O'Malley (JOM) Program. The FY2000 request is $17.5 million and is a reduction of $611,000 over 1999. *NIEA recommends that the JOM program be funded at $24 million.* Since FY1995, the funding for JOM has decreased by nearly $7 million from $24.3 million in to less than $18 million in the 2000 request. The JOM program provides supplemental educational services for 272,000 American Indian students in 23 states.

   In 1996, the JOM program was transferred to Tribal Priority Allocation (TPA). Prior to 1996, the program had been earmarked for zero-funding on several occasions. While its placement under TPA has allowed for a measure of stability, it has also placed it in a situation where a tribe that exercises its consolidation options under P.L. 102-477 legislation may also utilize JOM funding. The National Johnson O'Malley Association has been a vocal opponent of the placement of JOM under TPA and in October, 1998 the NIEA membership passed Resolution No. NIEA-98-08 opposing such a placement.

   The JOM program has at one time or another been targeted as being duplicative of the Department of Education's Title IX, Office of Indian Education (OIE) program. The Johnson O'Malley Act of 1934 was intended to facilitate the entrance of Indian children into public schools. Unlike JOM, OIE programs specifically concentrate resources on direct educational enrichment programs. Title IX is the only federal funding that provides for activities and services that meet the special educational and culturally related academic needs of American Native students in elementary and secondary schools. In addition, only federally-recognized Indian students may participate in JOM programs. The OIE program allows members of federally-recognized, non-federally-recognized, and state-recognized tribes, and groups petitioning for federal recognition to participate in the program.

B. Other Programs, School Operations - $503,568,000

The FY2000 budget request for School Operations is $503.5 million and is $27.4 million over 1999. The $503.5 million investment in American Indian youth attending BIA schools provides for a variety of basic educational services from early childhood to student transportation to

administrative costs associated with educating primarily reservation-based schools. The BIA educates approximately 10 percent of the American Indian and Alaska Native K-12 population in the U.S. Below are the various education components within the School Operations category.

1. Indian School Equalization Program (ISEP) Formula. The President's FY2000 request is $319.9 million compared with the FY99 actual of $306.2 million for this program. The increase of $13.7 million provides formula-based funding for 185 federally-operated and contracted schools serving 51,378 students. There are several types of schools funded with ISEP funds including BIA-operated, grant, and contract elementary and secondary schools. The fiscal year 2000 request reflects a 10 percent reduction in the student count from the prior year. While there was a decrease in student enrollment in school year 1998-1999, the BIA expects an increase of 2.5 percent for school year 1999-2000. The Weighted Student Unit (WSU) amount for school year 1998-1999 is $3,199. The estimate for 1999 is $3,238 and $3,285 in 2000. NIEA continues to support a funding level of $3,500 per WSU - a number we have proposed since FY1993. The proposed $3,285 per WSU is still far below the average per student expenditure by public elementary and secondary schools, an amount reported by the Department of Education's National Center for Education Statistics (NCES) to be $7,317 per student in school year 1996-97. In addition, the enrollment for BIA schools have consistently grown from 39,911 in 1987 to 51,378 in 1999. *NIEA recommends $329 million for ISEP and $708,000 for ISEP Program Adjustments.*

2. Family and Child Education (FACE) Program. The FY2000 request is $5.5 million and is $83,000 more than 1999. The FACE program was first funded in 1992 and was designed to begin educating children at an earlier age through parental involvement at home and to coordinate FACE components. We request that the FACE program be funded at the FY1994 level of $7.5 million. Currently there are 22 FACE sites, however the BIA could use a FACE program at each of its elementary schools if the program were sufficiently funded.

   In FY1999, the Bureau will fund 22 sites to address the literacy needs of the family and support parental participation in the education of their children. The program will serve about 1,800 children and 1,800 adults from a total of 1,700 families in two settings. The program also helps an additional 3,200 children in grades K-3 by providing teacher training in various teaching methods. The program also assists approximately 50 adults per year acquire their GED.

3. Student Transportation. The FY2000 request is $38.8 million and is an increase of $4 million over 1999. In SY1998-99 the BIA-funded transportation cost is $2.10 per mile with over 14 million miles estimated to be driven. The latest national cost per mile was not available, however, in 1994, the national average was $2.92 per mile for public schools. Therefore, the BIA-funded schools, which are located primarily in rural, isolated areas, are at least $.82 below the national per mile average. For students in boarding schools, transportation funding is provided at the beginning and end of the school year and for one round trip home at mid-year. For students in day schools, daily transportation must be provided. *NIEA recommends $41 million for student transportation.*

4. Institutional Disabled. The FY2000 request is $3.7 million and is $7,000 less than 1999. Appropriations in FY1999 provided for services to approximately 166 Indian children ages 5-21

ion 47 different institutions. These students require 24-hour institutionalized care. *NIEA recommends $4 million.*

5. Facilities Operations and Maintenance. The FY2000 request is $79.1 million and is $3.8 million less than 1999. The request will provide for $51.8 million for operations and $27.3 million for maintenance costs for all Bureau-funded schools. In FY1999, the Bureau will provide essential services for educational facilities consisting of 2,337 buildings containing approximately 17.6 million square feet. *NIEA recommends $90 million.*

6. Administrative Cost Grants. The FY2000 request is $47.7 million and is $5.5 million over 1999. For school year 1999-2000, the BIA will have 129 contract/grant schools and 56 Bureau-operated schools. Administrative Cost Grants enable Tribes and Tribal organizations to operate contract or grant schools without reducing direct program services to Indian students. The Navajo Nation has approved the conversion of 10 additional schools during school year 2000-2001, therefore more funds are needed to cover these conversion costs. *NIEA recommends $50 million.*

7. Area Agency Technical Support. The FY2000 request is $7.4 million and is $240,000 over 1999. This funding provides technical support and program supervision through 24 education line officers for 185 Bureau-funded elementary and secondary programs, and the scholarship and adult education programs. *NIEA recommends $8 million.*

8. Tribal Departments of Education (TED). *Although no funding is provided in the President's budget, NIEA recommends at least $3 million for tribal departments of education.* We believe that sufficient funding should be provided to assist tribes in planning and developing their own centralized tribal administrative entities to accomplish their goals in accordance with school reform and accreditation needs. This would be appropriate given the recent trend to convert more schools from BIA to Tribal control. Funding for tribal education departments has been endorsed by NIEA's membership as well as by the National Congress of American Indians (NCAI).

9. Substance Abuse/Alcohol Abuse. This program has not been funded since 1994, however, the Administration has announced in the FY2000 budget request an earmark of $400,000 to deal with alcohol and substance abuse in Indian communities. NIEA is pleased that the Administration has reinstated this valuable program that will deal with the severe substance abuse issues facing our Indian youth.

C. Tribally Controlled Community Colleges - $38,411,000

1. Tribal Colleges/Post Secondary Schools. The FY2000 request is $37.3 million and is $7.1 million over the 1999 amount. Included in the request is $114,000 for technical assistance and $977,000 for Endowment Grants. The FY2000 request reflects the FY1999 funding recommendation of the American Indian Higher Education Consortium (AIHEC). *NIEA also supports an additional $2 million for economic development, $1.8 million for emergency facility repair and renovations and $214,000 for Technical Assistance grants in the FY2000 budget for a total request of $41.3 million.*

In addition, tribal community colleges have never received facilities construction or renovation/repair money from the BIA. The national average for Full-Time Equivalent (FTE) funding at mainstream community colleges is approximately $6,200 per year. The level of FM funding for some special population colleges is approximately three times that which is provided to the tribal colleges.

D. Special Programs and Pooled Overhead - $15,670,000

1. Postsecondary School. The FY2000 request is $14.3 million and is $1.4 million over 1999. NIEA recommends $16 million for the postsecondary schools program. The two postsecondary schools funded under this section include Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute (SIPI). Haskell will receive $8.6 million and SIPI will receive $5.7 million is the request is approved. NIEA recommends $10 million for Haskell and $6.5 million for SIPI since both schools have experienced large increases in enrollments. Both schools provide a variety of educational opportunities for Indian and Alaska Native students at the community college and university level to prepare them to enter four-year colleges and universities or to find employment.

   In the fall of 1998 Haskell enrolled 898 students in the fall and 878 in the spring of 1999 for a yearly enrollment of 1,776. During the same period SIPI enrolled 643 Indian students in the fall, and 987 in the spring for a yearly enrollment of.1,630. With scholarship sources for Indian students rare and mostly insufficient, NIEA recommends increased funding at both institutions to strengthen academic accreditation and to provide for projected enrollment increases in SY2000. From 1997 to 1998, enrollment at both schools increased by 350. The FY2000 projection shows a major increase of nearly 500 Indian students.

2. Special Higher Education Scholarships. The FY2000 request is $1.3 million, level with 1999. This amount has remained level since 1996 and is totally unacceptable to NIEA. NIEA recommends $5 million. Since FY1995 funding for BIA graduate scholarships have been cut in half. The reduction occurred at the same time the Department of Education, Office of Indian Education lost funding for its $2.6 million fellowship program for Indian students. The BIA program is the primary funding source for American and Alaska Native graduate students and is totally inadequate to help these individuals meet the costs of an advanced degree. The program, which is administered by the American Indian Graduate Center (AIGC) of Albuquerque, New Mexico, has been underfunded for at least the last 5 years. For school year 1997-98, the actual unmet need was $5.7 million. During the 1996-97 school year, the program funded an estimated 378 students with an average award of $3,955. Because of reduced funding, scholarship awards are being drastically reduced while the demand for these limited scholarship funds increase. This program funds students in 27 states with 128 tribes represented. No other federal graduate level scholarship program, specifically for American Indian students, currently exists.

E. Education Construction- $108,377,000

1. Replacement School Construction. The FY2000 request is $69.9 million and is $52.4 million over 1999. As part of the FY2000 request is $30 million as recommended by the President's

School Bonding proposal. NIEA supports the completion of all construction for all schools on the priority ranking list. The FY2000 funds are designated for the Seba Dalkai School in Arizona and the Fond du Lac School in Wisconsin. The priority ranking list contains 16 schools. To date, seven schools have been completed and are now occupied. Ten of the sixteen schools have been funded though the construction phase. The Bureau estimates that approximately $111 million would be needed to complete the remaining six schools on the replacement school construction list.

New School Construction Priority List NIEA has become aware of a situation involving Shiprock Alternative School which is apparently not on the list to be funded in FY2000, even though it should be next in the priority ranking list. The priority ranking list determines the order that new schools are to be built and should provide the baseline for annual appropriation requests. Shiprock was assigned position number 12 out of 16 on the priority list. The schools designated to be funded in FY2000 are Seba Dalkai (# 9 on the list) and Fond du Lac Ojibway School (#13 on the list). If this is indeed the case, we request that additional funds be made available for Shiprock Alternative. Schools assigned #10 (Sac and Fox Settlement School in Iowa) and #11 (Pyramid Lake High School in Nevada) are scheduled to begin construction in 1999. Bypassing a school on the priority list for budgetary reasons sets a negative precedent as the BIA works to establish new guidelines for a future priority list. The new guidelines are due out this fiscal year.

Below are the 16 schools that have been on the replacement school construction priority list as approved by Congress in FY1993. Schools in italics are still on the list awaiting construction funding.

REPLACEMENT SCHOOL PROJECT	STATUS
1. Pinon Community School Dorms	Complete
2. Eastern Cheyenne Rive Consolidated School	Complete
3. Rock Point Community Schools	Complete
4. Many Farms High School	Construction started 1998
5. Tucker Day School	Complete
6. Shoshone-Bannock School	Complete
7. Standing Pine Day School	Complete
8. Chief Leschi School	Complete
9. Seba Dalkai School	*Construction funds requested in 2000*
10. Sac & Fox Settlement School	Construction to start in 1999
11. Pyramid Lake High School	Construction to start in 1999
12. Shiprock Alternative School	*Planning complete, Design started*
13. Tuba City Boarding School	*Design funded, Not Funded for Construction*
14. Fond Du Lac Ojibway School	*Construction funds requested in 2000*
15. Second Mesa Day School	*Planning complete, Design started*
16. Zia Day School	*Design scheduled to be completed in 2000*

2. Education Facilities Improvement and Repair (FI&R). The FY2000 request for Education Facilities Improvement and Repair is $36 million and is $4 million less than 1999. The FI&R program is focused towards eliminating critical health and safety hazards in Bureau education facilities. The estimated backlog of education repair needs, excluding quarters as of January,

1999, totals approximately $743 million. NIEA urges the Committee to consider additional, or supplemental funding, in order to clear up this situation. *NIEA recommends $46.2 million.*

3. Indian School Construction Bonding. The FY2000 request is $30 million and is included under the Bureau's Replacement School and is being proposed in the President's School Construction Modernization Initiative. The bonding initiative is designed to provide needy districts and Tribes with the authority to issue bonds to lenders who could claim a tax credit for the life of a bond in lieu of interest. It is estimated that the bonding authority could generate an estimated $75 million in construction authority. Past bonding initiatives have failed for various reasons and direct funding may be a better alternative for tribes and bureau schools. The requested $30 million increase would be invested and allocated to Tribes with schools on the top of the Bureau's repair and replacement priority list. NIEA credits the Administration in its effort to provide a creative method for financing needed school repairs. *We feel that the proposal has some merit; however, an outright appropriation to fund the $740 million backlog is preferred.*

F. Institute of American Indian Arts (IAIA). The FY2000 request is $4.25 million and is level funded with FY1998 and FY1999. NIEA supports the FY2000 request for IAIA plus an additional $2 million for construction needs. This institution has been in existence for 35 years and is the only facility solely dedicated to the arts for American Indians and Alaska Natives. The request would support the core operations of the institute by providing funding for instruction, student support services, administration costs, and for operations of the IAIA museum. *NIEA requests $6.25 million for IAIA.*

IAIA has been compared to other institutions in terms of cost per students. IAIA does not have its own facilities and leases space from a separate college and from a tribally-contracted school. The cost for housing the IAIA on the campus represents 18 percent of the total institutional budget. IAIA also operates a museum which house the National Collection of Contemporary American Indian and Alaska Native Art. This collection consists of 7,000 pieces.

G. Institute of American Indian Arts Construction. There are no funds requested in the FY2000 budget for construction costs at IAIA. NIEA asks the committee to support an additional $2 million for IAIA's construction needs for a new campus. In the FY1999 appropriations bill, the IAIA was required to raise $500,000 in order to bring the appropriation of $3.75 million to $4.25 million. By mid-February 1999, IAIA had raised 80 percent ($395,000) of the $500,000 as requested by congress. IAIA has made exceptional progress in obtaining private sector support and in 1990, a private donor in Sante Fe, New Mexico donated 140 acres of land that will be used for a future campus. NIEA fully supports the efforts of IAIA since they represent a vital link between education and the cultural traditions of American Indian and Alaska Native people. We urge the committee to consider increased funding for IAIA.

5. DEPARTMENT OF LABOR

I. DOL Indian Education-Related Programs.

A. Job Training Partnership Act. The FY2000 request is $53.8 million and is level funded with 1999. NIEA requests the Congress to support funding of this important program at its FY1995

enacted level of $65 million. This funding covers essentially the same program as last year except after the completion of reauthorization activities in 1999, the program is now called the Workforce Investment Act (WIA) (formerly Section 401, Native American Program of the Job Training Partnership Act (JTPA)). The funding would support the program in JTPA Program Year 1999, starting July 1st of next year. This program is designed to improve the economic well-being of Native Americans through the provisions of training, work experience, and other employment-related services and opportunities that are intended to aid the participants to secure permanent, unsubsidized jobs. This program is critical to both reservation and urban grantees who are largely unskilled, poorly educated, and living in poverty.

B. Summer Youth Employment. NIEA supports the Administration's FY2000 request of $871 million for the Summer Youth Employment Program. The Indian set-aside is approximately $15 million and is $800,000 less than FY1999. *NIEA requests an additional $2 million be included in the set-aside amount for Indians bringing the total request to $15.8 million.* On most Indian reservations this program provides the only means of employing young Indian men and women who are vulnerable to a myriad of economic and social ills such as drug and alcohol abuse, teen pregnancy and fatherhood, and unemployment due to little or no job skills, as well as being at a higher risk of dropping out of school, at attempting suicide, due to the lack of positive, constructive activities and facilities to improve their self-esteem and give them hope for their future.

C. Welfare-to-Work. The FY2000 request is level funded at $1 billion. The legislative proposal for this initiative is still in development, but would likely increase the tribal set-aside from one percent to three percent. If enacted, the authorization would provide tribes $30 million in FY2000 instead of the $15 million they have received for each of the last two years. NIEA fully supports this proposal.

D. Other Department of Labor Programs. NIEA is aware of other Department of Labor programs which have the potential of reaching Indian tribes. These programs include: Adult Training; Dislocated Workers; Youth Training; Job Corps; School-to-Work; Opportunity Areas for Out-of-School Youth; and National Programs. Their combined total for FY1999 is $5.3 billion. NIEA recommends that these programs make a concerted effort to target the American Indian population, even if their authorizing legislation does not require them to do so.

In conclusion, we want to thank the Committee for continuing to give its attention to the issues and concerns we have raised in our testimony. In light of the federal government's trust responsibility for the education of all American Indians and Alaska Natives, and on behalf of our members, we urge the Committee's support for maintaining or increasing the funding for the Indian education and related programs discussed herein at the levels we have recommended. Please contact our staff if you have any questions with any item in this testimony.

U.S. DEPARTMENT OF EDUCATION, OFFICE OF INDIAN EDUCATION

TABLE 1

INDIAN EDUCATION FUNDING, Fiscal years 1994 - 2000 Request

SUBPART 1 - GRANTS TO LOCAL EDUCATION AGENCIES	FY 94	FY 95	PRES REQ FY 96	ACT FY 96	FY 97	FY 98	FY 99	PRES REQ FY 00	*NIEA Request FY00*
LEAs	$52,589,000	$54,169,000	$54,993,000	$45,803,000	$53,178,000	$54,770,000	$62,000,000	$62,000,000	*$62,000,000*
BIA CONTRACT SCHOOLS	$2,173,000	$2,452,000	$2,490,000	$2,226,000	$2,584,000	$2,640,000	$0	$0	*$0*
BIA OPERATED SCHOOLS	$2,448,000	$3,065,000	$3,110,000	$1,971,000	$2,288,000	$2,340,000	$0	$0	*$0*
INDIAN CONTROLLED SCHOOLS (Sbpt 1 in 94)	$3,087,000	$0	$0	$0	$0	$0	$0	$0	*$0*
SUBPART 1 SUBTOTAL	**$60,297,000**	**$59,686,000**	**$60,593,000**	**$50,000,000**	**$58,050,000**	**$59,750,000**	**$62,000,000**	**$62,000,000**	***$62,000,000***
SUBPART 2 - SPECIAL PROGRAMS FOR INDIAN CHILDREN									
EDUCATIONAL SERVICES FOR INDIAN CHILDREN	$4,601,000	$3,983,000	$0	$0	$0	$0	$1,400,000	$1,400,000	*$1,400,000*
PLANNING, PILOT, AND DEMONSTRATION	$1,174,000	$412,000	$0	$0	$0	$0	$0	$0	*$0*
INDIAN FELLOWSHIPS	$1,735,000	$1,505,000	$1,000,000	$0	$0	$0	$0	$0	*$0*
EDUCATIONAL PROFESSIONAL DEVELOPMENT	$2,982,000	$850,000	$580,000	$0	$0	$0	$0	$0	*$0*
PROFESSIONAL DEVELOPMENT	$0	$610,000	$5,929,000	$0	$0	$0	$1,865,000	$1,865,000	*$3,000,000*
DEMONSTRATION GRANTS	$0	$1,734,000	$6,500,000	$0	$0	$0	$0	$0	*$0*
INDIAN TECHNICAL ASSISTANCE CENTERS	$3,815,000	$0	$0	$0	$0	$0	$0	$0	*$0*
GIFTED AND TALENTED PROGRAMS	$0	$0	$0	$0	$0	$0	$0	$0	*$0*
INDIAN CONTROLLED SCHOOLS (Sbpt 2 in 95 on)	$0	$3,021,000	$0	$0	$0	$0	$0	$0	*$0*
GRATES TO TRIBES FOR EDUC ADMIN/PLANNING/DEV	$0	$0	$0	$0	$0	$0	$0	$0	*$0*
MERICAN INDIAN POSTSEC ECON DEVEL SCHOLARSHIPS	$0	$0	$0	$0	$0	$0	$0	$0	*$0*
AMERICAN INDIAN TEACHER TRAINING	$0	$0	$0	$0	$0	$0	$0	$10,000,000	*$10,000,000*
SUBPART 2 SUBTOTAL	**$14,307,000**	**$12,115,000**	**$14,009,000**	**$0**	**$0**	**$0**	**$3,265,000**	**$13,265,000**	***$14,400,000***
SUBPART 3 - SPECIAL PROGRAMS FOR INDIAN ADULTS									
PROFESSIONAL DEVELOPMENT	$0	$0	$0	$0	$0	$0	$0	$0	*$0*
ADULT EDUCATION	$4,861,000	$5,420,000	$5,431,000	$0	$0	$0	$0	$0	*$0*
SUBPART 3 SUBTOTAL	**$4,861,000**	**$5,420,000**	**$5,431,000**	**$0**	**$0**	**$0**	**$0**	**$0**	***$0***
NATIONAL ACTIVITIES									
STATISTICS AND ASSESSMENT	$200,000	$0	$0	$0	$0	$0	$735,000	$1,735,000	*$1,735,000*
RESEARCH/EVAL/DATA COLLECTION/TECH ASST	$0	$125,000	$967,000	$0	$0	$0	$0	$0	*$0*
NATIONAL ACTIVITIES SUBTOTAL	**$200,000**	**$125,000**	**$967,000**	**$0**	**$0**	**$0**	**$735,000**	**$1,735,000**	***$1,735,000***
SUBART 4 - ADMINISTRATION							*OIE Federal Administration Cost Covered by Gen. Admin.*		
OFFICE OF INDIAN EDUCATION	$3,360,000	$3,775,000	$3,278,000	$2,377,000	$2,943,000	$2,600,000	($2,709,000)	($2,800,000)	*($2,800,000)*
NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION	$475,000	$471,000	$507,000	$120,000	$0	$50,000	($50,000)	($50,000)	*($500,000)*
TRIBAL COLLEGE EXECUTIVE ORDER (new in 98)	$0	$0	$0	$0	$0	$200,000	($200,000)	($200,000)	*($200,000)*
SUBPART 4 SUBTOTAL	**$3,835,000**	**$4,246,000**	**$3,785,000**	**$2,497,000**	**$2,943,000**	**$2,850,000**	**($2,959,000)**	**($3,050,000)**	***($3,500,000)***
GRAND TOTAL	**$83,500,000**	**$81,592,000**	**$84,785,000**	**$52,497,000**	**$60,993,000**	**$62,600,000**	**$66,000,000**	**$77,000,000**	***$78,135,000***

National Indian Education Association, March 1, 1999

TABLE 2

BUREAU OF INDIAN AFFAIRS FUNDING
FISCAL YEARS 1996 - 2000 PRES. REQUEST
Educaton Programs Only

BUREAU OF INDIAN AFFAIRS TRIBAL PRIORITY ALLOCATION	FY 96	FY 97	PRESIDENTS REQUEST FY 98	ACTUAL FY 98	PRESIDENTS REQUEST FY 99	NIEA FY 99 Recommended	FY 99 Final Approps	Feb 1, 1999 FY 00 Pres. Request	*NIEA FY 00 Recommended*
Scholarships	$26,285,000	$26,481,000	$29,524,000	$29,495,000	$29,036,000	$29,036,000	$29,509,000	$28,590,000	*$39,000,000*
Adult Education	$2,374,000	$2,486,000	$2,287,000	$2,663,000	$2,899,000	$4,000,000	$2,833,000	$2,605,000	*$4,000,000*
TCCCs Supplement	$951,000	$986,000	$951,000	$1,024,000	$1,047,000	$1,047,000	$1,047,000	$1,081,000	*$1,081,000*
JOM	$19,634,000	$18,177,000	$17,216,000	$18,534,000	$18,080,000	$24,000,000	$18,080,000	$17,469,000	*$24,000,000*
Other-Educ Design	$1,261,000	$1,301,000	$955,000	$1,504,000	$1,406,000	$1,406,000	$1,406,000	$1,361,000	*$1,361,000*
TPA SUBTOTAL	**$50,505,000**	**$49,431,000**	**$50,933,000**	**$53,220,000**	**$52,268,000**	**$59,489,000**	**$52,675,000**	**$51,106,000**	***$69,442,000***
OTHER PROGRAMS-SCHOOL OPERATIONS									
ISEP (Formula)	$262,833,000	$285,739,000	$296,272,000	$293,703,000	$308,518,000	$329,000,000	$306,230,000	$319,890,000	*$329,000,000*
ISEP (Prog Adj)	$150,000	$150,000	$154,000	$154,000	$708,000	$708,000	$656,000	$663,000	*$708,000*
Early Childhood	$5,471,000	$5,471,000	$5,471,000	$5,471,000	$5,513,000	$6,500,000	$5,503,000	$5,586,000	*$7,500,000*
Student Transportation	$25,697,000	$31,604,000	$34,302,000	$32,802,000	$36,464,000	$36,500,000	$34,758,000	$38,835,000	*$41,000,000*
Institutional Disabled	$3,432,000	$3,732,000	$3,737,000	$3,737,000	$3,741,000	$3,741,000	$3,740,000	$3,747,000	*$4,000,000*
Facilities O&M	$67,846,000	$73,696,000	$74,628,000	$74,628,000	$77,409,000	$77,409,000	$75,222,000	$79,100,000	*$90,000,000*
[Facilities Operation Detail]	-	-	-	-	-	-	-	*[$51,825,000]*	
[Facilities Maintenance Detail]	-	-	-	-	-	-	-	*[$27,275,000]*	
Administrative Cost Grants	$38,560,000	$42,160,000	$44,710,000	$42,160,000	$46,690,000	$48,290,000	$42,160,000	$47,690,000	*$50,000,000*
Area/Agency T.S	$6,897,000	$6,966,000	$7,032,000	$7,032,000	$7,142,000	$7,142,000	$7,117,000	$7,357,000	*$8,000,000*
Tribal Departments of Education	$0	$0	$0	$0	$0	$3,000,000	$0	$0	*$3,000,000*
Substance Abuse/Alcohol Educ	$0	$0	$0	$0	$0	$0	$0	$400,000	*$400,000*
School Statistics-ADP	$0	$700,000	$700,000	$700,000	$700,000	$700,000	$700,000	$700,000	*$700,000*
Emergency Operations	$500,000	$0	$0	$0	$0	$0	$0	$0	*$0*
OTHER PROG SUBTOTAL	**$409,386,000**	**$450,218,000**	**$467,006,000**	**$460,387,000**	**$486,885,000**	**$512,990,000**	**$476,086,000**	**$503,968,000**	***$534,308,000***
TRIBALLY CONTROLLED COMMUNITY COLLEGES									
Operating Grants	$26,320,000	$26,320,000	$29,320,000	$28,820,000	$34,320,000	$36,320,000	$30,220,000	$37,320,000	*$40,000,000*
Technical Assistance	$114,000	$114,000	$114,000	$114,000	$114,000	$114,000	$114,000	$114,000	*$114,000*
Endowment Grants	$977,000	$977,000	$977,000	$977,000	$977,000	$977,000	$977,000	$977,000	*$977,000*
TCCC SUBTOTAL	**$27,411,000**	**$27,411,000**	**$30,411,000**	**$29,911,000**	**$35,411,000**	**$37,411,000**	**$31,311,000**	**$38,411,000**	***$41,091,000***
SPECIAL PROGRAMS/POOLED OVERHEAD - EDUCATION									
Postsecondary Schools	$11,732,000	$12,383,000	$12,682,000	$12,682,000	$12,921,000	$16,200,000	$12,921,000	$14,333,000	*$16,000,000*
Special Higher Education	$1,337,000	$1,337,000	$1,337,000	$1,337,000	$1,337,000	$5,700,000	$1,337,000	$1,337,000	*$5,000,000*
EDUCATION SUBTOTAL	**$13,069,000**	**$13,720,000**	**$14,019,000**	**$14,019,000**	**$14,258,000**	**$21,900,000**	**$14,258,000**	**$15,670,000**	***$21,000,000***
EDUCATION CONSTRUCTION									
Replacement Sch Const	$18,500,000	$4,000,000	$14,000,000	$19,200,000	$37,400,000	$116,788,000	$17,400,000	$39,859,000	*$39,859,000*
Indian School Construction Bonding[1]	-	-	-	-	-	-	-	$30,000,000	*$30,000,000*
Employee Housing	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$2,507,000	*$3,000,000*
Facilities I&R	$23,039,000	$24,139,000	$32,179,000	$32,179,000	$46,212,000	$46,212,000	$40,000,000	$36,011,000	*$46,212,000*
ED CONST SUBTOTAL	**$44,539,000**	**$31,139,000**	**$49,179,000**	**$54,379,000**	**$86,612,000**	**$166,000,000**	**$60,400,000**	**$108,377,000**	***$119,071,000***
Institute of American Indian Art	$5,500,000	$5,500,000	$0	$4,250,000	$3,188,000	$4,250,000	$4,250,000	$4,250,000	*$6,250,000*
BIA GRAND TOTAL	**$550,410,000**	**$577,419,000**	**$611,548,000**	**$615,165,000**	**$678,622,000**	**$802,040,000**	**$638,980,000**	**$721,782,000**	***$791,162,000***

OFFICE OF INDIAN EDUCATION FUNDING
Actual and Inflation Adjusted
1980-1999

TABLE 3

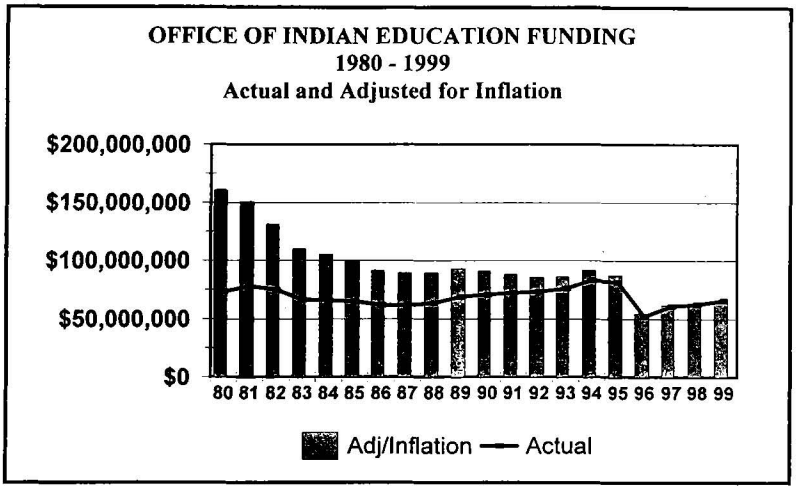
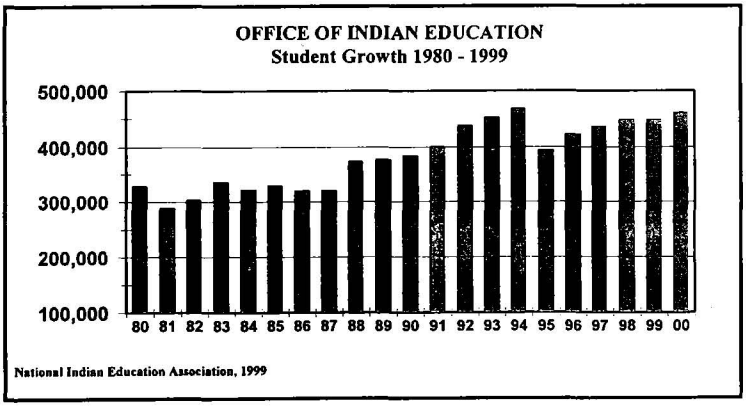


TABLE 4



U.S. Department of Education, Office of Indian Education

TABLE 5

INDIAN EDUCATION ACT IMPACT DATA
FISCAL YEARS 1988 - 2000 EST.
Student Count and Number of Grants Awarded

SUBPART1-GRANTS TO LOCAL EDUCATION AGENCIES	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98	FY99	FY00
Formula Grants to LEAs	1,086	1,099	1,072	1,061	1,163	1,182	1,200	1,272	1,219	1,219	1,219	1,219	1,274
OIE Student Count	324,176	326,810	312,027	368,146	347,591	357,965	370,249	357,800	382,003	394,353	405,376	415,297	415,297
BIA Student Count	NA	21,523	21,467	20,155	36,755	36,243	39,377	37,000	40,482	41,917	43,089	45,485	45,485
Total Subpart 1 Student Count	**324,176**	**348,333**	**333,494**	**388,301**	**384,346**	**394,208**	**409,626**	**394,800**	**422,485**	**436,270**	**448,465**	**460,782**	**460,782**
SUBPART 2-SPECIAL PROGRAMS FOR INDIAN CHILDREN													
Educational Services for Indian Children	25	26	25	26	25	20	24	21	0	0	0	7	7
Planning	1	1	4	2	1	10	0	0	0	0	0	0	0
Pilot	8	9	6	8	4	12	0	0	0	0	0	0	0
Demonstration	7	7	5	7	4	0	8	3	0	0	0	0	0
Education Personnel Development	14	14	14	13	13	11	14	3	0	0	0	0	0
Indian Controlled Schools	42	39	30	19	19	20	18	17	0	0	0	0	0
Indian Fellowships	141	124	128	120	108	123	80	101	75	0	0	0	0
Indian Technical Assistance Centers	5	5	5	5	5	6	6	0	0	0	0	0	0
Demonstration Grants	0	0	0	0	0	0	0	9	0	0	0	0	0
Professional Development	0	0	0	0	0	0	0	4	0	0	0	8	8
Grants to Tribes for Educ Admin/Planning/Dev	0	0	0	0	0	0	0	0	0	0	0	0	0
American Indian Postsecondary Economic Dev Scholarships	0	0	0	0	0	0	0	0	0	0	0	0	0
American Indian Teacher Training	0	0	0	0	0	0	0	0	0	0	0	0	0
Subpart 2 Total Grants	**243**	**225**	**217**	**200**	**179**	**202**	**150**	**158**	**75**	**0**	**0**	**15**	**15**
SUBPART 3-SPECIAL PROGRAMS FOR INDIAN ADULTS													
Adult Education	26	32	30	28	27	27	27	30	0	0	0	0	0
TOTAL ANNUAL GRANTS	1,329	1,324	1,289	1,261	1,342	1,384	1,350	1,430	1,294	1,219	1,219	1,234	1,289

Note: BIA Schools were not eligible until 1988 for OIE Formula Grants

National Indian Education Association, March 1, 1999

National Indian Education Association, 1997, C:\Corel\Office7\Quattro7\Niea\t9impact.wb3 03/03

TABLE 6

OFFICE OF INDIAN EDUCATION & BUREAU OF INDIAN AFFAIRS EDUCATION
Appropriations and Student Count for OIE and JOM
1980 - 2000

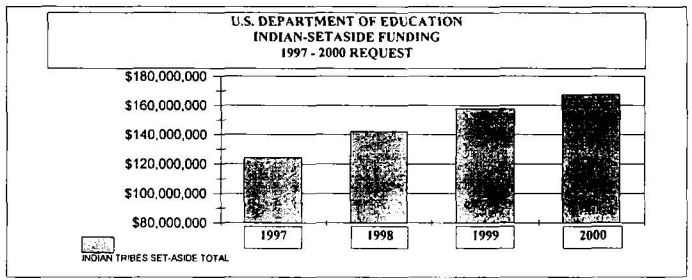
	U.S. Department of Education Office of Indian Education			U.S. Department of Interior Bureau of Indian Affairs/Johnson O'Malley			
Year	OIE Students	OIE Total Funding	OIE Formula	BIA Students	BIA Schools	JOM Students	JOM Approp.
2000	461,000	$77,000,000	$62,000,000	51,378	185	272,000	$17,469,000
1999	448,465	$66,000,000	$62,000,000	53,800	185	272,000	$18,069,000
1998	448,465	$62,600,000	$59,750,000	50,373	185	272,000	$17,216,000
1997	436,270	$60,993,000	$58,050,000	49,213	187	233,000	$18,177,000
1996	422,485	$52,497,000	$50,000,000	49,400	187	271,884	$19,634,000
1995	394,800	$81,592,000	$59,686,000	46,556	185	271,857	$24,359,000
1994	468,733	$83,500,000	$60,297,000	45,185	184	259,813	$26,819,500
1993	452,828	$80,583,171	$59,304,589	45,885	184	245,102	$22,979,995
1992	438,304	$76,570,000	$56,965,000	43,700	182	228,681	$23,590,000
1991	401,343	$75,363,944	$56,258,944	40,841	180	225,871	$24,931,000
1990	384,078	$73,620,000	$54,276,000	39,791	180	217,414	$23,250,000
1989	376,880	$71,553,000	$52,748,000	39,381	182	205,705	$23,000,000
1988	372,757	$66,326,000	$49,170,000	39,592	182	201,162	$20,351,000
1987	320,405	$64,036,000	$47,200,000	39,911	181	177,976	$22,750,000
1986	319,998	$64,187,000	$47,870,000	40,280	180	177,000	$22,053,000
1985	329,498	$67,404,000	$50,323,000	41,991	193	176,007	$25,674,000
1984	321,665	$68,780,000	$50,900,000	42,825	206	175,007	$26,000,000
1983	335,509	$69,185,000	$48,465,000	42,535	210	170,030	$26,229,000
1982	304,293	$77,852,000	$54,960,000	42,930	227	177,820	$29,935,000
1981	289,504	$81,680,000	$58,250,000	36,580	227	179,600	$29,468,000
1980	328,407	$75,900,000	$52,000,000	41,604	227	176,053	$30,051,000

National Indian Education Association, January, 1999

INDIAN TRIBES SET-ASIDES
U.S. DEPARTMENT OF EDUCATION FUNDING

TABLE 7

	1997	1998	1999	2000 Request
Goals 2000 - State & Local Educ. Systemic Improvement	$3,005,382	$2,958,674	$2,893,695	$2,943,695
Technology Literacy Challenge Fund	$1,000,000	$2,125,000	$2,125,000	$2,250,000
ESEA Title I - Grants to LEAs	$45,458,316	$47,019,078	$49,077,187	$51,266,752
ESEA Title I - Even Start	$0	$1,860,000	$2,025,000	$2,175,000
ESEA Title I - Demo./Comprehensive School Reform	$0	$815,323	$815,323	$1,019,153
Class-Size Reduction	$0	$0	$3,466,728	$4,044,516
Eisehower Proffesional Development State Grants	$1,545,125	$1,669,599	$1,669,000	$1,669,000
Safe and Drug-Free Schools & Communities, St Grnts	$6,371,736	$6,372,000	$5,292,000	$5,268,000
Education for Homeless Children and Youth	$100,000	$100,000	$100,000	$100,000
Special Education - Grants to States	$38,017,667	$46,682,402	$52,849,182	$52,889,640
Special Education - Grants for Infants & Families	$3,864,276	$4,284,149	$4,567,901	$4,814,815
Vocational Rahabilitation State Grants	$12,000,000	$15,360,000	$17,283,000	$23,390,000
Protection and Advocacy of Individual Rights	$0	$0	$50,000	$50,000
Vocational Education State Grants	$12,952,477	$13,013,088	$15,459,750	$15,459,750
Fund for the Improvement of Educ., Comp. Sch. Reform	$0	$81,079	$81,079	$81,079
INDIAN TRIBES SET-ASIDE TOTAL	**$124,314,979**	**$142,340,392**	**$157,754,845**	**$167,421,400**



Source: U.S. Department of Education, Budget Service, November 9, 1998 and February 10, 1999

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Memorandum March 2, 1999

TO : Senate Committee on Indian Affairs
Attention: Paul Moorehead

FROM : Roger Walke
Specialist in American Indian Policy
Domestic Social Policy Division

SUBJECT : Indian-Related Federal Spending Trends, FY1975-FY2000[1]

This memorandum responds to your request that the Congressional Research Service (CRS) update its analysis of Indian-related budget authority to include fiscal years 1975-2000. The Committee has previously published these CRS analyses in the appendix of its recurring committee print entitled *Budget Views and Estimates* for fiscal years 1989 and 1991-1993.[2] The Committee has also included the CRS analyses in its materials printed in the Senate Budget Committee reports on the concurrent budget resolutions for fiscal years 1995-1999.[3]

The memorandum summarizes trends in major Indian-related areas of the federal budget over the period FY1975-FY2000. "Indian-related" refers to programs provided for American Indian and Alaska Native tribes and their members because of their political status as Indians, not because of their racial classification or simply because they are citizens. The budget items selected in this memorandum have usually accounted for two-thirds to three-quarters or more of total annual Indian-related federal spending (as such spending is calculated by the Office of Management and Budget). For FY1997-FY2000, however, these items account for less than two-thirds of "governmentwide Native American program funding" as estimated in the *Budget of the United States Government, Fiscal Year 2000* ("Budget," p. 138, Table 9-2).

The Indian-related spending trends are summarized in **Tables 1-4**, and selected trends are illustrated in graphs 1-26. Both tables and graphs are based on the data in appendix **Tables 1 and 2**. For each budget area, **Tables 1-4** show the following measures:

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[1] Andorra Bruno, Analyst in American National Government, assisted in gathering data for FY1975-FY1995. Garrine Laney, Analyst in American National Government, and Megan Perry, Intern, assisted in gathering the data for FY1975-FY1991.

[2] S.Prt. 100-116, S.Prt. 101-89, S.Prt. 102-32, and S.Prt. 102-91, respectively.

[3] S.Rept. 103-238, S.Rept. 104-82, S.Rept. 104-271, S.Rept. 105-27, and S.Rept. 105-170, respectively.

- ; the average level of spending in each year over the time period;
- the annual change (i.e., the annual trend) in such spending;
- the ratio of the annual change in spending to the average level of spending (called the "change ratio"); and
- an indicator of the consistency of the annual change.

Table 1 covers the period FY1975-FY2000, using current dollars. **Table 2** covers the same period using constant, or inflation-adjusted, 1997 dollars. **Tables 3 and 4** present the same current- and constant-dollar data for the period FY1982-FY2000.

The analysis presented here emphasizes constant-dollar figures. Since such figures are adjusted for the effects of inflation, they are better indicators of real changes in spending.

This memorandum is not intended to be a complete analysis of all the Indian-related budget items selected. Rather it compares trends in major budget items affecting the nation's Indian population (particularly those programs targeting Indians in federally recognized tribes) with trends in parallel budget items affecting the entire U.S. population. The discussion that follows is organized in three parts: methodology and sources; budget trends in education, health, housing, and economic development and employment training; and overall trends.

Methodology and Sources

The Indian-related budget items chosen for this analysis are the Bureau of Indian Affairs (BIA), the Office of Special Trustee for American Indians, and some BIA components, in the Department of the Interior (DOI); the Indian Health Service (IHS) and the Administration for Native Americans (ANA) in the Department of Health and Human Services (HHS); the Office of Indian Education in the Department of Education; the Indian Housing Development program in the Department of Housing and Urban Development (HUD);[4] and the Indian and Native American Employment and Training Program (INAP)[5] in the Department of Labor. According to figures from the Office of Management and Budget, these agencies accounted

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[4]HUD's Indian Housing Development program, which funded *new* Indian housing, was consolidated in FY1998, along with most other HUD programs for Indian housing, into a new Native American Housing Block Grant (NAHBG) Program, created by the Native American Housing Assistance and Self-Determination Act of 1996 (P.L. 104-330, 25 U.S.C. 4101 *et seq.*). Under the NAHBG program, recipients (tribes and tribally-designated housing entities) may spend block grants to provide and maintain low-income housing according to their own plans and needs. In 1998 a HUD Office of Native American Programs (ONAP) officer broadly estimated that tribes and housing entities would spend in FY1998 about $200 million, or one-third of NAHBG funds, on *new* housing development. ONAP is awaiting tribal data and is not yet able to provide actual or estimated spending figures on new housing development for FY1998-2000. To maintain the time-series for this memorandum, we used the one-third proportion in estimating Indian Housing Development spending for FY1999-2000. As ONAP data become available for FY1998-2000, these estimate may need to be revised.

[5]The Indian and Native American Employment and Training Program was authorized by Section 401 of the Job Training Partnership Act (JTPA) of 1982 (P.L. 97-300) and began its expenditures in FY1984. JTPA's predecessor, the Comprehensive Employment and Training Act (CETA), included a similar Indian employment and training program. This memorandum uses CETA Indian program spending for the period FY1975-FY1983 and INAP spending for FY1984 to the present.

for about 68% of total estimated Indian-related spending governmentwide in the period FY1988-FY1999.

The Office of the Special Trustee for American Indians (OST) was created by the American Indian Trust Fund Management Reform Act of 1994 (P.L. 103-412, 25 U.S.C. 4001 *et seq.*) to manage Indian trust funds and to oversee and coordinate the general management of Indian trust assets. These duties and services were previously provided by the BIA. To maintain a consistent time-series in this memorandum for BIA programs, we have combined OST spending with total BIA spending. OST was first listed with separate appropriations for FY1996. (For the amounts of OST spending added to BIA spending, see the notes to the appendix tables.)

For the BIA program categories chosen for the analysis — education, economic development, natural resources, and tribal (formerly "Indian") services — the memorandum contains a break in the continuity of the time-series data. The BIA restructured its budget presentation for FY1994, based on recommendations from the Joint Tribal/BIA/DOI Advisory Task Force on Bureau of Indian Affairs Reorganization. The general categories of education, economic development, natural resources, and Indian services, under which specific programs were grouped in previous budget presentations, are not used as general categories in the restructured budget presentation (instead they are used as subcategories within the BIA's new general categories). While the BIA applied this restructured presentation to its FY1993 budget, it did not do so for earlier years. Hence, the time-series data for BIA component programs are internally consistent for FY1975-FY1992 and for FY1993-FY2000 but may not be consistent between the two time periods. In addition, for FY1999 the BIA moved some programs between different budget categories.

In this memo we re-grouped FY1993-FY2000 data for the relevant BIA programs into the general categories of education, economic development, natural resources, and Indian services.[6] We have maintained consistency in assigning BIA programs to these general categories. We stress that re-grouping data for the BIA components for FY1993-FY2000 means that the figures for the categories for these years are estimates and that they are not necessarily consistent with earlier years. Hence computations and statistics for these BIA categories for the periods FY1975-FY2000 and FY1982-FY2000 are also estimates.

Spending is measured in this memorandum in terms either of appropriations (or budget authority) or of outlays, depending on data availability and on past usage in the Committee's study of FY1989. Indian housing spending data have been available as "use of budget authority," and we include data for both outlays and budget authority in measuring federal spending on housing in general. (Annual outlay and budget authority figures may diverge from each other more in housing, with its multi-year spending patterns, than in other budget areas.)

To adjust for inflation, current-dollars figures were changed into constant dollars. The base year for the constant dollars was 1997, and the inflation index used to compute constant dollars from current-dollar figures was the Chain-Type Price Index for Gross Domestic

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[6]The re-grouped figures for FY1993-1994 for these BIA components generally produced budget figures that were markedly higher than figures for FY1992. This suggests that analytical statistics for these BIA components based on the FY1975-FY2000 time series may be skewed, either up or down.

Product (GDP). The Chain-Type Price Index was introduced in 1995 by the Bureau of Economic Analysis of the Department of Commerce to measure real GDP, essentially replacing the Implicit Price Deflator. (For further discussion of the Chain-Type Price Index, see CRS Report No. 95-892 E, *A New Measure of Real GDP*.) We use the Chain-Type Price Index instead of the Consumer Price Index (CPI) because the former accounts for inflation in the entire economy rather than just in consumer purchases, and hence is more appropriate for the full range of Indian budget areas.

Statistical Measures

The *average*, or mean, *level of spending* during the period FY1975-FY2000 was computed by dividing total spending over the time period by the number of years.

Annual change (annual trend) and trend consistency over the FY1975-FY2000 period were both determined by a time-series linear regression analysis. Such an analysis attempts to find the best straight line illustrating the relationship between a variable (here, a budget item) and time. The *annual change* is the "slope" of such a straight line. The slope, or annual change, shows how much the spending on a budget item changes for every year that passes. (The slope is also known technically as the "coefficient of X" or the "regression coefficient.") *Trend consistency* is the "coefficient of determination," or r^2, generated by a regression analysis. Here, r^2 can be interpreted as follows: if the r^2 is high (i.e., closer to 1), then the trend, whether up or down, is very consistent; if the r^2 is low (closer to 0), then the trend is very irregular.

Change ratio denotes the annual change divided by the average level of spending. This is to control for the fact that the size of a budget item's annual change varies with the total amount of dollars spent by an agency. For instance, an annual change of +$10 million for an agency whose average spending is $100 billion a year constitutes a much lower increase, proportionally, than the same $10 million increase for an agency whose average spending is $50 million a year. The change ratio allows one agency's annual change to be compared to another agency's annual change while taking relative budget size into account. We stress that the change ratio is *not* a measure of rate of change over time and should not be so cited.

Sources

Sources for budget data are the respective agencies and the annual *Budget of the United States Government* submitted by the President. Budget data collected included historical appropriations and outlays and FY2000 budget estimates, by agency and by budget function[7] category. Agencies previously contacted include the BIA, IHS, ANA, HUD, Education Department, Interior Department, and Labor Department. HUD was not able to provide Indian Housing Development Program data for FY1975 and FY1977 because the data had been archived.

U.S. population data came from the *Statistical Abstract of the United States* and the Census Bureau's Current Population Reports (Series P-25, No. 1131) and "Monthly Estimates of the United States Population" (Internet release date: December 28, 1998). We used the

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[7]Budget functions represent classifications of budget expenditures by major objectives and operations, regardless of the agency responsible. Budget functions are further divided into budget subfunctions.

figure for total U.S. population, including Armed Forces abroad. Indian population estimates came from the Indian Health Service and are based on that agency's service population. IHS population estimates are updated annually.

Historical figures for the Chain-Type Price Index for GDP were obtained from the *Economic Report of the President* (February 1999); projections for 1998-2000 came from the U.S. Congressional Budget Office's *The Economic and Budget Outlook: Fiscal Years 2000-2009* (January 1999).

Education

Education data from **Table 1** show that Indian education spending appears to have been growing from FY1975 to FY2000. The annual change for BIA education,[8] for instance, shows an increase of $15.6 million per year, for a positive change ratio of 4.30. These figures, however, are in current dollars. Inflation has not been taken into account. The constant-dollar figures in **Table 2** do take inflation into account. These constant-dollar data show that BIA education has grown by only $0.5 million a year, for an actual change ratio of 0.11, during the period FY1975-FY2000. This pattern — an increase in current dollars but a much smaller increase, or a decline, in constant dollars — is repeated in most Indian-related budget areas.

Table 2 shows that the U.S. Department of Education budget has averaged $26.3 billion in constant 1997 dollars during FY1975-FY2000 and has grown at a rate of $486.9 million a year (1.85 change ratio), with little annual variation (r^2 of .729). In contrast, Office of Indian Education (OIE) programs in the Department of Education, which averaged $98.1 million a year in constant dollars, fell $3.2 million a year over the same time period (-3.27 change ratio). The r^2 figure for the OIE in the Education Department (.805) suggests that OIE spending has fallen fairly consistently over the time period.

Table 4 compares budget trends in constant dollars during the period FY1982-FY2000. The Department of Education has averaged $27.5 billion during that period, with an increase of $649 million a year (2.36 change ratio). BIA education increased $12.4 million a year (2.69 change ratio) in FY1982-FY2000, faster than the Education Department as a whole, while the Office of Indian Education in the Education Department fell $2.5 million a year (-2.98 change ratio).

Graphs 1-3 illustrate the trends in education in constant dollars for FY1975-FY2000. **Graph 1** shows the generally upward, but fluctuating, trend for the Department of Education budget. **Graph 2** shows a long downward trend and then a recovery for BIA education, while **Graph 3** illustrates that the OIE in the Department of Education had a long-term downward trend, followed by a leveling-off, a sharp fall in FY1996, and a gradual increase since then.

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[8]Excludes BIA construction for education. As noted above, the time series for BIA education is not internally consistent because of BIA budget restructuring for FY1993-FY2000. In addition, FY1991 appropriations for BIA education programs included forward funding of $208,900,000 for the 1991-1992 school year (July-June). For this analysis, these funds have been included under FY1991.

Health

Federal health outlays, as measured by the health budget function, averaged $74.5 billion in constant 1997 dollars during FY1975-FY2000, increasing at a rate of $4.6 billion a year, for a change ratio of 6.22 (see **Table 2**). Expenditures of the Department of Health and Human Services (HHS) — excluding Social Security payments and Social Security Administration administrative costs (but including other HHS non-health spending) — averaged $209.6 billion in the same time period, increasing at $11.8 billion a year (5.62 change ratio). Indian Health Service appropriations, in constant dollars, also increased during FY1975-FY2000, but at a lower rate than those of HHS or the health budget function. IHS's annual increase was $56 million, a change ratio of 3.69, on an average level of $1.5 billion.

Spending on the health budget function during FY1982-FY2000, shown in **Table 4**, was at an average level of almost $87 billion in constant dollars during the period, with an annual increase of $6.4 billion (7.37 change ratio). HHS outlays averaged $245.1 billion in FY1982-FY2000, increasing $14.5 billion annually (5.92 change ratio). IHS spending during the same period had a lower gain than these two measures, showing a change ratio of 4.36, based on annual increases of $72.8 million and an average spending level of nearly $1.7 billion per year.

Graphs 4-6 depict the trends in the HHS, health function, and IHS budgets for the years FY1975-FY2000, in constant dollars. They show that the increase over time was more consistent for HHS (r^2 of .951) than for the federal health budget function (r^2 of .883) or the IHS (r^2 of .877).

Housing[9]

Federal housing expenditure trends differ for outlays and budget authority during FY1978-FY2000. Outlays have generally risen, on either side of a sudden jump in FY1985, while budget authority fell from FY1978 before roughly leveling off after the FY1985 surge. The trend in Indian Housing Development expenditures (as measured in "use of budget authority") differs sharply from that for federal outlays for housing and more closely resembles that for federal housing budget authority, except that Indian housing development has fallen more steeply. **Table 2** shows that outlays for the Department of Housing and Urban Development (HUD) averaged $25.9 billion in constant dollars from FY1978 to FY2000 and increased at an annual rate of $397.4 million, for a positive change ratio of 1.54. Outlays for the federal housing assistance subfunction increased even faster, rising $864.8 million a year on an average level of $20.4 billion, for a positive change ratio of 4.24. Budget authority for HUD, however, fell $1.9 billion a year in constant dollars, for a negative -6.00 change ratio on average spending of $32.1 billion. Budget authority in constant dollars for the housing assistance subfunction showed the same pattern, falling $1.5 billion a year on average spending of $24.8 billion for a negative change ratio of -6.00. The Indian Housing Development program, as measured by annual budget authority for new construction, decreased in constant dollars at an annual rate of $55.3 million on average spending of $502.7 million, for a negative change ratio of -11.00, a more steeply declining rate than for federal housing budget authority as a whole. **Graphs 7 and 8** illustrate the trends in both outlays and budget authority for HUD and the housing assistance subfunction. **Graph 9** depicts the trend

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[9]The time period for housing data is shortened from FY1975-FY2000 to FY1978-FY2000 because of missing data for Indian housing development in FY1975 and FY1977.

for the Indian Housing Development program. **Graph 10** combines HUD and housing assistance subfunction outlays with Indian housing development budget authority.[10]

Housing trends during FY1982-FY2000 are mixed compared with those for the longer period (see **Table 4**). Indian Housing Development program expenditures in constant dollars decreased less rapidly than in FY1978-FY2000, falling at an annual rate of $22.5 million (-7.23 change ratio) on an average level of $310.7 million. Overall HUD outlays in constant dollars, on the other hand, rose more slowly than in FY1978-FY2000, increasing only $287.9 million a year (1.07 change ratio) on an average level of $26.9 billion. Housing assistance subfunction outlays in constant dollars grew faster than HUD spending — a change ratio of 3.06 based on increases of $690.9 million a year with an average level of $22.5 billion — but still lagged behind the rate for FY1978-FY2000. Budget authority trends for HUD and the housing assistance subfunction, in constant dollars, were more positive in the FY1982-FY2000 period than in the longer FY1978-FY2000 period. As graphs 7 and 8 show, the greatest fall in budget authority for HUD and the housing assistance subfunction occurred before FY1984. (The decline in Indian Housing Development budget authority, as graph 9 shows, extended until FY1990.) During FY1982-FY2000, HUD's budget authority in constant dollars declined $495.7 million a year on average spending of $24.7 billion, a negative change ratio of -2.01, while housing assistance subfunction budget authority, in constant dollars, fell less rapidly than in FY1978-FY2000, going down $185.1 million a year on average spending of $18.6 billion, for a change ratio of -1.01.

Economic Development and Employment and Training

Economic development spending, in constant dollars, has declined during the period FY1975-FY2000 in both the overall U.S. budget and the Indian-related budget. Here we compare the U.S. community and regional development budget function with the BIA economic development program[11] and with the Administration for Native Americans, which provides funding for social and economic development projects to Indian tribal governments and non-governmental Indian organizations. Measured in constant dollars, all three economic development programs have lost ground, but the Indian-related ones have fallen faster. **Table 2** shows that the U.S. community and regional development function has declined at an annual rate of $366.5 million, for a change ratio of -3.04, while averaging $12.1 billion a year in spending during this period. ANA expenditures, with an average level of $47.9 million, have decreased by $2.0 million a year, for a negative change ratio of -4.17. The BIA economic development program has fallen most rapidly, declining by $4.5 million a year — a negative change ratio of -5.25 — on an average spending level of $86.3 million. **Graphs 11-13**, and the respective r^2s for the community and regional development function (.347), BIA economic development (.686), and ANA (.680), all show that the decline during FY1975-FY2000 has been more consistent for the Indian-related programs.

Economic development spending during the FY1982-FY2000 period, measured in constant dollars, continued to decline for Indian and national economic development, as

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[10]Budget authority data for HUD and the housing assistance subfunction were not included in **Graph 10** because they caused scaling problems in the graph.

[11]As noted above, the time series for BIA economic development is not internally consistent because of BIA budget restructuring for FY1993-FY2000.

shown in **Table 4**, although not as steeply as in the longer period. The federal community and regional development function fell during this period by $27.6 million a year (negative change ratio of -0.28) on average spending of $9 8 billion. ANA spending fell by a negative change ratio of -1.35 ($0.5 million a year) on an average level of $37.9 million. BIA economic development went down the fastest, being reduced by a change ratio of -3 24 ($2.1 million a year) on average spending of $64.1 million. The downward trends during this period were fairly consistent for ANA but very inconsistent for the other two economic development measures.

Employment and training expenditures, in constant dollars, also declined during FY1975-FY2000 for both general U.S. programs and Indian-related programs. The federal training and employment subfunction fell at an annual rate of $453 million, producing a negative change ratio of -4.52 on average spending of $10 billion. The U.S. Department of Labor fell at a slower rate, its larger annual decrease (-$856.3 million) generating a smaller change ratio (-2.09) on higher average spending ($41 billion). The Indian and Native American Employment and Training Program (INAP) in the Labor Department had the largest negative change ratio, -8.37, based on an annual decrease of $11 3 million and average spending of $135 million.[12] **Graphs 14-16** depict these declines in employment and training expenditures.

The FY1982-FY2000 period saw a lessening of the rates of decline in employment and training expenditures in constant dollars for the Labor Department, the training and employment subfunction, and INAP, as **Table 4** shows. The Labor Department's negative change ratio shrank to -1.17 because its annual decrease in constant dollars was only $431.9 million on average spending of $37 billion. The training and employment subfunction showed a negative change ratio of only -0.08, based on an annual decrease of $5.9 million and average spending of almost $7.3 billion, both in constant dollars. INAP fell at a far higher rate than the Labor Department or the training and employment subfunction during FY1982-FY2000, losing $3.3 million in constant dollars annually in spending for a negative change ratio of -4.47, based on average spending of $74.1 million.

Overall Budget Areas

This section compares trends over the time period for the total BIA and OST budgets, overall Indian-program spending,[13] and the federal non-defense budget[14] as a whole, using both current and constant dollars. For the BIA and OST, **Table 1** and **Graph 17** indicate an increase in spending in current dollars during FY1975-FY2000, with spending going up by $46 million a year (change ratio of 3.63) with an average level of $1.3 billion. **Table 2** and **Graph 18**, however, show that in constant dollars there was actually a decline in the BIA-OST budget of $6.6 million a year (-0.38 change ratio), on an average spending level of $1.7 billion. A steady increase (r^2 of .887) in current dollars becomes, when corrected for inflation,

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[12]As noted above, the time series used here includes CETA Indian programs for FY1975-FY1983 and the INAP proper for FY1984-FY2000.

[13]"Overall Indian-program spending" means here the six major Indian programs covered in this memorandum.

[14]The federal non-defense budget used here excludes both national defense expenditures and net interest payments on the national debt.

an uneven decline (r^2 of .056) in constant dollars. As **Graph 18** shows, the unevenness results from a lengthy decline (in constant dollars) followed by an uneven rise.

Overall federal non-defense spending for FY1975-FY2000, however, differs from the pattern for Indian-related spending. Federal spending as a whole in current dollars went up during the period FY1975-FY2000, at a rate of $41.4 billion a year (5.99 change ratio) with an average level of $692.2 billion (see **Table 1**). In constant dollars, federal spending still went up, at a rate of $22.8 billion (2.61 change ratio) on an average level of $876.4 billion (see **Table 2**). **Graphs 19 and 20** illustrate these upward trends in current and constant dollars.

The overall Indian-related budget follows the same pattern as the BIA-OST budget. Current-dollar spending during the FY1975-FY2000 period, as shown in **Table 1**, went up at a rate of $114.6 million a year, a change ratio of 3.83, on an average spending level of almost $3 billion. Constant-dollar spending, however, is shown in **Table 2** to have gone down at a rate of $3.5 million a year (-0.09 negative change ratio) on an average spending level of $4 billion. The small size of the negative change ratio in constant dollars, and the inconsistency of the related trend (r^2 of .002), result from the same pattern as for the BIA-OST budget — a long fall followed by a recent uneven upward trend. **Graphs 21 and 22** demonstrate the two trends.

Population data can be used to get a simple comparison of per-capita federal spending between the overall U.S. population and the Indian population. **Table 1** includes population data similar to the budget data. The data (which include projections for 1999 and 2000) show that overall United States population increased at a rate of 2,362,537 people a year (0.96 change ratio) during the period 1975-2000, with an average level of 244,885,038 people. The Indian population (as measured by the IHS service population) is much smaller, with an average level of 1,069,937, but it has grown much faster, increasing at an annual rate of 37,696 persons, for a change ratio of 3.52.

To get a measure of per-capita federal spending for each of the two groups, for each year in the FY1975-FY2000 period we divided the overall federal non-defense budget by the total U.S. population, and divided the overall Indian budget by the Indian population. **Graphs 23A and 23B** illustrate the resulting trends for current and constant dollars, respectively. They show that during the first ten years of the period the federal government spent more per capita on Indians than on the population as a whole. After 1985, however, Indians received less expenditure per capita, under major Indian-related programs, than the population as a whole. Throughout the 1975-2000 period, per-capita spending in constant dollars on the U.S. population as a whole consistently increased, whereas per-capita spending in constant dollars on Indians through major Indian-related programs began to fall after 1979, leveling out only after 1990. **Graphs 23C and 23D** display the two populations' growth trends over the 1975-2000 period.

Summary

The data show that Indian-related spending, corrected for inflation, has been going down in most areas during the FY1975-FY2000 period. Among the Indian-related items examined for this period, as measured in constant dollars, only the IHS and three program areas within the BIA (natural resources, tribal services [including the BIA's Housing Improvement Program], and education) have avoided this trend.[15] On the other hand, in the FY1982-FY2000 period, while the BIA natural resources program area changes to a negative trend, both the BIA-OST budgets and the overall Indian budget are added to the programs with positive trends.

Overall downward trends in federal Indian spending are not obvious if one looks only at current-dollar data. The tables and graphs show that, in constant dollars, overall Indian spending has tended to go down over the full course of the FY1975-FY2000 period, while overall federal non-defense spending has gone up. The latter years of this period, after 1990, have seen an uneven upward trend in overall Indian spending in constant dollars, though not yet enough to bring the annual change and change ratio for the entire FY1975-FY2000 period to positive numbers.

When one looks not only at overall Indian spending but also at its major components – BIA-OST, IHS, Office of Indian Education in the Education Department, Indian Housing Development program in HUD, ANA, and INAP – one sees from **Table 2** and **Graph 24** that, in constant dollars, *all* major programs except IHS have declined during the period FY1975-FY2000. Moreover, a comparison in constant dollars of overall Indian spending and its major components, on the one hand, with comparable budget items in the full federal budget, on the other, indicates that most Indian-program spending areas have lagged behind their equivalent federal spending areas. (See **Graph 25**.) This is true even of IHS.

If BIA-OST spending and overall Indian spending were both to decline in constant dollars at the same rates of annual change during the period FY2001-2005 as they did during FY1975-FY2000 (-$6.6 million and -$3.5 million, respectively, in constant dollars), as shown in **graph 26**, then by FY2005 overall Indian-program spending in 1997 dollars would have fallen from a proposed $4.56 billion in FY2000 to $4.54 billion in FY2005. BIA-OST spending in 1997 dollars would have fallen from a proposed $1.90 billion in FY2000 to $1.87 billion in FY2005.

If you have any questions, or if I can be of further assistance, please call me at 707-8641.

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[15] As noted above, the time series for BIA natural resources and tribal services is not internally consistent because of BIA budget restructuring for FY1993-FY2000.

Table 1. Trends in Selected Elements of the Federal Budget in Current Dollars, FY1975-FY2000[a]
(dollar figures in millions)

	Average level (A)	Annual change (B)	Change ratio (B/A)	Trend consistency (r^2)
Education:				
U.S. Department of Education	$20,497.9	$1,091.4	5.32	0.957
Education function	$37,664.7	$1,643.9	4.36	0.905
Indian Education Office (U.S. Department of Education)	$68.6	$0.4	0.59	0.095
BIA education[b]	$362.0	$15.6	4.30	0.779
Health:				
U.S. Department of Health & Human Services (excluding Social Security Administration)	$175,119.0	$14,838.7	8.47	0.947
Health function	$62,854.7	$5,711.6	9.09	0.909
Indian Health Service	$1,224.2	$84.5	6.90	0.951
Housing:				
U.S. Dept. of Housing & Urban Development (outlays)[c]	$21,063.5	$979.5	4.65	0.828
U.S. Dept. of Housing & Urban Development (B.A.)[c]	$23,146.9	-$424.0	-1.83	0.160
Housing assistance subfunction (outlays)[c]	$17,241.2	$1,189.4	6.90	0.870
Housing assistance subfunction (B.A.)[c]	$17,871.3	-$291.3	-1.63	0.088
Indian Housing Development Program in HUD (B.A.)[c]	$330.9	-$23.7	-7.16	0.578
Economic Development and Training and Employment:				
Community and regional development function	$8,442.0	$99.2	1.17	0.115
Administration for Native Amer. ans (HHS)	$32.6	$0.1	0.26	0.040
BIA economic development[b]	$57.4	-$0.6	-1.12	0.135
U.S. Department of Labor	$29,382.5	$569.8	1.94	0.346
Training and employment subfunction	$6,764.5	-$10.0	-0.15	0.002
Indian and Native Amer. Training & Employment (DOL)[d]	$82.7	-$3.7	-4.53	0.320
Natural Resources:				
U.S. Department of the Interior	$5,396.8	$210.0	3.89	0.940
Natural resources function	$16,074.9	$626.9	3.90	0.943
BIA natural resources[b]	$113.4	$3.9	3.45	0.610
Overall:				
BIA-OST Total	$1,269.3	$46.0	3.63	0.887
BIA tribal services[b]	$344.9	$20.6	5.97	0.938
Overall Indian budget	$2,989.8	$114.6	3.83	0.837
Federal non-defense budget[e]	$692,246.3	$41,437.6	5.99	0.983
Population:				
U.S. population	244,885,038	2,362,537	0.96	0.999
Indian population (IHS estimates)	1,069,937	37,696	3.52	0.990

[a] See **Appendix Table 1** for data used to calculate these figures.
[b] Inconsistent time series from FY1993 on, because of BIA budget restructuring. "BIA education" excludes BIA education construction.
[c] Covers only FY1978-FY2000. B.A. = budget authority.
[d] FY1975-FY1983: CETA Indian program. FY1984-FY2000: Indian and Native American Training and Employment Program.
[e] Excludes national defense outlays and net interest payments on national debt.

Table 2. Trends in Selected Elements of the Federal Budget in Constant 1997 Dollars, FY1975-FY2000[a]
(constant dollars based on chain-type price index for GDP)
(dollar figures in millions)

	Average level (A)	Annual change (B)	Change ratio (B/A)	Trend consistency (r^2)
Education:				
U.S. Department of Education	$26,330.7	$486.9	1.85	0.729
Education function	$49,822.1	$250.1	0.50	0.074
Indian Education Office (U.S. Department of Education)	$98.1	-$3.2	-3.27	0.805
BIA education[b]	$483.6	$0.5	0.11	0.002
Health:				
U.S. Department of Health & Human Services (excluding Social Security Administration)	$209,601.8	$11,785.4	5.62	0.951
Health function	$74,513.1	$4,631.4	6.22	0.883
Indian Health Service	$1,517.8	$56.0	3.69	0.877
Housing:				
U.S. Dept. of Housing & Urban Development (outlays)[c]	$25,873.7	$397.4	1.54	0.293
U.S. Dept. of Housing & Urban Development (B.A.)[c]	$32,119.0	-$1,927.7	-6.00	0.516
Housing assistance subfunction (outlays)[c]	$20,384.2	$864.8	4.24	0.642
Housing assistance subfunction (B.A.)[c]	$24,839.5	-$1,489.8	-6.00	0.422
Indian Housing Development Program in HUD (B.A.)[c]	$502.7	-$55.3	-11.00	0.612
Economic Development and Training and Employment:				
Community and regional development function	$12,064.7	-$366.5	-3.04	0.347
Administration for Native Americans (HHS)	$47.9	-$2.0	-4.17	0.680
BIA economic development[b]	$86.3	-$4.5	-5.25	0.686
U.S. Department of Labor	$40,981.9	-$856.3	-2.09	0.398
Training and employment subfunction	$10,028.5	-$453.0	-4.52	0.452
Indian and Native Amer. Training & Employment (DOL)[d]	$135.0	-$11.3	-8.37	0.468
Natural Resources:				
U.S. Department of the Interior	$7,178.9	$11.9	0.17	0.017
Natural resources function	$21,427.9	$17.5	0.08	0.004
BIA natural resources[b]	$149.5	$0.6	0.38	0.018
Overall:				
BIA-OST Total	$1,709.9	-$6.6	-0.38	0.056
BIA tribal services[b]	$438.6	$10.7	2.45	0.740
Overall Indian budget	$4,002.6	-$3.5	-0.09	0.002
Federal non-defense budget[e]	$876,362.0	$22,842.5	2.61	0.955

[a] See **Appendix Table 2** for data used to calculate these figures.
[b] Inconsistent time series from FY1993 on, because of BIA budget restructuring. "BIA education" excludes BIA education construction.
[c] Covers only FY1978-FY2000. B.A. = budget authority.
[d] FY1975-FY1983: CETA Indian program. FY1984-FY2000: Indian and Native American Training and Employment Program.
[e] Excludes national defense outlays and net interest payments on national debt.

Table 3. Trends in Selected Elements of the Federal Budget in Current Dollars, FY1982-FY2000[a]
(dollar figures in millions)

	Average level (A)	Annual change (B)	Change ratio (B/A)	Trend consis-tency (r^2)
Education:				
U.S. Department of Education	$23,969.5	$1,215.5	5.07	0.947
Education function	$42,145.3	$2,121.9	5.03	0.963
Indian Education Office (U.S. Department of Education)	$70.4	-$0.046	-0.07	0.001
BIA education[2b]	$402.4	$22.1	5.50	0.823
Health:				
U.S. Department of Health & Human Services (excluding Social Security Administration)	$219,681.1	$18,396.9	8.37	0.973
Health function	$78,905.4	$7,594.3	9.62	0.963
Indian Health Service	$1,479.7	$101.8	6.88	0.962
Housing:				
U.S. Dept. of Housing & Urban Development (outlays)[c,3]	$23,156.6	$914.6	3.95	0.720
U.S. Dept. of Housing & Urban Development (B.A.)[c]	$20,693.2	$193.6	0.94	0.047
Housing assistance subfunction (outlays)[c]	$19,743.2	$1,140.8	5.78	0.779
Housing assistance subfunction (B.A.)[c]	$15,742.2	$310.4	1.97	0.121
Indian Housing Development Program in HUD (B.A.)[c]	$248.5	-$9.9	-3.97	0.400
Economic Development and Training and Employment:				
Community and regional development function	$8,345.6	$236.9	2.84	0.463
Administration for Native Americans (HHS)	$32.0	$0.5	1.55	0.769
BIA economic development[b]	$53.2	-$0.1	-0.18	0.003
U.S. Department of Labor	$31,265.1	$567.7	1.82	0.182
Training and employment subfunction	$6,181.3	$178.7	2.89	0.807
Indian and Native Amer. Training & Employment (DOL)[d4]	$60.8	-$0.9	-1.46	0.540
Natural Resources:				
U.S. Department of the Interior	$6,077.5	$223.3	3.67	0.927
Natural resources function	$17,991.6	$721.6	4.01	0.952
BIA natural resources[b]	$132.9	$1.2	0.88	0.107
Overall:				
BIA-OST Total	$1,402.4	$57.4	4.09	0.883
BIA tribal services[b]	$407.9	$24.6	6.03	0.932
Overall Indian budget	$3,293.8	$148.9	4.52	0.903
Federal non-defense budget[e5]	$827,267.4	$45,970.7	5.56	0.982
Population:				
U.S. population	253,022,737	2,419,337	0.96	0.999
Indian population (IHS estimates)	1,199,438	38,189	3.18	0.983

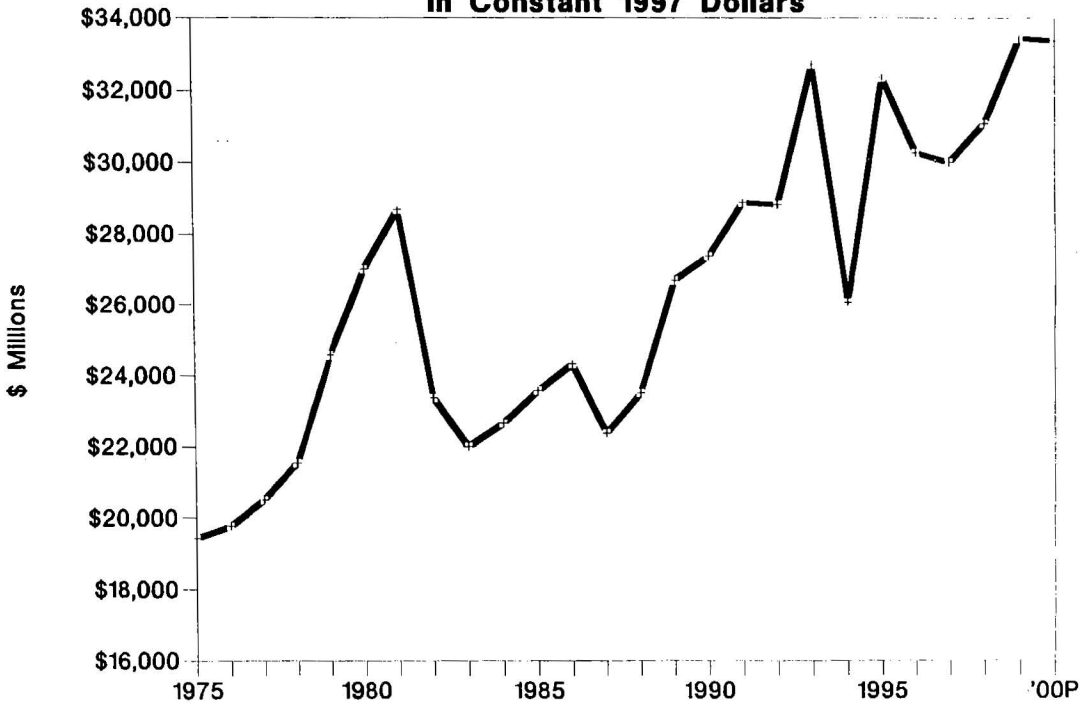
[a] See **Appendix Table 1** for data used to calculate these figures.
[b] Inconsistent time series from FY1993 on, because of BIA budget restructuring. "BIA education" excludes BIA education construction.
[c] Covers only FY1978-FY2000. B.A. = budget authority.
[d] FY1975-FY1983: CETA Indian program. FY1984-FY2000: Indian and Native American Training and Employment Program.
[e] Excludes national defense outlays and net interest payments on national debt.

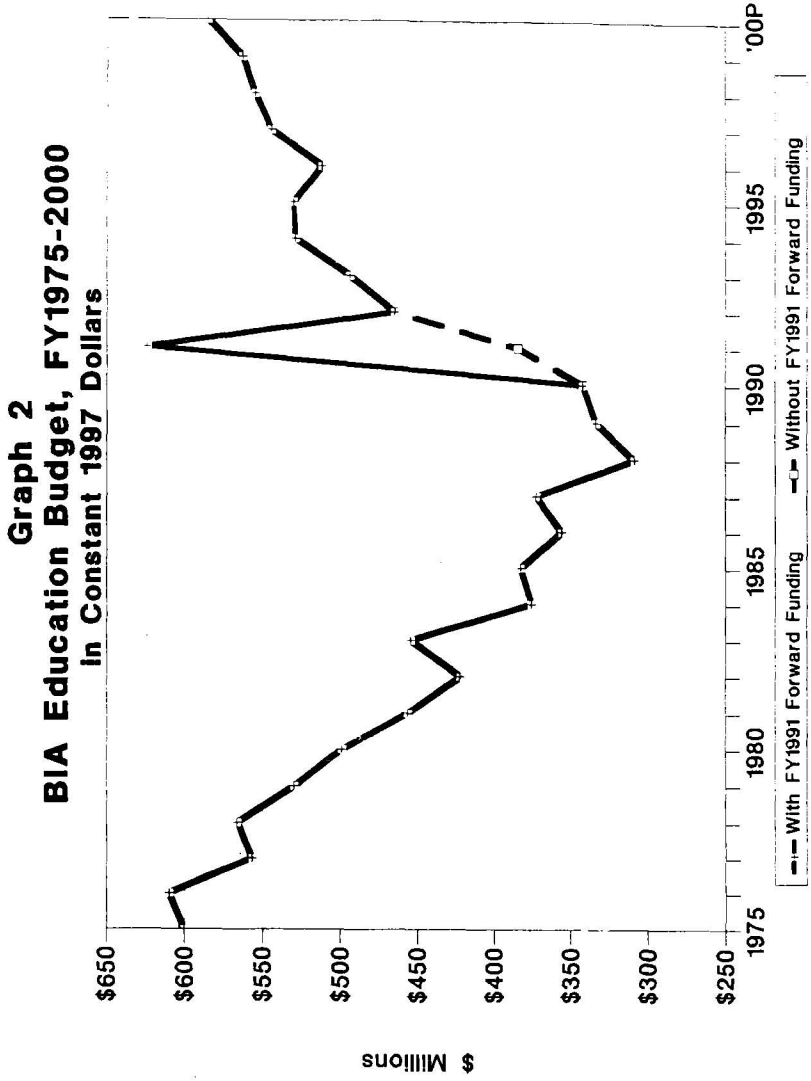
Table 4. Trends in Selected Elements of the Federal Budget in Constant 1997 Dollars, FY1982-FY2000[a]
(constant dollars based on chain-type price index for GDP)
(dollar figures in millions)

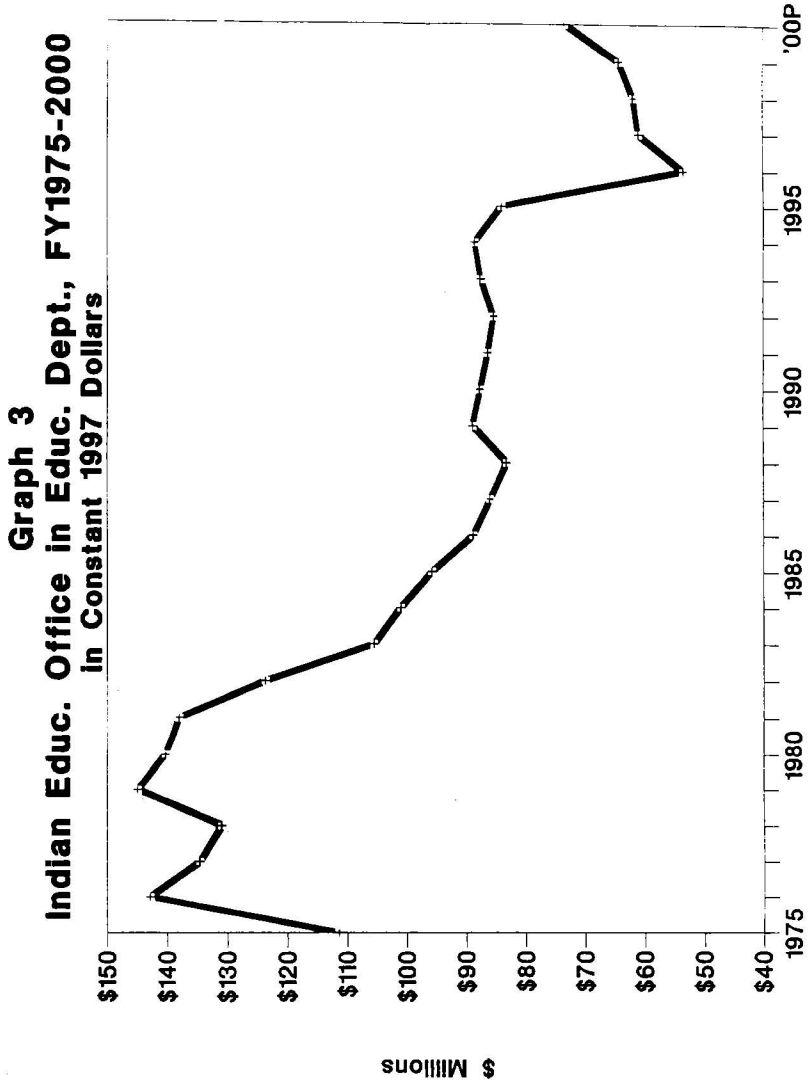
	Average level (A)	Annual change (B)	Change ratio (B/A)	Trend consistency (r^2)
Education:				
U.S. Department of Education	$27,528.4	$649.0	2.36	0.821
Education function	$48,442.5	$1,102.7	2.28	0.870
Indian Education Office (U.S. Department of Education)	$84.6	-$2.5	-2.98	0.723
BIA education[b]	$460.7	$12.4	2.69	0.521
Health:				
U.S. Department of Health & Human Services (excluding Social Security Administration)	$245,097.3	$14,507.2	5.92	0.973
Health function	$86,983.1	$6,407.7	7.37	0.957
Indian Health Service	$1,670.9	$72.8	4.36	0.926
Housing:				
U.S. Dept. of Housing & Urban Development (outlays)[c]	$26,894.4	$287.9	1.07	0.123
U.S. Dept. of Housing & Urban Development (B.A.)[c]	$24,651.1	-$495.7	-2.01	0.170
Housing assistance subfunction (outlays)[c]	$22,549.2	$690.9	3.06	0.418
Housing assistance subfunction (B.A.)[c]	$18,592.3	-$185.1	-1.00	0.029
Indian Housing Development Program in HUD (B.A.)[c]	$310.7	-$22.5	-7.23	0.597
Economic Development and Training and Employment:				
Community and regional development function	$9,803.7	-$27.6	-0.28	0.007
Administration for Native Americans (HHS)	$37.9	-$0.5	-1.35	0.773
BIA economic development[b]	$64.1	-$2.1	-3.24	0.431
U.S. Department of Labor	$36,967.4	-$431.9	-1.17	0.080
Training and employment subfunction	$7,250.5	-$5.9	-0.08	0.003
Indian and Native Amer. Training & Employment (DOL)[d]	$74.1	-$3.3	-4.47	0.841
Natural Resources:				
U.S. Department of the Interior	$7,072.5	$59.0	0.83	0.428
Natural resources function	$20,863.0	$252.0	1.21	0.688
BIA natural resources[b]	$158.1	-$2.8	-1.80	0.327
Overall:				
BIA-OST Total	$1,625.1	$20.7	1.27	0.431
BIA tribal services[b]	$465.2	$15.2	3.27	0.818
Overall Indian budget	$3,803.3	$64.6	1.70	0.588
Federal non-defense budget[e]	$946,532.2	$26,848.8	2.84	0.956

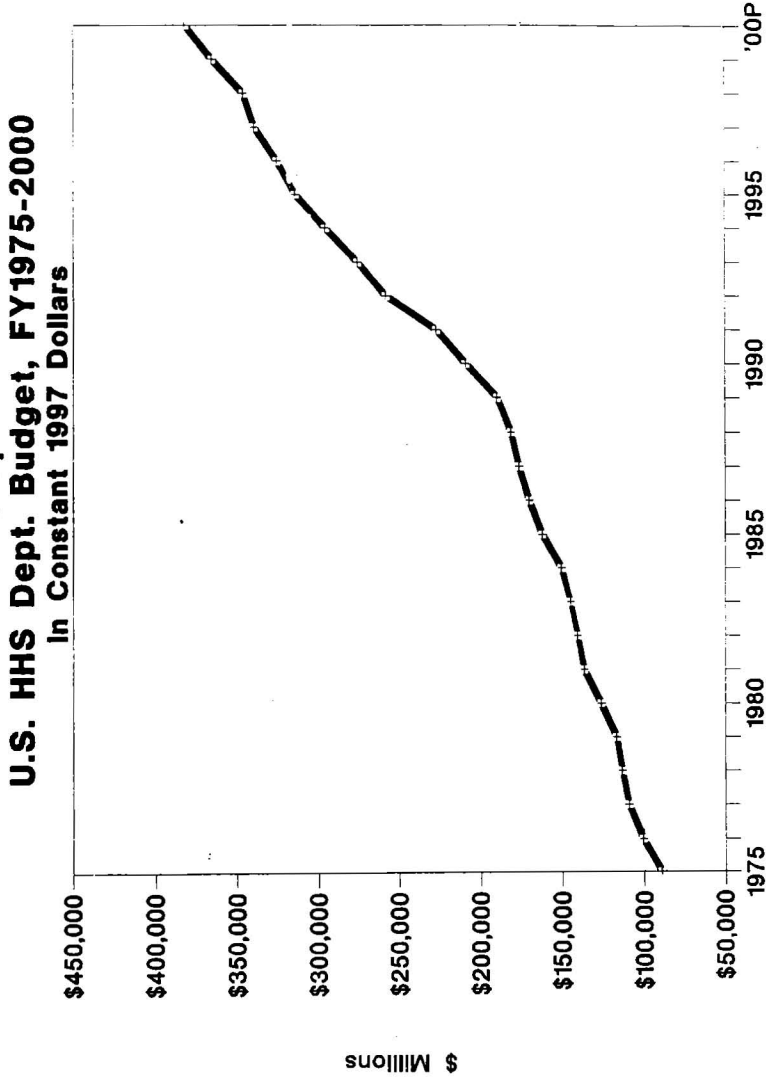
[a] See **Appendix Table 2** for data used to calculate these figures.
[b] Inconsistent time series from FY1993 on, because of BIA budget restructuring. "BIA education" excludes BIA education construction.
[c] Covers only FY1978-FY2000. B.A. = budget authority.
[d] FY1975-FY1983: CETA Indian program. FY1984-FY2000: Indian and Native American Training and Employment Program.
[e] Excludes national defense outlays and net interest payments on national debt.

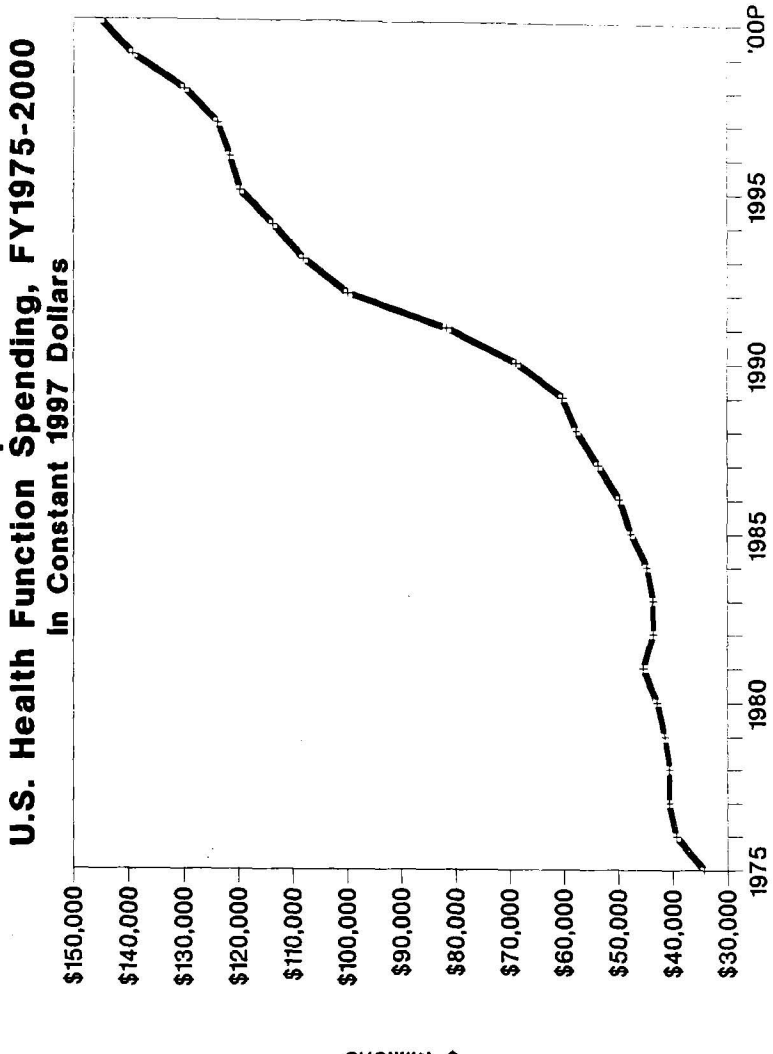
Graph 1
U.S. Education Dept. Budget, FY1975-2000
in Constant 1997 Dollars



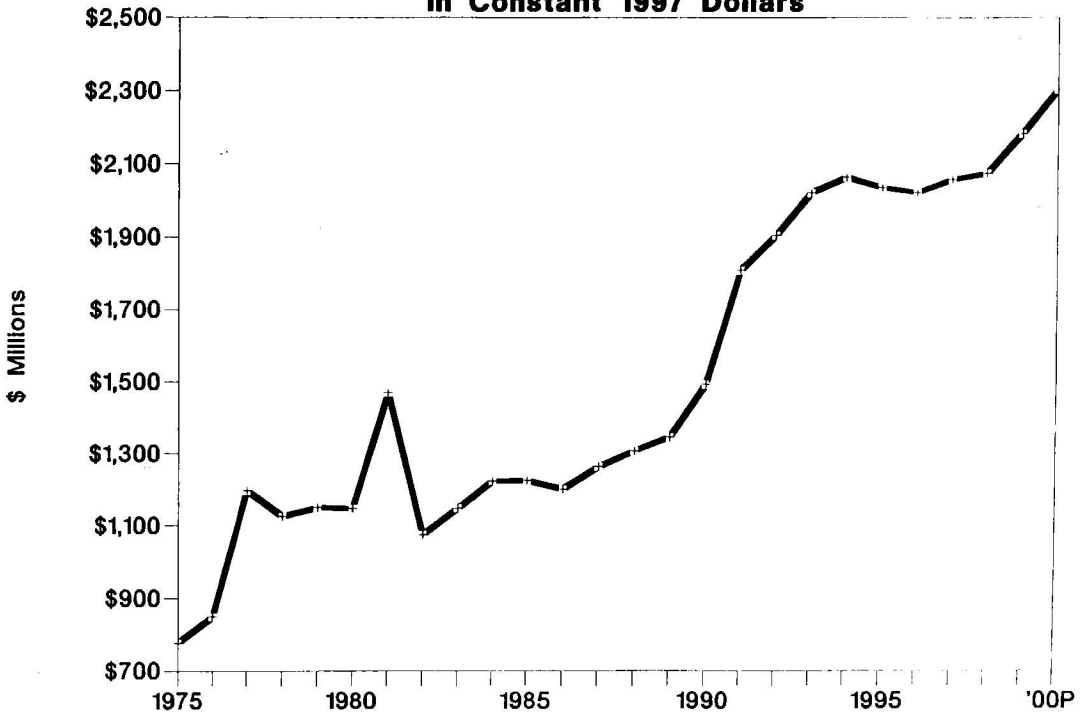

Graph 2
BIA Education Budget, FY1975-2000
In Constant 1997 Dollars
$ Millions
$650
$600
$550
$500
$450
$400
$350
$300
$250
1975
1980
1985
1990
1995
'00P
With FY1991 Forward Funding
Without FY1991 Forward Funding

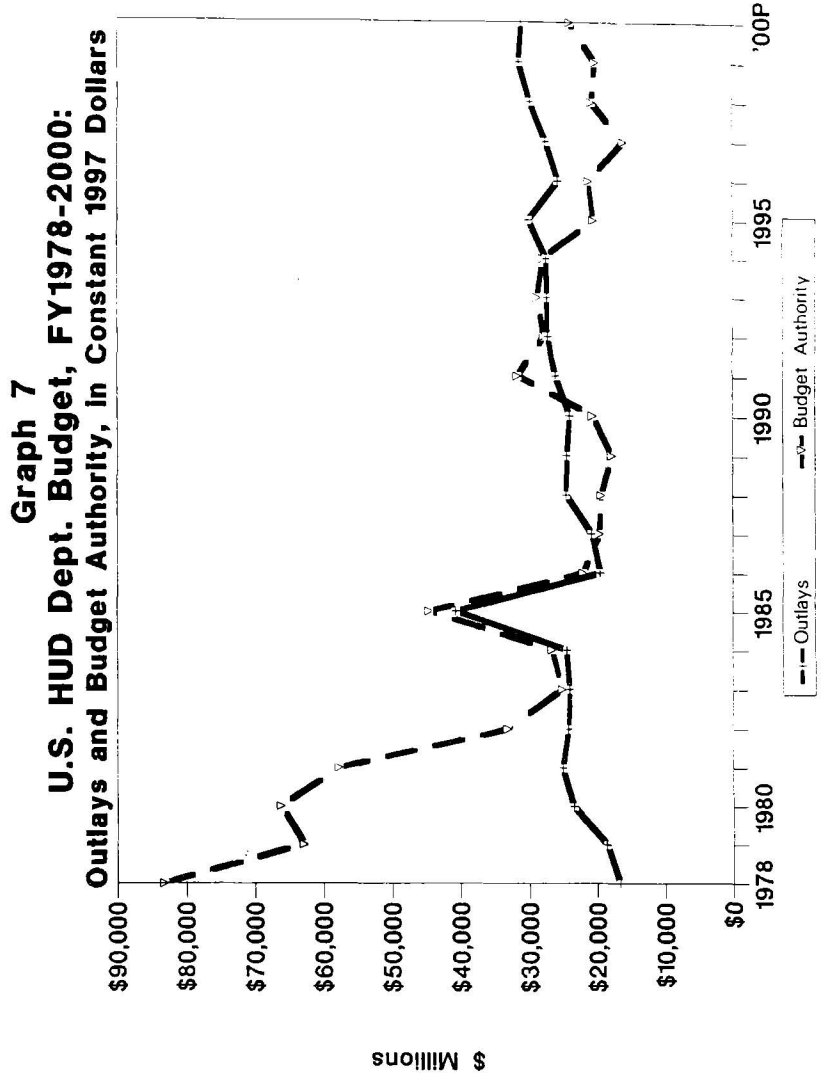

Graph 3
Indian Educ. Office in Educ. Dept., FY1975-2000
In Constant 1997 Dollars
$ Millions
$150
$140
$130
$120
$110
$100
$90
$80
$70
$60
$50
$40
1975
1980
1985
1990
1995
'00P


Graph 4
U.S. HHS Dept. Budget, FY1975-2000
In Constant 1997 Dollars
$ Millions
$450,000
$400,000
$350,000
$300,000
$250,000
$200,000
$150,000
$100,000
$50,000
1975
1980
1985
1990
1995
'00P

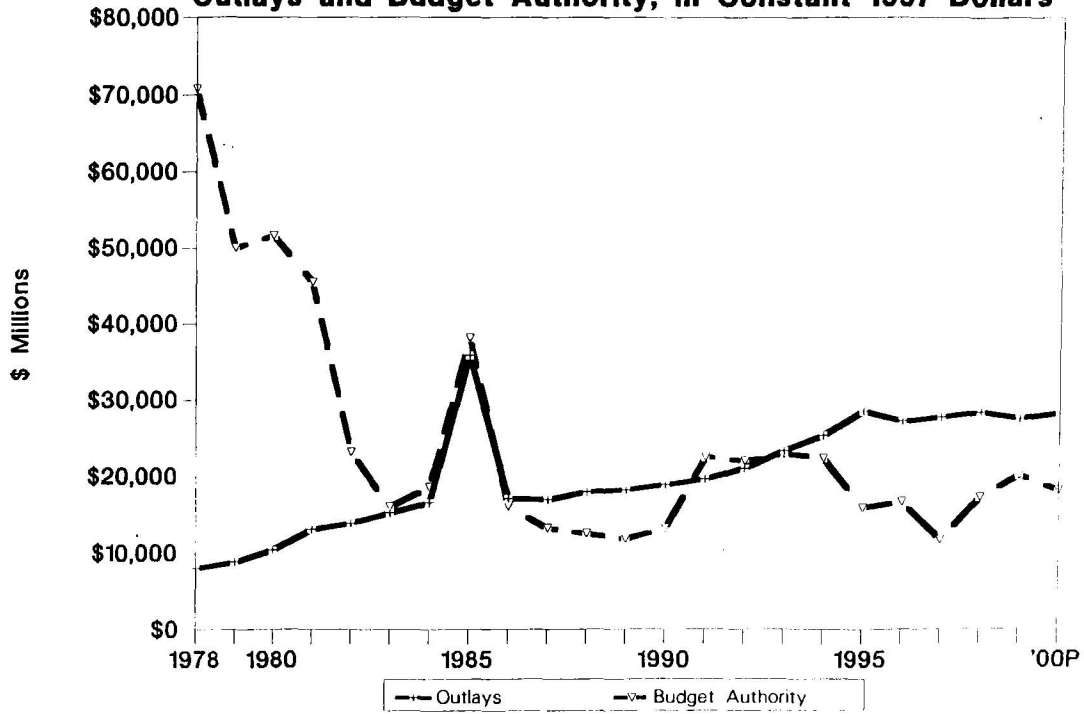

Graph 5
U.S. Health Function Spending, FY1975-2000
In Constant 1997 Dollars
$ Millions
$150,000
$140,000
$130,000
$120,000
$110,000
$100,000
$90,000
$80,000
$70,000
$60,000
$50,000
$40,000
$30,000
1975
1980
1985
1990
1995
'00P

Graph 6
Indian Health Service Budget, FY1975-2000
In Constant 1997 Dollars

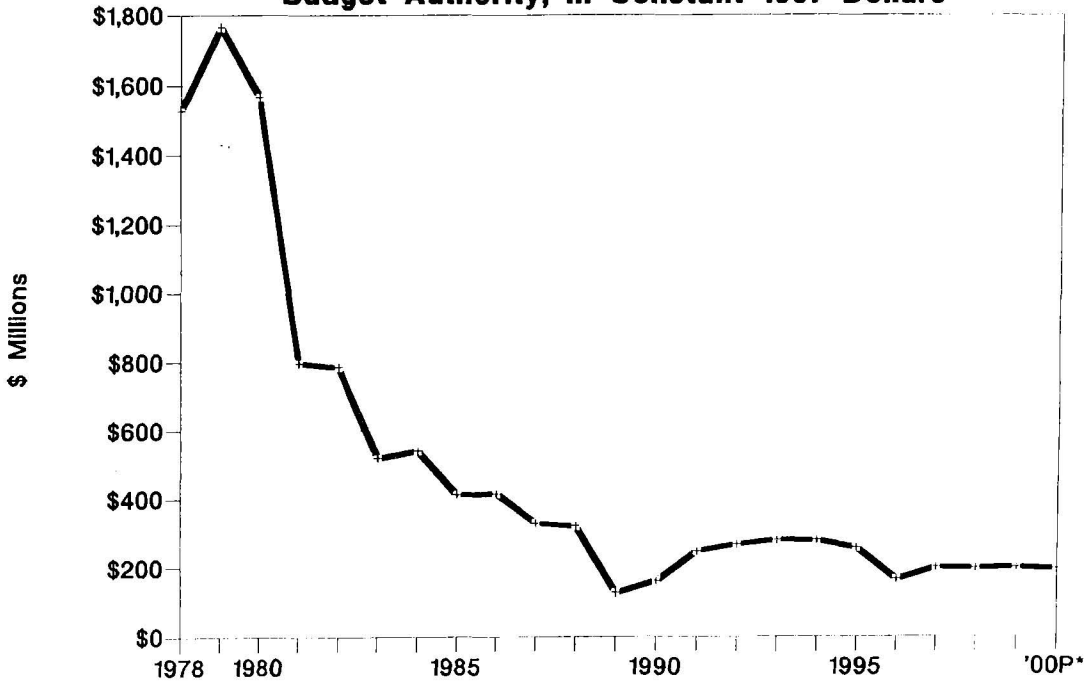



Graph 7
U.S. HUD Dept. Budget, FY1978-2000:
Outlays and Budget Authority, in Constant 1997 Dollars
$ Millions
$90,000
$80,000
$70,000
$60,000
$50,000
$40,000
$30,000
$20,000
$10,000
$0
1978
1980
1985
1990
1995
'00P
Outlays
Budget Authority

Graph 8
Housing Assistance Subfunction, FY1978-2000:
Outlays and Budget Authority, in Constant 1997 Dollars

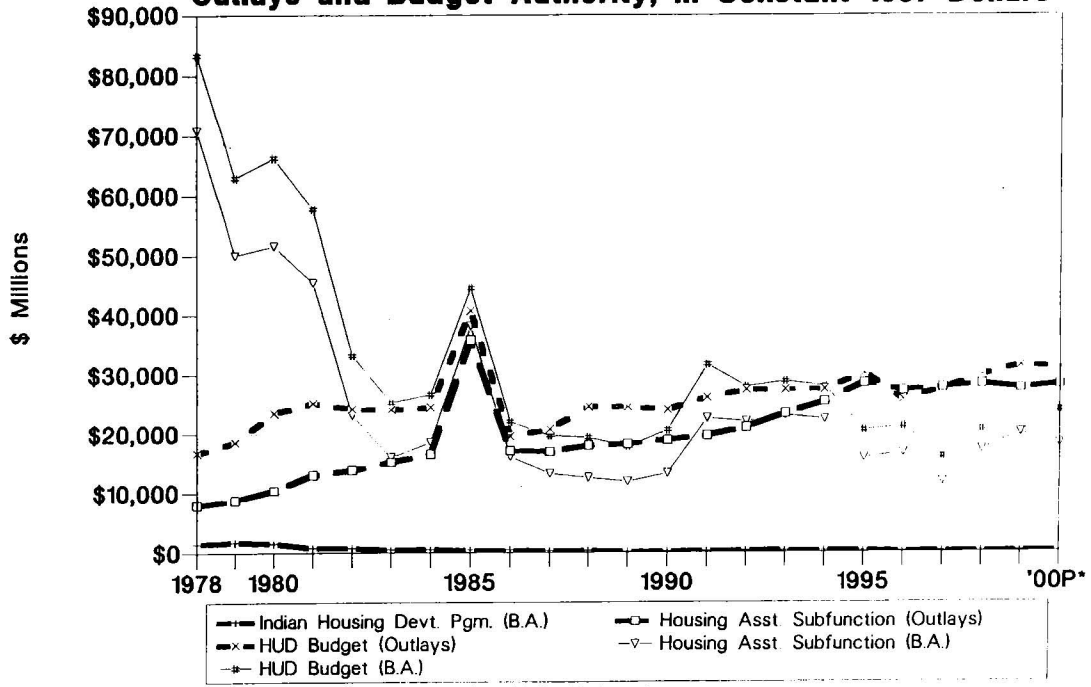


Graph 9
Indian Housing Devt. Pgm. in HUD, FY1978-2000:
Budget Authority, in Constant 1997 Dollars

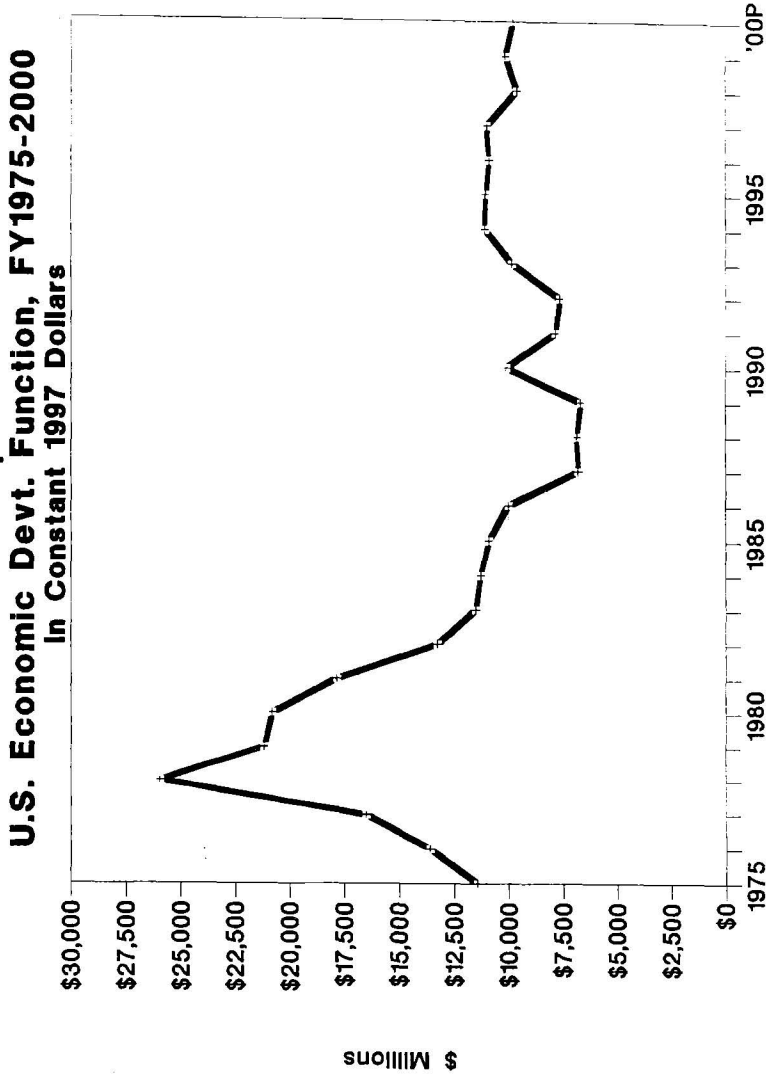


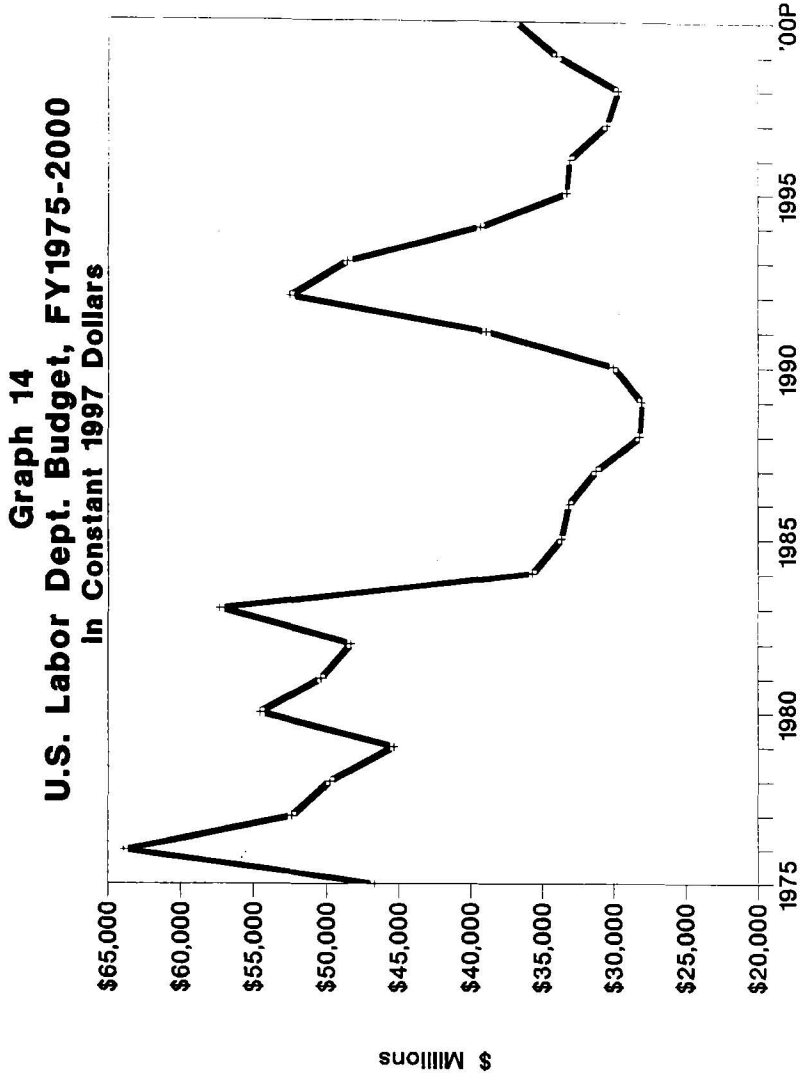
*FY1998: HUD est. of Development/HOME portion of block grant.
*FY1999-2000: CRS est. of Development/HOME portion of block grant.

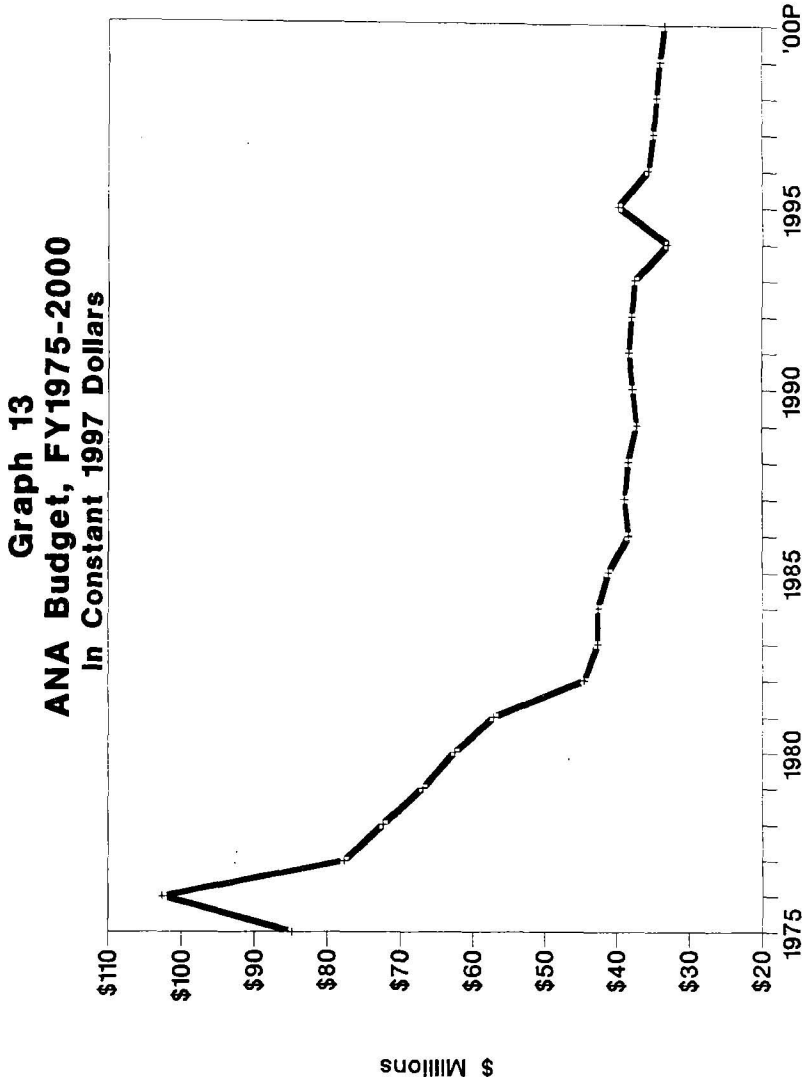
Graph 10
Indian Housing vs. HUD & Housing Asst., FY78-00
Outlays and Budget Authority, In Constant 1997 Dollars



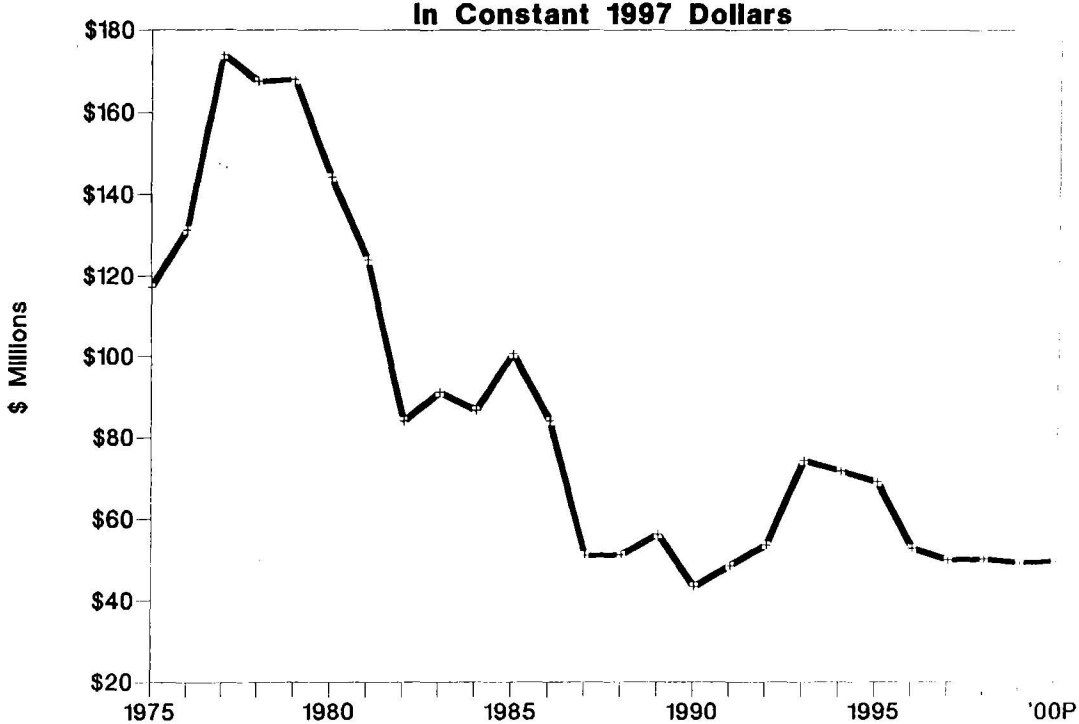
*FY1998: HUD est. of Devt./HOME portion of Indian block grant.
*FY1999-2000: CRS est. of Devt./HOME portion of Indian block grant.

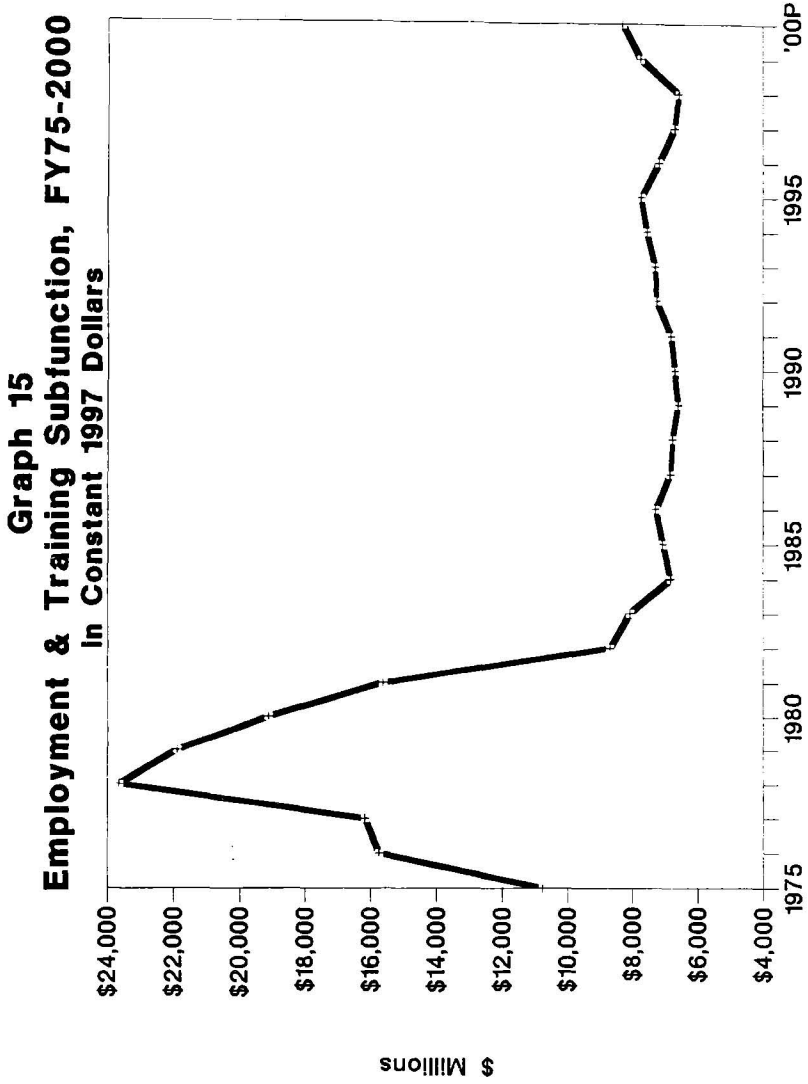

Graph 11
U.S. Economic Devt. Function, FY1975-2000
In Constant 1997 Dollars
$ Millions
$30,000
$27,500
$25,000
$22,500
$20,000
$17,500
$15,000
$12,500
$10,000
$7,500
$5,000
$2,500
$0
1975
1980
1985
1990
1995
'00P

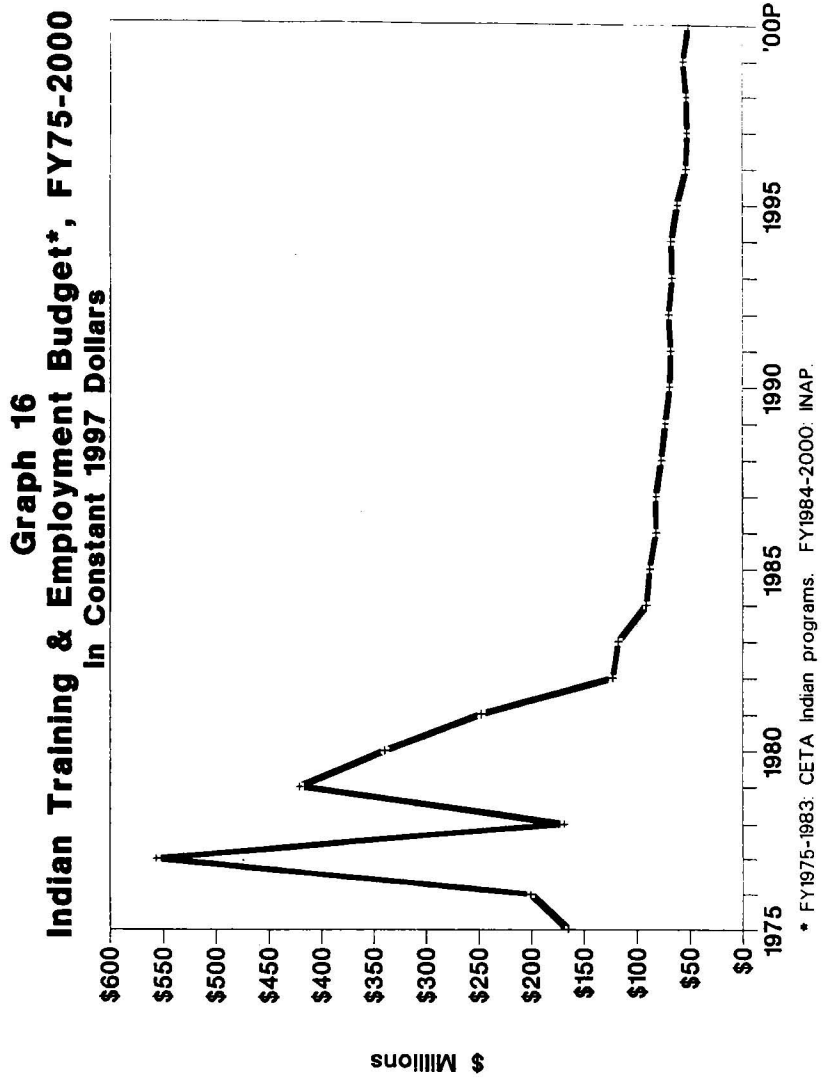

Graph 14
U.S. Labor Dept. Budget, FY1975-2000
In Constant 1997 Dollars
$ Millions
$65,000
$60,000
$55,000
$50,000
$45,000
$40,000
$35,000
$30,000
$25,000
$20,000
1975
1980
1985
1990
1995
'00P


Graph 13
ANA Budget, FY1975-2000
In Constant 1997 Dollars
$ Millions
$110
$100
$90
$80
$70
$60
$50
$40
$30
$20
1975
1980
1985
1990
1995
'00P

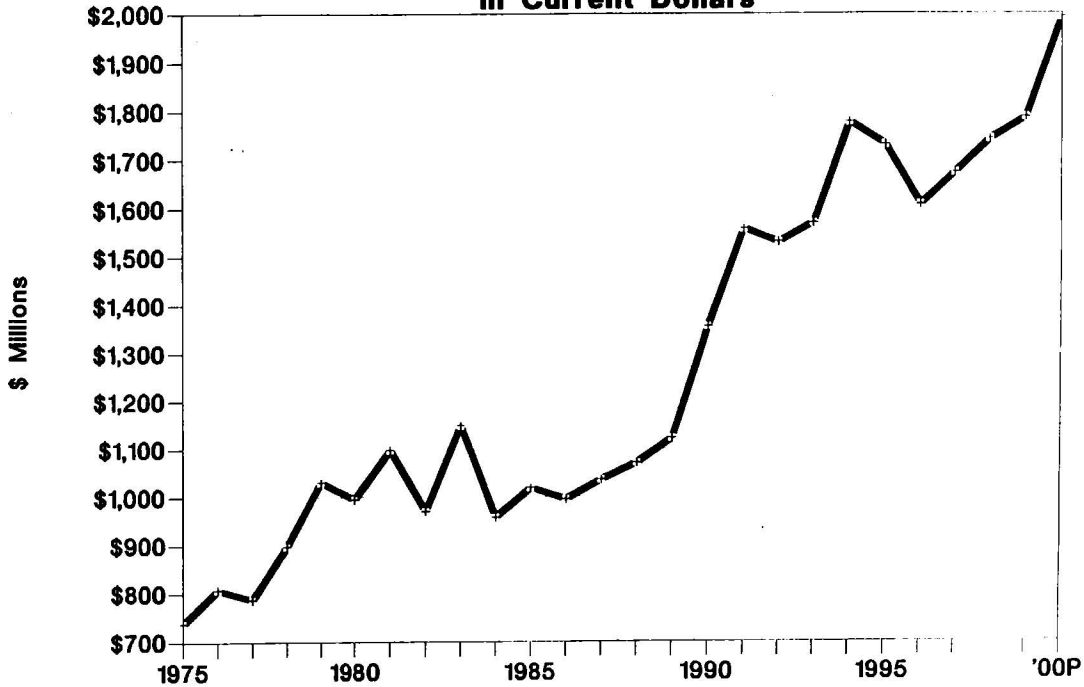
Graph 12
BIA Economic Development Budget, FY1975-2000
In Constant 1997 Dollars




Graph 15
Employment & Training Subfunction, FY75-2000
In Constant 1997 Dollars
$ Millions
$24,000
$22,000
$20,000
$18,000
$16,000
$14,000
$12,000
$10,000
$8,000
$6,000
$4,000
1975
1980
1985
1990
1995
'00P

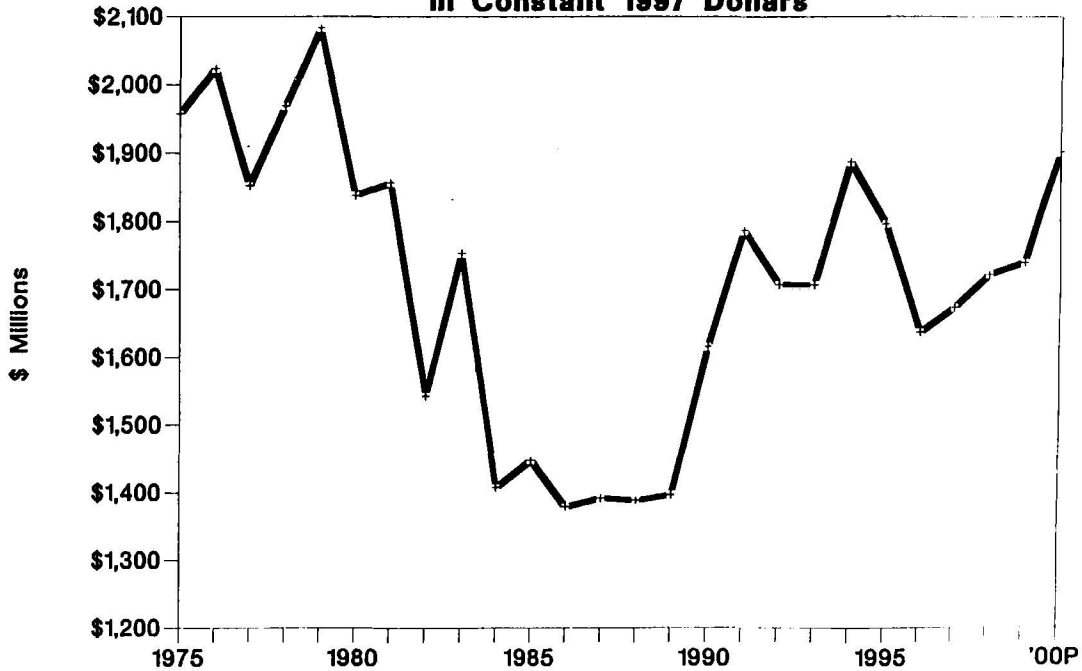

Graph 16
Indian Training & Employment Budget*, FY75-2000
In Constant 1997 Dollars
$ Millions
$600
$550
$500
$450
$400
$350
$300
$250
$200
$150
$100
$50
$0
1975
1980
1985
1990
1995
'00P
* FY1975-1983: CETA Indian programs. FY1984-2000: INAP.

Graph 17
BIA+OST Total Budget, FY1975-2000
In Current Dollars



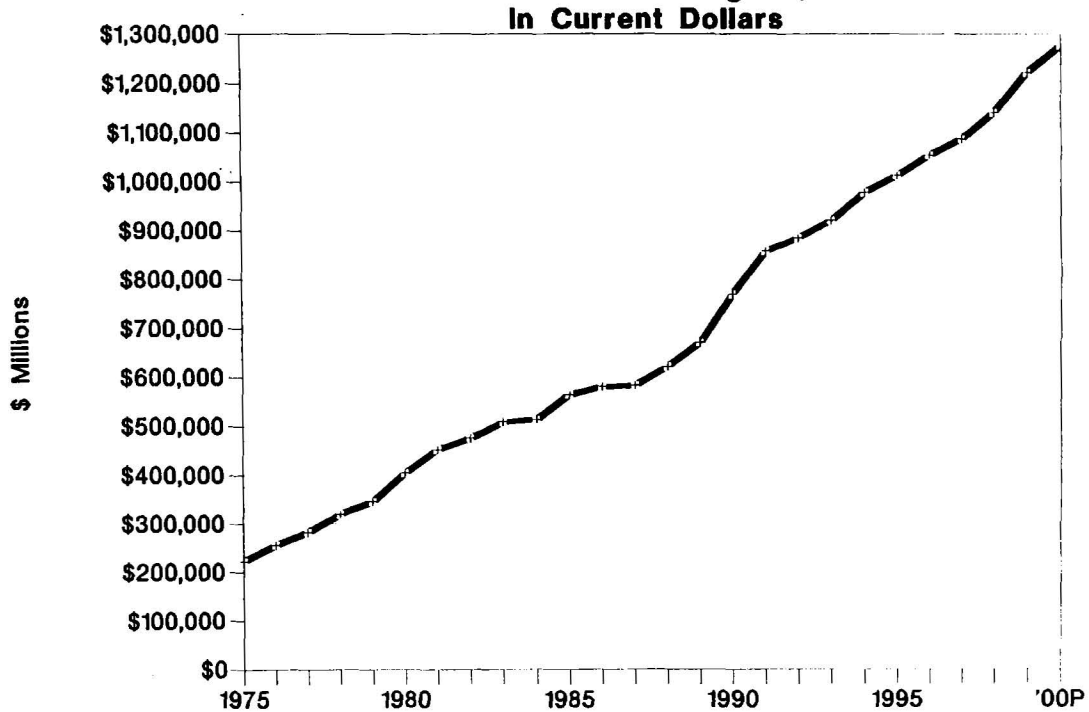
FY1991 includes Forward Funding for BIA Education ($208.9 million).
OST = Office of Special Trustee for American Indians

Graph 18
BIA+OST Total Budget, FY1975-2000
In Constant 1997 Dollars



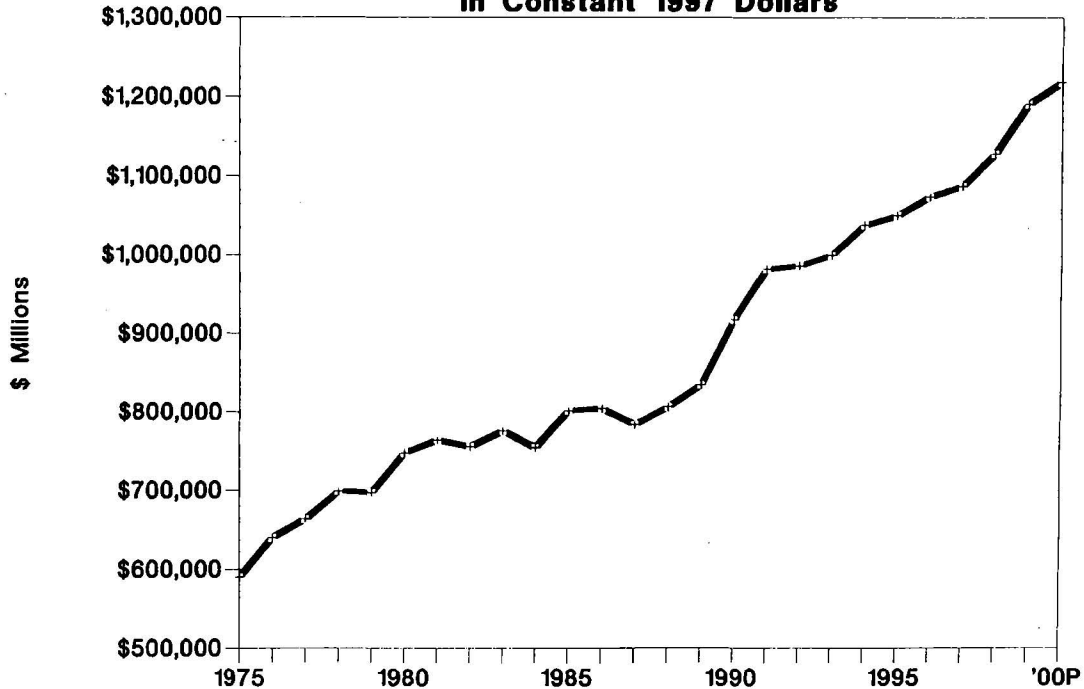
FY1991 includes Forward Funding for BIA Education
OST = Office of Special Trustee for American Indians

Graph 19
Overall Federal Govt. Budget*, FY1975-2000
In Current Dollars



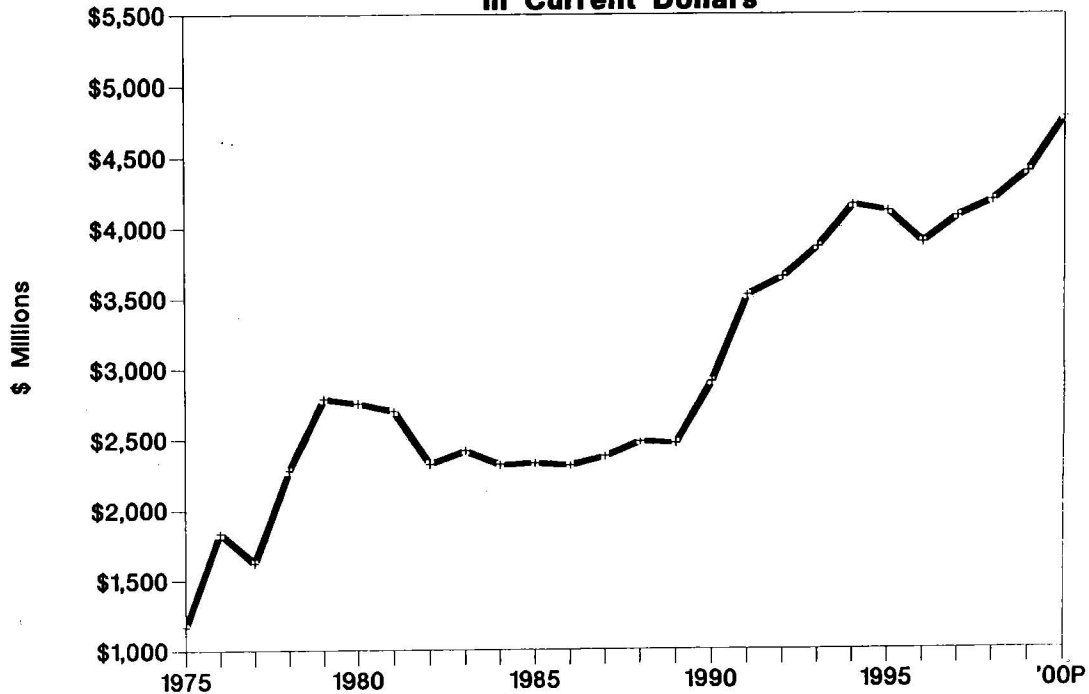
* Excluding Defense and Net Interest

Graph 20
Overall Federal Govt. Budget*, FY1975-2000
In Constant 1997 Dollars



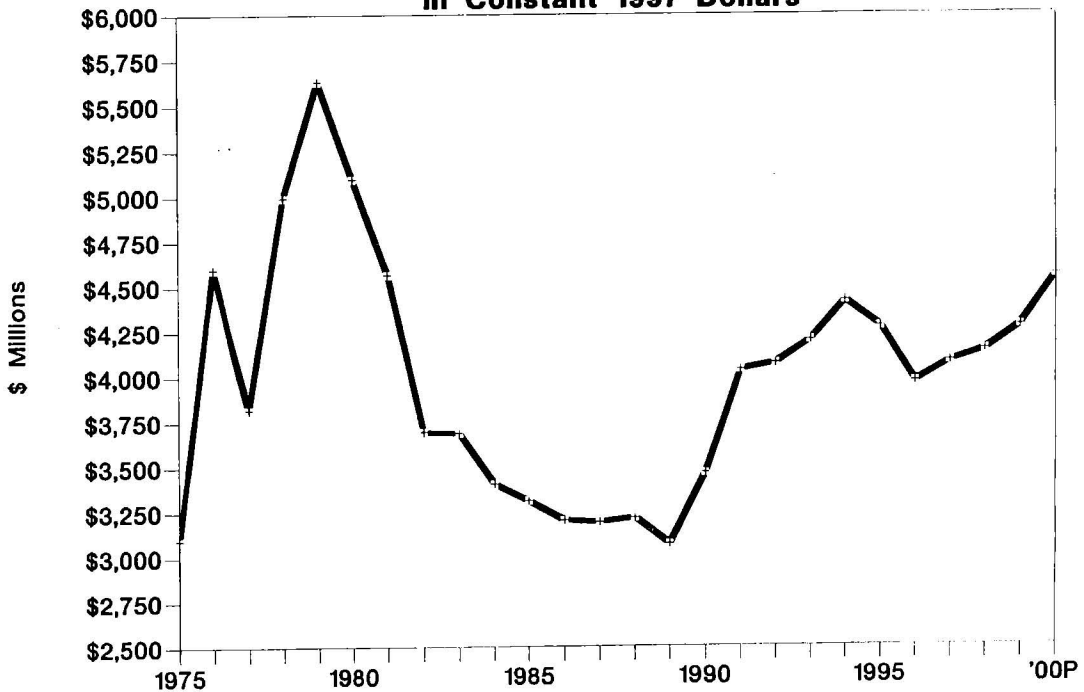
* Excluding Defense and Net Interest

Graph 21
Overall Indian Budget, FY1975-2000
In Current Dollars



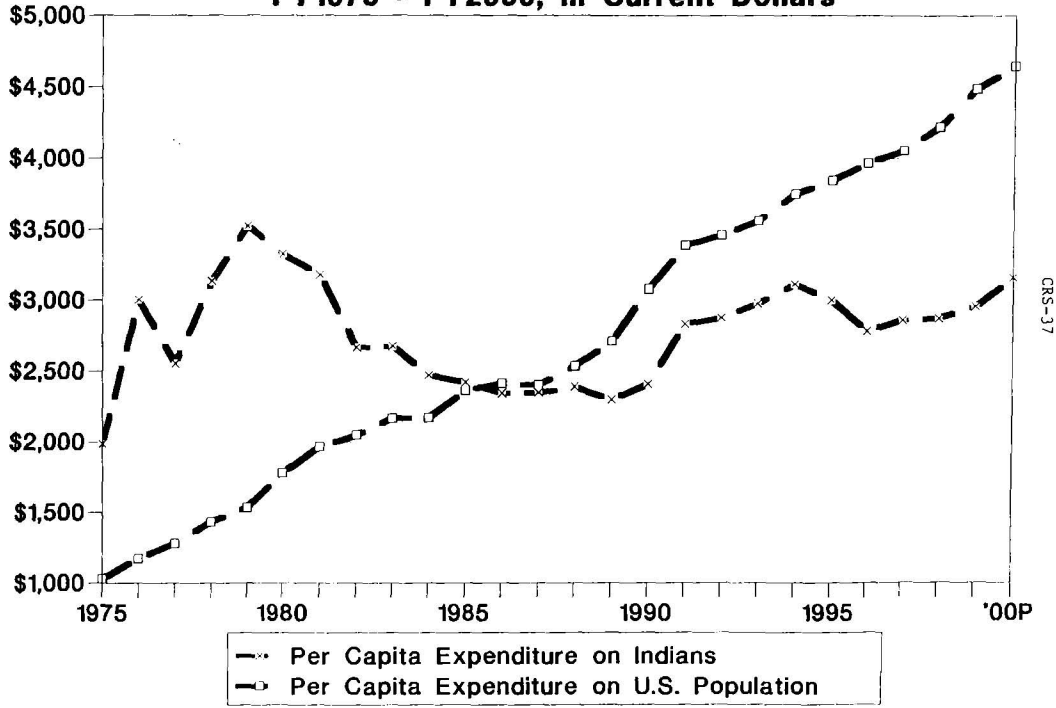
FY1991 includes Forward Funding for BIA Education ($208.9 million).

Graph 22
Overall Indian Budget, FY1975-2000
In Constant 1997 Dollars



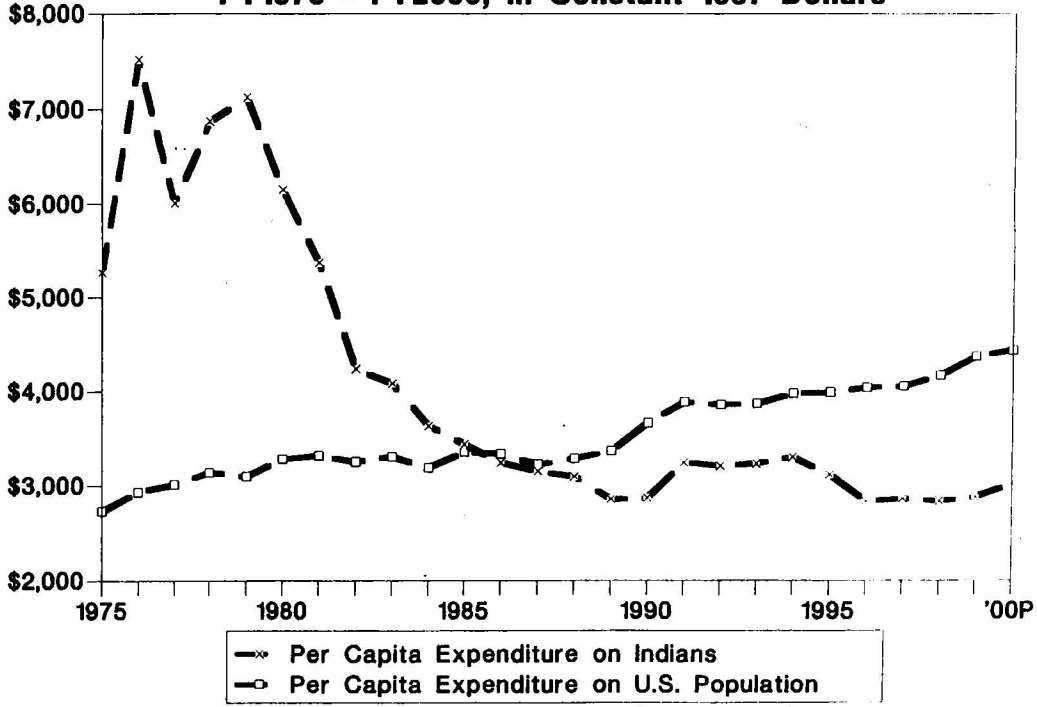
FY1991 includes Forward Funding for BIA Education

Graph 23A
Per Capita Expenditure: US Pop. vs. Indian Pop.
FY1975 - FY2000, In Current Dollars



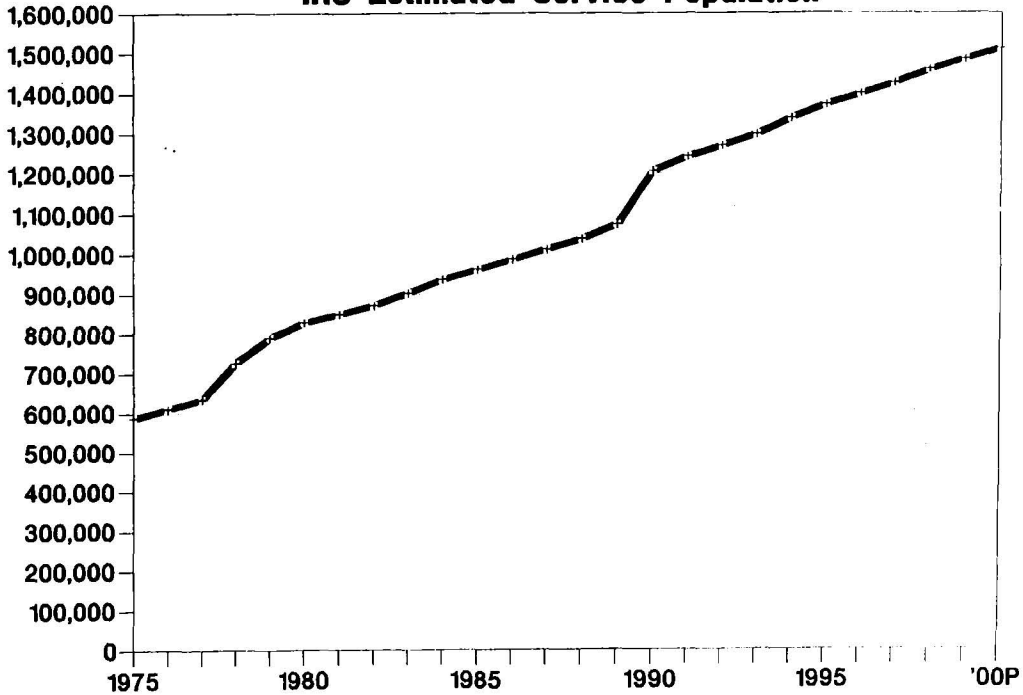
Note: FY75 & FY77 Indian per-capita expends. do not include Indian Housing Devt

Graph 23B
Per Capita Expenditure: US Pop. vs. Indian Pop.
FY1975 - FY2000, In Constant 1997 Dollars



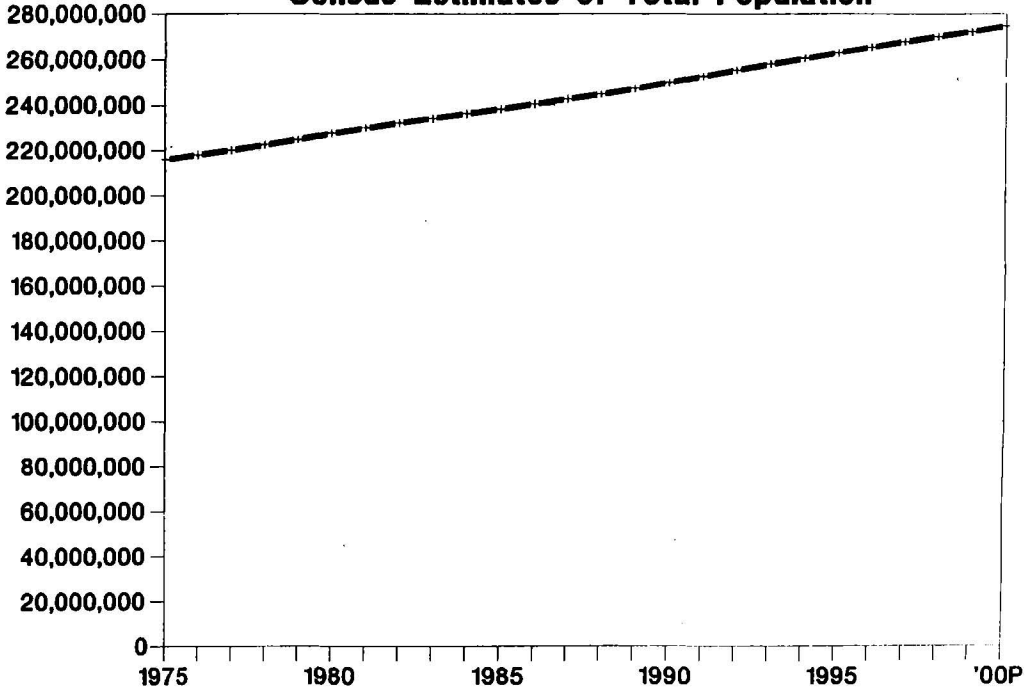
Note: FY75 & FY77 Indian per-capita expends. do not include Indian Housing Devt

Graph 23C
Indian Population, 1975-2000
IHS Estimated Service Population



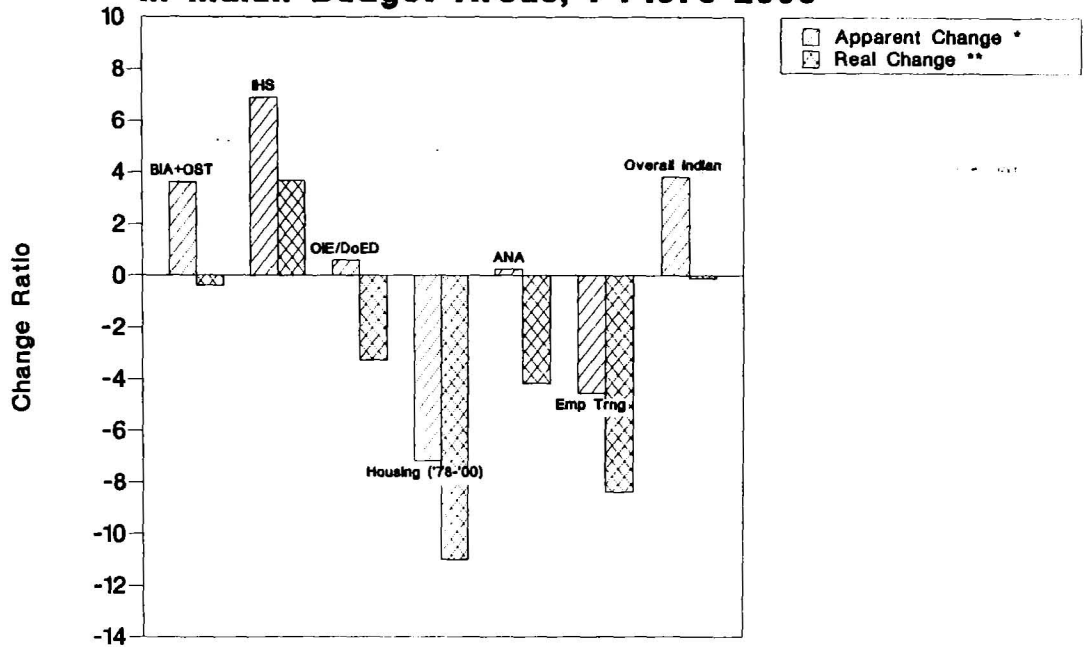
Source: Indian Health Service.

Graph 23D
United States Population, 1975-2000
Census Estimates of Total Population



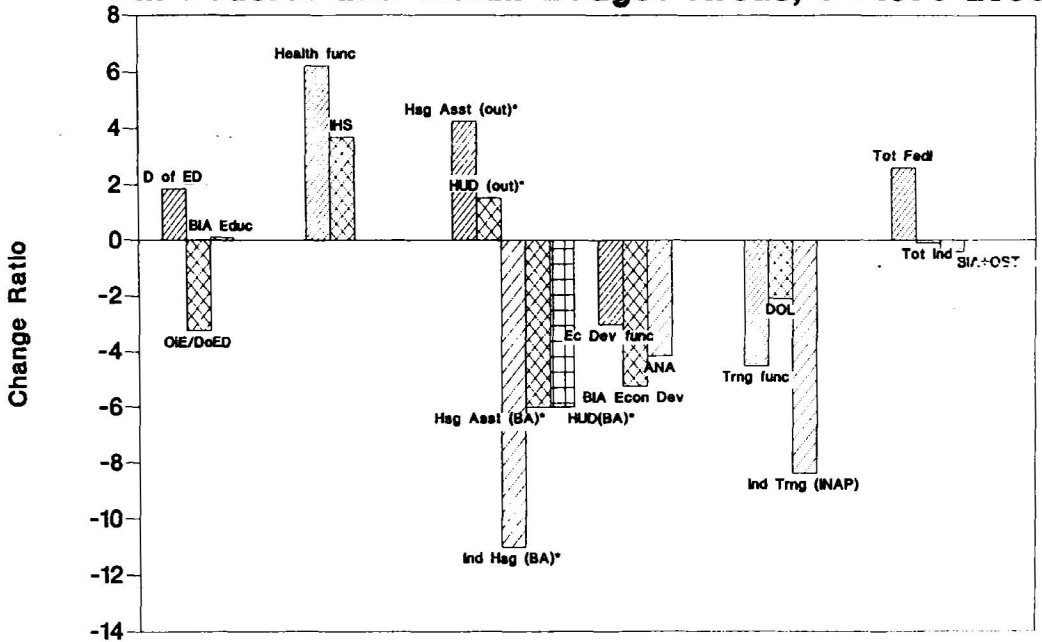
Source: Bureau of the Census.

Graph 24
Apparent Vs. Real Change Ratios In Indian Budget Areas, FY1975-2000



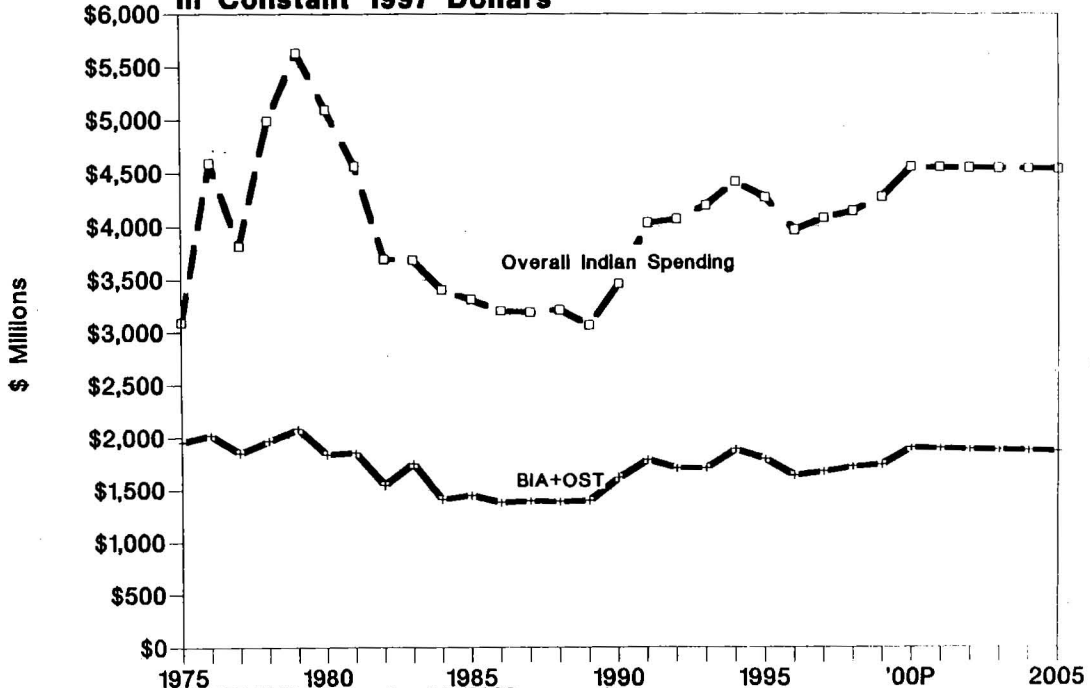
Change Ratio = Ratio of Annual Change to Average Spending (see text).
* Change Ratio based on Current Dollars
** Change Ratio based on Constant 1997 Dollars

Graph 25
Comparison of Real** Change Ratios in Federal and Indian Budget Areas, FY1975-2000



Change Ratio = Ratio of Annual Change to Average Spending (see text).
** Based on Constant 1997 Dollars.
* All housing ratios based on FY1978-2000.

Graph 26: BIA+OST and Overall Indian Spending, Actual and Projected, FY1975-2005
In Constant 1997 Dollars



FY1975-2000 = Actual and FY2000 proposed.
FY2001-2005 = Projections based on FY1975-2000 annual change.

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Appendix Table 1. Budget Data for Selected Elements in the Federal Budget, in Current Dollars, FY1975-FY2000

[Dollar amounts in thousands, except per capita figures]

Fiscal Year	Bureau of Indian Affairs and OST[1] (Approps.)	Indian Health Service (Approps.)	Indian Education Office in Educ. Dept. (Approps.)	Indian Housing Devt. Pgm. in HUD (B.A., New Construction)	Admin. for Native Americans (Approps.)	Indian & Native American E&T in Labor Dept. (Approps.)	Overall Indian Budget
1975	$738,236	$293,103	$42,034	N/A	$32,000	$62,304	$1,167,677
1976	$808,095	$338,926	$57,055	$511,200	$41,000	$80,198	$1,836,474
1977	$787,359	$509,055	$57,212	N/A	$33,000	$236,525	$1,623,151
1978	$897,740	$513,267	$59,732	$696,900	$33,000	$77,160	$2,277,799
1979	$1,031,195	$569,153	$71,735	$874,300	$33,100	$208,684	$2,788,167
1980	$994,227	$620,871	$75,900	$847,900	$33,800	$183,835	$2,756,533
1981	$1,098,447	$869,762	$81,680	$471,500	$33,800	$146,817	$2,702,006
1982	$970,360	$676,157	$77,852	$494,300	$28,000	$77,436	$2,324,105
1983	$1,149,902	$752,916	$69,185	$340,600	$28,000	$77,355	$2,417,958
1984	$957,593	$832,407	$68,780	$368,100	$29,000	$62,243	$2,318,123
1985	$1,019,411	$862,203	$67,404	$290,200	$29,000	$62,243	$2,330,461
1986	$995,693	$867,177	$64,187	$299,500	$27,742	$59,567	$2,313,866
1987	$1,036,253	$940,750	$64,036	$245,000	$28,989	$61,484	$2,376,512
1988	$1,071,406	$1,008,818	$64,234	$247,800	$29,679	$59,713	$2,481,650
1989	$1,122,966	$1,081,993	$71,553	$102,699	$29,975	$58,996	$2,468,182
1990	$1,355,720	$1,251,970	$73,620	$136,099	$31,709	$58,193	$2,907,311
1991	$1,558,541	$1,577,569	$75,364	$216,083	$33,375	$59,624	$3,520,556
1992	$1,529,954	$1,705,954	$76,570	$239,797	$33,920	$63,000	$3,649,195
1993	$1,569,967	$1,858,630	$80,583	$257,610	$34,502	$61,871	$3,863,163
1994	$1,777,653	$1,943,070	$83,500	$263,000	$30,984	$63,895	$4,162,102
1995	$1,730,970	$1,960,074	$81,041	$248,006	$38,382	$59,787	$4,118,260
1996	$1,606,998	$1,983,963	$52,497	$163,000	$34,933	$52,502	$3,893,893
1997	$1,672,960	$2,057,000	$60,993	$200,000	$34,933	$52,502	$4,078,388
1998	$1,741,826	$2,098,712	$62,600	$200,000[2]	$34,869	$53,815	$4,191,822
1999E	$1,785,927	$2,242,287	$66,000	$204,600[2]	$34,933	$57,815	$4,391,562
2000P	$1,992,079	$2,412,387	$77,000	$204,600[2]	$34,933	$53,815	$4,774,814

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Appendix Table 1. Budget Data for Selected Elements in the Federal Budget, in Current Dollars, FY1975-FY2000 — continued

[Dollar amounts in thousands, except per capita figures]

Fiscal Year	BIA Education Program[1] (Approps.)	BIA Tribal Services Program[3,4] (Approps.)	BIA Economic Devt. Program[3,5] (Approps.)	BIA Natural Resources Program[3] (Approps.)	U.S. Dept of Education (Outlays)	U.S. Dept of HHS (except Soc. Sec. Admin.) (Outlays)	U.S. Dept of HUD (Outlays)	U.S. Dept. of HUD (B.A.)
1975	$226,495	$98,703	$44,223	$31,337	$7,331,000	$33,751,000	$7,512,000	N/A
1976	$243,590	$137,616	$52,441	$36,012	$7,897,000	$40,261,000	$7,026,000	$29,200,000
1977	$236,700	$159,118	$73,966	$45,536	$8,717,000	$46,493,000	$5,808,000	$33,818,000
1978	$258,203	$189,086	$76,422	$76,967	$9,828,000	$51,752,000	$7,650,000	$37,994,000
1979	$262,242	$205,198	$83,162	$75,338	$12,167,000	$57,820,000	$9,220,000	$31,142,000
1980	$270,033	$201,128	$77,971	$74,237	$14,612,000	$68,255,000	$12,735,000	$35,852,000
1981	$270,183	$227,249	$73,365	$85,711	$16,973,000	$80,821,000	$14,880,000	$34,220,000
1982	$265,606	$235,315	$52,884	$84,743	$14,707,000	$88,408,000	$15,232,000	$20,911,000
1983	$298,143	$277,865	$59,821	$119,241	$14,433,000	$95,008,000	$15,814,000	$16,561,000
1984	$255,754	$254,355	$59,009	$99,657	$15,424,000	$102,375,000	$16,663,000	$18,148,000
1985	$269,644	$241,807	$71,002	$124,101	$16,596,000	$114,271,000	$28,720,000	$31,398,000
1986	$257,299	$254,152	$60,810	$135,179	$17,577,000	$122,943,000	$14,139,000	$15,928,000
1987	$277,783	$275,367	$38,025	$144,428	$16,670,000	$131,414,000	$15,484,000	$14,657,000
1988	$238,434	$340,025	$39,543	$146,010	$18,145,000	$140,039,000	$18,938,000	$14,949,000
1989	$268,503	$315,973	$45,299	$181,696	$21,468,000	$152,699,000	$19,680,000	$14,347,000
1990	$287,384	$322,629	$36,496	$125,719	$22,972,000	$175,531,000	$20,167,000	$17,315,000
1991	$544,545	$364,060	$42,408	$139,694	$25,196,000	$198,110,000	$22,751,000	$27,634,000
1992	$416,859	$432,045	$48,072	$139,932	$25,832,000	$231,560,000	$24,470,000	$24,966,000
1993	$454,694	$454,705	$68,440	$137,662	$30,109,000	$253,835,000	$25,181,000	$26,468,000
1994	$498,675	$527,999	$67,614	$148,338	$24,557,000	$278,901,000	$25,845,000	$26,322,000
1995	$510,968	$538,285	$66,622	$150,321	$31,205,000	$303,081,000	$29,044,000	$19,800,000
1996	$502,483	$499,437	$51,862	$128,626	$29,727,000	$319,803,000	$25,236,000	$20,821,000
1997	$544,696	$524,312	$49,959	$127,648	$30,009,000	$339,535,000	$27,527,000	$16,091,000
1998	$561,532	$590,312	$50,756	$131,726	$31,463,000	$350,568,000	$30,227,000	$21,022,000
1999E	$578,573	$621,977	$50,482	$126,704	$34,360,000	$375,532,000	$32,324,000	$20,776,000
2000P	$613,125	$679,596	$52,032	$132,932	$34,971,000	$400,327,000	$32,533,000	$25,056,000

Appendix Table 1. Budget Data for Selected Elements in the Federal Budget, in Current Dollars, FY1975-FY2000 -- continued

[Dollar amounts in thousands, except per capita figures]

Fiscal Year	U.S. Dept. of Interior (Outlays)	U.S. Dept. of Labor (Outlays)	Education Function (Outlays)	Health Function (Outlays)	Housing Assistance Subfunction (Outlays)	Housing Assistance Subfunction (B.A.)	Economic Development Function (Outlays)	Training & Employment Subfunction (Outlays)
1975	$2,221,000	$17,610,000	$16,022,000	$12,930,000	$2,058,000	N/A	$4,322,000	$4,063,000
1976	$2,433,000	$25,526,000	$18,910,000	$15,734,000	$2,499,000	$19,421,000	$5,442,000	$6,288,000
1977	$3,213,000	$22,269,000	$21,104,000	$17,302,000	$2,968,000	$28,629,000	$7,021,000	$6,877,000
1978	$3,874,000	$22,712,000	$26,710,000	$18,524,000	$3,677,000	$32,300,000	$11,841,000	$10,784,000
1979	$4,168,000	$22,459,000	$30,223,000	$20,494,000	$4,367,000	$24,780,000	$10,480,000	$10,833,000
1980	$4,472,000	$29,510,000	$31,843,000	$23,169,000	$5,632,000	$27,932,000	$11,252,000	$10,345,000
1981	$4,456,000	$29,821,000	$33,709,000	$26,866,000	$7,752,000	$26,927,000	$10,568,000	$9,241,000
1982	$3,944,000	$30,387,000	$27,029,000	$27,445,000	$8,738,000	$14,608,000	$8,347,000	$5,464,000
1983	$4,547,000	$37,604,000	$26,606,000	$28,641,000	$9,998,000	$10,498,000	$7,560,000	$5,295,000
1984	$4,943,000	$24,292,000	$27,579,000	$30,417,000	$11,270,000	$12,671,000	$7,673,000	$4,644,000
1985	$4,820,000	$23,699,000	$29,342,000	$33,542,000	$25,263,000	$26,879,000	$7,680,000	$4,972,000
1986	$4,785,000	$23,941,000	$30,585,000	$35,936,000	$12,383,000	$11,643,000	$7,233,000	$5,257,000
1987	$5,046,000	$23,253,000	$29,724,000	$39,967,000	$12,656,000	$9,864,000	$5,051,000	$5,084,000
1988	$5,143,000	$21,743,000	$31,938,000	$44,487,000	$13,906,000	$9,698,000	$5,294,000	$5,215,000
1989	$5,207,000	$22,549,000	$36,674,000	$48,390,000	$14,715,000	$9,568,000	$5,362,000	$5,292,000
1990	$5,790,000	$25,215,000	$38,755,000	$57,716,000	$15,891,000	$11,135,000	$8,498,000	$5,619,000
1991	$6,088,000	$33,954,000	$43,354,000	$71,183,000	$17,175,000	$19,721,000	$6,811,000	$5,934,000
1992	$6,539,000	$47,078,000	$45,248,000	$89,497,000	$18,904,000	$19,736,000	$6,838,000	$6,479,000
1993	$6,784,000	$44,651,000	$50,012,000	$99,415,000	$21,542,000	$21,170,000	$9,052,000	$6,700,000
1994	$6,900,000	$37,047,000	$46,307,000	$107,122,000	$23,884,000	$21,109,000	$10,454,000	$7,097,000
1995	$7,378,000	$32,092,000	$54,263,000	$115,418,000	$27,520,000	$15,322,000	$10,641,000	$7,430,000
1996	$6,725,000	$32,492,000	$52,001,000	$119,378,000	$26,754,000	$16,430,000	$10,685,000	$7,030,000
1997	$6,720,000	$30,458,000	$53,008,000	$123,843,000	$27,798,000	$11,746,000	$11,005,000	$6,681,000
1998	$7,218,000	$30,007,000	$54,919,000	$131,440,000	$28,741,000	$17,486,000	$9,720,000	$6,636,000
1999E	$8,426,000	$34,923,000	$60,065,000	$143,095,000	$28,376,000	$20,698,000	$10,428,000	$7,941,000
2000P	$8,470,000	$38,652,000	$63,351,000	$152,270,000	$29,606,000	$19,120,000	$10,234,000	$8,675,000

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Appendix Table 1. Budget Data for Selected Elements in the Federal Budget, in Current Dollars, FY1975-FY2000 — continued

[Dollar amounts in thousands, except per capita figures]

Fiscal Year	Natural Resources Function (Outlays)	Total Federal Non-Defense Budget[6] (Outlays)	U.S. Total Population	Indian Population (IHS data)	Overall U.S. Per Capita Expenditure	Indian Per Capita Expenditure	Chain-Type Price Index for GDP (1992=100)	Chain-Type Price Index for GDP (1997=100)
1975	$7,346,000	$222,579,000	215,973,000	587,468	$1,031	$1,988	42.1	37.7
1976	$8,184,000	$255,446,000	218,035,000	611,296	$1,172	$3,004	44.6	39.9
1977	$10,032,000	$282,076,000	220,239,000	635,313	$1,281	$2,555	47.4	42.5
1978	$10,983,000	$318,793,000	222,585,000	726,551	$1,432	$3,135	50.9	45.6
1979	$12,135,000	$344,507,000	225,055,000	790,486	$1,531	$3,527	55.2	49.5
1980	$13,858,000	$404,414,000	227,726,000	828,609	$1,776	$3,327	60.3	54.1
1981	$13,568,000	$451,962,000	229,966,000	849,315	$1,965	$3,181	66.0	59.2
1982	$12,998,000	$475,402,000	232,188,000	871,167	$2,047	$2,668	70.2	62.9
1983	$12,672,000	$508,649,000	234,307,000	902,701	$2,171	$2,679	73.2	65.6
1984	$12,593,000	$513,352,000	236,348,000	936,942	$2,172	$2,474	75.9	68.0
1985	$13,357,000	$564,247,000	238,466,000	961,881	$2,366	$2,423	78.5	70.4
1986	$13,639,000	$581,083,000	240,651,000	986,551	$2,415	$2,345	80.6	72.2
1987	$13,363,000	$583,513,000	242,804,000	1,011,837	$2,403	$2,349	83.1	74.4
1988	$14,606,000	$622,290,000	245,021,000	1,038,121	$2,540	$2,391	86.1	77.2
1989	$16,182,000	$670,846,000	247,342,000	1,073,886	$2,712	$2,298	89.7	80.4
1990	$17,080,000	$769,611,000	249,949,000	1,207,236	$3,079	$2,408	93.6	83.9
1991	$18,559,000	$856,567,000	252,636,000	1,242,745	$3,391	$2,833	97.3	87.2
1992	$20,025,000	$883,910,000	255,382,000	1,269,352	$3,461	$2,875	100.0	89.6
1993	$20,239,000	$919,517,000	258,089,000	1,297,865	$3,563	$2,977	102.6	92.0
1994	$21,064,000	$977,132,000	260,602,000	1,337,548	$3,750	$3,112	105.1	94.2
1995	$22,078,000	$1,011,494,000	263,039,000	1,371,448	$3,845	$3,003	107.5	96.4
1996	$21,614,000	$1,053,669,000	265,453,000	1,398,801	$3,969	$2,784	109.5	98.2
1997	$21,369,000	$1,086,711,000	267,901,000	1,424,904	$4,056	$2,862	111.6	100.0
1998	$22,396,000	$1,140,737,000	270,290,000	1,459,691	$4,220	$2,872	112.9	101.2
1999E	$24,261,000	$1,223,097,000	272,330,000	1,485,508	$4,491	$2,956	114.6	102.7
2000P	$23,746,000	$1,276,431,000	274,634,000	1,511,135	$4,648	$3,160	116.9	104.8

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Appendix Table 2. Budget Data for Selected Elements in the Federal Budget, in Constant 1997 Dollars, FY1975-FY2000

[Dollar amounts in thousands, except per capita figures]

Fiscal Year	Bureau of Indian Affairs and OST[1] (Approps.)	Indian Health Service (Approps.)	Indian Education Office in Educ. Dept. (Approps.)	Indian Housing Devt. Pgm. in HUD (B.A., New Construction)	Admin. for Native Americans (Approps.)	Indian & Native Am. E&T in Labor Dept. (Approps.)	Overall Indian Budget
1975	$1,956,878	$776,942	$111,422	NA	$84,824	$165,152	$3,095,218
1976	$2,023,775	$848,799	$142,887	$1,280,238	$102,679	$200,846	$4,599,223
1977	$1,852,502	$1,197,707	$134,609	NA	$77,643	$556,497	$3,818,957
1978	$1,968,570	$1,125,495	$130,981	$1,528,167	$72,363	$169,197	$4,994,773
1979	$2,083,492	$1,149,953	$144,938	$1,766,491	$66,877	$421,638	$5,633,390
1980	$1,838,348	$1,148,004	$140,341	$1,567,786	$62,497	$339,915	$5,096,891
1981	$1,856,593	$1,470,070	$138,055	$796,929	$57,129	$248,150	$4,566,926
1982	$1,542,648	$1,074,934	$123,767	$785,823	$44,514	$123,105	$3,694,790
1983	$1,753,616	$1,148,207	$105,508	$519,420	$42,700	$117,967	$3,687,419
1984	$1,407,253	$1,223,283	$101,077	$540,950	$42,618	$91,471	$3,406,652
1985	$1,448,309	$1,224,958	$95,763	$412,296	$41,201	$88,431	$3,310,958
1986	$1,378,623	$1,200,682	$88,872	$414,684	$38,411	$82,476	$3,203,748
1987	$1,391,943	$1,263,659	$86,016	$329,095	$38,939	$82,588	$3,192,240
1988	$1,388,348	$1,307,245	$83,236	$321,104	$38,459	$77,377	$3,215,769
1989	$1,396,448	$1,345,497	$88,979	$127,710	$37,275	$73,364	$3,069,272
1990	$1,615,311	$1,491,695	$87,717	$162,159	$37,781	$69,336	$3,463,997
1991	$1,786,749	$1,808,563	$86,399	$247,723	$38,262	$68,354	$4,036,050
1992	$1,706,970	$1,903,333	$85,429	$267,542	$37,845	$70,289	$4,071,407
1993	$1,706,559	$2,020,337	$87,594	$280,023	$37,504	$67,254	$4,199,270
1994	$1,887,266	$2,062,882	$88,649	$279,217	$32,895	$67,835	$4,418,743
1995	$1,796,338	$2,034,094	$84,101	$257,372	$39,831	$62,045	$4,273,782
1996	$1,636,779	$2,020,730	$53,470	$166,021	$35,581	$53,475	$3,966,055
1997	$1,672,960	$2,057,000	$60,993	$200,000	$34,933	$52,502	$4,078,388
1998	$1,721,172	$2,073,826	$61,858	$197,628[2]	$34,456	$53,177	$4,142,117
1999E	$1,738,670	$2,182,954	$64,254	$199,186[2]	$34,009	$56,285	$4,275,358
2000P	$1,901,340	$2,302,503	$73,493	$195,281[2]	$33,342	$51,364	$4,557,322

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Appendix Table 2. Budget Data for Selected Elements in the Federal Budget, in Constant 1997 Dollars, FY1975-FY2000 — continued

[Dollar amounts in thousands, except per capita figures]

Fiscal Year	BIA Education Program[1] (Approps.)	BIA Tribal Services Program[1,4] (Approps.)	BIA Economic Devt. Program[1,3] (Approps.)	BIA Natural Resources Program[1] (Approps.)	U.S. Dept. of Education (Outlays)	U.S. Dept. of HHS (except Soc. Sec. Admin.) (Outlays)	U.S. Dept. of HUD (Outlays)	U.S. Dept. of HUD (B.A.)
1975	$600,381	$261,637	$117,224	$83,067	$19,432,636	$89,465,409	$19,912,422	NA
1976	$610,041	$344,642	$131,332	$90,188	$19,777,066	$100,828,727	$17,595,754	$73,127,811
1977	$556,909	$374,374	$174,028	$107,137	$20,509,299	$109,388,950	$13,665,090	$79,567,150
1978	$566,189	$414,629	$167,579	$168,774	$21,550,903	$113,482,127	$16,774,971	$83,313,494
1979	$529,850	$414,595	$168,026	$152,218	$24,582,981	$116,823,205	$18,628,674	$62,921,277
1980	$499,297	$371,890	$144,170	$137,266	$27,017,912	$126,205,011	$23,547,298	$66,291,144
1981	$456,663	$384,096	$124,001	$144,869	$28,687,738	$136,603,529	$25,150,153	$57,838,591
1982	$422,252	$374,097	$84,073	$134,722	$23,380,735	$140,548,312	$24,215,364	$33,243,663
1983	$454,672	$423,748	$91,228	$181,844	$22,010,522	$144,888,499	$24,116,566	$25,255,751
1984	$375,849	$373,793	$86,718	$146,453	$22,666,698	$150,447,560	$24,487,499	$26,669,815
1985	$383,092	$343,543	$100,875	$176,314	$23,578,451	$162,348,344	$40,803,392	$44,608,110
1986	$356,253	$351,895	$84,197	$187,167	$24,336,881	$170,225,248	$19,576,672	$22,053,698
1987	$373,131	$369,886	$51,077	$194,002	$22,391,908	$176,521,310	$20,798,819	$19,687,954
1988	$308,967	$440,611	$51,241	$189,203	$23,512,632	$181,465,171	$24,540,217	$19,371,195
1989	$333,893	$392,924	$56,331	$225,945	$26,696,219	$189,886,619	$24,472,778	$17,841,003
1990	$342,412	$384,405	$43,484	$149,791	$27,370,633	$209,141,325	$24,028,537	$20,630,442
1991	$624,280	$417,367	$48,618	$160,149	$28,885,303	$227,118,092	$26,082,296	$31,680,285
1992	$465,090	$482,033	$53,634	$156,122	$28,820,762	$258,351,492	$27,301,179	$27,854,566
1993	$494,254	$494,266	$74,394	$149,639	$32,728,577	$275,919,436	$27,371,826	$28,770,799
1994	$529,424	$560,556	$71,783	$157,485	$26,071,220	$296,098,435	$27,438,640	$27,945,052
1995	$530,264	$558,613	$69,138	$155,998	$32,383,423	$314,526,529	$30,140,816	$20,547,726
1996	$511,795	$508,693	$52,823	$131,010	$30,277,902	$325,729,603	$25,703,675	$21,206,856
1997	$544,696	$524,312	$49,959	$127,648	$30,009,000	$339,535,000	$27,527,000	$16,091,000
1998	$554,874	$583,312	$50,154	$130,164	$31,089,921	$346,411,067	$29,868,577	$20,772,727
1999E	$563,263	$605,519	$49,146	$123,351	$33,450,807	$365,595,125	$31,468,681	$20,226,251
2000P	$585,197	$648,641	$49,662	$126,877	$33,378,078	$382,092,185	$31,051,128	$23,914,704

Appendix Table 2. Budget Data for Selected Elements in the Federal Budget, in Constant 1997 Dollars, FY1975-FY2000 — continued

[Dollar amounts in thousands, except per capita figures]

Fiscal Year	U.S. Dept. of Interior (Outlays)	U.S. Dept. of Labor (Outlays)	Education Function (Outlays)	Health Function (Outlays)	Housing Assistance Subfunction (Outlays)	Housing Assistance Subfunction (B.A.)	Economic Development Function (Outlays)	Training & Employment Subfunction (Outlays)
1975	$5,887,312	$46,679,679	$42,470,291	$34,274,177	$5,455,240	NA	$11,456,535	$10,769,991
1976	$6,093,149	$63,926,730	$47,357,771	$39,403,869	$6,258,438	$48,637,508	$13,628,820	$15,747,523
1977	$7,576,031	$52,394,608	$49,653,591	$40,708,227	$6,983,124	$67,358,446	$16,519,042	$16,180,238
1978	$8,494,933	$49,803,024	$58,569,864	$40,619,550	$8,062,950	$70,827,653	$25,965,023	$23,647,226
1979	$8,421,292	$45,377,592	$61,064,471	$41,407,381	$8,823,365	$50,067,088	$21,174,459	$21,887,682
1980	$8,268,827	$54,564,645	$58,878,414	$42,839,996	$10,413,693	$51,646,888	$20,805,198	$19,128,135
1981	$7,531,524	$50,403,408	$56,974,900	$45,408,872	$13,102,418	$45,511,974	$17,862,017	$15,619,124
1982	$6,270,050	$48,308,316	$42,969,871	$43,631,215	$13,891,403	$23,223,348	$13,269,803	$8,686,499
1983	$6,934,237	$57,346,614	$40,574,514	$43,677,916	$15,247,087	$16,009,593	$11,529,103	$8,074,947
1984	$7,264,101	$35,698,873	$40,529,360	$44,700,009	$16,562,090	$18,620,962	$11,276,035	$6,824,698
1985	$6,847,923	$33,669,902	$41,687,087	$47,654,157	$35,891,926	$38,187,827	$10,911,214	$7,063,874
1986	$6,625,248	$33,148,391	$42,347,586	$49,756,509	$17,145,338	$16,120,743	$10,014,716	$7,278,773
1987	$6,778,019	$31,234,496	$39,926,640	$53,685,507	$17,000,119	$13,249,777	$6,784,735	$6,829,062
1988	$6,664,396	$28,174,989	$41,385,861	$57,647,092	$18,019,656	$12,566,851	$6,860,065	$6,757,695
1989	$6,475,089	$28,040,481	$45,605,419	$60,174,680	$18,298,624	$11,898,147	$6,667,837	$6,580,790
1990	$6,898,658	$30,043,118	$46,175,730	$68,767,344	$18,933,777	$13,267,108	$10,125,180	$6,694,915
1991	$6,979,430	$38,925,686	$49,702,073	$81,605,912	$19,689,835	$22,608,631	$7,808,295	$6,802,881
1992	$7,295,562	$52,524,925	$50,483,194	$99,851,803	$21,091,193	$22,019,455	$7,629,157	$7,228,620
1993	$7,374,229	$48,535,776	$54,363,200	$108,064,415	$23,416,221	$23,011,856	$9,839,552	$7,282,921
1994	$7,325,464	$39,331,371	$49,162,356	$113,727,296	$25,356,722	$22,410,611	$11,098,609	$7,534,611
1995	$7,656,622	$33,303,920	$56,312,184	$119,776,637	$28,559,263	$15,900,619	$11,042,846	$7,710,586
1996	$6,849,628	$33,094,143	$52,964,685	$121,590,318	$27,249,806	$16,734,481	$10,883,015	$7,160,280
1997	$6,720,000	$30,458,000	$53,008,000	$123,843,000	$27,798,000	$11,746,000	$11,005,000	$6,681,000
1998	$7,132,411	$29,651,186	$54,267,787	$129,881,423	$28,400,198	$17,278,656	$9,604,743	$6,557,312
1999E	$8,203,041	$33,998,910	$58,475,632	$139,308,592	$27,625,148	$20,150,314	$10,152,067	$7,730,875
2000P	$8,084,193	$36,891,409	$60,465,375	$145,334,132	$28,257,453	$18,249,088	$9,767,843	$8,279,855

Appendix Table 2. Budget Data for Selected Elements in the Federal Budget, in Constant 1997 Dollars, FY1975-FY2000 — continued

[Dollar amounts in thousands, except per capita figures]

Fiscal Year	Natural Resources Function (Outlays)	Total Federal Non-Defense Budget[6] (Outlays)	Overall U.S. Per Capita Expenditure	Indian Per Capita Expenditure				
1975	$19,472,398	$590,000,927	$2,732	$5,269				
1976	$20,495,822	$639,733,114	$2,934	$7,524				
1977	$23,603,337	$663,669,745	$3,013	$6,011				
1978	$24,083,595	$699,051,396	$3,141	$6,875				
1979	$24,518,326	$697,169,047	$3,098	$7,126				
1980	$25,623,750	$747,770,467	$3,284	$6,151				
1981	$22,932,613	$763,905,474	$3,322	$5,377				
1982	$20,663,820	$755,779,441	$3,255	$4,241				
1983	$19,324,973	$775,696,678	$3,311	$4,085				
1984	$18,506,336	$754,387,785	$3,192	$3,636				
1985	$18,976,703	$801,535,190	$3,361	$3,442				
1986	$18,884,379	$804,497,514	$3,343	$3,247				
1987	$17,949,794	$783,744,997	$3,228	$3,155				
1988	$18,926,730	$806,375,091	$3,291	$3,098				
1989	$20,122,891	$834,220,778	$3,373	$2,858				
1990	$20,350,444	$916,974,576	$3,669	$2,869				
1991	$21,276,486	$981,989,110	$3,887	$3,248				
1992	$22,341,893	$986,178,387	$3,862	$3,207				
1993	$21,999,856	$999,517,846	$3,873	$3,236				
1994	$22,362,836	$1,037,383,359	$3,981	$3,304				
1995	$22,911,752	$1,049,691,988	$3,991	$3,116				
1996	$22,014,552	$1,073,195,639	$4,043	$2,835				
1997	$21,369,000	$1,086,711,000	$4,056	$2,862				
1998	$22,130,435	$1,127,210,474	$4,170	$2,838				
1999E	$23,619,035	$1,190,732,880	$4,372	$2,878				
2000P	$22,664,374	$1,218,289,824	$4,436	$3,016				

SOURCES for Appendix Tables: *See* "Sources" section in text.

NOTES to Appendix Tables:

1. From FY1996 on, total includes appropriations for Office of the Special Trustee for American Indians (OST); see text for discussion. OST appropriations amounts, in thousands of dollars, are: FY1996, $18,586; FY1997, $34,120; FY1998, $38,557; FY1999, $39,499; and FY2000P, $90,025.

2. FY1998 = HUD estimate of "Development/HOME" portion of budget authority for Native American Housing Block Grant program. (Block grant recipients may spend more or less than HUD estimate.) FY1999-FY2000 = CRS estimates; see text for discussion.

3. Inconsistent time series from FY1993 on, because of BIA budget restructuring. "BIA Education Program" excludes BIA education construction.

4. Includes Tribal Services (with Housing Improvement Program) and Navajo-Hopi Settlement programs.

5. Includes Road Maintenance program.

6. Excludes national defense outlays and net interest payments on national debt.

N/A Not Available.

E Estimate.

P Proposed amounts and projections.

B.A. Budget authority

HUD Department of Housing and Urban Development

E&T Employment and Training

GDP Gross Domestic Product

OST Office of the Special Trustee for American Indians

GREAT SIOUX NATION

January 6, 1999

Ms. Hillary Rodham Clinton
The First Lady
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Ms. Clinton:

In April of 1996, I had the great pleasure and the distinct honor to meet with you at the White House when you presented me with the President's Service Award Medal for my volunteer service on behalf of our nation's Native Americans. (Please see Attachment 1.)

I know that you are an extremely busy person and I would normally not write to you unless it was concerning a matter of great urgency and extreme importance. It is concerning such a matter that I am writing today, for what I am writing to you about is truly a matter of life and death.

This week, Sarah Swift Hawk died needlessly on our Rosebud Sioux Indian Reservation in South Dakota. She froze to death. The night of January 2nd was truly a dreadful night for the Swift Hawk Family. They had run out of propane to heat their house. They also had no wood for their wood stove, although they tried desperately to obtain some wood, but without any success.

The Swift Hawk House is but one of 100,000 terribly substandard houses that exist on our nation's Indian reservations. The house had only thin plastic sheeting covering two large openings where windows were supposed to be. As night fell, and the temperature plummeted from 16 degrees below zero to 45 degrees below zero, Sarah's daughter and her son-in-law, who live in the same house with their six children, put two blankets on Sarah in an attempt to keep her warm. The mother then took the other two blankets that they had, and placed them over her six children, who were all huddled together on the floor where she and her husband would also sleep. Since there was only one cot in the house, that bed was given to

GREAT SIOUX NATION
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Sarah, who was the grandmother in the family. Everyone else in the Swift Hawk Family has to sleep on the floor because the family is too poor to buy any furniture.

When the sun came up on Sunday morning, January 3rd, the daughter got up from the floor to check on her mother, and she found that her mother had died during the night .... frozen to death as a result of exposure to extreme cold. Fortunately, the body heat from the parents and the children, all huddled together on the floor, kept them alive that terrible night.

Mrs. Clinton, Sarah White Hawk's needless death is repeated again and again on our nation's Indian reservations, particularly those in the Northern Plains States. The housing crisis, combined with an extremely serious health care crisis, have joined together to create a condition that is so extreme and serious that several of our Northern Plains Indian tribes have now declared STATE OF EMERGENCY CONDITIONS on their reservations due to the deplorably substandard housing conditions, and the woefully inadequate medical and health care conditions that our people are enduring.

On October 21, 1998, I made an unprecedented public announcement about the declarations of the seven STATE OF EMERGENCY CONDITIONS on our Indian reservations. (Please see accompanying newspaper article in the red brochure.) I also notified The Honorable Lynn Cutler at the White House of these crises in my letter to her dated October 8, 1998, a copy of which is enclosed as Attachment 2 to this letter. At that time, I requested that the tribal leaders and I be given the opportunity to meet with President Clinton to seek emergency relief for the human tragedies that are taking place on our reservations. Ms. Cutler was both sympathetic and understanding concerning the plight of my people, but explained that meetings with the President had to be requested by members of Congress. I also sent a follow-up letter to Ms. Cutler's office dated 17 October 1998, which is included as Attachment 3.

At the time that we notified the White House of the STATE OF EMERGENCY CONDITIONS on our reservations, the tribal leaders and I also notified our senators, who were very supportive of having us meet with the President concerning these critical, life-threatening issues. The senators are now circulating the attached draft letter (see Attachment 4), which they plan to send to the President as soon as they

Ms. Hillary Rodham Clinton
The First Lady
The White House
January 6, 1999
Page 3

can, requesting the meeting with the President on our behalf. But, as you know, the senators are very busy these days. It may be weeks, or possibly even months, before they can have time to sign the letter, because of the urgent matters that are taking place on the floor of the Senate at this time.

MRS. CLINTON, AS WE CONTINUE TO WAIT, OUR PEOPLE CONTINUE TO DIE NEEDLESSLY. I WOULD BE MOST GRATEFUL TO YOU IF YOU WOULD PLEASE HELP US ARRANGE A MEETING WITH THE PRESIDENT SO THAT WE MAY DISCUSS THE STATE OF EMERGENCY CONDITIONS ON OUR RESERVATIONS AND SEEK IMMEDIATE EMERGENCY RELIEF. THIS SITUATION IS TRULY A MATTER OF LIFE AND DEATH FOR OUR PEOPLE.

In closing, Mrs. Clinton, I wanted to let you know that I was awakened from a very sound sleep at 4:30 a.m. this morning by a strong, a compelling, in fact, an overpowering impulse for me to get out of bed and to write you this letter, which I did. As I woke up, I was reminded of Mother Theresa who once said "*We are all pencils in the hand of God*". That is the way I feel about this particular letter.

This letter is not just a request from me, nor is it merely a request from our tribal leaders, or the thousands of American Indians who are calling out for help; this is a very special request that I sincerely feel has been inspired by God, and written by one who is merely a pencil in His hand. Mrs. Clinton, I truly believe that this is His request to you.

Thank you for considering this request, and should you desire any further information regarding this matter, please give me a call at 949-644-1376. I shall look forward to hearing from you in the near future.

Sincerely,

Chief Phil Walking Shield Stevens

Chief Phil Walking Shield Stevens,
Special Chief of the Great Sioux Nation

Attachments

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