Calendar No. 57

105TH CONGRESS *1st Session* | SENATE | REPORT 105–20

To amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

MAY 21, 1997.—Ordered to be printed

Mr. CAMPBELL, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 459]

The Committee on Indian Affairs to which was referred the bill (S. 459) to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

The text of the bill, as amended, follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Programs Act Amendments of 1997".

SEC. 2. AUTHORIZATIONS OF CERTAIN APPROPRIATIONS UNDER THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) in subsection (a), by striking "for fiscal years 1992, 1993, 1994, and 1995." and inserting "for each of fiscal years 1997, 1998, 1999, and 2000.";

(2) in subsection (c), by striking "for each of the fiscal years 1992, 1993, 1994, 1995, and 1996," and inserting "for each of fiscal years 1997, 1998, 1999, and 2000,"; and

(3) in subsection (e), by striking ", $2,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997." and inserting "such sums as may be necessary for each of fiscal years 1997, 1998, 1999, and 2000.".

SEC. 3. NATIVE HAWAIIAN REVOLVING LOAN FUND.

(a) IN GENERAL.—Section 803A of the Native American Programs Act of 1974 (42 U.S.C. 2991b–1) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "award grants" and inserting "award a grant"; and

(ii) by striking "use such grants to establish and carry out" and inserting "use that grant to carry out"; and

(B) in subparagraph (A), by inserting "or loan guarantees" after "make loans";

(2) in subsection (b)—

(A) in paragraph (1), by striking "loans to a borrower" and inserting "a loan or loan guarantee to a borrower"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "Loans made" and inserting "Each loan or loan guarantee made";

(ii) in subparagraph (A), by striking "5 years" and inserting "7 years"; and

(iii) in subparagraph (B), by striking "that is 2 percentage" and all that follows through the end of the subparagraph and inserting "that does not exceed a rate equal to the sum of—

"(I) the most recently published prime rate (as published in the newspapers of general circulation in the State of Hawaii before the date on which the loan is made); and

"(II) 3 percentage points."; and

(3) in subsection (f)(1), by striking "for each of the fiscal years 1992, 1993, and 1994, $1,000,000" and inserting "for the first full fiscal year beginning after the date of enactment of the Native American Programs Act Amendments of 1997, such sums as may be necessary".

PURPOSE

The purpose of S. 459, as amended, is to amend the Native American Programs Act of 1974, P.L. 93–644, (42 U.S.C. 2992d) to extend through fiscal year 2000 the authorization of appropriations for four grant programs administered by the Administration for Native Americans (ANA) within the Department of Health and Human Services (DHHS). The authorization for these programs expired in fiscal years 1994, 1995, 1996, and 1997, respectively.

BACKGROUND

S. 459 was introduced on March 18, 1997 by Senators Campbell, Inouye, McCain, Domenici, and Murkowski. As introduced, the bill would reauthorize three programs administered by the ANA by extending through fiscal year 2000 the authority for the following programs: general social and economic development grant appropriations which expired in fiscal year 1995; tribal environmental quality grant appropriations which expired in fiscal year 1996; and Native language preservation grants, which expired in fiscal year 1997.

The Committee's Substitute Amendment differs from the bill as introduced in that it adds a provision reauthorizing the Native Hawaiian Revolving Loan Fund program, specific authority for which expired in fiscal year 1994. Accordingly, the Substitute Amendment would reauthorize four separate programs under the Native American Programs Act of 1974 through fiscal year 2000.

On April 21, 1997, the Committee received a letter from the Administration expressing formal support for the legislation in general and strong support for the continuation of the Native Hawaiian Revolving Loan Fund.

On April 22, 1997, the Committee held a hearing S. 459, and received testimony from the Administration, Indian tribes, and intertribal consortia in support of the ANA program generally and supportive of the reauthorization of ANA programs through fiscal year 2000.

On April 29, 1997, the Committee adopted the Substitute Amendment to S. 459 and ordered S. 459 to be favorably reported to the Senate as amended with a recommendation that it do pass.

Though modest in appropriations, the ANA is widely recognized as successful in strengthening Native governments, fostering vigorous private sector job development, and contributing greatly to the self-sufficiency of Native communities across the nation.

The philosophy of the ANA program is to promote self sufficiency and self-determination among Native communities. Through its competitive application and review process, Native communities with poorly-performing economies and high unemployment rates are the natural targets for ANA grant funds, and will enjoy competitive advantages in applying for ANA grant funds. Consistent with its philosophy of channeling much-needed capital to the neediest communities, ANA's grant award pattern suggests that the bulk of grant funds are provided to such communities.

Though ANA funds have not been used to develop or operate gaming establishments, the Committee is cognizant that in an era of shrinking federal appropriations available to Indian tribes and Native communities, grant funds like those provided by the ANA should not be used for such purposes.

The President's Budget Request for fiscal year 1998 programs administered by the Administration for Native Americans is $34.9 million. For fiscal years 1996 and 1997, the appropriations for ANA grants have remained steady at $34,933,230. In fiscal year 1996, ANA provided more than 200 grants for tribal governance programs and social and economic development initiatives. ANA also provided several dozen grants to assist tribal recognition and status clarification efforts, 26 grants for projects to enhance tribal regulatory capacity in order to meet Federal environment requirements, 18 grants to support projects assisting the survival of Native American languages, as well as grant funds to support the Native Hawaiian Revolving Loan Fund.

The principal category of funding is for Social and Economic Development Strategies (SEDS) grants which support tribal social and economic development efforts, the creation or expansion of business and job opportunities, and tribal governance efforts. Eligible grantees include the 557 federally-recognized tribes; approximately 60 tribes that are either State-recognized or are seeking federal recognition; Indian and Alaska Native organizations; Native Hawaiian communities; and Native populations throughout the Pacific Basin.

OTHER CONSIDERATIONS

Although the Administration has requested ANA funding for fiscal year 1998 at fiscal year 1997 levels, to-date it has not forwarded a bill to the Congress to reauthorize the Act.

Under the rules governing consideration of appropriations bills in the House of Representatives, any bill which contains an unauthorized appropriation may be subject to a point of order. If the continuation of the ANA programs is to be assured, it is critical that S. 459 is enacted before the fiscal year 1998 Interior and Related Agencies Appropriations bill is considered.

DISCUSSION OF MAJOR PROVISION OF S. 459

S. 459 would reauthorize the Native American Programs Act of 1974 by extending authority through fiscal year 2000 for general ANA grant appropriations, ANA tribal environmental quality grant appropriations, Native Languages grants, and the Native Hawaiian Revolving Loan Fund program.

LEGISLATIVE HISTORY

S. 459 was introduced on March 18, 1997 by Senator Campbell, for himself and Senators Inouye, McCain, Domenici, and Murkowski and was referred to the Committee on Indian Affairs. The Committee held a hearing to receive testimony on S. 459 from the Administration and Indian tribes on April 22, 1997 in Washington, D.C.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

On April 29, 1997, the Committee on Indian Affairs, in an open business session, considered an amendment in the nature of a substitute to S. 459 proposed by Chairman Campbell. By unanimous vote the Committee adopted the Substitute Amendment to S. 459 and ordered S. 459 to be favorably reported to the Senate as amended with a recommendation that it do pass.

SECTION-BY-SECTION ANALYSIS

Section 1.—Authorization of certain appropriations under the Native American Programs Act of 1974

(a) Section 816.

(1) This subsection provides for an extension to fiscal year 2000 of the present authority to appropriate such sums as may be necessary for the purpose of carrying out the provisions of the Native American Programs Act of 1974 which do not otherwise have an express authorization of appropriation.

(2) This subsection provides for an extension through fiscal year 2000 of the present authority to appropriate $8,000,000 for the purpose of carrying out the provisions title 42, Section 2991b(d) of the United States Code relating to grants to improve tribal regulation of environmental quality.

(3) This subsection strikes a $2 million authorization and provides an extension through fiscal year 2000 of "such sums as may be necessary" for the purpose of carrying out the provisions of Title 42, Section 2991b–3 of the United States Code relating to grants to preserve Native Languages.

(b) Section 803A(f)(1).

This subsection strikes a $1 million authorization and extends authority "for the first full fiscal year beginning after the date of enactment" of the bill for "such sums as may be necessary" for funds provided to carry out the provisions of Title 42, Section 2991b–1 of the United States code relating to grants to support the Native Hawaiian Revolving Loan Fund.

The substitute amendment also changes the term of loans or loan guarantees made by the revolving loan fund from the current five (5) years to seven (7) years. In addition, the substitute would alter the interest rate chargeable on such loans or loan guarantees to not more than the prime rate plus three (3%) percent.

COST AND BUDGETARY CONSIDERATIONS

The cost estimate for S. 459, as amended, as provided by the Congressional Budget Office, is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 8, 1997.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 459, the Native American Programs Act Amendments of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dorothy Rosenbaum.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 459—The Native American Programs Act Amendments of 1997

Summary: S. 459 would reauthorize programs under the Native American Programs Act of 1974. This act authorizes the Administration for Native Americans to provide grants to public and nonprofit private agencies to promote self-sufficiency for Native Americans. This legislation would authorize appropriations for fiscal years 1997 through 2000.

Assuming appropriation of authorized amounts, CBO estimates that the bill would result in additional discretionary spending of $120 million to $124 million over fiscal years 1997 to 2002. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The legislation also does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA), and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 459 is shown in the table on the following page. Some of the authorizations in S. 459 are for "such sums as may be necessary." For the purpose of this estimate, CBO has projected the authorizations and outlays for those programs under two different sets of assumptions. In one case, we have projected future-year appropriations at the 1997 funding level. In the other, we have adjusted the 1997 appropriation for projected inflation in subsequent years.

For the purpose of this estimate, CBO assumes that all amounts authorized in S. 459 for fiscal years after 1997 would be appropriated by the start of each fiscal year and that outlays would fol-

low the historical spending patterns for the Native American programs.

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
SPENDING SUBJET TO APPROPRIATION						
Spending under current law:						
Budget authority	35	.....	.....	.....	.....	.....
Estimated outlays	36	27	6	1	0	0
''Such sums'' authorizations projected at the 1997 level:						
Proposed changes:						
Authorization level	5	39	38	38	.....	.....
Estimated outlays	0	10	35	38	30	7
Spending under S. 459:						
Authorization level [1]	39	39	38	38	0	0
Estimated outlays	36	37	41	39	30	7
''Such sums'' authorizations adjusted for inflation:						
Proposed changes:						
Authorization level	5	40	40	41	.....	.....
Estimated outlays	0	10	36	39	32	7
Spending under S. 459:						
Authorization level [a]	39	40	40	41	.....	.....
Estimated outlays	36	37	42	41	32	7

[1] The 1997 level is the amount appropriated for that year.

Note.—Details may not add to totals because of rounding.

The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

The bill would authorize such sums as may be necessary for fiscal years 1997 to 2000 for most activities authorized under the Native American Programs Act. In addition, the bill would authorize several specific activities separately. These include: $8 million in each of fiscal years 1997 to 2000 for grants to improve tribal regulation of environmental quality, such sums as may be necessary for fiscal years 1997 to 2000 for grants to ensure the survival and continuing vitality of Native American languages, and such sums as may be necessary for the first full fiscal year beginning after the date of enactment for the Native Hawaiian Loan Fund.

For fiscal year 1997, the Congress provided $35 million for all programs funded under the Native American Programs Act. The Department of Health and Human Services allocated $1 million to the Native Hawaiian Loan Fund, and plans to allocate about $3.5 million for grants to improve tribal regulation of environmental quality and about $2 million or grants to ensure the survival and continuing vitality of Native American languages. The balance went to fund other activities authorized by the act. Where S. 459 authorizes such sums as may be necessary, CBO bases its estimates on these allocations. The only potential impact for fiscal year 1997 results from the authorization of $8 million for grants to improve tribal regulation of environmental quality. Only $3.5 million has been appropriated to day, and the estimate assumes that the additional amount authorized would be appropriated by the beginning of June.

In addition to reauthorizing appropriations, S. 459 allows the Native Hawaiian Loan Fun to be used for loan guarantees in addition to loans, and changes the terms of the loans the fund may issue. CBO expects that these changes would not significantly change the rate at which funds are spent.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: S. 459 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal, governments. Public agencies, including tribal governments, are eligible to receive the grants authorized by this bill, as are private nonprofit agencies. The Native American Programs Act generally requires that grantees provide at least 20 percent of the cost of a project funded with these grants, though that share may be reduced in some circumstances.

Estimated impact on the private-sector: This bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Cost: Dorothy Rosenbaum; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Lesley Frymier.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 459, as amended, will have a minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee received one letter from the Department of Health and Human Services, which is reprinted below, providing the views of the Administration on S. 459 as introduced and the Administration's support for the continuation of the Native Hawaiian Revolving Loan Fund.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, April 17, 1997.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Health and Human Services on S. 459, a bill "To amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes." We appreciate the opportunity to present our comments.

The Department supports this legislation. The Social and Economic Development Strategies (SEDS), Environmental Quality, and Native Languages Preservation programs under the Native American Programs Act play a vital role in supporting Indian and Native American self-determination and the development of economic, social and governance capacities of Native American communities. Reauthorization of these programs will promote projects covering a wide range of interrelated social and economic development efforts, such as the expansion and creation of businesses and jobs, youth leadership, cultural preservation, energy and natural resource

management, fish and wildlife preservation, and the development of new Tribal constitutions and by-laws.

However, we are very concerned that the bill does not reauthorize the Native Hawaiian Revolving Loan Fund (NHRLF). The NHRLF has been very successful in promoting economic development activities for Native Hawaiians. Among the Administration for Native Americans grantees, the NHRLF is considered to be an outstanding success, establishing or expanding Native Hawaiian-owned businesses and creating full-time jobs. Therefore, we urge the Committee to consider permanently authorizing this valuable program.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONNA E. SHALALA.

The Committee received written testimony from the Administration for Native Americans—Department of Health and Human Services for the hearing held on April 22, 1997. The written testimony from the Administration is as follows:

STATEMENT OF GARY NILES KIMBLE, COMMISSIONER, ADMINISTRATION FOR NATIVE AMERICANS, ADMINISTRATION FOR CHILDREN AND FAMILIES—U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chairman Campbell, Vice Chairman Inouye and members of the Committee, it is my pleasure to come before you today in support of the reauthorization of the Native American Programs Act, administered by the Administration for Native Americans. There is a strong Administration commitment to address the critical issues that confront Tribes and Native American communities, as well as to help them achieve their social, economic and governance objectives through ANA financial assistance. I look forward to reporting grantee progress to this Committee so we can continue this important work.

The Administration for Native Americans is a small agency with a big mission, which we take very seriously. The impact of our philosophy and policies is visible and viable in Native American communities across the country and the Pacific Islands.

ANA serves over 550 federally-recognized Tribes (including over 220 Alaska Native tribal governments), about 60 Tribes that are State-recognized or seeking Federal recognition, Indian and Alaska Native organizations, Native Hawaiian communities, and Native populations in Guam, American Samoa, Palau, and the Commonwealth of the Northern Mariana Islands.

We strongly support the reauthorization of the Native American Programs Act (the Act) which is before this Committee for consideration.

The Social and Economic Development Strategies (SEDS), Environmental Quality, and Native Languages Preservation programs under the Native American Programs Act play a vital role in supporting Indian and Native American self-determination and the development of economic, social and governance capacities of Native

American communities. Reauthorization of these programs will promote projects covering a wide range of interrelated social and economic development efforts, such as the expansion and creation of businesses and jobs, youth leadership, cultural preservation, energy and natural resource management, fish and wildlife preservation, and the development of new Tribal constitutions and by-laws.

However, we are very concerned that S. 459, a bill before the Committee to reauthorize the Act, does not include the Native Hawaiian Revolving Loan Fund (NHRLF). The NHRLF has been very successful in promoting economic development activities for Native Hawaiians. Among the Administration for Native Americans grantees, the NHRLF is considered to be an outstanding success, establishing or expanding Native Hawaiian owned businesses and creating full-time jobs.

In order to provide the context for considering the reauthorization, I would like to present our philosophy for working with Native American communities as well as a description of the progress they have recently made.

PHILOSOPHY AND POLICY

Our philosophy is to support the policies and implementation of self-determination and self-governance of all Tribes and Native American communities and organizations. Within this context, ANA assistance allows them to develop their own strategies so Native American communities can move their citizens towards self-sufficiency. We define a Native American community as self-sufficient when it can generate and control the resources necessary to meet its social and economic goals, and the needs of its members.

This approach, which is embodied in the SEDS grant program, has moved many Tribal and Native programs from having Federal staff provide services to them, or operating federally-mandated programs, to developing and implementing their own discrete projects. Our policy recognizes the right of each individual Tribe and Native American group to move forward on its own terms, and to develop and achieve its own community infrastructure goals. SEDS was developed with formal Tribal and Native American leadership consultation. This is one example of how the government-to-government relationship is carried out in ANA.

Our policy is based on two fundamental principles:

(1) The local community and its leadership are responsible for determining its goals, setting priorities, and planning and implementing programs aimed at achieving those goals. Further, the local community is in the best position to apply its own cultural, political, and socio-economic values to its long-term strategies and programs.

(2) Economic and social development and governance are interrelated. In order to move toward self-sufficiency, development in one area should be balanced with development in the others. Consequently, comprehensive development strategies should address all aspects of the governmental, economic, and social infrastructures needed to promote self-sufficient communities.

GOVERNANCE AND SOCIAL AND ECONOMIC DEVELOPMENT

In FY 1996, ANA awarded 223 grants for governance, social and economic development projects. These grants include the expansion and creation of businesses and jobs; youth leadership and entrepreneurship projects; tourism enterprises; diversified agricultural projects; cultural centers; fisheries; energy and natural resource management; and fish and wildlife preservation—a vital necessity to support the traditional lifestyle and economies of the Tribes.

I would like to describe some of the accomplishments of the Tribes and Native American communities using these SEDS grants.

Examples of innovative business enterprises developed through these grants include the Wai'anae Coast Community Alternative Development Corporation grant in Hawaii, facilitating a collaborative effort between the corporate board and 28 families to develop their community based economic strategy. It is a "Backyard Aquaculture Project" which combines Hawaiian family values with traditional growing principles. The board reinforces community management skills with community aquaculture operations, enabling the families to manage and operate the project independently.

ANA's attention to the environment and community involvement is illustrated by our grants with the Native American Fish and Wildlife Society. The project involves eight Alaskan villages bordering the Copper River, a rich salmon fishery. A management plan for the villages' unique salmon fish wheels is being developed, leading to the first tribal administered fishery in Alaska. Another example, the Inter-Tribal Bison Cooperative, involves 40 Tribes in 16 States (Alaska, California, Colorado, Idaho, Kansas, Michigan, Montana, North and South Dakota, Nebraska, New Mexico, Oklahoma, Utah, Washington, Wisconsin, and Wyoming) in a project committed to re-establishing buffalo herds on Indian lands in a manner that promotes community development, cultural and social enhancement, ecological restoration and spiritual revitalization. The Cooperative received a grant to develop cultural education programs, an Internet WEB page, and culturally relevant national standards for the buffalo industry. Recently, this grantee was chosen as the winner of Renew America's Seventh Annual Award for Environmental Sustainability in the Redefining Progress category and honored with 23 other winners at an AT&T event in Washington, D.C.

ANA also assists Tribes with Federal recognition and status clarification. In FY 1996 and to-date in FY 1997, we have provided grants to 35 Tribes to conduct status clarification projects to re-establish their trust relationship with the United States.

For example, in Nevada, the Walker River Paiute's grant provides assistance to establish a two-person taxation department within the Tribal government. This allows the Tribe to implement the Possessory Interest Tax Ordinance, the Sales and Use Tax, and the Cigarette and Tobacco Tax Ordinance. As a result, the Tribe has improved its governmental structure and self-determination capabilities while benefitting from diversified revenues. Besides paying for the tax department's operating costs, the new revenue defrays the cost of providing essential services to Tribal members.

OTHER ANA FUNDING INITIATIVES

In addition, ANA funds projects in other competitive areas that address critical needs at the Tribal and village level.

Native languages preservation and enhancement

Native languages are one of the crucial cultural resources by which tribal peoples identify themselves. Preserving language and culture reduces alienation often experienced by youth, reducing the levels of substance abuse, violence and other self-destructive behavior. It also is significant to note that Tribes who observe traditional ways have much lower rates of alcoholism and other forms of substance abuse. Since many Native languages are in danger of being lost completely as dwindling groups of elders are the only speakers, ANA is funding Native Languages at a higher level in FY 1997 ($2 million). This higher level of funding augments the 13 projects started in FY 1996 for the survival and continuing vitality of Native American use; development of specialized curricula; Native language training programs; language immersion camps for youth; and master (elder)/apprentice programs; transcribing or recording on audio and video tapes; oral narratives that will be used to develop or revise dictionaries and curricula; and incorporating a Tribe's language into Tribal Head Start and child care programs.

Environmental regulatory enhancement

Tribes and Alaska village governments are operating 23 environmental regulatory enhancement projects that build professional staff capacity to monitor and enforce Tribal environmental programs; develop Tribal environmental statutes and establish community environmental quality standards; and conduct the research needed to identify sources of pollution and determine the impact on existing environmental quality. The projects also help Tribes and village governments to meet Federal environmental requirements.

Mitigating environmental impact of DoD activities on Indian lands

In FY 1996, 12 grants were approved for the mitigation of damage to Indian lands due to Department of Defense (DoD) activities. Briefly, the projects address mitigating the damage to treaty-protected spawning habitats, damage caused to Tribal range and forest lands, adverse effects to sacred sites and religious ceremonies, suspected leakage of underground storage tanks, and unexploded ordnance on Indian reservation lands that has resulted in damage to rangelands, wildlife habitats, and stock water wells. These grants were funded by a transfer of funds from the DoD to ANA.

Temporary assistance for needy families (TANF) information dissemination and strategy support program

Under the recently enacted welfare reform law federally recognized Tribes, the Metlakatla Indian Community and the 12 Alaska Native regional non-profit corporations become eligible to operate their own Temporary Assistance for Needy Families (TANF) program. In FY 1997, we initiated the Information Dissemination and Strategy Development program, a new grant subset within the SEDS program, to assist Tribal and community leaders in their

TANF participation decisionmaking. Through these SEDS grants, ANA grantees will disseminate information and develop options to share among potential Tribal TANF applicants. Providing these Tribes and organizations with the information necessary for them to make an informed decision about their options under the new welfare reform law supports the ANA philosophy of local self-determination.

The native Hawaiian revolving loan fund

The Native Hawaiian Revolving Loan Fund (NHRLF) promotes economic development by providing loans to Native Hawaiians not available from other sources on reasonable terms and conditions. The program encourages Native Hawaiian business development and, ultimately, seeks to increase self-sufficiency for the Native Hawaiian community. Through FY 1996, ANA has provided over $7.9 million for the operation of the fund, while the loan administrator has furnished over $3.9 million in matching funds, including all administrative costs. More work is needed to help Hawaiian-owned businesses become viable, self-sustaining and a more significant part of the total State economic system. Therefore, we request the Committee permanently authorize this valuable program.

CONCLUSION

I hope I have conveyed to you the vital role that ANA plays in implementing a "living" model of the government-to-government relationship with the Tribes and Alaska villages.

I look forward to working with this Committee to build upon ANA's support of Native American self-governance and economic development. I would be happy to answer any questions at this time.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes the following changes in existing law (existing law proposed to be omitted is enclosed in black brackets, new matter printed in italic).

Title 42, Section 2992d.

(a) There are authorized to be appropriated for the purpose of carrying out the provisions of this subchapter (other than sections 2991b(d), 2991b–1 2991b–3 of this title, subsection (e) of this section, and any other provision of this subchapter for which there is an express authorization of appropriations), such sums as may be necessary **[**for fiscal years 1992, 1993, 1994, and 1995.**]** *for each of fiscal years 1997, 1998, 1999, and 2000.*

* * * * * * *

(c) There are authorized to be appropriated $8,000,000 **[**for each of the fiscal years 1992, 1993, 1994, 1995, and 1996,**]** *for each of fiscal years 1997, 1998, 1999, and 2000,* for the purpose of carrying out the provisions of section 2991b(d) of this title.

* * * * * * *

(e) There are authorized to be appropriated to carry out section 2991b–3 of this title, **[**$2,000,000 for fiscal year 1993 and such

sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997.] *such sums as may be necessary for each of fiscal years 1997, 1998, 1999, and 2000.*

Title 42, Section 2991b–1(b). Loans to borrowers; determinations; terms; interest rate; default and collection procedures; prohibition on self-lending.

(2) Loans made under subsection (a)(1)(A) of this section shall be—

(A) for a term that does not exceed [5] *7* years; and

(B) at a rate of interest [that does is 2 percentage points below the average market yield on the most recent public offering of United States Treasury bills occurring before the date on which the loan is made] *"that does not exceed a rate equal to the sum of*

(1) the most recently published prime rate (as published in the newspapers of general circulation in the State of Hawaii before the date on which the loan is made); and

(II) 3 percentage points."

Title 42, Section 2291b–1(f). Authorization of appropriations; investment in obligations of United States

(1) There is authorized to be appropriated [for each of the fiscal years 1992, 1993, and 1994, $1,000,000] *"for the first full fiscal year beginning after the date of enactment of the Native American Programs Act Amendments of 1997, such sums as may be necessary".*

APPENDIX

STATEMENT OF WALLACE COFFEY, CHAIRMAN/CEO COMANCHE INDIAN TRIBE

Mr. Chairman and members of the Senate Committee on Indian Affairs: I appreciate the opportunity to provide testimony on the reauthorization of grant programs as administered by the Administration for Native Americans.

My name is Wallace Coffey. I am the Chairman and Chief Executive Officer of the Comanche Indian Tribe with headquarters located in Lawton, Oklahoma.

I'm here because I represent a people. People who lived a long time ago and people who live in today's modern world. But we are the same people so I know how I feel about being a part of this unique group. As Chairman of the Comanche Indian Tribe, my relatives have prevailed upon me to be here to represent my ancestors, those who cannot any longer speak for themselves but whose presence we feel. I come to represent those yet unborn so they can have opportunities available to them in the years to come.

This is the reason I am here. I have my interpretation of this legislation and I'm here to propose that we consider the reauthorization of this law in the best interest of everyone concerned and to request increased funding so opportunities can reach more communities, tribes and individuals.

Some people say the most formidable challenges facing Indian people today are those rooted in economic conditions. I disagree with that because I don't think that economic conditions contribute to our failure, or our lack of progress because Indian people have survived without economic gains. I firmly believe that attitudes towards us and the indifference to our concerns are by far our greatest challenge. Dr. George Bernard Shaw in the "Devils Disciple" stated: "The greatest sin toward our fellow creatures is not to hate them but to be indifferent to them, that is the essence of inhumanity."

When I was in the 2nd grade I was classified as mongolian, because at that time there were only two distinct classes of race: Black and White. In the 6th grade my classification changed to caucasian because it was obvious that my characteristics were different from mongolians. When I was in Jr. High I became and American Indian, when I was in high school I became a Native American. When in college working on my undergraduate education I became an indigenous group and when I was working on my Masters degree I became a sovereign nation. Today I'm other.

I share this with you because I have traveled a great distance in my short life and I am concerned about the status of my children and what they're classification will be beyond the year 2000.

Several years ago we had the American Indian Self-Determination and Educational Assistance Act. While tribes across the United States are making every attempt to understand self-determination, I have seen great strides as a result of this federal policy. Today, the Chippewas are now called Ojibwa—Papago are now called Tohono-Odom, Comanches were the Numunu, Creeks are now calling themselves the Muskogee. The Winnebago are the Ho-Chungras, and the Sioux are called Lakota-Dakota and Nakota and the Navajo are wrestling with the term "Dineh."

Over the years, ANA grants have furthered the development of Native American social and economic self-determination. Tribes have established for themselves tribal court systems to address any internal conflicts and to bring our court systems to a professional level of operation. We now have governmental codes and improved ordinances which allow tribes to govern themselves in a manner consistent with the county, state and federal government. We are advocating for land and water rights while at the same time establishing environmental codes which will provide for policy and regulations which impact tribal lands.

I have seen the creation of Native American businesses and through this the employment of Indian people which has provided economic security for many Native American families, many of which started as a result of ANA funds as seed money.

The Administration for Native Americans, since its inception has assisted American Indian Tribes in the development of programs and goals which will help them advance into the future while at the same time helping us improve the way we feel about ourselves. The area of focusing on human need is widely accepted on many Indian reservations and is reinforced by the need to foster a strong spiritual and cultural base.

The Comanche Tribe currently has a Language preservation program funded by the Administration for Native Americans. This program is geared to Comanche pre-schoolers 3 to 5 years of age. During the Comanche Tribes 6th Annual prayer Breakfast, held recently during the beginning of Spring, these young children made a presentation and sang songs as composed by our ancestors which spoke of our love for Jesus Christ and of the promise of everlasting life.

The hearts of our elders were touched with many shedding tears as they witnessed young Comanche children speaking our tribal language and singing songs of inspiration.

This ANA language opportunity is especially important to us, the Numunu, the Comanches, because we live in Oklahoma. Oklahoma is a state with 37 federally recognized Indian tribes and we have NO reservations. We live in communities with everyone else. Having no reservations makes it harder for us to retain our culture and our language. This grant has helped to bring our tribal community together and to honor our fluent elders as they share their knowledge with our very young.

We all say we respect our elders but we found we were not fully utilizing this resource. This ANA project has motivate us to realize

that our fluent elders are dying off, we will always have elders, but our speakers are leaving us. This project gave us the opportunity to begin to create a new generation of Comanche speakers (Tschaw) with 3, 4 and 5 year old (Tschaw-Tschaws) which are the great grandchildren and the term Tschaw-Tschaw is our endearing term. This project gives us the motivation to utilize our elders, a precious tribal resource and connection with our children-our future.

This ANA project is helping our Comanche families to retrieve their rightful position as the first teachers of our language, because this grant is helping the children's families to speak the language everyday and at home. It reinforces what we already know that just to teach it is not enough. You have to speak it everyday and everywhere.

As a result of this ANA grant, our tribal members are planning ways to utilize our culture with families to reclaim the family and cultural values to stem social problems in our communities.

This ANA grant's biggest impact has been the empowering of the community to value our language and to realize that we all need to take a rightful stake in our tribal lives. This ANA grant is helping us to go beyond self-victimization and helping us to take back our responsibility for our culture and our language because the overlying impact of this project is helping to preserve our culture.

A main ingredient is in the establishment of community as a source of stability and security, providing the individual youth and parent with a sense of identity, wholeness and shared values. The Comanche Tribe's "Path to Empowerment," is a strategy of planned undertakings in the attempt to modify certain social conditions—but through the processes generated within and by the community.

It becomes apparent that we lay the groundwork for our children. Children of culture and color who must make the transition into the 21st century with as limited amount of conflict as our ancestors had to endure. Today, the dreams of our elders are becoming a reality. We have come to recognize that culture embodies language, religion, art, traditions, customs, traits and values and most importantly, ceremony and celebration.

The greatest success in Indian country is the tranquility in the American Indian Experience. Sitting Bull once said "If a man loses something that has meaning, if he goes back and looks for it carefully, he will find it." Through the ANA funded Comanche Language Program, Comanche men and women are learning the lessons of our culture. It is the renaissance of the flowering of life, the beginnings of wisdom and in turn reverence for spiritual strength.

I am proud to say hello to my friend Senator Ben "Nighthorse" Campbell, for he is an individual who is knowledgeable of his culture and that in today's modern society those compelling beliefs which reach back into his past begin to play a significant role in the development of our future and his as well.

As the Chairman of the Comanche Indian Tribe, I must say that it matters not that a majority of our people choose to avoid the frustrating struggles for progress for it is well known in the history of all nations that we have moved forward on the backs of the courageous and talented few. For that I commend the work of the Senate Committee on Indian Affairs for your commitment and dedication. I thank you for giving me this opportunity to testify in favor

of reauthorization of grant programs as administered by the Administration for Native Americans. I further encourage you to consider increased funding so opportunities can reach more communities, tribes and individuals.

Thank you very much.

STATEMENT OF CLEMENT J. FROST, CHAIRMAN, SOUTHERN UTE INDIAN TRIBE

The Administration for Native Americans, operated by the Administration for Youth and Families, Department of Health and Human Services, is a unique and particularly effective source of funding for social and economic development projects on Indian Reservations. The Southern Ute Indian Tribe has successfully administered ANA programs for 20 years. Each of these programs has made a profound, positive impact on the Southern Ute Tribe.

A comprehensive study of the impact of coal development on the Southern Ute Reservation was completed along with an in-depth household survey and a review of government operations in the early 1980s. This study provided the first detailed information collected by the Tribe on social and economic issues for it's members. The study design allowed a quantitative analysis of the actual impact that local issues were having on families. Lack of employment opportunities, family income, attitudes about school, and substance abuse issues were among those that emerged as most important to Tribal members. Subsequent Tribal initiatives have addressed many of these issues. The review of Tribal governmental structure led to the recommendation that the Tribe establish a personnel department. This task was accomplished with an ANA grant. With nearly 400 Tribal employees, the Tribal Personnel office now includes a full staff; salaries and benefits are among the most competitive in La Plata County.

The Southern Utes are one of only two sovereign Indian Tribes in Colorado. ANA provided funding for the Tribe to negotiate several local and state interagency agreements which have made available child care, home health care, and self-image enhancement programs for youth, by accessing state of Colorado programs without compromising Tribal sovereignty. ANA assisted the Tribe as it moved into the information age by supporting computer equipment purchases and training in financial management and data collection. In response to the findings of the household study, Tribal employees were provided with Employee Assistance Services and a voluntary Health Maintenance Program.

A program which has been replicated on several other Indian Reservations was the Natural Resources Management Project which the Tribe implemented from 1987–1989. This project included a range inventory, water quality monitoring, incorporation of aerial photographs of the reservation with the GIS data base, and the review and revision of Tribal Codes dealing with resource management. The result was a 20 year management plan which is currently being implemented by the Tribe's Natural Resource Department.

Building on it's natural resource base, the Tribe then decided to develop a Utilities Department. From a small operation providing

potable water in bulk to the Town of Ignacio and a few Tribal homes and buildings, the Southern Ute Utilities Department is now a viable operation providing water, natural gas, sewer, and solid waste disposal services to a large segment of the Southern Ute/Ignacio community. With initial ANA support, this division has grown to one largely self-supporting through consumer payments for services.

The Tribal planning and priority-setting process, which took place prior to the development of a gaming operation on the Southern Ute Reservation, exposed the need to enhance the traditional part of Ute culture. Many people felt that, as the Tribe continued its progressive development, traditions would be lost. The Administration for Native Americans supported a project which resulted in written documentation of traditional skills and crafts, including tipi making, moccasin making and Ute beadwork, the summer cultural camp immersion program for Tribal youth in 1994 and 1995, the completion of the Museum exhibits and collection maintenance plans and preliminary design of a new facility to house the Museum and Cultural Center.

The Tribe's current project, now close to completion, is the cataloging of Ute artifacts which are housed in museums all over the United States. Tribal museum and archival staff have traveled to Denver and to Washington, D.C. to inventory and photograph those artifacts which have been identified as Ute. These images have been scanned into a local archival data base for access by local researchers and Tribal members.

As can be seen by this discussion, ANA funding continues to positively impact the Southern Ute Tribe in ways that can not be accomplished with other funding sources. Specific advantages to the Administration for Native Americans program are:

1. Because the program is housed independently of Indian Health Service or the Bureau of Indian Affairs, it can remain a discretionary program and is not in danger of becoming an entitlement. This allows ANA staff and reviewers to direct funding to high quality projects with an excellent potential for success. In turn, this results in more effective use of federal dollars.

2. The nature of ANA funding makes it flexible enough to be applied by the Tribe to almost any area of need or opportunity which arises. Because of this, projects are determined and designed locally, without a need to apply federal "cookie cutter" approaches to program design. This feature also enhances project success.

3. ANA project applications are subject to a peer review process. Reviewers are asked to look for certain elements which will enhance project success. Among these is evidence of a local long range planning process which indicates the need for the proposed project. Because this is a part of the application, ANA does not fund projects that do not have broad-based local support and are related to longstanding Tribal issues.

In summary, the Southern Ute Tribe has appreciated the opportunity to participate with the Administration for Native Americans in the development of stronger social and economic infrastructure on Indian reservations. ANA funding has had a positive impact on the Southern Ute Reservation. In every case, Tribal programs have continued with other support after the end of ANA funding, dem-

onstrating that the federal dollars spent on establishment of programs and services were well spent and have been matched several times over in ensuring years. On behalf of the Southern Ute Tribal Council, I urge continued funding of this unique and valuable program for Native American people.

STATEMENT OF A. DAVID LESTER

I am A. David Lester, Executive Director of the Council of Energy Resource Tribes, a position I have held for the past 15 years.

The purpose of the Act and the programs administered under the Act is to promote social and economic self-sufficiency for Native Americans, indigenous peoples of the fifty states and various territories of the U.S.

I have come to offer three reasons why the Native American Programs Act Reauthorization makes sound national policy.

First, dollar for dollar ANA is the most effective, most efficient and most innovative federal program serving all Native Americans.

ANA is responsive to locally conceived and initiated programs. In its early years, ANA pioneered programs that were later incorporated into other federal programs. Among these are services to the aging, Indian controlled schools, Tribal employment rights, Tribal community colleges, and locally controlled community development.

It has not spawned an entrenched federal bureaucracy nor created a dependent, subsidized job program of local bureaucrats as other federal agencies have.

It is responsive to changing circumstances, changing social conditions and economic opportunities as defined by local communities and Tribes. Today ANA is at the forefront of helping Tribes develop institutional capacities for social and economic progress. Through ANA, Indian Tribes are being prepared to respond to the restructuring of the electric utility industry. Tribes are securing access to federal hydropower and are planning how to serve their people as welfare reform is beginning to unfold.

ANA succeeds by investing not in itself but in *Native Americans' future* as defined at the local level.

Second, the inclusion of language preservation and the enhancement of Tribes to protect their natural environments are essential elements for any Native American strategy for economic or social development.

History clearly teaches that cultural continuity is essential for social and political stability; the loss of traditional values erodes social and family cohesion which are essential and necessary to economic and social development. Language preservation is part of modern concepts for social development.

Native American values extend to our natural environment in a manner not well understood by non-natives. Thus for us, environmental protection is not just a social duty or legal stricture, it is a sacred imperative. If we are to develop economically, we need the tools to protect our environment.

Modern domestic American economics require as part of the legal and social infrastructure well defined norms and regulations concerning waste management, abatement and reclamation. Indian

Tribes are developing modern economies that require an environmental regulatory infrastructure if they are to attract private financing and investment.

Environmental standards backed by regulations and codes form the background for investment decisions by corporations and banks. Without the help from ANA, many Tribes could not develop the necessary legal infrastructure that protects the environment on the one hand and that eliminates uncertainties over environmental liabilities for business investment on the other.

Third, ANA gives local Tribal and Native American leadership and institutions the ability to conceive, plan and implement projects that give expression to local values and local priorities.

Social and economic vitality for Native Americans comes when our communities work toward common goals, empowered by a common vision of who they are and who they are to become. ANA's social and economic development strategies respects the principle of local empowerment.

Local values and priorities for social and economic development often converge with other communities and Tribes creating conditions for effective coalitions. Leadership for these inter-tribal organizations comes from the local Tribes, thus preserving local control while creating efficiencies and effectiveness for action.

I have been directed by the 53 American Indian Tribes that make up the Council of Energy Resource Tribes and its governing Board of Directors to support the efforts of this committee and those of Commissioner Gary Kimble for the reauthorization for these necessary programs, and once authorized, to seek the sums truly needed to implement the Act.

The money made available for implementation of the Social and Economic Development Strategies grant program, language preservation and Indian environmental protection have not been adequate to fund the projects worthy of support. ANA does not promote continued dependence on federal support and is a means by which less economically privileged Native American Tribes and communities can leverage economic and social progress from their own decision and actions which is the essence of the promise of America.

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