



NATIONAL CONGRESS OF AMERICAN INDIANS

Testimony of the National Congress of American Indians Subcommittee on Labor-HHS-Education Appropriations

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On behalf of the National Congress of American Indians (NCAI) and its more than 200 member tribal nations, we are pleased to have the opportunity to present written testimony on FY 2003 appropriations for the Departments of Labor, Health and Human Services, and Education.

The tragic events of September 11 brought forth the strength and the determination of our nation to survive in the face of adversity. It is this same spirit that has carried Indian Country through years of annihilation and termination. It is this same spirit that has propelled Indian Nations forward into an era of self-determination. And it is in this same spirit of resolve that Indian Nations come before Congress to talk about honoring the federal government's treaty obligations and trust responsibilities throughout the FY 2003 budget process.

The federal trust responsibility represents the legal obligation made by the U.S. government to Indian tribes when their lands were ceded to the United States. This obligation is codified in numerous treaties, statutes, Presidential directives, judicial opinions, and international doctrines. It can be divided into three general areas – protection of Indian trust lands; protection of tribal self-governance; and provision of basic social, medical, and educational services for tribal members.

NCAI realizes that Congress must make difficult budget choices this year. As elected officials, tribal leaders certainly understand the competing priorities that members of Congress must weigh over the coming months. However, the fact that the federal government has a solemn responsibility to address the serious needs facing Indian Country remains unchanged, whatever the economic or political climate may be. We at NCAI urge you to make a strong commitment to meeting the federal trust obligation by fully funding those programs that are vital to the creation of vibrant Indian Nations. Such a commitment, coupled with continued efforts to strengthen tribal governments and to uphold the government-to-government relationship, will truly make a difference in helping us to create stable, diversified, and healthy economies in Indian Country.

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NCAI's statement focuses on our key areas of concern surrounding the President's budget request. Of course, there are numerous other programs and initiatives within the Labor-HHS-Education appropriations bill that are important to American Indians and Alaska Natives. Attached to this testimony is a breakdown of key programs for which we urge your support at the highest possible funding level as the appropriations process moves forward.

Department of Labor

The Census Bureau's *Poverty in the United States* for 2000 showed that American Indians and Alaska Natives remain at the bottom of the economic ladder – with 25.9 percent of our population falling below the poverty line. This compares to an 11.9 percent poverty rate for all races combined. Today, unemployment rates in Indian Country are the highest in the nation, sometimes topping 50 percent.

In the face of the demonstrated need to support effective employment and training programs in Indian Country, NCAI is extremely concerned about the effects of the proposed \$1.1 billion cut to discretionary programs within the Department of Labor. Specifically, we call upon Congress to reject the following programmatic reductions:

- Workforce Investment Act (WIA) -- The WIA was signed into law in August 1998, replacing the former Job Training Partnership Act (JTPA). The President has proposed a \$2 million cut to the \$57 million currently provided for the Indian comprehensive services program, which funds tribes and off-reservation organizations to provide services to Native American youth and adults.
- Youth Opportunity Grants -- The budget would slash funding for the Youth Opportunity Grant (YOG) program from \$225 million to \$44 million. Native American grantees serving reservation areas and Alaska Natives are eligible to apply for funding under this competitive program. The YOG program brings together the knowledge and resources of government, community and faith-based organizations to solve the problems of some of the nation's most deeply disadvantaged communities, helping them to build a more promising future for their young people. Thirty-six communities across the country received YOG awards in February 2000, including six Native American communities.

Department of Health and Human Services

Administration for Native Americans

The ANA is playing a key role in helping to move numerous tribal programs from federal dependency to developing and implementing their own locally-driven 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.

ANA administers its basic grant program in four distinct categories – social and economic development strategies (SEDS), Alaska-Specific SEDS, environmental regulatory enhancement, and Native language preservation and revitalization.

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. These 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.

The President's budget has proposed a \$1 million cut to the ANA, from \$46 million to \$45 million. We urge you to reject this cut and to increase funding to the ANA so that it may assist even more tribal governments in building their administrative capacities and infrastructures.

Administration on Aging

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.

Aging Grants for Native Americans promote the delivery of supportive services, including nutrition services, to older American Indians, Alaska Natives, and Native Hawaiians. Funding for this program provides key "front-line" services for over 200 programs serving reservation elders, including congregate and home-delivered meals, transportation, and a wide variety of other services. In recognition of the fact that grantees report significant increases in the number of elders eligible for the service, the Administration has proposed a \$2 million increase for this program, to \$27.7 million. We are in strong support of this request, which is long overdue in light of the growing population of Native elders, and further urge that at least \$30 million be appropriated for FY 2003.

We also are pleased that the Administration has proposed continuation of the current \$5.5 million for Native Americans under the Family Caregivers program, which will provide information, respite care, and other support services to 250,000 families caring for loved ones who are ill or disabled.

Homeland Security

Tribes are very concerned about their exclusion from homeland security planning and appropriations. Tribal lands are adjacent to hundreds of miles of international border, and many reservations are home to energy generation plants and other sensitive areas that require special protection. Tribal sovereignty requires that issues of mutual security between the federal government and tribes be handled directly between these two levels of government. We support a direct appropriation to tribes of homeland security resources funded through the Department of Health and Human Services, including those provided to HRSA, CDC, and SAMHSA.

Department of Education

Most Indian students attend public schools and are eligible for a number of education programs that are funded by the Department of Education, including those administered the Department's Office of Indian Education. In light of the Administration's pledge to "Leave No Child Behind," NCAI is disappointed that the Administration has level-funded most of the programs within the Office of Indian Education, and joins the National Indian Education Association in recommending the following funding levels for Office of Indian Education programs:

- Formula Grants to LEAs (\$97.1 million) – The Department estimates that this funding assists 421,000 Indian students attending public and 42,000 students attending Bureau of Indian Affairs (BIA) schools for a total of 463,000.
- Special Programs for Indian Children (\$33.6 million) – Funds should be allocated as follows: Improvement of Educational Opportunities for Indian Children/Professional Development (\$12.3 million); Fellowships for Indian Students (\$5 million); Gifted and Talented Education (\$3 million); Grants to Tribes for Education Administration Planning and Development (\$3 million); American Indian Teacher Training (\$7.2 million); American Indian Administrator Initiative (\$3 million).
- Special Programs for Indian Adults (\$5 million) – This program was last funded in 1995 when it received \$5.4 million for 30 projects to carry out educational programs specifically for Indian adults.
- National Activities (\$5.2 million) – This request would provide for research to augment the Year 2000 National Center for Education Statistics (NCES) Schools and Staffing Survey (SASS) and other data collection efforts. NCAI supports funding this

activity through the Department's statistical agency, the National Center for Educational Statistics.

- National Advisory Council on Indian Education (\$600,000) – NACIE has been without an office since 1996 and is currently funded at \$50,000. The fifteen-member Presidential council is authorized under the 1972 Indian Education Act to advise the Congress and the Secretary of Education on the needs in Indian education. Given the recently approved consultation policy approved by Secretary Paige, reinstating the NACIE office would be appropriate.

Conclusion

Thank you for this opportunity to present written testimony regarding Labor-HHS-Education programs that benefit Indian Country. The National Congress of American Indians calls upon Congress to fulfill the federal government's fiduciary duty to American Indians and Alaska Native people. This responsibility should never be compromised or diminished because of any political agenda or budget cut scenario. Tribes throughout the nation relinquished their lands and in return received a trust obligation, and we ask that Congress maintain this solemn obligation to Indian Country and continue to assist tribal governments as we build strong, diverse, and healthy nations for our people.

Attachment A: Labor-HHS-Education Appropriations Benefiting Tribes

Department of Labor

The Labor Department budget would decrease by \$2.9 billion, to \$56.5 billion in FY 2003, under the President's budget. Of this total, \$11.4 billion would be provided for discretionary programs in FY 2003, \$1.1 billion less than current levels.

DOL (\$ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Workforce Investment Act – Native Americans	55	57	55
Youth Activities	1,128	1,225	1,001
Youth Opportunity Grants	250	225	44
Job Corps	1,399	1,459	1,532

Department of Health and Human Services

The President has requested \$489 billion for DHHS, including a nine percent increase in discretionary spending that includes \$4.3 billion for bioterrorism activities and increases for community health centers and the National Institutes of Health. Of the total DHHS request, approximately \$429 billion is devoted to mandatory spending such as Medicare and Medicaid. Funding for the Administration for Native Americans is cut by \$1 million, from \$46 million to \$45 million.

DHHS (\$ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Administration on Aging			
Aging Grants for Native Americans	23.4	25.7	27.7
Family Caregivers Program – Tribal Allocation	5.0	5.5	5.5
Administration for Children and Families			
Child Care and Development Block Grant (Discretionary)	2,000.0	2,090.0	2,090.0
Child Care and Development Block Grant (Entitlement) ¹	2,560.0	2,710.0	2,710.0
Head Start ²	6,200.0	6,540.0	6,667.0
Promoting Safe and Stable Families (Title IV-B, Subpart 2) ³	305.0	375.0	505.0
Child Welfare (Title IV-B, Subpart 1) ⁴	292.0	292.0	292.0
Battered Women's Shelters – Tribal Allocation	11.7	12.5	12.5
Native Employment Works Program	7.6	7.6	7.6

¹ Tribes receive between one and two percent of combined discretionary and entitlement funds under the Child Care and Development Block Grant (\$91 million, or 2%, in FY 2001.)

² Tribes share a 13% allocation with territories, migrant programs, and programs for disabled children. In FY 2001, Indian Head Start programs received \$147 million and \$2 million for technical assistance. The Indian Early Head Start program received \$23 million and slightly over \$200,000 for technical assistance.

³ Tribes receive one percent of mandatory Title IV-B funds if they generate at least \$10,000 under the funding formula and two percent of discretionary Title IV-B funds, for a total of \$4.4 million in FY 2002.

⁴ Tribes received \$4.6 million out of the FY 2001 Child Welfare appropriation.

DHHS (\$ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Administration for Native Americans	46.0	46.0	45.0
Centers for Disease Control	3,810.0	4,182.0	4,012.0
Health Resources and Services Administration	5,583.0	6,130.0	5,389.0
Community Health Centers	1,179.0	1,345.0	1,459.0
Construction of Health Care Facilities	250.0	312.0	0
Nurse Loan Repayment Program for Shortage Area Service	7.3	10.2	15.0
Ryan White AIDS	1,808.0	1,911.0	1,911.0
National Institutes of Health	20,438.0	23,623.0	27,335.0
Minority Health and Health Disparities	0	158.0	179.0
Diabetes and Digestive and Kidney Diseases	1304.0	1,328.0	1,417.0
Substance Abuse and Mental Health Services Administration	2,966.0	3,141.0	3,198.0

Department of Education

The FY 2002 budget request is \$50.3 billion, a 3.7 percent increase in discretionary spending but only a one percent increase in budget authority. Increases include Title I, early childhood literacy, and special education. The budget also includes an education tax credit of up to \$2,500 per year in private school tuition for parents with children in failing schools. For the most part, Indian education programs are level-funded.

Education (\$ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Title I Programs			
Basic Grants – BIA Schools & Territories	73.9	71.7	71.7
Concentration Grants – BIA Schools & Territories	13.6	13.6	13.6
School Reform – BIA Schools & Territories	1.7	2.4	2.4
Education Financial Incentives – BIA Schools & Territories	0	7.9	7.9
Even Start – BIA Schools & Migrant	15.0	15.0	12.0
Reading First State Grants – BIA Schools	0	5.0	5.0
Impact Aid			
Basic Support Payments	882.0	982.5	982.5
Facilities Maintenance	8.0	8.0	8.0
Construction and Renovation	12.8	48.0	45.0
Indian Education Act	115.5	120.3	122.4
Formula Grants to LEAs	92.8	97.1	97.1
National Activities (Research, Evaluation, Data Collection)	2.7	3.2	5.2
Special Programs (incl. Indian Teacher Corps)	20.0	20.0	20.0
Alaska Native Education Equity Assistance Program	15.0	24.0	14.2
Bilingual and Immigrant Education – BIA Schools, Native Entities		5.0	3.8
Education Standards and Assessment – BIA Schools	0	1.9	1.9
Education Technology Grants – BIA Schools, Tribes, Native Hawaiians, Pacific Islanders	2.1	5.3	5.0
Safe and Drug-Free Schools – BIA Allocation	4.8	4.8	4.7
State Grants for Improving Teacher Quality – BIA Allocation ⁵	N/A	14.3	14.3
Strengthening Alaska Native, Native Hawaiian-Serving Institutions	6.0	6.5	6.6
Strengthening Tribal Colleges	17.5	15.0	18.1
Vocational Education			

⁵ This new grant program, authorized under the Leave No Child Behind Act of 2001, contains a .5% allocation for BIA schools.

Education (\$ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Basic State Grants – Tribes and Tribal Organizations	13.8	14.8	14.8
Tribally Controlled Postsecondary Institutions	5.6	6.5	6.5
Vocational Rehabilitation State Grants – Tribes	24.0	26.0	26.8