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S. HRG. 107–360

FISCAL YEAR 2003 BUDGET

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

PRESIDENT'S BUDGET REQUEST FOR INDIAN PROGRAMS FOR FISCAL YEAR 2003

MARCH 5, 7, 14, 2002
WASHINGTON, DC

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FISCAL YEAR 2003 BUDGET

TUESDAY, MARCH 5, 2002

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

The committee met, pursuant to call, at 10:03 a.m. in room 485, Senate Russell Building, Hon. Daniel K. Inouye (Chairman of the committee) presiding.

Present: Senators Inouye, Conrad, and Campbell.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. The committee meets this morning for the first in a series of three hearings on the President's budget request for Indian programs for fiscal year 2003. This first hearing will focus on Indian programs administered by the Departments of Justice, Labor, and Education.

In addition, those Indian programs administered by the Department of Health and Human Services that are outside the Indian Health Service will be addressed today. On Thursday of this week the committee will receive testimony from the Department of Housing and Urban Development and Indian Health Service.

On Thursday of next week, March 14, the committee will receive testimony on the President's budget request for the Bureau of Indian Affairs, the National Indian Gaming Commission, and the Environmental Protection Agency. In those coming hearings, the committee will be exploring how the United States trust responsibility for Indian lands and resources would be maintained if the President's proposals to privatize the administration of Federal programs are approved by the Congress.

Today, however, we look forward to hearing from the Federal agencies as to the objectives that the President's budget request for Indian programs under the respective jurisdiction seeks to accomplish in fiscal year 2003.

With that, I would like to call upon the first witness, the Deputy Assistant Secretary of Employment and Training Administration, David Dye. Before I recognize Mr. Dye, may I call upon the vice chairman?

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

Senator CAMPBELL. Thank you, Mr. Chairman. We will hear from a number of agencies today, as you mentioned. There are a number of important issues that we have to face up to on Indian reservations: Law enforcement, policing, education, drug treatment, elder care, and the Administration for Native Americans. They are all extremely important.

Safe and stable communities provide safety for their members and also attract business activity, which is so important to native people nationwide. I might mention, I don't know if you saw the Wall Street Journal this morning, Mr. Chairman, but there was an article on the front page that indicated that one of the most successful forms of business on reservations now are funeral homes. To me that is a terrible, sad commentary about what is happening on Indian reservations. But if you are out there as much as I am, you know that the death rate is just incredible.

Given the demands placed on the Department of Justice to fight terrorism, I have to tell you, I am generally encouraged by the request for Indian law enforcement with a few exceptions. One is the lack of tribal detention center funds. Another is the reduction in the COPS funding for tribes and the third is static funding for tribal courts.

I think in the hearings we have done in the past we have stressed that strengthening tribal courts is really one of the pillars, one of the foundations, of making sure that homelands for Indian tribes are safe. I am hopeful that we can find the kind of resources that we need for those important services.

I commend the President for his dramatic increase in funds for substance abuse and mental health treatment. We know that these problems continue to ravage Indian communities and I am certainly glad to see the increase. The problem is that even though we have an increase in the funds, the demand grows faster than the increase.

We have some reservations, in fact, where 50 percent of the whole tribe is under 25 years old. So, clearly, we have not been keeping up with the demands.

I have several questions I would like to ask this morning, but in the interest of time, let me just close by saying one agency I am particularly interested in and that is the ANA. The ANA, the Administration for Native Americans, provides seed capital for Indian businesses, language preservation and environmental protection and does it in a way that reduces dependence.

I certainly urge the department to study the ANA and find out why it works so well when some other programs are not working so well.

With that, Mr. Chairman, I would ask unanimous consent to introduce my complete statement in the record.

The CHAIRMAN. Without objection, it is so ordered.

[Prepared statement of Senator Campbell appears in appendix.]

The CHAIRMAN. With that, may I recognize Mr. Dye.

STATEMENT OF DAVID DYE, DEPUTY ASSISTANT SECRETARY FOR EMPLOYMENT AND TRAINING, DEPARTMENT OF LABOR, ACCOMPANIED BY JAMES C. DELUCA, CHIEF, DIVISION OF INDIAN AND NATIVE AMERICAN PROGRAMS

Mr. DYE. Thank you, Mr. Chairman. Mr. Chairman and members of the committee, thank you for the opportunity to discuss the Department of Labor's Employment and Training Programs for Indian and Native Americans in Program Years 2002 and 2003.

I am please to have with me today James C. DeLuca, who heads the Division of Indian and Native American Programs of the Department of Labor. ETA's primary strategy for Indian and Native American programs focuses on the continuation of our partnership initiatives and support for the President's commitment to work with tribal governments on a sovereign to sovereign basis to provide Native Americans with new economic and educational opportunities.

The Department of Labor is a partner not only with other Federal agencies including the Department of the Interior, but also tribal governments and other Native American organizations that deliver job training services. Our partners include the 186 Indian and Native American Workforce Investment Act section 166 grantees. These partnerships are based on shared responsibility for program accountability and improved program outcomes along with a commitment to leverage resources outside of BIA.

For its part, ETA has worked cooperatively with Indian grantees to improve the program and maximize the impact of these funds. The partnerships ensures that Native people and Native communities have the opportunity to be active participants in the American economy.

Under WIA there are two distinct Indian programs. One is a year-round program for both youth and adults and the other is a supplemental summer youth program.

The year-round program authorized under section 166 of the statute was designed to improve the economic well being of Native Americans. It provides training, work experience, and other employment-related services and opportunities. The program serves approximately 22,000 Native people annually in all areas of the United States, including those participating in the demonstration program under Public Law 102–477, the Indian Employment Training and Related Services Demonstration Act of 1992.

This demonstration program allows the combining of funds for employment and training activities from several Federal departments to be administered under a single grant by the BIA and coordinated at the tribal level. Currently, 48 tribal and Alaska Native entities participate in the demonstration program, 44 of which receive WIA section 166 funds. These 48 entities represent about 250 federally recognized tribes and Native Alaskan villages.

Because of a reduced administrative workload and the flexibility the single grant provides, some of these grantees have more than doubled the number of participants they serve.

The other main ETA program is the Supplemental Youth Services Employment and Training Program also authorized under section 166 of WIA. The law reserves funds specifically for services to Native American youth in reservation areas and in Alaska, Okla-

homa and Hawaii. The program serves about 10,000 Native American youth each year.

These two programs represent the main source of support for employment and training services for Indians and Native Americans for which the President's fiscal year 2003 budget requests a total of $70 million. Of this, $55 million is for the WIA section 166 Indian and Native American Program. About $15 million is for the Native American Indian Supplemental Youth Services Program, which represents 1.5 percent of the total WIA youth formula-grant request as mandated by law.

In addition, the Department of Labor supports a variety of other initiatives. ETA has awarded six competitive grants totally $29 million to American Indian and Alaska Native grantees for youth programs. These are the so-called Youth Opportunity Grants.

Under the Senior Community Service Employment Program, the department provides over $6 million to subsidize part-time community service jobs for about 700 low-income Native Americans, aged 55 years and older, on reservations and other areas. Participants serve their communities in positions such as nurse's aids, teacher's aids, clerical workers, while gaining skills to move into unsubsidized employment.

The department has also awarded National Meeting Grants to Native American entities to serve dislocated workers. For example, the Lummi Tribe of Washington State is receiving up to $1.5 million to assist dislocated fishermen and the Salish-Kootenai Tribe in Montana has received about $2.8 million to assist workers dislocated during wild fires and now includes funding for the downturn in the timber industry.

Although the authorization to make grants for Indian and Native American Welfare-to-Work programs has expired, the department has issued regulations and procedures that enable those tribal grantees with remaining Welfare-to-Work moneys to expend them within the recently extended time period on those participants who can best benefit from that effort.

The funds requested in the President's budget will help greatly in assisting tribes and Indian organizations to meet the employment and training needs of their communities. However, we must also continue our partnership efforts to strengthen the program and involve other areas of society such as the private sector and community and faith-based organizations if the overall effort is to be successful.

In concert with our partners, we have many significant accomplishments thus far in program year 2001, which ends July 30 of this year. We have, among other things, streamlined regulations, increased the capacity of grantees to manage grants, implemented an information technology project that puts over 120 grantees on to the information super highway and enables them to report on line.

We have increased peer-to-peer technical assistance and training and we have improved the hourly wage rate for participants placed in unsubsidized jobs. Now, the most recent Indian and Native American employment and training data available are for the program year that ended June 30, 2001. That was program year 2000. During that program year, the section 166 adult programs had an

overall entered employment rate of 54.1 percent and a positive termination rate of 83.4 percent.

A positive termination occurs when a participant begins to work, earns a diploma or completes training. Participants placed in unsubsidized employment at an average hourly wage of $7.70 per hour, which was significantly higher than the average pre-program wage of $5.47 per hour.

Mr. Chairman, before concluding, I wish to address two concerns that I know that you probably have. The first one relates to filling the vacancies on the Native American Employment and Training Council and the second one concerns the Solicitation for Grant Applications WIA section 166 program funds.

The Native American Employment and Training Council currently has nine vacancies. I want to assure you that we are working to fill those vacancies as quickly as possible. I personally have been involved in that. We had some slippage in appointing members to all of our advisory councils at the department. I could give you a long litany of excuses; some of it has to do with the terrorist attacks that occured on September 11. But we are moving ahead now and we think we will accomplish that very soon.

In addition, I would mention the Solicitation for Grant Applications. As you know, that is generally published in the fall. We are a little bit late on that, though that has not imperiled any grantees funding. It is always out with plenty of time to cover contingencies.

I am happy to announce that it has been approved and likely to be published later this week.

Mr. Chairman, our investment in Indian and Native American employment and training programs will allow many of the most disadvantaged Americans to acquire the skills they need for productive careers. It is our strong belief that this is a worthwhile investment.

Mr. Chairman, this concludes my prepared statement. I would be happy to answer any questions that the committee has. Thank you.

The CHAIRMAN. Thank you very much, Mr. Dye.

According to the President's budget request, the Youth Opportunity Grant Program will be severely cut. As a result, six tribes, a tribal consortia, and Alaska Native organizations that are now providing comprehensive services to Native youth in very high poverty areas may have to terminate their activities. What will be the reduction in these grants?

Mr. DYE. Well, unfortunately, Mr. Chairman, I think there has been some misinformation, particularly in the press. Under the Youth Opportunity Grant Program we funded 36 sites, six of which are Native American grants. There were plans, but not yet funded, to add additional sites.

The President's budget this year did not include funding for additional grants, but it did continue the existing grants. From the beginning the existing grants were funded on a declining scale over a period of 5 years dropping to 75 percent, in the third year to 50 percent of their original amount in year 5.

We are still intending, and the President's budget contemplates, keeping that funding schedule although there might be a small shortfall. We are looking at ways we might reprogram money to meet any shortfall. At the very worst it would amount to a de-

crease of, I think, about at the most $200,000 for the largest grants.

So, the good new is, Mr. Chairman, that those grants will continue for the five years as originally planned. They are demonstration grants, which means that they were not intended to run forever. They were seed money for a five-year period and it was intended that the funds should be picked up by other sources eventually.

The CHAIRMAN. It will continue for five more years but with much less funding?

Mr. DYE. Yes; at the rate originally contemplated in the grant, yes. The third year would go for another two beyond the current year.

The CHAIRMAN. Twenty-five percent of the original grant?

Mr. DYE. Well, eventually now it is 75 percent. It declines in the fifth year to 50 percent.

The CHAIRMAN. Do you think you can carryout the purposes of this program with such reductions in funding?

Mr. DYE. Well, yes. I think that was certainly the plan when the original grant was contemplated that they would operate on that funding schedule.

The CHAIRMAN. Well, we will be monitoring this to see how it turns out.

Mr. DYE. Yes, sir.

The CHAIRMAN. The administration has requested the minimum amount authorized under the Workforce Investment Act for the Indian Comprehensive Service Program, which is $55 million. Has the department made any attempt to calculate the need of these services based on the size of the population, the employment barriers, et cetera?

Mr. DYE. Well, the existing program is based on a formula that takes population into consideration. It is pretty much level funding. It has been over the past several years. So, with the funding available, we do, by formula, restrict it by population.

The CHAIRMAN. Don't you believe that if you study the size of the population and the barriers to their employment, the minimum amount would not suffice?

Mr. DYE. Well, we do the best we can with what we have, sir. I think we do look at the population statistics on a regular basis.

Mr. DELUCA. We do, but we work basically on a formula that is census-based and that formula will not change until the 2000 census figures are given to us in a usable fashion. The program has been essentially constant for a number of years at $55 million. It has gone up and down a little bit.

The CHAIRMAN. The procedure for designating tribes and organizations as grantees for the Indian Workforce Investment Act Program should have started last September, but I gather that you just began last week. Is this delay the events of September 11?

Mr. DYE. Partially, yes.

The CHAIRMAN. Do you mean 9/11 delayed it this long?

Mr. DYE. No; I don't want to use that to explain away everything. But those events did put a lot of strain on the department in a variety of ways, though I won't offer that as a totally exculpatory excuse for everything.

The CHAIRMAN. With this delay, can you assure that Section 166 Supplemental funds will be available by April first?

Mr. DYE. Yes; we are very confident of that.

The CHAIRMAN. I presume they will be available to all grantees by that time?

Mr. DYE. Yes.

The CHAIRMAN. I have several other questions that we will be submitting to you for your consideration.

Mr. DYE. We will be happy to answer them promptly, Mr. Chairman.

The CHAIRMAN. Vice Chairman Campbell?

Senator CAMPBELL. Thank you, Mr. Chairman. Mr. Dye, it is nice to see you here. You had a long, extensive and very good career with the Senate Energy Committee and in the House before that. You bring an awful lot to this job and I am very happy top see you there.

Mr. DYE. Thank you.

Senator CAMPBELL. I wanted to ask you several questions dealing with employment. You probably know as well as I do that much of the poverty on Indian reservations is related to the lack of jobs.

I don't think it is out of the question to assume that any place, the inner cities, the barrios, whatever, when you have high unemployment you have some real social problems that go along with it. So, I have always tried to emphasize job creation and education.

Let me ask you first of all, do you track unemployment training needs for individual Indians themselves, but also the needs of the employers that are looking for people to work in your department?

Mr. DYE. Well, I don't think we have done as much of that as we probably ought to have. My boss, Assistant Secretary Emily de Rocco, is placing a very strong emphasis now on trying to forge better partnerships with business. After all, those are the entities, the engines of job creation. We want to move away from the past where we may have trained people sort of not completely cognizant of the real opportunities out there or worked with employers to create more opportunities.

We need to train people for jobs, jobs that exist or jobs that are going to be created in time for people to get them. So, we have a lot stronger emphasis now on working with businesses.

Senator CAMPBELL. Well, I certainly would encourage you to do both of those kinds of tracking. It doesn't do any good to train somebody for a job if there is no job, especially when there are some industries in America that need people. I am a big supporter of any kind of education, but clearly a lot of the job sector is not in an academic education.

If a young person wants to become a doctor or a can you professor, I certainly support that. Even if he wants to become an attorney I would probably support it, although we have nothing against your profession, we have so darn many of them now, that is probably a field that we don't need to put so much emphasis on.

But, vocational training, I think we are really missing the boat somewhere with the Labor Department in trying to hook up opportunities with needy Indian people. Let me give you just one example, and I would hope that you would put it in your think cap.

I have a bill in that will create Labor Department grants for training people who want to drive trucks. That sounds a little bit crazy, I guess, but if you track the needs of the trucking industry, last year they were short 200,000 drivers. In fact, they are talking about importing people from foreign countries just to teach them to drive because there is such a shortage of drivers.

If a person gets out of college with a B.A. and goes into teaching, he can probably get $35,000 a year as a beginning teacher. But some of these truck drivers are making $50,000 to $60,000 a year. If they are what they call team drivers, husband and wife, some of them are doing over $100,000 a year. It is really a good paying profession. In a vocational sense, it is a lot of money.

I know a number of Indian people in Montana, not a number, but a few that are working for one trucking company that I think is out of Billings called Dick Simon. I talked to them. They tell me it is great. They don't get home as often as they would like, but they are home almost every weekend for two days. But the pay really makes a difference because they can live on the reservation and still make a good income.

Well, it would seem to me that we have to make some way to hook people up that need those jobs when we know the trucking industry needs those drivers. I noted some of the things that come across my desk, the Mid–America Truck Conference is in Louisville, Kentucky the week after next. They expect 75,000 people to come to that thing. That is how big that industry is. In there there will be over two dozen recruiters, recruiters from every major trucking company in the United States, Mayflower, Werner and all these big guys. They have full-time people trying to recruit.

If you go to a truck driving school, when you get out of that school you probably get ten calls from trucking companies around that will even reimburse the cost of going to the truck driving school if you will sign a contract to go to work for them.

Somehow, we have got to find opportunities like that for Indian people. I know they are there. I just mentioned the truck industry because I am pretty close to it. But there are other industries that must have an equal amount of opportunity and we are going like this. The Indians need the job and we have the industry that needs the people and we can't seem to hook them up.

Well, it seems to me that part of the Labor Department's obligation is to try to hook them up, particularly if they are as interested in job creation for Indian people as I am. Would you maybe look at that bill I introduced and give me some feedback on how we can do that, how we can create that, at least in that one industry where we know that there is that many jobs available?

Mr. DYE. Yes, I would be happy to look at the bill, but I would like to say I couldn't agree with you more. We do need to look at a number of our vocational offerings. One thing, the President has stated a very clear preference to work more closely with community colleges, including tribal colleges and try to look at a number of these vocational offerings.

I know there are plenty of truck driving jobs that go begging, not just in long haul jobs, but for instance I know in the oil and gas industry they are begging for people in some places. Also in the oil and gas industry, for instance, and this is something I happen to

know a little bit about because of my former life, there is a real shortage of platform workers in exploration and work-over drilling. They can't find people to do that. Well, that is another job that would be real good for folks that are in Indian country because it is another kind of job where you can leave for a time and come back. It doesn't require permanent relocation.

It is a decent paying job, hard outdoor work, but I think it is the kind of thing that people are willing to do. I know, for instance, we are looking at the Southwest. There is some work being done in that area. San Juan College in Farmington, New Mexico, for instance, is looking at jobs in the oil and gas industry. They have a couple of industry champions there and I have been told that the Navaho Nation, they have been so good at actually getting jobs, real jobs, for Native Americans that the Navaho Nation now has kicked in some money in this effort.

Just last Friday I was talking to labor officials from New Mexico. We are interested in talking about that program and similar programs.

Senator CAMPBELL. Well, it has been my experience that Indian people are not afraid of hard work, not afraid of even dangerous work. What they want is an honest day's pay for an honest day's work. You will find in some places they are exceptional.

Firefighters, more and more firefighters in the summer are coming from Indian Reservations, as you probably know, smoke jumpers and the people that really are in danger. They excel at that. They excel at high-rise steel working in New York City, as you probably know, too.

There are a lot of jobs out there. We just are not making the connection. But it would seem to me the Labor Department's responsibility is to try to make that connection.

Let me, before I run out of time here, I am encouraged by your participation in this tribal economic development forum. Let me ask you a couple of things. Has the forum resulted in regulatory changes to encourage businesses on reservations, do you know?

Mr. DYE. Not yet, but we are working on it, I am told.

Senator CAMPBELL. Okay. Then you might have the same answer if I asked you if you identified opportunities on Indian lands?

Mr. DYE. I will have to talk to somebody who has been a participant in that meeting.

Senator CAMPBELL. Well, it might be a little premature.

Mr. DYE. The answer is we are working on it. But if you would like us to give a little better answer for the record, we will be glad to do that.

Senator CAMPBELL. I would. If you could give us at least a progress report on what you have done to encourage on- the-reservation job creation, on the ground job creation. If you could provide that for the committee, yet, I would appreciate it.

Mr. DYE. I do think, getting back to your earlier point, that is very, very important, because you can train people until the cows come home, but if there aren't jobs there, you are not really going to get very far.

Senator CAMPBELL. Give some thought to training drivers, too, and get back to me with that, too, would you?

Mr. DYE. Yes.

The CHAIRMAN. I just have one question, since you brought up the Native American Employment and Training Council, I gather there are nine council member vacancies?

Mr. DYE. Yes, sir.

The CHAIRMAN. What do you propose to do with these vacancies?

Mr. DYE. We propose to fill them as soon as possible.

The CHAIRMAN. How long will that be?

Mr. DYE. Well, I would like to do it tomorrow but the Secretary has to do that and there is a certain amount of vetting that goes on. I am putting my personal attention to it, as is my boss. As soon as we can get that in front of the Secretary and do it, we will do it as quickly as we can, sir.

The CHAIRMAN. In the selection process, do you consult with Indian Country?

Mr. DYE. Yes, we do. In fact the nominations come from tribes and other Native American entities. So, they are involved and the council is involved. I would just say one thing about the council. It is down to about half strength but it continues to function. We have several working groups, in fact I met with one of them a week ago, just a week ago, and work is getting done.

Obviously, with some people not appointed it is not represented quite as broadly as it is now, but we are still seeking its advice and it is a strong and functioning committee. Actually, they do work and I do rely on them heavily. Mr. DeLuca is in charge of those meetings. We are chugging along and we are talking to people in Indian Country.

The CHAIRMAN. I thank you very much, Mr. Dye.

Mr. DYE. You are welcome.

The CHAIRMAN. Our next witness is the Director of the Office of Community Services, United States Department of Health and Human Services, Mr. Clarence Carter.

Mr. Carter, welcome to the committee, sir, and you may begin.

STATEMENT OF CLARENCE CARTER, DIRECTOR, OFFICE OF COMMUNITY SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. CARTER. Thank you, Mr. Chairman.

Mr. Chairman, Mr. Vice Chairman, and members of the committee, thank you for providing me the opportunity to testify today. As director of the office that administers the Tribal Temporary Assistance for Needy Families Program, Tribal TANF, and the Native Employment Works Program, acronym NEW, I am pleased to discuss with you these important Native American programs as we look to reauthorization of welfare reform.

While I do not administer the Administration for Native Americans, I know that the social and economic development strategies, environmental quality and National languages preservations program 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.

My written testimony includes information on the important work of these programs. I would like to use my time this morning sharing information on the current status of the Tribal TANF and

the Native Employment Works programs and then turn to what we see as the next steps, including aspects of TANF-free authorization that will impact tribal programs.

The Tribal Temporary Assistance for Needy Families was part of welfare reform in 1996. Welfare reform gave tribes the opportunity to operate their own TANF programs in order to meet the unique needs of tribal families and move them toward self-sufficiency.

Tribes have the option to receive direct Federal funding to design and operate TANF programs or they may choose to rely upon States to provide TANF services to tribal families. Although States operated family assistance programs for 60 years, operating TANF is a new responsibility for tribes. Tribal, Federal and State governments have worked in partnership as tribes have taken on this major new responsibility.

HHS has provided assistance to tribes through conferences and meetings, technical assistance and information exchange as tribes consider whether to administer TANF programs themselves and as they operate their own tribal TANF programs. The number of tribal TANF programs continues to increase each year.

The first two tribal TANF programs began in July 1997. Currently, there are 36 approved tribal TANF programs in 15 States, encompassing 174 tribes and Alaska Native villages. These programs serve a combined caseload of approximately 23,000 families with an estimated 65,000 individuals.

An additional eight tribal TANF plans are currently pending involving 12 tribes with an estimated caseload of 6,000 families and as many as 20,000 individuals.

There is no separate funding source for tribal TANF programs. Each tribe's TANF funding is taken from the appropriate State's TANF block grant, based on fiscal year 1994 AFDC caseloads for Indian families residing in the service area identified by the tribe.

In addition, most of the 15 States in which tribes are administering their own TANF programs have chosen to provide funding and/or in kind supports to further tribal efforts.

Thirteen of the States in which tribes are administering their own TANF programs including Alaska, Arizona, Minnesota, New Mexico, Oklahoma, Utah, Washington, and Wyoming are providing additional funding assistance to tribes and are claiming these expenditures to meet their TANF maintenance of effort requirements.

Several of them also are providing additional resources such as computers, staff training, reporting support and access to the State's reporting systems. Many of them are working in collaboration with tribal TANF programs in referrals, information exchange, and eligibility assessment and determination for other programs such as Food Stamps and Medicaid.

Some States collocate and out-station State employees with tribal programs to provide intake and assessments in a current one-stop operation. Tribes have broad flexibility in designing their programs and, like States, are making varied choices to meet their own unique circumstances.

Time limits on receipt of benefits vary. Under the work requirements, participation rates and the number of hours of work required per week also vary from plan to plan. Like work activities and benefits, support services vary greatly from one tribe to an-

other, with tribes tailoring them to fit the unique needs of their service populations.

Also, I would like to talk for just 1 minute about the Native Employment Works Program. The NEW program replaced the Tribal Job Opportunities and Basic Skills Training Program and provides funding for tribes and inter-tribal consortia to design and provide work activities to meet the unique employment and training needs of their populations to help tribal service populations become self-sufficient.

The statute restricts eligibility for the Native Employment Works Program to tribes and Alaska Native organizations that operated a JOBS Program in fiscal year 1995. Currently, all 79 eligible tribes and organizations receive new program funding.

Tribal TANF and Native Employment Works Programs are addressing the needs of tribal service populations and have enabled thousands of clients to move to unsubsidized employment. However, tribal members, especially those in rural areas, continue to face major barriers to self-sufficiency.

Unemployment is high in most tribal communities and those employed often earn poverty level incomes. Tribal members often have low levels of education and job skills and lack transportation and child care. Helping these families leave welfare for work requires that special attention be given to providing effective job preparation and supportive services and realistically addressing the prospect for job opportunities on the reservation.

As part of eight TANF reauthorization discussions held throughout the country, Health and Human Services held a tribal TANF listening session in San Francisco in October 2001 where tribes shared their experiences and perspectives on TANF programs.

The tribal listening session and other tribal input showed that tribes see the tribal TANF and the Native Employment Works Programs as valuable resources to help meet tribal needs and support self-sufficiency for tribal families.

Tribal TANF programs will benefit from the changes proposed in the administration's plan for reauthorizing the TANF program. For example, tribes would be the beneficiaries of technical assistance provided under proposed new research, demonstration and technical assistance funds.

Additionally, tribes will benefit from the proposed demonstration research projects that are intended to promote family formation and healthy marriages and they also can benefit from the administration's matching grant program to promote healthy marriages and reduce out-of-wedlock births.

Tribal TANF and Native Employment Works Programs also will have the added flexibility granted to States to use reserve funds for more basic assistance needs.

Finally, tribes can take advantage of the administration's proposed approach for maximizing self-sufficiency through work and additional constructive activities. As you know, our proposal for TANF reauthorization includes the creation of a new universal engagement requirement that includes planning activities and services and monitoring participation and progress.

We know that it is especially important to tribes with significant challenges to combine services with work programs in creative

ways. Tribes will continue to have the flexibility to negotiate customized programs that are compatible with our proposals on case management, work and services to meet the needs and challenges of their communities and economic circumstances.

We look forward to working with Congress in reauthorizing these programs. If you have any questions, I would be happy to try to answer them at this time.

The CHAIRMAN. Well thank you very much, Mr. Carter. May I begin by asking, what is the unemployment figure for this Nation?

Mr. CARTER. I think the most recent figure is some place in the mid-4 percent. Did you say for the country?

The CHAIRMAN. For the whole country.

Mr. CARTER. I think it is some place in the mid four percent, the unemployment rate, yes. You asked me what was the unemployment rate for the Nation, correct?

The CHAIRMAN. What is the unemployment rate for the Nation, for all peoples?

Mr. CARTER. It is my guess, I think it is some place in about the mid 4-percent range.

The CHAIRMAN. What is the unemployment rate in Indian country?

Mr. CARTER. We have looked at unemployment figures on reservations. In some instances those unemployment rates are as high as 50 percent.

The CHAIRMAN. What is it for Indians residing outside the reservation in urban areas?

Mr. CARTER. I am sorry; I don't have that figure specifically.

The CHAIRMAN. Are individual Indians eligible for State-operated TANF Programs or is it just for non-Indian families?

Mr. CARTER. No, sir; individuals would also be eligible. Individuals who are parents of children in an eligible family may receive employment and training services.

The CHAIRMAN. How many are served by State-operated programs? Do you have any idea?

Mr. CARTER. I don't have a direct figure for how many Native Americans are served specifically by State TANF programs, but I can attempt to find that information and provide it for you.

The CHAIRMAN. I would appreciate that.

Mr. CARTER. Yes, sir.

The CHAIRMAN. Under the welfare reform law, States are required to provide equitable access to Indians under the State TANF programs, but there is no enforcement mechanism. How will the administration use the fiscal year 2003 funds to ensure that Indians are provided equitable access?

We have received complaints that Indians are being denied service.

Mr. CARTER. Mr. Chairman, I have not been privy to that information. I would like to be able to look into it and report back to you on it.

The CHAIRMAN. I would appreciate that. If you feel that we should have some enforcement mechanism, I would be most pleased to receive your recommendation.

Mr. CARTER. We will look into it and share that information with you.

The CHAIRMAN. Unlike States which have received Federal support for infrastructure building over 60 years, tribal TANF programs do not receive support costs or start-up money from the Federal Government. This, I believe, places tribes in financial risk as many lack the infrastructure needed to administer TANF programs.

Is there any mechanism in existing law which would allow the department to provide infrastructure funds to tribal TANF programs?

Mr. CARTER. There is no mechanism in the existing TANF structure. There are some opportunities in the President's proposed 2003 budget that would provide for additional technical assistance for tribes and States as they put in place TANF programs, but there is no existing mechanism for infrastructure support specifically for tribes.

The CHAIRMAN. Without that, can they be assured of equal access?

Mr. CARTER. I think in the first 6 years of experience that we have with tribal TANF we have seen a number of tribal organizations and consortia be able to put in place TANF structures that are, I would say in some instances, the rival of State organizations. So, there does exist the opportunity now to construct tribal TANF programs that work well with the current construction; that doesn't suggest that the issue of infrastructure should be ignored.

The CHAIRMAN. The President's summary included numerous proposals for States including a contingency fund and supplemental grants.

My question is: Will Indian tribes have access to the same kinds of moneys as States supplemental grants and contingency funds or will those funds be limited to States?

Mr. CARTER. In order to speak on that, I am going to need to get some clarification, it is my understanding that those are being made available to States, but I want to make sure.

The CHAIRMAN. I would hope you would look into that because I gather that the policy is equal access. If that is the policy, then Indian country should have access to those resources as well.

Does your department coordinate its Administration for Native American grants with other programs such as the TANF program or consult with other agencies such as the Commerce Department in order to assure the most efficient use of funds?

Mr. CARTER. Prior to my arrival, I would tell you that I don't believe that our coordination in our approach to providing services to Native Americans was as coordinated as it could be. We have aggressively, I mean during my short tenure, attempted to build some of those relationships, built some new relationships and repaired some existing ones.

For instance, we are currently in conversation with the Administration for Native Americans to make available through Community Economic Development funds some projects on Indian reservations to deal with economic development on reservations.

It is those kinds of new relationships which we think we can forge across department lines which will help us strengthen our approach to strengthen Indian country.

The CHAIRMAN. I believe all witnesses will agree that there is a great need for employment and training opportunities. Yet, I know that this budget request reduces funding for the Administration for Native Americans, ANA given rates of inflation. This is the agency that provides seed money to bring about employment and training opportunities in Indian country.

Would you object if we added a few dollars to this?

Mr. CARTER. Mr. Chairman, no, I don't think, on behalf of Indian country, I don't think Indian country would object at all: However, our budget proposes only a small reduction in ANA funding, of less than three-quarters of $1 million.

The CHAIRMAN. I have many other questions. I will submit them to you for your consideration.

But I have just one more question.

Mr. CARTER. Yes, sir.

The CHAIRMAN. The authorization for ANA, the Administration for Native Americans, will expire on September 30 of this year. Although the president requests funding for the administration for fiscal year 2003, will the president request reauthorization of the Native American Programs Act?

Mr. CARTER. Mr. Chairman, it is not my position to be out in front of the President on his objectives. But my suspicion is that there is funding proposed for 2003. We have, in fact, requested a straight line reauthorization of this program.

The CHAIRMAN. You are not in the loop on the authorization?

Mr. CARTER. No, sir; I am not.

The CHAIRMAN. I thank you very much, Mr. Carter.

Mr. Vice Chairman.

Senator CAMPBELL. Thank you, Mr. Chairman.

Mr. Carter, you heard the chairman mention unemployment and you responded with what you thought the national unemployment rate was and the unemployment rate on Indian reservations. I have to tell you that there are many people in Indian reservations that are permanently unemployed and it has been so long since they have had a job, they gave up. This fact is hidden when we look at Indian unemployment rates. You find that in some inner cities, too, as you probably know. They don't reflect on the unemployment roles because they just gave up.

But as I understand it, if you look at, say, inner city unemployment it hovers between 25 and 30 percent in the worst places. There are Indian reservations in the United States right now that have 80 percent, 80 percent, in North and South Dakota.

I see the Senator from North Dakota is here and he can verify that. I don't know of any place in the world, other than Bangladesh and Afghanistan that have unemployment that high, very frankly. I think it is a national disgrace that we can't do better in providing jobs for Indian people in the richest nation in the whole darn world. We still have that kind of unemployment with all the social problems that go with us, whether it is suicide or alcohol abuse or all the stuff that seems to spawn from not having a productive job. That is what we face on Indian reservations.

But let me talk to you a little bit about the ANA funding since the chairman focused on that, too. I think it is good, but what is the rationale for reducing the funds for ANA in 2003 since we

know that it has helped in language preservation, economic development, a number of other things.

Mr. CARTER. I'm sorry, Mr. Vice Chairman, that was a reduction in——

Senator CAMPBELL. Oh, excuse me. That is ANA.

Mr. CARTER. There is no reduction in tribal TANF.

Senator CAMPBELL. What was the rationale for reducing the funds in ANA, do you know?

Mr. CARTER. No, sir; I do not.

Senator CAMPBELL. Okay, let me get back to TANF funding if you don't know that. We are going to be dealing with the welfare reform bill, the reauthorization, very shortly. We are going to be reauthorizing that. You noted that there is no separate funding source for TANF and that it sometimes is taken from the State's allocation. I know how that works. That is, tribes don't get it or they are kind of on the back end. It is like getting water from an irrigation system where there are 10 guys in front of you and you are the last one in the ditch. You kind of get what is left over.

Unfortunately, Indian tribes, a lot of times, that is what they face when they have to go through the State bureaucracy to get money that is filtered to the State.

My question is, wouldn't it be more efficient to provide TANF funds directly to the tribes?

Mr. CARTER. Mr. Vice Chairman, I understand your analogy, but I would tell you that the way that this works is that, by the 1994 caseload data that States provided to the Federal Government which sets the baseline for their funding, outlined in that data is the amount that the State expended for Indian country.

So, as the service population has declined, those dollars are cut right out, at the Federal level, they are cut right out of the State's allocation. So, we do that carving at the Federal level and then subtract that from the State's allocation.

Senator CAMPBELL. Do you mean they don't go through the State at all; they go directly to the tribe from the Federal level?

Mr. CARTER. They do go directly to the tribe, if they are cut out from the State's overall allocation.

Senator CAMPBELL. Okay, maybe one last question. That is on the 477 program that authorizes integration and coordination of Job Programs. It is my understanding the department has been a little bit slow to implement the amendments that we passed in 2000.

Would you care to comment on that?

Mr. CARTER. Mr. Vice Chairman, when I arrived at the Office of Community Services there were some issues brought to my attention about the way that we operated Public Law 102–477 and we did not have in place an appropriate mechanism to ensure that we were properly protecting the responsibilities and the funding sources of the Department of Health and Human Services.

We have entered into negotiation with the tribes and the Bureau of Indian Affairs and we have worked out all of the challenges that we had laid out for us, I think, in a very collaborative way. The funding never stopped during that time. It was simply rerouted. But I think that all parties would concede that we have worked all the difficulties out of it.

Public Law 102–477 will work just as Congress intended it to work, as allowing tribes to take a very integrated approach to making themselves more healthy.

Senator CAMPBELL. You probably know that there are a few very successful tribes now. Some have done very well through gaming and natural resources. Most have not, but a few have. Some of the tribes that have had successes are using their own funds to either supplement or replace some of the Federal funds.

They found that going through the bureaucracy is just too much trouble. It is easy for them to use their own money. Have you seen any reduction in the demand for Federal programs under TANF for services in the communities that have had, say, gaming interests?

Mr. CARTER. No, sir, Mr. Vice Chairman. In fact since 1996 when welfare reform passed and we had the first two tribes to make application to run tribal TANF, we have actually increased over the intervening years to 36. We currently have eight applications pending.

I will tell you that it is an arduous discussion among the tribes to determine whether or not operating the program is in their best interests. There are times when consortia are necessary because a tribe may be too small to operate the program on their own. But we see an increasing interest on the part of tribes to take this opportunity to help put this program in place that would benefit their health and welfare.

We see it as our responsibility at the Department of Health and Human Services to provide all the information and technical assistance so a tribe can make a determination in their own best interest.

Senator CAMPBELL. I see. Thank you, Mr. Carter.

Thank you, Mr. Chairman.

The CHAIRMAN. I thank you very much.

Mr. CARTER. Thank you, Mr. Chairman.

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

The CHAIRMAN. Our next witness is the deputy assistant secretary, Office of Elementary and Secondary Education, Department of Education, Tom Corwin, accompanied by Cathie Martin, acting director, Office of Indian Education.

Mr. Corwin.

STATEMENT OF TOM CORWIN, ACTING DEPUTY ASSISTANT SECRETARY, OFFICE OF ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, ACCOMPANIED BY CATHIE MARTIN, ACTING DIRECTOR, OFFICE OF INDIAN EDUCATION

Mr. CORWIN. Thank you, Mr. Chairman. I am accompanied this morning by Cathie Martin. Cathie is our acting director in the Office of Indian Education. I am actually an acting deputy assistant secretary. Cathie and I are pleased to appear before you this morning to discuss the fiscal year 2003 budget request for major Department of Education programs that serve American Indians, Alaskan Natives, and Native Hawaiians.

With the chairman's permission, I would like to summarize the remainder of my testimony and ask that the full text be placed in the record.

The CHAIRMAN. Without objection.

Mr. CORWIN. Mr. Chairman, the Bush administration is strongly committed to ensuring that American Indians, Alaska Natives, and Native Hawaiians receive every opportunity to achieve to high academic standards.

The recently enacted "No Child Left Behind" Act focuses on improving academic achievement by ensuring that all children can read by the end of the third grade, improving teacher quantity through high-quality professional development and innovative teacher recruitment and retention practices, increasing accountability for student achievement and placing a stronger emphasis on teaching methods grounded in scientifically-based research.

Native American students will benefit from these initiatives and many programs at the Department of Education help to ensure that Indian students have full access to these and other reforms to improve education.

The 2003 budget request includes a number of programs and initiatives that focus specifically on helping Indian students achieve. In my remaining time I would like to highlight just a few of these programs.

Our request for the department's Indian Education Programs is $122.4 million, an increase of $2 million over the 2002 level. These programs include formula grants to school districts, competitive programs, and national activities to further research and evaluation on the educational needs and status of the Indian population.

We are requesting $97.1 million for the Indian Education formula grants. This program is the Department's principal vehicle for addressing the unique educational and culturally related needs of Indian children.

Grants supplement the regular school program, helping Indian children improve their academic skills, raise their self-confidence, and participate in enrichment programs and activities that would otherwise be unavailable.

Our request for special programs for Indian children is $20 million, the same as the 2000 level. These funds will be used for three activities. Approximately $12.3 million will support an estimated 43 demonstration grants that promote school readiness for Indian preschool and increase the potential for learning among American Indian and Alaska Native students.

In addition, the 2003 request will provide approximately $7.2 million to continue the American Indian Teacher Corps initiative which trains Indian college students to become teachers, places them in schools with concentrations of Indian students, and provides professional development and in-service support as they begin teaching.

We are also requesting funds to continue the companion American Indian Administrator Corps. Grantees funded under this activity recruit, train, and provide in-service professional development to American Indians to become effective school administrators in schools with high concentrations of Indian students.

We are requesting $5.2 million for research, evaluation and data collection activities related to Indian education. This is a $2-million increase.

The Department has used the National Activities appropriation to craft a comprehensive research agenda for Indian education. We completed and publicly released that agenda last November and would now use the 2003 funding for the first major initiatives in implementing that agenda.

The agenda responds to the major national need for better information on the educational status and needs of Indian students and for scientifically based research on what works most effectively in meeting the educational needs of this population.

In addition to our Indian Education programs, the Department also supports the education of Indians through many other, broader programs. I will just mention a few of those. The remainder are discussed in my written statement.

Title I provides supplemental education funding to local educational agencies and schools, especially in high-poverty areas to help some 15 million students, including an estimated 237,000 Indian children and youth, learn to high academic standards. With title I, these students have the benefit of, for example, extra instruction at all grade levels, extended-day kindergarten programs, learning laboratories in math and science, and intensive summer programs.

The Department has requested a $1-billion increase for title I in 2003 for a total of $11.4 billion. The BIA share of the appropriation would be approximately $76 million, a 10-percent increase. These funds will serve more than 50,000 Indian children in addition to those served in regular public schools.

We have a new program called Reading First. Reading First is a comprehensive effort to implement the findings of high-quality, scientifically based research on reading and reading instruction. It is one of the Administration's highest priorities for education. Providing consistent support for reading success from the earliest age has critically important benefits.

Under this formula program the BIA will receive one-half of 1 percent of the State grants appropriation. Our 2003 request of $1 billion would provide approximately $5 million to BIA schools for this important new program.

The Strengthening Tribally-Controlled Colleges and Universities or TCCUs program authorizes 1-year planning and 5-year development grants that enable these institutions to improve and expand their capacity to serve Indian students. Under the budget request, the Department would award $18.1 million for activities to strengthen TCCU's, an increase of 3.6 percent over the current level. In the past 2 years, a portion of funds has supported construction and renovation activities and the fiscal year 2003 request would provide funds for an estimated six construction projects.

The companion Strengthening Alaska Native and Native Hawaiian-Serving Institutions program authorizes 1-year planning and 5-year development grants that enable these institutions to improve and expand their capacity to serve Alaska Native and Native Hawaiian students. The Department's budget includes $6.7 million, a 3.6-percent increase over the current level, for this program.

Finally, a mention of Special Education. The Special Education Grants to States program provides formula grants to meet the excess costs of providing special education and related services to

children with disabilities. From the total appropriation, a little more than one percent is allocated to the BIA.

Under the budget request of $8.5 billion, a $1-billion increase, 13.3 percent, the Department would provide approximately $81.2 million to BIA to serve approximately 8,500 Indian students.

In conclusion, the 2003 budget request for Department of Education programs serving Indians supports the President's overall goal of ensuring educational opportunities for all students including American Indians, Alaska Natives and Native Hawaiians.

My colleague and I would be happy to respond to any questions.

The CHAIRMAN. I thank you very much, Mr. Corwin. The Department of the Interior has proposed privatizing the administration of schools operated by BIA if an Indian tribe does not elect to operate the school as a grant school. Does your department have any experience with private organizations that operate schools?

Mr. CORWIN. This is an issue that we are well aware of, but we don't have direct experience. Unlike the BIA, we don't operate schools ourselves, so we wouldn't have any opportunity to enter into that sort of privatization. It has become a serious option for some of the cities and some of the States across the country in the last few years, particularly those that are running out of patience and throwing up their hands at the failure of some of their schools to provide an adequate education.

It is being debated actively right now in Philadelphia. It has been tested in Hartford. We have had some experience in Baltimore, San Francisco, and it is a live debate in a lot of places around the country. Some of the private firms frankly do offer some exciting ideas for revitalizing the schools, and State Governors, mayors, and schools boards are looking at that carefully. We are watching that, but, as I said, we don't have direct experience.

The CHAIRMAN. Is there any system of reporting or rating these private organizations?

Mr. CORWIN. I am not aware of any sort of national rating system or of any national reports that really attempt to assess the extent to which they are working. I think the whole phenomenon may be a little too new to have that sort of national data at this point. It is possible there are some reports we could look for for the committee that look at the experience in some localities, but I think at this point it is fairly anecdotal.

The CHAIRMAN. Don't you think that since we are dealing with the sensitive minds of young children that something like this should be done? I ask this in light of a most recent scandal—involving nursing homes. It appears that we have no system to monitor or to rate them. As a result, old folks who are helpless get beaten, sometimes to death.

I would like to be certain that moneys we spend would provide a good and quality education for these young children.

Mr. CORWIN. I think this would be an important area we might want to invest some of our research funds on. I don't know if we could bring it to quite the stage of having a national or Federal rating. We don't, at the Federal level, certify or approve schools or school districts. But I think, yes, we could be helpful in providing better information in this area as it begins to develop.

The CHAIRMAN. As you know, there is a 5-percent limitation on amounts that can be used for administrative purposes under the Elementary and Secondary Education Act. Now, we are having complaints that that is not enough. What is your solution?

Mr. CORWIN. Well, we are hearing those complaints as well. I might like to have Cathie speak about it a little. It is in the law, however. Our statutes allow for waivers of statutory requirements in cases where there is an impediment to operating a program or the statutory requirement presents a hardship.

So, the sort of lead option we have come up with is to permit waivers of that requirement.

Cathie, do you want to say a little more?

Ms. MARTIN. We are currently providing or preparing guidance to go in the application packages to inform the potential grantees on how they can request that waiver. We will process it with their application.

The CHAIRMAN. Will that be the rule instead of the exception once this waiver is granted?

Ms. MARTIN. It would become a standard practice within the program to grant these waivers.

The CHAIRMAN. Would there be another limit if there is a waiver? It is now 5 percent. If you grant a waiver, would you say another five percent or is it unlimited?

Ms. MARTIN. They could ask for the entire 5-percent to be waived.

Mr. CORWIN. We would probably have to review the waiver requests to determine what is an appropriate amount of funding. Some of these grants are quite small, down to a few thousand dollars, and 5 percent basically doesn't allow for any administration. But, of course, you make a good point, you don't want the entire or the majority of the grant to be used just for administration rather than services.

The CHAIRMAN. In the fiscal year 2003 budget Alaskan and Native Hawaiian programs were cut. Is there any justification for that?

Mr. CORWIN. Frankly, coming up with the budget that would fit within our ceilings was difficult for the Secretary and difficult for the Administration. We are supportive of those programs, but in order to fit within the ceiling we had to cut back to a point where we would be able to continue all the current grants including the new ones that will start in fiscal year 2002, but would not be able to make any new grants in 2003.

The CHAIRMAN. The so-called "No Child Left Behind Act" includes authorizations for funding for tribal education departments, adult education, Indian fellowships, gifted and talented programs, but there is no funding for these programs. Is there any reason for that?

Mr. CORWIN. Well, these are programs that have not been funded in several years, going back to about 1995 and in some cases have never been funded. As I said, in response to the last question, budget decisions are always very difficult.

The Administration elected to put funding and serious funding increases behind the programs that were very central to the mission of the Department and that already were established, some

that I mentioned in my testimony, title I, Special Education. One very important one that I didn't mention, Pell Grants, is recommended for a very sizeable increase, and our reading initiative.

To at least some extent as well these unfunded authorities, and we have a lot of them on the books, not just in Indian education, to some extent they overlap with some of the broader programs in gifted and talented or adult education. We think the needs could be met by and large through those broader programs.

The CHAIRMAN. Over the last 5 years the National Advisory Council on Indian Education has been funded at about $50,000. How much are you requesting for fiscal year 2003?

Mr. CORWIN. Mr. Chairman, I don't have a number for you. I can get you something for the record. The Advisory Council no longer receives a line item in the budget or in the appropriation. That change occurred four or five years ago when Indian education was transferred from the Interior Appropriation Subcommittees to Labor, HHS and Education. The funding for NACIE, that committee, was absorbed within our regular salaries and expenses.

So, I assume somewhere back in the budget documents there is a number for NACIE. My expectation is that it is probably not too much higher than last year. But I will provide a precise number for the record.

The CHAIRMAN. Your department is proposing funds for the Adult Education State Grant and there is a great need for adult education funds at the tribal colleges and universities. Are you going to make funds available to them?

Mr. CORWIN. The adult education State grants flow through the States and then at the States level there is—I am trying to think of the technical name for it—sort of equal opportunity for different types of entities to apply for sub-grants from the States, be they school districts, community colleges or tribal colleges. The Administration is very supportive of the tribal colleges.

I believe the President may reissue an executive order on tribal colleges to strengthen the Federal commitment and reenergize the Federal agencies in their support of the tribal colleges.

I am not aware of a specific authorization in adult education. That is in a different office. To the best of my knowledge, no, we have not put in a specific budget item for tribal colleges and adult education. I say to the best of my awareness; if I go back and find that there is something, with your permission I will correct the record on that.

The CHAIRMAN. Do you really believe that tribal colleges are getting equal access and a fair share of the resources

Mr. CORWIN. I don't know the specific situation in adult education. As I said, it is in a different office. There may be a tradition in the States where out of habit grants tend to go out to the secondary schools. But as I mentioned, the Administration is definitely committed to promoting those colleges and getting the word out and doing whatever we can, not just in the Department of Education, but in all the Federal agencies to ensure that they always get fair treatment and get a fair share of the funds.

The CHAIRMAN. I thank you very much, sir.

Mr. Vice Chairman.

Senator CAMPBELL. Thank you, Mr. Chairman.

You just mentioned the possibility of private schools and reservations, first of all. I am really concerned about that. It might present some real possibilities, but I think that I share the chairman's concern. There are a lot of unanswered questions about the whole idea.

First of all, as you probably know, there are only two educational systems in the United States where the Federal Government is totally responsible for students. One is the military and the other is with Native Americans. You probably know that. It is our responsibility.

Those schools, they don't have a real mill-levy tax base. They can't pass it on to the taxpayers. They don't get "ADA" funds from the States in most cases, none, I don't think. The average daily attendance that the State pays all schools, the Indian schools don't get that. Their total lifeblood comes from this body here in Washington.

When we talk about private corporations running the schools, I would say there might be some possibilities, but maybe some real dangers, too, because, first of all, I don't know if that option has ever been tried before. I don't know if they have done it with Department of Defense schools, for instance. I don't know what the track record is, what they would bring in terms of the systems reply about operators.

All that really needs to be looked at, as well as, I think, the tribal concern about whether somehow it would erode the trust responsibility of the Federal Government. It is something that we probably really have to deal with, too, before we move along too far down that path.

I didn't want to question you about that. I just wanted to pass that on to you.

To hear your testimony, I think the casual observer would assume that there had been great strides in assuring educational opportunities to Native Americans. But I have to tell you, it is my understanding according to the National Education Assessment Study, only 17 percent of our Indian kids read proficiently. That means 83 percent couldn't have read the testimony that you read into the record. If they could have read it, they wouldn't have understood it. Functional illiteracy is a big problem. It is not just a matter of not being able to read the words, but not being able to understand what they say. You know as well as I do, illiteracy literally prevents them from filling out things like job applications, which is one of the big concerns of this committee.

I don't know how we can frankly justify some of the cuts. Senator Inouye mentioned the $10-million decrease in funding for the Native Alaskans. That is roughly a 41-percent decrease just since 2002. What is going to be the practical effect of that cut?

Mr. CORWIN. As I mentioned to Senator Inouye, we will not be able to make new awards for the Alaska Natives Program, but we will be able to continue the current grants, including grants that we are going to make during fiscal 2002.

I should mention though that that cut is dwarfed by the increases the President is proposing for the larger programs like title I and the new Reading First initiative. The President has strongly, in particular, embraced the notion that all children need to learn

to read and has cited the kind of data you were talking about from the national assessment.

Secretary Page believes that reading instruction doesn't always reflect what science has now shown works and that we have to do everything that we can to bring these reading programs along.

Senator CAMPBELL. I missed that again. You said reading does not reflect——

Mr. CORWIN. Reading instruction in too many schools is not effective. It is effective for some kids, but too many of them are being left behind, which is why you get these 17 percent statistics. So, rather than funding some of the smaller programs, the President is really focusing in on reading instruction and the title I program which has been comprehensively revised in the last Congress, or this Congress, I guess, to focus more on what works and to hold schools accountable for the achievement of all children.

Senator CAMPBELL. Well, I think his initiatives and certainly Mrs. Bush's interest and effort on the Reading First programs are commendable and great. I happen to think that libraries and schools, I mean they are inseparable. I don't know you can have one good program without having the other program, too.

Maybe I have my numbers wrong, but as I understand it, there is only $62,000 provided through the Literacy Through School Libraries Program. Is there something wrong with the information I am getting or is that really the amount of money? It is like saying libraries don't count or you shouldn't have them at all if that is all the money that is in there.

Mr. CORWIN. That is a new program just put in in fiscal year 2002 by the Congress. The total appropriation is $12.5 million. The amount going to the BIA is $62,500. That appropriation would be maintained in our budget.

Senator CAMPBELL. $62,000 for the BIA schools?

Senator CAMPBELL. You might as well not give them anything if we can't add more money to that program.

I don't think I have any more questions, Mr. Chairman. Thank you.

The CHAIRMAN. I have a question. I don't think that you are in a position to respond to this, but you maybe able to lead me to someone who can. We are presently involved in a conflict in Afghanistan. Everyone tells us that it will take much more than a war to resolve this matter; that a time will come when we will have to provide assistance in restoring their infrastructure, setting up their educational system, their health system, their communication system, et cetera, et cetera.

Has your department been called upon to provide an input in planning for this future which is so important?

Mr. CORWIN. I am pretty certain that we have. I am not personally involved in it, but I think there are some people in the Secretary's office or elsewhere who have begun work on that. If it is okay, I can try and provide more for the record.

The CHAIRMAN. If you could provide names for the record, I would appreciate that. I thank you very much.

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

The CHAIRMAN. Our next witness is the Principal Deputy Assistant Attorney General, Office of Justice Programs, Department of Justice, Tracy A. Henke. Ms. Henke, welcome to the committee.

STATEMENT OF TRACY A. HENKE, PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, DEPARTMENT OF JUSTICE

Ms. HENKE. Thank you. First, I would like to ask that my formal written statement be submitted for the record.

The CHAIRMAN. Without objection, it is so ordered.

Ms. HENKE. Chairman Inouye, Senator Campbell, I appreciate the opportunity to discuss the Justice Department's fiscal year 2003 budget priorities for Indian country. As the committee is aware, for far too long, the needs of Indian tribal governments in combating crime and violence have been ignored.

This administration is committed to addressing the most serious law enforcement problems in Indian country, including substance abuse, domestic violence, and other violent crimes and to ensuring that Indian tribes are full partners in this effort.

Part of our effort toward meeting these goals is to ensure that the Justice Department's workforce reflects the rich diversity of our nation. We currently have over 900 Native American men and women serving in the department in many capacities. They include U.S. Attorneys, FBI agents, Victim-Witness Coordinators, Federal Indian Law Specialists and others in virtually every Justice Department component.

We also recognize the Federal Government's unique relationship with tribal governments and special obligations to Native Americans. At the beginning of our Nation's history, the founding fathers established a working principle for interacting with Indian tribes. Enacted in 1789, the Northwest Ordinance pledges:

> That the utmost good faith shall always be observed toward the Indians. Laws founded in justice and humanity shall from time to time be made for preventing wrongs to them.

The Justice Department is committed to honoring that historical commitment by serving as the trustee for tribal resources and the protector of treaty rights and by preventing, investigating and prosecuting serious crimes in Indian country.

As I am sure you are aware, Mr. Chairman, violent crime rates in Indian country are disproportionately high. A Bureau of Justice Statistics study found that American Indians are victims of violent crime at rates more than twice the national average, far exceeding any other ethnic group in the country. And a survey by our National Institute of Justice revealed that one in three Native American women reported being raped in her lifetime.

Like all Americans, Native Americans deserve to live in safe communities and the Department of Justice is committed to sustained efforts to reach that goal. The Department's strategic plan calls for significant improvement in the crime fighting and criminal justice administration capabilities of tribal governments.

As Attorney General Ashcroft has stated, we will accomplish this goal in several ways, including focusing our resources efficiently and comprehensively to improve criminal justice and public safety in Indian country.

Our commitment to American Indian communities is reflected in the President's fiscal year 2003 budget request of $202 million for Indian country related activities for the Department of Justice. This plan will allow us to continue most of our tribal programs at or near fiscal year 2002 levels.

Our fiscal year 2003 request includes almost $20 million for programs to reduce violence against Native American women, $3 million for programs to improve the investigation, prosecution, and handling of child abuse cases in Indian country, $5 million for the Indian alcohol and substance abuse demonstration program, a new effort to improve the enforcement of alcohol and drug laws in tribal lands and provide treatments and other services.

Almost $12.5 million for the tribal youth program which supports accountability based sanctions, training for juvenile court judges, strengthening family bonds, substance abuse counseling and other efforts to improve Justice operations in Indian country.

Almost $8 million is requested for the Tribal Courts Assistance Program which assists tribes in the development and enhancement and continuing operation of tribal judicial systems and $2 million in the Bureau of Justice Statistics for the Tribal Justice Statistics Assistance Center and other activities to help tribes make better policy decisions, share information with the broader criminal justice community and participate in national criminal justice data-gathering efforts.

In addition to these Office of Justice programs initiatives, the administration is also requesting $30 million for the Indian country programs administered by the Office of Community Oriented Policing Services or COPS.

But sustained criminal justice improvements require much more than just additional resources. Perhaps the most important factor in combating crime is the will of the community. For this reason, a core principle of our tribal program is to empower the tribes themselves to implement and sustain successful crime fighting initiatives.

One example is the Comprehensive Indian Resources for Community and Law Enforcement Projects otherwise known as CIRCLE. CIRCLE recognizes that the most effective solutions to the problems experienced by tribal communities come from the tribes themselves. The three tribes that participate in the CIRCLE pilot project are the Oglala Sioux, the Northern Cheyenne, and the Pueblo of Zuni. They have each undertaken comprehensive, coordinated, multidisciplinary efforts to combat crime and violence.

These tribes design their own strategy while the department provides its support through direct funding, training and technical assistance. As a result of this tribal commitment, we have already seen some promising results from the three CIRCLE projects, in reducing gang-related crime, in reducing domestic violence, and improving tribal justice system operations.

Throughout these and other initiatives, the Department of Justice will continue working with Native American tribes, government to government, to build safer communities in Indian country. I want to assure you that I and other members of the current Justice Department leadership stand ready to work with the Congress to meet this goal.

Thank you for the opportunity to be here. I would be happy to respond to any questions you might have.

The CHAIRMAN. I thank you very much, Ms. Henke.

In its "Jails in Indian Country 2000" report, which was issued last July by the Bureau of Justice Statistics, it was reported that Indian detention facilities held 1,775 inmates in 2000, a 6-percent increase. They also reported that they were operating at 118 percent capacity. Yes, in your written testimony it is indicated that there is no funding for facilities.

Ms. HENKE. Sir, the Tribal Prison Construction Program, I believe, is what is being referenced. The Department has not requested funding for fiscal year 2003 for this program. The reason is that the Department and the Administration believe that the program has been a success. Currently, according to the most recent statistics that we have, our tribal prison entities are currently operating at about 86 percent capacity.

In addition to that, by July 2003, according to our estimates, another 1,000 beds will be made available. On top of that, for the current fiscal year, fiscal year 2002, the Department has $35 million that we will also be distributing which will further increase the capacity.

The CHAIRMAN. So, you believe that it is adequate?

Ms. HENKE. According to the statistics that we have, yes.

The CHAIRMAN. The numbers that we received indicated that they were 118 percent. Something is wrong here.

Ms. HENKE. One of the things that we are working on, sir, is improving the statistics that we are able to gather from Indian country. So, we will continue to do that.

The CHAIRMAN. A few years ago the Department of Justice and the Department of the Interior estimated that 4,300 sworn law enforcement officers were needed in Indian country. At that time there were only 1,600. Yet we still have less than 2,500 serving Indian country. Why aren't we doing much more in trying to get law enforcement officers when we know that the crime rate is high?

Ms. HENKE. Sir, the Department is working on that overall. As you know, our primary focus, of course, is law enforcement. That is one of the things that working with the CIRCLE project and others that we are trying to improve law enforcement services and the number of law enforcement officers in Indian country. Not only is money made available through the COPS program, but tribes are also eligible through the current Byrne Formula Program and discretionary program as well as the local law enforcement program.

The CHAIRMAN. According to the BIA, there are 35 tribes with jurisdiction over lands adjacent to the Canadian or Mexican borders and jurisdiction over waters directly accessible by boat from Canada or Mexico. These lands comprise 260 miles of the total of 7,400 miles of international borders. Does the Department propose to include Indian tribes in any of the border security initiatives?

Ms. HENKE. Sir, the jurisdiction for that falls under another component within the Justice Department. I am happy to get back to you with an answer for the record.

The CHAIRMAN. I would appreciate that.

Ms. HENKE. I can assure you that the Department, though, is committed to our border and to protecting the border.

The CHAIRMAN. I would appreciate this.

Ms. HENKE. Certainly, sir.

The CHAIRMAN. The Indian Tribal Justice Act was enacted in 1993 and authorizes base support funding for tribal justice systems, yet there is no funding requested for programs authorized in this act. Is there any reason for that?

Ms. HENKE. Sir, the program funding levels that we have asked for for fiscal year 2003 are consistent with those that were funded and supported in fiscal year 2002. We have a number of tribal courts and judicial assistance programs within the Office of Justice Programs, but I am happy to talk to you further about that specific program.

There are, we believe, a number of programs that currently exist, have been funded in the past and that the President proposed for funding in fiscal year 2003 that will assist in those efforts.

The CHAIRMAN. This is one of the sad and tragic areas of life. A few years ago I visited one of the little villages in northern Alaska to look over a brand new prison facility. It was brand new and they showed me the room where the intoxicated would cool off. They were piled body to body. Every square foot was filled. They were just dumped in there like animals. As a result, we had a beautiful building with almost no personnel. Is that the situation in Indian country?

Ms. HENKE. Sir, we know that there are serious problems in Indian country, especially as it relates to alcohol and substance abuse. We are working and using our CIRCLE tribes, the Oglala Sioux, the Northern Cheyenne, and the Pueblo of Zuni, as a pilot program to assist the Department in identifying strategic ways to address the problems in Indian country, but in partnership with the tribes themselves, not by a mandate from Washington.

We believe that the CIRCLE project will result in success and will not only help the Department, but will also have the tribes participating sharing their information with the rest of the tribes in the country. That will help us address the issues that exist pertaining to overcrowding in jails, specific to areas related to substance abuse, alcohol abuse, et cetera.

I have also had the fortune, sir, of visiting a number of small areas in the State of Alaska, as well as in the State of Hawaii and will soon be visiting, as I informed Senator Campbell earlier, the Northern Cheyenne.

I believe it is important for us to see first hand what exists and to talk to the tribes themselves to figure out how we can work together to address the issues.

The CHAIRMAN. I commend you on your CIRCLE program. It has great potential.

Ms. HENKE. Thank you.

The CHAIRMAN. I just hope it works all over Indian country because you have the right solution. Oftentimes the best solutions come from Indian country. As you pointed out, it is not dictated from Washington.

Ms. HENKE. Yes, sir.

The CHAIRMAN. With that I thank you very much.

Mr. Vice Chairman.

Senator CAMPBELL. Thank you, Mr. Chairman. Tracy, I also commend you on the CIRCLE program. I am very familiar with the one in Northern Cheyenne because I am up there a lot. That is where my ancestral home is. I think it is doing a good job.

You have been in your job about 2 or 3 months now?

Ms. HENKE. Actually, sir, almost 7 months.

Senator CAMPBELL. Almost 7 months? Time flies, right?

Ms. HENKE. It does fly, sir.

Senator CAMPBELL. Well, I commend you for going out there and trying to get first-hand information from the tribes because very often you might be aware that they come in here and say:

Nobody asked us. These are implemented by the administration. They are passing things and nobody asked us.

Senator Inouye and I have always tried to make sure that they are well informed and they are a party to it, there is some negotiated rule-making going on and so on. But you probably also recognize, at least on my part, a little bit of frustration because Senator Inouye and I have been here a long time.

Year after year we face the same problems. In fact, I was teasing my staff a little while ago that there must be something in my coffee when I come in here because I am always in a fight it seems like and I don't mean to be. But we owe so much and we are paying so little on what we owe to Indian tribes and what we promised.

I just want to ask you a couple of questions. Senator Inouye already dealt with the border issues for one. I am on the Treasury Appropriations Subcommittee. I was the chairman for a number of years. Now I am ranking on that. We have provided a great deal of money through law enforcement, as you know, to work with tribes that run from the northern border of North Dakota, to the O'odham in Arizona. How do we encourage more Federal-tribal cooperation because I know some of those tribal areas are just like sieves? There is a fence with a bunch of holes cut in it, basically.

Ms. HENKE. Sir, like you, I am a firm believer and luckily I work for both the Attorney General and the President who are firm believers in seeing the situation first-hand, in talking to the people on the ground.

I am from a very small town in the State of Missouri, and I know often the perception of the people back home and if nothing else from my parents. What is the Federal Government doing now? So, it is important for us to go see first-hand. It is important for us to have programs like CIRCLE that encourage cooperation.

It is important for us to work not just within the Department of Justice and across components within the Department of Justice, but for us to work across the Federal Government with the other Federal agencies to address issues comprehensively to ensure that the taxpayer resources are being utilized to meet the needs and not used to overlap or duplicate or at cross purposes.

Those are all things that specifically the Office of Justice Programs, are working on at the direction of the Attorney General.

As relates to the border, that is something that once again through funding provided through the Office of Justice Programs to the tribes through a variety of different mechanisms that we have, plus working with those entities within the department who are re-

sponsible for security along the border, that cooperation will exist and we will continue to improve upon it.

Senator CAMPBELL. Well, I admire you enough to tell you that you may have already found out, particularly on our southern border, those reservations that border Mexico, it is really complicated because there are relatives living on both sides of the line, on both sides of the fence, I mean cousins, brothers and sisters and so on. It really complicates our problem of trying to have secure borders at the same time when we know that there are people that are related living on both sides.

Maybe just one last thing. That deals with substance abuse. I really appreciate your emphasis on that. It is a huge problem and I don't mean sophisticated drugs like cocaine and so on. I mean stuff like canned heat, huffing paint in paper bags. That is what we deal with much more on reservations when we talk about substance abuse. It is real, degrading, terrible stuff that just burns your brain out. The kids sniffing glue, that kind of thing is what we deal with on reservations.

I introduced S. 210 which authorized the tribes to integrate programs for many agencies. Would you review that legislation? One of the problems we have now, I think, is that the Department of Justice and the Bureau of Indian Affairs, the Indian Health Service, they all have a vested interest in this kind of thing. They are all interested.

But I think on many occasions they are duplicating or they are going by each other a little bit. Basically, what S. 210 does is it tries to integrate some of those programs. Would you look at that and give the committee your views on it?

Ms. HENKE. Sir, we certainly will.

Senator CAMPBELL. I thank you.

Thank you, Mr. Chairman. I have no further questions.

Ms. HENKE. Thank you.

The CHAIRMAN. Our mission seems impossible.

Ms. HENKE. I hope not, Mr. Chairman.

The CHAIRMAN. Our funds are never adequate. The problems are depressing, but we would like to work with you to resolve these matters. It may take eons, but we will do it.

Ms. HENKE. Sir, we hope it doesn't take eons, but we look forward to working with you.

The CHAIRMAN. Thank you very much.

Ms. HENKE. Thank you.

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

The CHAIRMAN. With that, the hearing is adjourned.

[Whereupon, at 11:52 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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

Good morning, and thank you Mr. Chairman for holding this important hearing.

In future hearings we will hear from the Indian Health Service [IHS] and the Bureau of Indian Affairs [BIA] on the request as it affects them.

Today will we hear from other agencies that provide key services to tribes and Indians on a variety of important fronts such as:

—Law enforcement and policing;
—education;
—drug treatment, elder care; and
—the Administration for Native Americans.

Safe and stable communities provide safety to their members and attract business activity which is so important to Native communities nationwide.

Given the incredible demands placed on the Department of Justice to fight terrorism I am generally encouraged by the request for Indian law enforcement with a few exceptions:

—The lack of tribal detention center funds;
—the reduction in "COPS" funds for tribes; and
—the static funding for tribal courts.

Nevertheless, I am hopeful we will find the kind of resources we need for these important services.

I commend the President for his dramatic proposal to increase funds for substance abuse and mental health treatment. We all know that these problems continue to ravage Indian communities and I am glad to see the increase.

I will have several questions for our witnesses, Mr. Chairman, but I do want to take the opportunity to convey what I believe is one of the most successful Federal programs ever devised: the "Administration for Native Americans" or "ANA" as we know it.

The ANA provides seed capital for Indian businesses, language preservation, and environmental protection . . . and does it in a way that reduces dependence. I urge the Department to study the ANA and find out why it works and replicate its success.

Mr. Chairman, there are many other things I'd like to mention but I will reserve my time for the question and answer period.

With that, I ask unanimous consent that my formal statement be included in the record.

Thank you Mr. Chairman.

PREPARED STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM SOUTH DAKOTA

Chairman Inouye, Vice Chairman Campbell, members of the committee, I am pleased that the Senate Committee on Indian Affairs is holding a series of hearings on the President's Fiscal Year 2003 Budget on Indian Programs. All Federal agencies have a tie in some way to Native people, tribes, and villages. In this current national climate, I was pleased that Indian programs have not received too much of a decrease. However, I am concerned over the lack of prioritization this Administration is focusing on several programs.

My main concerns are decreases for tribal colleges, and Indian health service facility construction. Both of these programs are vitally needed on South Dakota's nine Indian reservations.

South Dakota is home to four tribal colleges, with one nearby in North Dakota serving South Dakota Native Americans. These colleges are Since Gleska, Si Tanka/Huron, Oglala Lakota, Sitting Bull, and Sisseton-Wahpeton Community College. All of these colleges have contributed to the overall health and welfare of the tribal college system. For numerous years, I have advocated increases of the meager funding they receive to provide for the education of our First Americans.

This is not a luxury, this is a treaty responsibility. The Federal Government is obligated to provide educational opportunities for tribal members. Last year, I, along with a number of my colleagues, was successful at obtaining $41 million for core operating funding for the colleges. These schools do not posses large endowments or a significant donor base they can pull from. The over thirty colleges are forced to share just over $41 million for operations. I am hopeful that Congress will at least be able to restore the Colleges back to the appropriated level from fiscal year 2002.

Additionally, the budget decreases also effect construction for our nation's Indian health service facilities. Health care is basic necessity for all Americans. In Indian country not only do we see a lack of physicians and nurses, but we find several outdated and overcrowded facilities. Many of these do not even meet safety code standards. At the Cheyenne River Indian Reservation, the health care facility cannot even support baby delivery. Mothers have to travel approximately 100 miles south to Pierre, SD to deliver their babies. This presents major health and safety concerns when there, unfortunately, are complications.

At the Sisseton-Whapeton Indian Reservation, health care personnel are working in trailers that should have been torn down due to safety concerns. These are dilapidated trailers housed in the back of the facility which itself is over crowded with both patients and documents.

There is no in-patient care at either of these facilities. We can and need to do better. It must no longer be the norm to treat our First Americans as third class citizens. I look forward to working with this committee, the Budget Committee and the Appropriations Committee to try to increase these inadequate funding levels. I thank the Senate Committee on Indian Affairs for holding this series of budget oversight hearings and I look forward to hearing the testimony today.

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

Mr. Chairman, I want to thank you for convening this hearing on the President's fiscal year 2003 budget request for certain Indian programs and services.

The need for more funding for Indian health, education, housing, justice and other programs is well documented. Just this past Sunday, there was an article in the *Salt Lake Tribune* about a little boy named Tyler who has cereal palsy today because of inadequate care he received at an Indian Health Service hospital. Another baby boy was sent home from an IHS hospital emergency room after the nurse misdiagnosed him with chicken pox. Two days later he was dead. Now, I understand that the IHS is making due with inadequate funding and that is my point. The IHS currently has a health services budget of $3 billion, and needs about $12 billion more. That underfunding has life and death consequences for Native Americans every day. Unfortunately, the President's budget request for the IHS recommends only a $68-million, or 2.2 percent, increase for fiscal year 2003. Likewise, the budget for the Bureau of Indian Affairs receives only a 1-percent increase, despite the needs that exist with respect to housing, education, law enforcement, social services, and other areas.

Regrettably, the President's budget comes nowhere close to meeting the need for funding that exists in Indian country, and the fiscal situation will make it very difficult for the Congress to make room for additional spending. I want to explain the

difficult dilemma the President's budget creates for Indian programs, as well as for other domestic programs that Native Americans and other Americans depend upon.

Quite frankly, the President's budget request simply does not add up. The President's budget talks about surpluses, but there are no budget surpluses without Social Security and Medicare funds. The President is proposing to use $2.2 trillion in Social Security and Medicare trust funds to pay for tax cuts and defense and domestic programs.

Even using this much of the Social Security and Medicare trust funds, the budget outlook is bleak for programs other than defense and homeland security. The President's budget requests an increase of 6.8 percent in discretionary programs—programs for which funding is allocated annually through the appropriations process. Factor in inflation and the increase is only 3.7 percent. Then consider that the President proposes substantial increases of 10 percent for defense and 23 percent for homeland security, and I fully expect the Congress to support these increases. The result is that the real purchasing power for other domestic programs—including health care, education, the environment, and Indian services—is actually cut by an average of 6.2 percent.

I explain this not because I want to provide excuses for Congress but to challenge all of us to strive to do better when it comes to Indian programs that the Federal Government has a trust responsibility to provide.

The cuts in the President's budget are not just theoretical ones—they come at the expense of programs that are vitally important and needed. For instance, within the Department of Justice budget, the $35 million in funding for construction of detention facilities is eliminated, and funding for the Community Oriented Policing Services [COPS] program is cut by $5 million. The other DOJ tribal justice programs are level funded, meaning that in real terms, the purchasing power of those programs will be eroded. Are these cuts because the need for these programs has been reduced? Absolutely not. While the violent crime rate nationally has been declining, Native Americans are still more than twice as likely to be the victims of violence than the general population. More than half of jails in Indian country are operating above capacity, and nearly a quarter are operating above 150 percent capacity. To me, it just doesn't make sense to suggest cuts for detention facilities and law enforcement officers when they are so clearly necessary.

I will give more examples at later budget hearings of cuts in the areas of education, housing and health care that are not warranted and will cause hardship for Native Americans. I hope the Congress can and will do better in meeting our obligations to Indian people than the President's budget does.

STATEMENT OF DAVID G. DYE
DEPUTY ASSISTANT SECRETARY FOR
EMPLOYMENT AND TRAINING
BEFORE THE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

March 5, 2002

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to discuss the Department of Labor's employment and training programs for Indian and Native Americans in Program Years 2002 and 2003. As you are aware, the Department's Employment and Training Administration (ETA) administers these programs, which are statutorily targeted to Indians and Native Americans. I am pleased to have with me today Mr. James C. DeLuca, who serves as the Chief of the Division of Indian and Native American Programs (DINAP) within ETA.

ETA's primary strategy for Indian and Native American programs focuses on the continuation of our partnership initiatives, and support of the President's commitment to Native Americans. As he stated in his commemoration of National American Indian Heritage Month, this Administration will "continue to work with tribal governments on a sovereign-to-sovereign basis to provide Native Americans with new economic and educational opportunities." The Department of Labor is a partner with not only other Federal agencies including Department of Interior, but also tribal governments and other Native American organizations that deliver job-training services. Our partners include the 186 Indian and Native American Workforce Investment Act (WIA) section 166 grantees. These

partnerships are based on shared responsibility for program accountability and improved program outcomes, and there is also a commitment to identify and to leverage resources outside of WIA.

For its part, ETA has worked cooperatively with Indian grantees to improve its program and maximize the impact of those funds. The partnership ensures that Native people and Native communities have the opportunity to be active participants in the American economy. The key to success in these partnerships is the relationship between Indian WIA grantees and the Department – specifically, that the federal government and Indian communities must work together, each accepting a portion of the responsibility for the success of efforts to serve Indians and Native Americans.

As a Federal partner, we are committed to:

1) Continuing to work closely with our partners;
2) Securing resources to support capacity building efforts;
3) Encouraging integration of employment and training services at the local level; and
4) Developing meaningful performance measures to ensure accountability based on the Government Performance and Results Act (GPRA), and the "continuous improvement" requirements of WIA and to allow comparisons of performance with other Federal job training and employment programs for Indians, Native Americans and other adults and youth..

There are two distinct Indian programs authorized under WIA. One is a year-round program for youth and adults authorized under section 166 of the statute. This program is designed to improve

the economic well-being of Native Americans by providing training, work experience, and other employment-related services and opportunities that are intended to aid its participants to secure, permanent, unsubsidized jobs. The program serves approximately 22,000 Native people annually in all areas of the United States, including those participating in the demonstration under the Indian Employment Training and Related Services Demonstration Act of 1992 ("Public Law 102-477").

This Public Law 102-477 demonstration allows the combining of funds for employment and training activities from several federal Departments to be administered under a single grant by the Bureau of Indian Affairs and coordinated at the tribal level. Currently, 48 tribal and Alaska Native entities participate in the demonstration, 44 of which receive WIA section 166 funds. Because of the reduced administrative workload and the flexibility the single grant provides, some of these grantees have more than doubled the number of participants they serve.

The other main program is the Supplemental Youth Services Employment and Training program, also authorized under section 166 of WIA. The law reserves Supplemental Youth Services funds specifically for services to Native American youth in reservation areas, Alaska, Oklahoma, and Hawaii. This program serves about 10,000 Native American youth each year.

These two programs represent the main source of support for employment and training services for Indians and Native Americans, for which the President's FY 2003 Budget requests a total of $70 million. The budget request includes $55 million for the WIA section 166 Indian and Native American Program. These grants are, by law, competitive. However, once the competition for geographic

service area has been conducted, the actual funding is determined by means of a formula allotment based on the relative numbers of Native Americans unemployed and/or in poverty in each service area, as compared to those unemployed and/or in poverty in the Indian and Native American population nationwide.

The portion of the budget request for the Native American Indian Supplemental Youth Services Program totals $15,014,475, which represents 1.5% of the total WIA youth formula-grant request, as mandated by section 127(b)(1)(C) of the Act. On most reservations, the only employment opportunities available to young people are through the WIA Supplemental Youth Services Program, primarily because of the lack of significant private sector activity in many Indian communities. The program provides jobs for young people who would not otherwise have them, and offers much-needed work experience and training activities to develop job readiness skills. Participants also receive academic enrichment, on-the-job training, and other services related to job skill development.

In addition, the Department of Labor supports a variety of other initiatives. ETA has awarded six competitive grants totaling $29 million to American Indian and Alaska Native grantees for youth programs. The Native American communities served by the grants include isolated and rural reservations to remote Alaska Native villages. They serve areas with high poverty and unemployment rates and the majority lack private sector employment opportunities and public transportation. Due to the limited number of private sectors jobs available on Indian reservations, the Native American programs focus on education, youth development and work experience programs.

Under the Senior Community Service Employment Program, the Department provides over $6 million to subsidize part-time community service jobs for about 700 low-income Native Americans age 55 years and older on reservations and in other areas. Participants serve their communities in positions such as nurse's aides, teacher aides, and clerical workers while gaining skills to move into unsubsidized employment.

The Department has awarded National Emergency Grants to Native American entities to serve dislocated workers. For example, the Lummi Tribe in Washington State is receiving up to $1.5 million to assist dislocated fishermen, and the Salish-Kootenai Tribe in Montana has received about $2.8 million to assist workers dislocated due to wildfires.

The Department also is continuing to provide support to those tribes attempting to implement welfare reform under the Temporary Assistance to Needy Families (TANF) block grant program. To make welfare reform work in Indian Country, there will need to be new investment and new employers. Although the authorization to make grants for Indian and Native American Welfare-to-Work (INA WtW) programs has expired, the Department has adopted regulations and procedures that enable those tribal grantees with remaining WtW monies to expend them within the recently extended time period on those participants who can best benefit from that effort. Tribal welfare reform efforts also will require assistance from the private sector to make the transition from a society of dependence to a society of self-sufficiency. In support of this effort, ETA staff participates in an inter-organizational work group known as "The National Tribal Economic Development Forum" designed to bring together

Indian and Native American entrepreneurs, federal partner agencies, and financial resources from both the public and private sector to stimulate growth and true economic development in Indian Country

The funds requested in the President's Budget will help significantly in assisting tribes and Indian organizations to meet the employment and training needs in their communities. However, we must also continue our partnership efforts to strengthen the program and involve other areas of society, such as the private sector and community- and faith-based organizations, if the overall effort is to be successful.

In concert with our partners we have accomplished many significant things thus far in Program Year 2001 (which ends June 30 of this year). We have managed to streamline regulations, increase the capacity of grantees to manage grants, implement an information technology project that has put over 120 grantees onto the information superhighway and enabled them to report on-line, increase peer-to-peer technical assistance and training, and improve the average hourly wage rate for participants placed in unsubsidized jobs. The Department has already approved $195,000 that will be used to further this and other partnership initiatives.

The most recent Indian and Native American (INA) employment and training performance data available are for program year 2000 (July 1, 2000 to June 30, 2001). During PY 2000, the INA employment and training program funded under title of WIA section 166 (the "adult" program) had an overall entered employment rate of 54.1% and a positive termination rate of 83.4%. A positive termination occurs when participants begin working, earn a diploma, or complete training. Participants

placed in unsubsidized employment had an average hourly wage of $7.70 per hour, which was significantly higher than the average preprogram wage of $5.47 per hour.

Before I conclude my statement, I would like to address two concerns that you may have. These relate to filling vacancies on the Native American Employment and Training Council and to the Solicitation for Grant Application (SGA) for the WIA section 166 program used to identify funds recipients every two years. The Native American Employment and Training Council currently has nine vacancies. I want to assure you that we are working to fill these vacancies as quickly as possible. As you may know, the Solicitation for Grant Applications has generally been published in the fall. It has been approved and will be published shortly.

Mr. Chairman, our investment in Indian and Native American employment and training programs will enable many of the most disadvantaged Americans to acquire the skills they need for productive careers. It is our strong belief that this is a worthwhile investment. This core federal commitment to support and encourage Indian and Native American communities helps to build a viable economic future for this population.

Mr. Chairman, this concludes my prepared statement. I would be happy to answer any questions from the Committee at this time.

Enclosure

WORKFORCE INVESTMENT ACT REAUTHORIZATION

1. **Question**: The Workforce Investment Act expires at the end of Fiscal Year 2003. What plans does the Administration have for consulting with tribes and other grantees as it prepares its recommendations for the reauthorization of the Workforce Investment Act?

   Answer: The Department of Labor already has begun an outreach effort to seek views from the public on the reauthorization of the Workforce Investment Act of 1998 (WIA) and linkages to the Temporary Assistance to Needy Families (TANF) and workforce-related education programs. As part of this effort, the Employment and Training Administration (ETA) published a Notice in the Federal Register on February 28, 2002, seeking public comment on two major issues:

   - What changes the Administration should propose to the Department of Labor-administered provisions of WIA; and

   - How linkages between Title I of WIA, TANF, and education programs can be improved.

   Comments should be submitted on or before June 30, 2002.

   In addition, ETA is hosting a number of WIA Reauthorization Regional Forums across the country to seek the public's views on these same issues. Registration instructions and other information, including specific locations are available at: http://www.usworkforce.org/reauthorization/forumregistration.asp.

   One Regional Forum has been held in Nashville, Tennessee. The remaining sessions are open to all and are scheduled as follows:

   - April 17, 9:30 AM – 1 PM, Washington, DC
   - April 17, 1-4 PM, Los Angeles, CA
   - April 18, 9:30 AM –12:30 PM, Philadelphia, PA
   - April 22, 10 AM – 1 PM, Worcester, MA
   - April 23, 10 AM – 1 PM, Concord, NH
   - April 25, 10 AM - 1 PM, New York, NY
   - April 30, 8:30-11:30 AM, Kansas City, MO
   - April 30, 1-4 PM, Dallas, TX

   The Department will also work with its Native American Advisory Council and will communicate with its established grantees to solicit issues and recommendations for reauthorization. A final plan for this coordination has not yet been established. The grantees will be informed of opportunities for consultation. We also will be designing a system for coordinating information with non-grantee tribal entities.

CONSOLIDATION OF EMPLOYMENT AND TRAINING PROGRAMS

2. **Question**: In the summary of the President's Budget Request for the Department of Labor, it states that the President proposes to eliminate or consolidate 20 employment and job training programs that are administered by 10 agencies. The summary indicates that the Department of Labor currently administers 17 programs and proposes to eliminate or consolidate 8 of these programs so that the Department will only administer 9 programs for Fiscal Year 2003. The Committee knows that one program addresses the needs of veterans and that that program is proposed for transfer to the Department of Veterans Affairs.

   What are the other 7 programs proposed for elimination or consolidation?

   Do any of these programs proposed for elimination or consolidation currently serve Indian country?

   Answer: There are eight programs proposed for elimination or consolidation as follows:

   - NAFTA Transitional Adjustment Assistance (consolidated with Trade Adjustment Assistance)
   - Migrant and Seasonal Farmworkers (consolidated with Adult Employment and Training)
   - H-1B Technical Skills Training (eliminated, with resources redirected to eliminate permanent labor certification backlog)
   - Three veterans programs (consolidated in VA)
   - Youth Opportunity Grants (consolidated with youth formula grants)
   - Responsible Reintegration of Youthful Offenders (consolidated with youth formula grants)

   There are seven Youth Opportunity Grants to Indian and Native American grantees. These grants will continue for their full five-year period as planned, but no new grants will be initiated.

   The other programs serve Indian Country insofar as they serve the entire United States. Indians and Native Americans are not specifically targeted within them nor do they serve large numbers of Indians; however, they are likely to have Indian and Native American participants (e.g., veterans programs).

Indian and Native American Employment and Training Coalition

February 25, 2002

The Hon. Daniel Inouye
Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510

The Hon. Ben Nighthorse Campbell
Vice Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman and Mr. Vice Chairman:

The Indian and Native American Employment and Training Coalition urges the Committee to include the following points in its recommendations on the Fiscal Year 2003 budget for Indian and Native American workforce programs administered through the Department of Labor.

One. The largest single program providing the full array of workforce services to Indian, Alaska Native and Native Hawaiian youth and adults in all parts of the country is the Comprehensive Services program authorized in Section 166 of WIA. In FY 2002 this program received $55.3 million, an amount very slightly above the minimum specified in the law. However, this amount compensates for neither the dramatic reduction in real, inflation-adjusted dollars over the years -- a reduction of more than 50% since the mid-1980's -- nor for the significant increase in the service population. The figures available from the 2000 Census show increases in the Indian population since 1990 that range, at a minimum, from 20% to 40% depending on the state.

The Coalition requests funding for the Indian WIA Section 166 Comprehensive Services program at a level of at least $60 million to prepare Native youth and adults for the workforce demands of the 21st century.

Two. In FY 02, the tribal Supplemental Youth Services program under Section 166 of WIA received $16.5 million. This program benefits thousands of youth in reservation areas, Oklahoma, Alaska and Hawaii who are or soon will enter the workforce. This funding level should be sustained in FY 03. The Administration's budget request is for a reduction to $15.0 million.

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In addition, a number of tribes in Colorado, Alaska, South Dakota, Arizona, New Mexico, Utah, California and Michigan currently benefit from the Youth Opportunity Grant (YOG) program. The Administration has requested a radical cut in this program in FY 2003, a cut that would significantly reduce the support available for these tribal programs. The full five-year commitment to these tribes under the YOG program should be sustained.

Three. Two separate funding streams have supported tribal employment services for welfare recipients. One is the tribal component of the Welfare-to-Work (WtW) program, administered in DOL. Funds for this program were last provided in FY 99 and many tribes have exhausted the money available. The other program is the Native Employment Works (NEW) program in the Administration for Children and Families (ACF) in HHS. The authorization for this program expires at the end of FY 2002.

Tribal families continue to have severe problems in making the transition from welfare to employment. It is essential that federal support for such programs be streamlined and expanded in FY 2003. The Coalition has proposed a single program, funded at not less than $37 million to replace both the NEW and tribal WtW programs. We ask that the Committee support such a program in the views it provides to the Appropriations Committee. Tribes have seriously engaged their responsibilities to reduce dependency in their service areas. It would be tragic if the federal support for this effort were to evaporate in the coming Fiscal Year.

The Indian and Native American Employment and Training Coalition appreciates the invaluable support which the Committee on Indian Affairs has consistently provided to Indian workforce programs. The Coalition thanks the committee for its consideration of these recommendations for the FY 2003 budget.

Sincerely,

Norm DeWeaver

Norman C. DeWeaver
National Representative

Statement by

Clarence Carter

Director, Office of Community Services

Administration for Children and Families

before the

Committee on Indian Affairs

United States Senate

March 5, 2002

Mr. Chairman and members of the Committee, thank you for providing me the opportunity to testify today. As director of the Office of Community Services, the office within the Administration for Children and Families that administers the Tribal Temporary Assistance for Needy Families program and the Native Employment Works program, I am pleased to discuss with you these important Native American programs as we look to reauthorization of welfare reform. As requested, my testimony also addresses the programs administered by the Administration for Native Americans (ANA), within the Administration for Children and Families. While I am not responsible for administering these programs, I am happy to discuss their important work.

TRIBALLY ADMINISTERED TANF AND NEW PROGRAMS

Background

The Tribal Temporary Assistance for Needy Families (TANF) and Native Employment Works (NEW) programs were created, along with the TANF program for the States, as part of welfare reform by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). PRWORA represents a major change in Federal welfare policy. It ended the entitlement to public assistance for poor families with children and established work requirements and time limits for receiving cash assistance for most adults. It focused efforts on moving families from cash assistance to work and self-sufficiency. Under TANF, there is increased flexibility to design welfare programs that promote work and strengthen families.

The TANF program replaced the Aid to Families with Dependent Children (AFDC) program.

While Indian Tribes were not eligible to operate their own AFDC programs, welfare reform gave Tribes the opportunity to operate their own TANF programs in order to meet the unique needs of tribal families in moving to work and self-sufficiency. Tribes have the option to receive direct Federal funding to independently design and operate TANF programs, or they may choose to rely upon States to provide TANF services to tribal families.

Tribal TANF

Although States operated family assistance programs for 60 years, operating TANF is a new responsibility for Tribes. Tribal, Federal, and State governments have worked in partnership as Tribes have taken on this major new responsibility. Since PRWORA was enacted, HHS has provided assistance to Tribes – through conferences and meetings, technical assistance, and information exchange – as Tribes consider whether to administer TANF programs themselves, and as they operate their own Tribal TANF programs.

The number of Tribal TANF programs continues to increase each year. The first two Tribal TANF programs began in July 1997 with annual Federal TANF funding to Tribes totaling almost $600,000, and an estimated caseload of about 110 families. Currently, there are 36 approved Tribal TANF programs in 15 States encompassing 174 Tribes and Alaska Native villages. Current Federal TANF funding to Tribes totals $96.3 million. These programs serve a combined caseload of approximately 23,000 families, with an estimated 65,000 individuals. In addition to

serving nine Tribes in its service area, the Torres Martinez Tribal TANF Consortium also serves the non-reservation Indian population of Los Angeles County, California, with an estimated caseload of about 4,300 families.

Currently, an additional eight Tribal TANF plans are pending. These pending plans involve 12 Tribes with an estimated caseload of 6,000 families and as many as 20,000 individuals. We continue to receive inquiries and requests for TANF planning packages, indicating that there is significant interest in establishing many more Tribal TANF programs.

There is no separate funding source for Tribal TANF programs. Each Tribe's TANF funding is taken from the appropriate State's TANF block grant, based on fiscal year 1994 AFDC caseloads for Indian families residing in the service area identified by the Tribe. In addition, most of the 15 States in which Tribes are administering their own TANF programs have chosen to provide funding and/or in kind supports to further tribal efforts. Thirteen of the States in which Tribes are administering their own TANF programs-- Alaska, Arizona, California, Idaho, Minnesota, Montana, Nebraska, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming--are providing additional funding assistance to the Tribes, and are claiming these expenditures to meet their TANF "maintenance of effort" (MOE) requirements. Several of them also are providing additional resources such as computers, staff training, reporting support, and access to the State reporting systems. Many of them are working in collaboration with Tribal TANF programs in referrals, information exchange, and eligibility assessment and determination for other programs such as food stamps and Medicaid. Some States co-locate and out station State

employees with tribal programs to provide intake and assessments in a convenient "one-stop" operation.

Tribes have broad flexibility in designing their programs and, like States, are making varied choices to meet their own unique circumstances. Time limits on receipt of benefits vary: 32 plans allow for the same 60 months of benefits as States, with the remaining four plans allowing 24 months within an 84 month period, comparable to the State in which they are located. Under the work requirements, participation rates and the number of hours of work required per week also vary from plan to plan. The 32 Tribes that adopted the full 60 months time limit exercised their option to negotiate their own participation rates and required hours of work, adopting a fairly wide range of requirements. On the other hand, the four Tribes that adopted their State's time limits also adopted the same participation rates the law requires of States (25 percent in the first year, increasing to 50 percent by the fifth year for all families, and 75 percent in the first year, increasing to 90 percent in the third year for two-parent families). Also, they adopted the same minimum work requirements to which participants in State programs are subject.

Like work activities and benefits, support services vary greatly from one Tribe to another, with Tribes tailoring them to fit the unique needs of their service populations. Using the flexibility afforded them, Tribes have designed TANF programs to fit their individual tribal structures and respond to their unique social, cultural, economic, and geographic situations. This includes designing program administrative functions, infrastructure, and service delivery systems with a variety of strategies that respond to the unique circumstances of reservations and, in some circumstances, to individual communities within reservations or service areas.

Tribes have taken the initiative to improve service accessibility and delivery systems through their TANF programs. I'd like to share a few examples:

- In one program, the Mille Lacs Band of Ojibwe in Minnesota used tribal casino revenues to build an "Independent Life Skills Center" to house the Tribal TANF program. This center provides classrooms, a computer learning lab, a secure records facility, office space, and a children's play area for use by TANF recipients. The center also provides office space for selected State programs so that tribal members can be served in a central location by a variety of human and social service programs.
- The Tanana Chiefs Conference in Alaska, with joint funding provided by the TANF program and the Bureau of Indian Affairs, provides "one-stop," "single point of contact" service centers in multiple villages for applicants requesting assistance and maintains a toll free 24-hour voice mail service that can be utilized by TANF recipients and service providers alike in serving recipients living in remote areas.
- Using its TANF program as a catalyst for change and innovation, the Southern California Tribal Chairmen's Association helped create a transportation network linking the 19 Tribes in its service area, and with a multi-million dollar grant from a major computer company is developing a computer based communication and education/training system.
- The Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana have developed a comprehensive service delivery system that has become a model not only for other Tribes, but for State programs as well.
- The Navajo Nation, whose reservation covers several thousand square miles, is establishing a network of outreach centers in remote communities throughout the reservation. Coupled with

this, the program, with financial as well as developmental assistance from the Navajo Nation's government, has developed and is implementing a satellite-based communications system among the field offices and the central TANF program office to facilitate communications, client intake, reporting and record keeping, and coordination of client services.

In many circumstances, Tribal TANF programs have become a catalyst for reevaluating and improving existing tribal social services administrative systems, coordination, and infrastructure development. In addition, these programs have become an unexpected catalyst for developing and improving communications, collaboration, and cooperation between Tribes and States.

Native Employment Works

The Native Employment Works (NEW) program replaced the Tribal Job Opportunities and Basic Skills Training (JOBS) program. The NEW program provides funding for Tribes and inter-tribal consortia to design and provide work activities to meet the unique employment and training needs of their populations, to help tribal service populations become self-sufficient.

The statute restricts eligibility for the NEW program to Tribes and Alaska Native organizations that operated a JOBS program in FY 1995. Currently, all 79 eligible Tribes and organizations receive NEW program funding. The statute sets each Tribe's annual NEW funding level at the Tribe's FY 1994 JOBS funding level. Annual NEW grant amounts range from just over $5,000 to $1.75 million. Total funding for NEW programs is $7.6 million per year.

NEW program grantees have broad flexibility to choose the work activities and related services that best meet the needs of their service populations. NEW programs help Tribes provide a more comprehensive, holistic range of services to prepare families for employment and self-sufficiency.

NEW programs provide work activities and supportive and job retention services to more than 10,000 clients a year. NEW work activities include education, training, and job readiness activities and employment activities (such as job search, job development and placement, community work experience, and subsidized and unsubsidized public and private sector employment). Some NEW programs also provide job market assessments, job creation, and economic development leading to job creation. NEW supportive and job retention services include transportation, child care, and other pre- and post-employment services.

NEW programs coordinate with local schools and colleges, including tribal colleges, and with local employers. NEW programs also complement and coordinate with TANF and other programs and services to help Tribes provide more seamless and comprehensive services for their clients. Many NEW grantees coordinate services in "one-stop" centers. At these centers, staff perform evaluations for participants to determine the need for services and programs, including TANF, NEW, Workforce Investment Act (WIA) programs, child care, and food stamps, and develop and implement comprehensive services plans. Most NEW clients receive TANF and/or other public assistance, such as Bureau of Indian Affairs General Assistance.

Challenges for the Future

Tribal TANF and NEW programs are addressing the needs of tribal service populations and have enabled clients to move to unsubsidized employment. However, there is much more that needs to be done. Tribal members – especially those in rural areas – continue to face major barriers to self-sufficiency. Unemployment is high in most tribal communities, and those employed often earn poverty-level incomes. Tribal members often have low levels of education and job skills and lack transportation and child care. Helping these families leave welfare for work requires that special attention be given to providing effective job preparation and supportive services, and realistically addressing the prospects for job opportunities on reservations.

HHS is funding on-going research to monitor and evaluate the impact of welfare reform on Indian families, including a Washington University study on how families are faring under welfare reform in Arizona. Published results to date from this study (July 2000 and September 2001) address the special circumstances of tribal families. Despite the gains in tribal employment resulting from Tribal TANF and NEW that I mentioned earlier, the study finds that rapid decline in caseloads at the national and regional level, nevertheless, will not automatically result in similar caseload declines on many Indian reservations. This is due to the characteristics of the welfare caseload on reservations, where education, job preparation, supportive services, and employment opportunities are lacking. Additional job opportunities must be created on many reservations as the next generation of tribal members enters the job market.

As part of eight TANF reauthorization discussions held throughout the country, HHS held a Tribal TANF listening session in San Francisco in October 2001, where Tribes shared their experiences and perspectives on TANF programs. To plan the tribal listening session, HHS worked with a variety of tribal organizations, such as the National Congress of American Indians, the National Indian Health Board, the National Indian Child Welfare Association, and the Tribal Self-Governance Advisory Committee, as well as individual tribal government representatives.

The tribal listening session and other tribal input show that Tribes see the Tribal TANF and NEW programs as valuable resources to help meet tribal needs and support self-sufficiency for tribal families. Tribes support the continued option for Tribes to operate their own TANF programs and to have funding for work and job training programs. Tribes also support continuing the flexibility within these programs, and they indicated the need for technical assistance to better serve their TANF populations.

The Tribal TANF and NEW programs are authorized through fiscal year 2002. Reauthorization of TANF – including Tribal TANF – and NEW is included in the President's FY 2003 budget. The President's budget maintains the high level of Federal commitment to TANF at $16.5 billion in block grant funding, with total Tribal TANF funding dependent upon which Tribes operate their own TANF programs. The President's budget also seeks level funding of the NEW program.

Tribal TANF programs will benefit from the changes proposed in the Administration's plan for reauthorizing the TANF program. For example, Tribes will be the beneficiaries of technical assistance provided under proposed new research, demonstration and technical assistance funds. The Administration proposes to provide technical assistance to Indian Tribes to identify and disseminate promising program models and other research information. This approach will help Tribes design and implement more effective TANF programs and family formation activities in tribal lands. Additionally, Tribes will benefit from the proposed demonstration and research projects that are intended to promote family formation and healthy marriages, and they also can benefit from the Administration's matching grant program to promote healthy marriages and reduce out-of-wedlock births. Tribal TANF and NEW programs also will have the added flexibility granted to States to use reserved funds for more than basic "assistance" needs.

Finally, Tribes can take advantage of the Administration's proposed approach for maximizing self-sufficiency through work and additional constructive activities. As you know, our proposal for TANF reauthorization includes the creation of a new universal engagement requirement that includes planning activities and services, and monitoring participation and progress. We know that it is especially important to Tribes with significant challenges to combine services with work programs in creative ways. Tribes will continue to have the flexibility to negotiate customized programs that are compatible with our proposals on case management, work, and services to meet the needs and challenges of their own communities and economic circumstances.

I would like now to turn to the second set of ACF programs about which you were interested in receiving testimony, the programs of the Administration for Native Americans.

ADMINISTRATION FOR NATIVE AMERICANS

Through a number of unique programs, the Administration for Native Americans provides financial assistance to Tribes and Native communities to support efforts to achieve their social, economic and governance objectives. ANA is authorized under the Native American Programs Act of 1974, as amended, for which the appropriations authority expires at the end of FY 2002. The President's budget seeks a straight line reauthorization of this important program.

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, and the Commonwealth of the Northern Mariana Islands.

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. In FY 2001, ANA awarded a total of 296 grants, including special projects.

I will now turn to the three program areas ANA administers.

Governance and Social and Economic Development

In FY 2001, ANA awarded 160 new grants for governance, social and economic development projects under the SEDS program. These grants support 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.

ANA provided grants to 45 Tribes to conduct status clarification projects to re-establish their trust relationship with the United States, along with funding for various time sensitive projects. For example, ANA funded three information dissemination and strategy development grants relating to the deregulation of electricity, as it affects Indian Tribes and other Native American communities. Such an effort enabled Tribes to make informed decisions relating to participation in new energy relationships as both a potential supplier and consumer. Tribal applications to the Western Area Power Administration and Bonneville Power Administration were a direct result of this effort.

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, resulting in the reduction 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 funded 62 new grants for a total of $5.5 million for Native Languages in FY 2001. Projects include research on current Native language use; development of specialized curricula; Native language training programs; language immersion camps for youth; master 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 Native village governments are operating 17 new 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.

CONCLUSION

I hope that I have conveyed to you the vital role that Tribal TANF, NEW and the ANA programs play in implementing a "living" model of government-to-government relationship with Tribes and Alaska Native villages. I am pleased to have provided you with updates on these ACF programs that are vitally important to Native Americans. We look forward to working with the Congress in reauthorizing each of these programs. If you have questions, I will be happy to try to answer them at this time.

Department of Education

Statement by Thomas M. Corwin

Acting Deputy Assistant Secretary for
Elementary and Secondary Education

before the

Senate Committee on Indian Affairs

on the Fiscal Year 2003 Budget for

Department of Education Programs that Serve Indians

March 5, 2002

Mr. Chairman and Members of the Committee:

My colleague, Cathie Martin, and I are pleased to appear before you to discuss the fiscal year 2003 budget request for major Department of Education programs that serve American Indians, Alaska Natives, and Native Hawaiians.

The Bush Administration is strongly committed to ensuring that American Indians, Alaska Natives, and Native Hawaiians receive every opportunity to achieve to high academic standards. The recently enacted No Child Left Behind Act of 2001 focuses on improving academic achievement by ensuring that all children can read by the end of third grade, improving teacher quality through high-quality professional development and innovative teacher recruitment and retention practices, increasing accountability for student achievement, and placing a stronger emphasis on teaching methods grounded in scientifically based research. Native American students will benefit from these initiatives, and many programs at the Department of Education help to ensure that Indian students have full access to these and other reforms to improve education. The 2003 budget request includes a number of programs and initiatives that focus specifically on helping Indian students achieve.

American Indians have made educational progress in recent decades, but continue to be disproportionately affected by poverty, low educational attainment, and fewer educational opportunities than other students. For example, according to the National Assessment of Educational Progress, in 2000, only 17 percent of American Indian fourth-graders scored at or above the proficient level in reading compared to 40 percent of white students and 32 percent of all students. In addition, although

American Indians have made progress on the Scholastic Aptitude Test, moving from a composite score of 938 in 1991 to 960 in 2001, they are 100 points behind white students who had a composite score of 1060, and 60 points behind all students who had a composite score of 1020.

The 2003 budget request for Department of Education programs serving Indians supports the President's commitment to providing more resources to help implement the No Child Left Behind Act and improve educational opportunities for all students, including American Indians, Alaska Natives, and Native Hawaiians.

Indian Education Programs

Our request for the Department's Indian Education programs is $122.4 million, an increase of $2 million over the 2002 level. These programs include formula grants to school districts, competitive programs, and national activities to further research and evaluation on the educational needs and status of the Indian population.

Indian Education - Grants to Local Educational Agencies

We are requesting $97.1 million for the Indian Education formula grants to local educational agencies, the same as the 2002 level. This program is the Department's principal vehicle for addressing the unique educational and culturally related needs of Indian children. Grants supplement the regular school program, helping Indian children improve their academic skills, raise their self-confidence, and participate in enrichment programs and activities that would otherwise be unavailable. The requested level would provide an estimated per-pupil payment of $209 for approximately 465,000 students.

Special Programs for Indian Children

Our request for Special Programs for Indian Children is $20 million, the same as the 2002 level. These funds will be used for three activities.

Approximately $12.3 million will support an estimated 43 Demonstration grants that promote school readiness for Indian preschool children and increase the potential for learning among American Indian and Alaska Native students.

In addition, the 2003 request will provide approximately $7.2 million to continue the American Indian Teacher Corps initiative, which trains Indian college students to become teachers, places them in schools with concentrations of Indian students, and provides professional development and in-service support as they begin teaching. In addition, the program will provide professional development to teachers already in the field so that they can work more effectively with their Indian students.

We are also requesting funds to continue the companion American Indian Administrator Corps. Grantees funded under this activity recruit, train, and provide in-service professional development to American Indians to become effective school administrators in schools with high concentrations of Indian students.

National Activities

We are requesting $5.2 million for research, evaluation, and data collection activities related to Indian Education. This is a $2 million increase over the current level.

The Department has used the National Activities appropriation to craft a comprehensive research agenda for Indian education. We completed and publicly released that agenda last November, and now would use the 2003 funding for the first major investments in implementing that agenda. The agenda responds to the major national need for better information on the educational status and needs of Indian students, and for scientifically based research on what works most effectively in meeting the educational needs of this population.

Historically, educational research involving American Indian and Alaska Native students has been limited in applicability because of small sample size and the resulting inability to generalize from the results. We are proposing, in fiscal year 2003, to begin a large-scale study involving representative samples that will establish baseline data on academic achievement and retention of American Indian and Alaska Native students. The purpose of the study will be to gather enough data about Native students and their families, schools, and communities to permit comparisons among students of different tribes and different demographic and cultural backgrounds in order to provide information on the effectiveness of educational programs and to identify successful practices. Another part of the study would examine the effectiveness of educational programs that incorporate Native language and culture. Fiscal year 2003 funds would also be used to continue research grants and data collections initiated in earlier years.

In addition to the Indian Education programs, the Department also supports the education of Indians through other programs.

Title I: Education for the Disadvantaged

Title I Grants to LEAs

Title I provides supplemental education funding to local educational agencies (LEAs) and schools, especially in high-poverty areas, to help some 15 million disadvantaged students, including an estimated 237,000 Indian children and youth, learn to the same high standards as other students. With Title I, these students have the benefit of, for example, extra instruction at all grade levels, extended-day kindergarten programs, learning laboratories in math and science, and intensive summer programs. States are required to create a framework to integrate Title I with State and local reforms stressing high performance for all children. In addition, the No Child Left Behind Act requires stronger accountability for helping all students, including Indian students, make adequately yearly progress toward State standards.

The Department has requested a $1 billion increase for Title I Grants to LEAs in 2003, for a total of $11.4 billion. Under the statute, the BIA and Outlying Areas receive 1 percent of Title I Grants to LEAs. The BIA share of the set-aside would be approximately $76 million, 10 percent more than the 2002 level. These funds will serve more than 50,000 Indian children, in addition to those served in regular public schools.

In addition, consistent with proposed legislation governing pension and annuitant health care costs for Federal employees, the Department is requesting an additional $2.9 million in Title I funds for pension and health care costs for employees in BIA schools. These retirement costs are currently financed from a centralized government account.

Reading First State Grants

Reading First is a new comprehensive effort to implement the findings of high-quality scientifically based research on reading and reading instruction. It is one of the Administration's highest priorities for education. Providing consistent support for reading success from the earliest age has critically important benefits. Under this formula program, the BIA will receive 0.5 percent of the State Grants appropriation. Our 2003 budget request of $1 billion would provide approximately $5 million to BIA schools for this important program.

Comprehensive School Reform

The Comprehensive School Reform program provides schools with funding to develop or adopt, and implement, comprehensive school reforms, based on scientifically based research and effective practices. These reforms are designed to enable children, including Indian children, to meet challenging State standards. The Department may reserve up to 1 percent for grants to BIA Schools and the Outlying Areas.

Under the Department's fiscal year 2003 request of $235 million, approximately

$1.6 million would go to the BIA to support school reform activities.

Even Start

Even Start is an educational program for low-income families that is designed to improve the academic outcomes of parents and their young children, including Indian families, by integrating early childhood education, adult literacy, parenting education, and interactive parent and child literacy activities. The Department is requesting $200 million for Even Start in 2003, which would provide approximately $3 million for competitive grants for Even Start programs conducted by Indian tribes and tribal organizations.

Literacy Through School Libraries

The new Literacy Through School Libraries program provides funds to help eligible LEAs provide students with increased access to up-to-date library materials and professionally certified school library media specialists. This program, newly created by the No Child Left Behind Act, is intended to help high-poverty school districts provide students with high-quality library services. The BIA receives 0.5 percent of the total funding. The 2003 request of $12.5 million would thus provide the BIA with an allocation of $62,500.

Improving Teacher Quality State Grants

The President's budget request emphasizes the importance of good teaching for all students. The Improving Teacher Quality State Grants program provides flexible funds to State and local educational agencies to develop and support a high-quality teaching force through activities that are grounded in scientifically based research. Funds are used to strengthen the skills and knowledge of teachers and administrators to enable them to improve student achievement in the core academic subjects and for teacher and principal recruitment, development, and retention. The No Child Left Behind Act created this program by consolidating the former Eisenhower Professional Development and Class-Size Reduction programs. Under the statute, the BIA receives a set-aside of 0.5 percent.

The Department's fiscal year 2003 request of $2.85 billion would provide the BIA with an allocation of almost $14.2 million.

Safe and Drug-Free Schools and Communities

The Safe and Drug-Free Schools and Communities program is designed to help create and maintain drug-free, safe, and orderly environments for learning in and around schools by supporting effective, research-based approaches to drug and violence prevention. Of the appropriation for State grants, 1 percent or $4.75 million (whichever is greater) is reserved for drug and violence prevention programs serving Indian children in BIA-operated or -supported schools, and 0.2 percent is reserved for programs serving Native Hawaiians.

The 2003 budget request of $472 million for Safe and Drug-Free Schools includes $4.75 million for the BIA and $994,000 for Native Hawaiian programs.

Impact Aid

Basic Support Payments

Impact Aid provides financial assistance to school districts affected by Federal activities. The Basic Support Payments program is the primary vehicle for providing assistance for general operating expenses to many LEAs that educate Indian children. The 2003 budget request of $982.5 million would provide approximately $462 million to support the education of almost 128,000 children living on Indian lands.

Payments for Children with Disabilities

Impact Aid Payments for Children with Disabilities help federally affected school districts to provide the special education services required by the Individuals with Disabilities Education Act for federally connected children, including children residing on Indian lands. The budget request of $50 million would provide approximately $21 million for services to approximately 18,700 children living on Indian lands.

Construction

The Impact Aid Construction program provides formula and competitive funds to support school construction and renovation in school districts that educate federally connected students or have federally owned land. Under the budget request, $9 million in formula grants will go to districts on behalf of students residing on Indian lands. Funds can be used for such purposes as construction and renovation of school facilities and debt service related to the construction of school facilities. In addition, districts with high concentrations of students living on Indian lands would be eligible for $27 million in competitive construction grants.

English Language Acquisition

English Language Acquisition programs (formerly Bilingual Education) support the education of limited English proficient students through a new formula grant program that makes grants to States to help ensure that those students learn English and meet the same high academic standards as all other students. The No Child Left Behind Act established a 0.5 percent or $5 million (whichever is greater) set-aside for schools operated predominantly for Native American and Alaska Native children. The 2003 budget request would include $5 million for these schools. In addition, the Department estimates that approximately $50 million in English Language Acquisition State formula grant funds would serve Indian students enrolled in public schools.

21st Century Community Learning Centers

The 21st Century Community Learning Centers program enables communities to establish or expand centers that provide activities offering extended learning opportunities (such as before- and after-school programs) for students and related services to their families. The No Child Left Behind Act converted this activity from a national competition to a State formula grant program, with State educational agencies making competitive subgrants within their States. The Department may reserve up to a total of 1 percent for grants to the Bureau of Indian Affairs and the Outlying Areas. The fiscal year 2003 request of $1 billion would provide approximately $7 million to the BIA.

Education Technology State Grants

The Education Technology State Grants program supports efforts to integrate technology into curricula to improve teaching and learning. By statute, three-quarters of 1 percent of the amount available for States is reserved for schools operated or funded by the BIA. The Department is requesting $700 million for the program, which would provide approximately $5.1 million for BIA schools.

Grants for State Assessments

The Grants for State Assessments program helps States develop and implement the additional assessments required by the No Child Left Behind Act. Under the funding formula, 0.5 percent of the appropriation is reserved for the Bureau of Indian Affairs. For 2003, the Administration is requesting $387 million for this program, $1.85 million of which would go to the BIA.

Education for Native Hawaiians

We are requesting $18.3 million for Education for Native Hawaiians. These funds support a wide array of education services to improve the educational status of Native Hawaiians, including curriculum development, teacher training and recruitment, higher education, special education, community-based learning centers, family-based education, and gifted and talented programs.

Alaska Native Education Equity

We are requesting $14.2 million for Alaska Native Education Equity. These funds support an array of education services to improve the educational status of Alaska Natives, including student enrichment, preschool programs, teacher training and recruitment, and curriculum development.

Education for Homeless Children and Youth

Under the McKinney-Vento Homeless Assistance Act, the Secretary is required to transfer 1 percent of the appropriation for Education for Homeless Children and Youth to the BIA for services to Indian students in BIA-operated and funded schools. Our 2003 budget request of $50 million includes $500,000 for the BIA to provide services to homeless children and youth to enable them to attend and excel in school.

Vocational Education

Vocational Education State Grants, authorized under the Perkins Vocational and Technical Education Act of 1998, support education programs designed to develop the academic, vocational, and technical skills of students in high schools and community colleges. From the appropriation, 1.25 percent is set aside for competitive grants to federally recognized Indian tribes, tribal organizations, and Alaska Native entities, and 0.25 percent is for grants to organizations that serve and represent Native Hawaiians.

Under the budget request of $1.18 billion, the Department would award approximately $14.75 million to 35 Indian tribes or tribal organizations and approximately $2.95 million to one or more Native Hawaiian organizations.

Tribally Controlled Postsecondary Vocational and Technical Institutions

This program, also authorized by the Perkins Act, provides competitive grants for the operation and improvement of tribally controlled postsecondary vocational and technical institutions. Funds provide continued and expanded educational opportunities and training for Indian students attending those institutions and for institutional support.

Under the budget request, the Department would provide $6.5 million, the same as the fiscal year 2002 level, for these institutions.

Higher Education Aid for Institutional Development

The Aid for Institutional Development programs, under Title III of the Higher Education Act of 1965, are designed to strengthen institutions of higher education that enroll large proportions of minority students and students from low-income backgrounds. The programs provide financial assistance to help institutions solve problems that threaten their ability to survive, improve their management and fiscal operations, build endowments, and make effective use of technology.

The Strengthening Tribally Controlled Colleges and Universities (TCCUs) program authorizes 1-year planning and 5-year development grants that enable these institutions to improve and expand their capacity to serve American Indian students. Under the budget request, the Department would award $18.1 million for activities to strengthen TCCUs, an increase of 3.6 percent over the current level. In the past two years, a portion of funds has supported construction and renovation activities, and the fiscal year 2003 budget request would provide funds for an estimated 6 construction and renovation projects.

The Strengthening Alaska Native and Native Hawaiian-Serving Institutions program authorizes 1-year planning and 5-year development grants that enable these institutions to improve and expand their capacity to serve Alaska Native and Native Hawaiian students. The Department's 2003 budget request includes $6.7 million, an increase of 3.6 percent over the current level.

Special Education

Grants to States

The Special Education Grants to States program provides formula grants to meet the excess costs of providing special education and related services to children with disabilities. From the total appropriation, 1.226 percent is allocated to the BIA to serve children with disabilities on reservations. Of the funds reserved, 80 percent is used for the education of children 5-21 years old and 20 percent is distributed to tribes and tribal organizations for the education of children 3-5 years old.

Under the budget request of $8.5 billion, a $1 billion (13.3 percent) increase, the Department would provide approximately $81.2 million to BIA to serve approximately 8,500 Indian students.

Grants for Infants and Families

The Grants for Infants and Families program provides formula grants to assist States in implementing statewide systems of coordinated, comprehensive, multidisciplinary, interagency programs to make available early intervention services to all children with disabilities, aged birth through 2, and their families. An amount equivalent to 1.25 percent is allocated to the BIA.

Under the 2003 budget request, the BIA would receive approximately $5.4 million, a 4.8 percent increase over FY 2002.

Vocational Rehabilitation

The Vocational Rehabilitation State Grants program provides services designed to help persons with disabilities prepare for and engage in gainful employment to the extent of their capabilities. Nationally, this program provides services to about 8,000 American Indians with disabilities each year. In addition, the Rehabilitation Act requires that between 1.0 percent and 1.5 percent of the funds appropriated for the State Grants program be set aside for competitive grants to Indian tribes to provide vocational rehabilitation services to American Indians with disabilities living on or near reservations. For 2003, the Department requests approximately $2.6 billion for the State Grants program, an increase of 5.4 percent. The amount set aside for grants to Indian tribes would be approximately $26.8 million and would fund a total of approximately 69 projects.

Conclusion

The 2003 budget request for Department of Education programs serving Indians supports the President's overall goal of ensuring educational opportunities for all students, including American Indians, Alaska Natives, and Native Hawaiians.

Thank you for the opportunity to appear before the Committee. My colleague and I will be happy to respond to any questions you may have.

Department of Justice

STATEMENT

OF

TRACY A. HENKE
PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS

BEFORE THE

INDIAN AFFAIRS COMMITTEE
UNITED STATES SENATE

CONCERNING

THE JUSTICE DEPARTMENT'S FISCAL YEAR 2003 BUDGET
TO SUPPORT INITIATIVES IN INDIAN COUNTRY

PRESENTED ON

MARCH 5, 2002

Chairman Inouye, Vice-Chairman Campbell, and Members of the Committee: I appreciate the opportunity to appear before this Committee to discuss the Justice Department's proposed Fiscal Year 2003 budget priorities for Indian Country. As the Committee is aware, for far too long the needs of Indian tribal governments in combating crime and violence have been ignored. This Administration is committed to addressing the most serious law enforcement problems in Indian Country, including substance abuse, domestic violence, and other violent crimes and to ensuring that Indian tribes are full partners in this effort.

One of the Department's primary resources for funding and other assistance in Indian Country is the Office of Justice Programs (OJP). Through OJP and its component bureaus, the Department identifies emerging criminal and juvenile justice system issues, develops new ideas and tests promising approaches, evaluates program results, collects statistics, and disseminates these findings and other information to federal, state, and local units of government, Indian tribes, and criminal justice professionals. OJP works to prevent and control crime and help crime victims by providing funding to and assisting state and local governments, Indian tribes, law enforcement, prosecutors, courts, corrections, and other service providers.

A strong example of our commitment to support American Indian and Alaskan Native tribes is the Comprehensive Indian Resources for Community and Law Enforcement, or CIRCLE, Project, which recognizes that the most effective solutions to the problems experienced by tribal communities come from the tribes themselves. The three tribes that participate in the CIRCLE Project have each undertaken comprehensive, coordinated, multi-disciplinary efforts to combat crime and violence. These tribes designed their own strategies, while we provided support through direct funding, training, and technical assistance.

And, we have already seen some promising results from the three CIRCLE Project tribes. For example, the Oglala Sioux have seen reduced gang activity and domestic violence since implementing CIRCLE. The Northern Cheyenne tribe hired its first juvenile probation officer, have added additional police officers, and implemented new youth programs. The Pueblo of Zuni used resources provided through CIRCLE to hire four more law enforcement officers, provide community policing and other training, streamline its court system, and start a youth leadership program.

Our commitment to American Indian communities is reflected in the President's Fiscal Year 2003 request of $50.6 million for OJP tribal programs, part of the Department's $201.3 million request for Indian country-related activities. This plan will allow us to continue most of our tribal programs at or near Fiscal Year 2002 levels.

Some of OJP's programs focus on alcohol and drug abuse, which continue to be major problems in Indian country. OJP's Bureau of Justice Assistance will soon issue a solicitation for the Indian Alcohol and Substance Abuse Demonstration Program, a new effort to improve the enforcement of alcohol and drug laws in tribal lands and provide treatment and other services to American Indian or Alaskan Native offenders with substance abuse problems. Applicants can focus on law enforcement, services, or both. We anticipate making up to 30 grants in late summer. For Fiscal Year 2003, we are requesting approximately $5 million for this program, maintaining the current funding level.

OJP's Drug Courts Program Office provides funds for local drug courts that provide specialized treatment and rehabilitation for non-violent substance abusing offenders. While not solely a tribal program, OJP has always ensured that tribal governments were included as Drug

Court grantees. Last fiscal year alone, we awarded 21 Drug Court grants totaling over $3 million to Indian tribes. We anticipate that American Indian and Alaskan Native tribes will apply for drug court funding again this year and that they will be well-represented among new grantees. For Fiscal Year 2003, we requested $52 million for the overall Drug Courts Program, a $2 million increase from our Fiscal Year 2002 funding level.

Further Mr. Chairman, it is a sad fact that American Indian and Alaskan Native women still suffer disproportionately from domestic violence and sexual assault. Since 1994 our Violence Against Women Office (VAWO) has administered the STOP Violence Against Indian Women Discretionary Grants Program, which support tribes' efforts to investigate and prosecute violent crimes against women and to strengthen services for victims of these crimes. Last year we awarded a total of $8.1 million to 84 tribes under this program.

This year we are proud to launch the Tribal Domestic Violence and Sexual Assault Coalitions Grant Program, a new program authorized under the Violence Against Women Act of 2000 that is designed to help non-profit tribal coalitions improve systemic and community responses to victims in Indian country. We hope this program will help tribal communities identify gaps in services so that no domestic violence and sexual assault victims fall through the cracks.

For Fiscal Year 2003, we are requesting a total of $19.89 million for all of our tribal Violence Against Women Act programs, virtually maintaining the Fiscal Year 2002 funding level.

OJP's Office for Victims of Crime (OVC) works with Indian tribes to provide services for crime victims in areas that are often under-served. OVC provides direct support through its

Victim Assistance in Indian Country Discretionary Grant Program. Tribes can use these funds for many different services, including emergency shelters, mental health counseling, and immediate crisis intervention. This program is supported through the Crime Victims Fund, which comes from federal criminal fines, forfeited bail bonds, penalty fees, and special assessments.

OVC also administers grants under the Children's Justice Act to improve the investigation, prosecution, and handling of child abuse cases in Indian country. Tribal communities nationwide have used these grants for activities such as training law enforcement and court staff on how to work with child abuse victims, and establishing protocols for handling these cases. We are requesting $3 million for this program in Fiscal Year 2003, maintaining the current funding level.

OJP also works to help American Indian and Alaskan Native youth through the Tribal Youth Program, which is administered by OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Tribal Youth Program supports accountability-based sanctions, training for juvenile court judges, strengthening family bonds, substance abuse counseling, and other efforts to improve justice operations in Indian Country. Further, with OJJDP funding, American Indian Development Associates provides training and technical assistance to Tribal Youth Program grantees. Also, $1.2 million will be dedicated to tribal-related juvenile justice research activities. OJJDP will issue its Fiscal Year 2002 Tribal Youth Program solicitation within the next few weeks. For Fiscal Year 2003, we are requesting $12.47 million for this program, maintaining the current funding level.

In addition to focusing on specific offender or victim populations, tribes have expressed a

need for overall improvement of their justice systems. Tribal justice systems have existed for hundreds of years, but lately their workload has grown markedly, while the available resources have not. OJP has worked to help ease this burden through the Tribal Courts Assistance Program, which assists tribes in the development, enhancement, and continuing operation of tribal judicial systems. It provides resources to help tribes sustain safer and more peaceful communities. We will soon announce 57 Tribal Court grants, and will fund additional projects with Fiscal Year 2002 funds. For Fiscal Year 2003, we are requesting $7.98 million for this program, maintaining the current funding level.

Another important tool to help tribes enhance their law enforcement and criminal justice systems is technology. This past September, OJP's Bureau of Justice Assistance (BJA) awarded $1.5 million to the National Center for Rural Law Enforcement for the first phase of the Inter-tribal Integrated Justice Pilot Project, a part of OJP's Information Technology Initiative. The Inter-tribal Integrated Justice Pilot Project will increase electronic information sharing among the Navajo Nation, Hopi Tribe, and Pueblo of Zuni in order to improve 24-hour emergency services and enforcement of drunk driving violations and protection orders. We look forward to continuing this project and to providing training and technical assistance to other tribes that seek to undertake similar efforts.

One of the many challenges that American Indian and Alaskan Native tribes face is collecting reliable data on arrests, victimizations, and other criminal justice-related issues. Last year OJP awarded a grant to the Justice Research and Statistics Association to create the Tribal Justice Statistics Assistance Center, which became operational late last month. The Center will work with tribal justice agencies to develop and enhance their ability to generate and use criminal

and civil justice statistics. It will provide support specifically tailored to the tribal community requesting assistance. Among other activities, the Center will offer tribes training in the use of criminal justice data to help inform justice decision making in Indian country.

Not only will improved data gathering help tribes make better policy decisions, it will also help them to better share and receive information with the broader criminal justice community, as well as to participate in national criminal justice data gathering efforts, such as the National Incident Based Reporting System (NIBRS), the Uniform Crime Reporting (UCR) program, and other data collections related to corrections, criminal victimization, court processing, and juvenile justice. In addition, the Center will provide for tribal participation and access to national law enforcement data systems, such as the National Criminal Information Center (NCIC) and the National Protection Order File.

For Fiscal Year 2003, we plan to target $2 million in Bureau of Justice Statistics (BJS) funds for the Tribal Justice Statistics Assistance Center and other tribal-related statistics activities, maintaining the current funding level.

OJP has engaged in a number of research efforts to better understand criminal and juvenile justice problems in Indian country and the many challenges tribal justice agencies face. Last year our National Institute of Justice partnered with the Department's Office of Community Oriented Policing Services, or COPS, to produce *Policing on American Indian Reservations*, which was developed through a grant to the John F. Kennedy School of Government at Harvard University. The comprehensive report examined emerging Indian country crime trends, how tribal police departments are managed, and the federal role in this process. The report also

offered suggestions for improvement. I am submitting a copy of this report for the record.

Mr. Chairman, so far I have outlined some of our broader efforts to work with American Indian and Alaskan Native tribes, but there is also a need for day-to-day assistance. In September 2000, with OJP support, the National Tribal Justice Resource Center opened its doors. Located in Boulder, Colorado, the Resource Center is operated by the National American Indian Court Judges Association and provides tribal justice systems with assistance that is comparable to that available to federal and state court systems. The Resource Center offers on-site training and technical assistance, a calendar of seminars and conferences, and a free searchable database of tribal court opinions. It also features a "justice system mentoring project," which partners a developing tribal court with a more experienced one. The Resource Center makes information available through a toll-free number (1-877/976-8572) and a comprehensive searchable Website (**www.tribalresourcecenter.org**). OJP plans to continue our support of this project in Fiscal Year 2003.

As you are aware Mr. Chairman, OJP works in close partnership with COPS, which administers the Tribal Resources Grant Program. This program provides funding for additional officers, law enforcement training, uniforms, basic issue equipment, technology, and police vehicles in an effort to enhance law enforcement infrastructure and increase community policing in tribal communities. Last fiscal year, the COPS office awarded 105 tribal law enforcement agencies a total of $34.3 million under this program and plans to issue its Fiscal Year 2002 solicitation early this spring. COPS also will issue a solicitation for its Tribal Mental Health and Community Safety Initiative late this spring. In addition, COPS supports training and technical assistance projects, as well as other innovative partnership programs in Indian Country. For

Fiscal Year 2003, COPS has requested $30 million for its Indian country programs. As the committee is aware, the war on terrorism compelled the Department of Justice to reexamine its funding priorities and redirect funds from programs that have met their objectives. Among those affected was the Indian Country Tribal Prison Construction program, which has helped fund the expansion of 20 tribal correctional facilities, 2 of which already are operational. No funding is requested in Fiscal Year 2003 because recent reports indicate that tribal facilities have been able to reduce their overcrowding. While almost half of these still operate above capacity, their conditions should improve as previously funded construction projects are completed.

Mr. Chairman, Attorney General Ashcroft has pledged to honor our Federal trust responsibility and to work with sovereign Indian Nations on a government-to-government basis. The Attorney General, the Department, and OJP will honor this commitment and continue to assist tribal justice systems in their effort to promote safe communities. We also recognize that the most effective solutions to the problems facing tribes come from the tribes themselves and that our role is to help the tribes develop and implement their own law enforcement and criminal justice strategies. We are confident that our current activities and our Fiscal Year 2003 proposed budget reflect these priorities. This concludes my statement, Mr. Chairman. I have attached several budget charts to assist the Committee, and I would welcome the opportunity to answer any questions you or Members of the Committee may have.

TRACY A. HENKE
PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS
DEPARTMENT OF JUSTICE

Tracy Henke was designated by Attorney General Ashcroft to serve as the Principal Deputy Assistant Attorney General (PDAAG) of the Office of Justice Programs (OJP) in June 2001. OJP, whose broad mission is to improve the nation's state and local criminal and juvenile justice systems, includes the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. In addition, OJP has the Violence Against Women Office, the Corrections Program Office, The Drug Courts Program Office, the Weed and Seed Office, the Office of the Police Corps and Law Enforcement Education, and the Office of Domestic Preparedness.

OJP awards approximately $4 billion in grants each year in an effort to make our nation's criminal and juvenile systems more efficient and effective and to address problems relating to crime, delinquency, drugs, and violence. Dedicated to comprehensive approaches, OJP supports the Office and Bureaus as they identify emerging criminal justice issues, develop new ideas and test promising approaches, evaluate program results, collect statistics, conduct analyses, and disseminate these findings and other information to state and local units of government, criminal justice practitioners, the media, and the public, as well as to other countries.

As PDAAG of OJP, Ms. Henke will advise and assist the Assistant Attorney General(AAG), key Presidential appointees, and other senior staff in fulfilling President Bush's and Attorney General Ashcroft's agenda and mandates. Ms. Henke, acting with the AAG, will exercise full responsibility for carrying out all policy, programmatic, legal, and managerial matters required to assure OJP's effective and efficient operations and the proper stewardship of taxpayer dollars.

Prior to joining the Department of Justice, Ms. Henke served as Senior Policy Advisor for U.S. Senator Christopher "Kit" Bond of Missouri. In this position Ms. Henke was responsible for developing and implementing the Senator's policy objectives, strategies, and operating plans for a variety of issues. In addition, she served as the Senator's point person on all appropriation issues and worked on devising outreach strategies and coalition building.

Ms. Henke has also worked for Senator Jack Danforth, received her Bachelor Degree in Political Science from the University of Missouri-Columbia, and is originally from Moscow Mills, Missouri.

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 23, 2002

The Honorable Daniel K. Inouye
Chairman
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed please find responses to post-hearing questions submitted to Ms. Tracy A. Henke, Principle Deputy Assistant Attorney General, Office of Justice Programs, following a hearing before your Committee on March 5, 2002. We hope that you will find the information helpful, and that you will not hesitate to call upon us if we may be of additional assistance in connection with this or any other matter.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

Enclosure

Answers to Senate Committee on Indian Affairs Questions from Chairman Inouye

DETENTION FACILITIES

Question 1: In your written testimony, you indicated that no funding for Tribal Detention Facilities was requested because recent reports indicate that tribal facilities have been able to reduce their overcrowding. What recent reports are you referring to? Please provide the Committee copies of these reports and any other report that supports your statement that tribal facilities have been able to reduce their overcrowding.

ANSWER: The report referred to was the Bureau of Justice Statistics Bulletin: Jails in Indian Country 2000. This document is the product of an annual survey conducted in June of each year and provides a profile of each existing facility in Indian country (see attachment #1). A more in-depth survey is administered by the Bureau of Justice Statistics (BJS) every five years and captures information such as the year of original construction. The last such in-depth survey was conducted in 1998 and was published in July 2000 as the Bureau of Justice Statistics Report: Jails in Indian Country, 1998-1999.

Question 2: Please provide the Committee with a list of tribal detention facilities and their current population expressed as a percent of capacity.

ANSWER: This information is listed in the Bureau of Justice Statistics Bulletin: Jails in Indian Country 2000 in Appendix table 2, on page six. The detention facilities are listed with information on the number of inmates, the rated capacity of each facility, and the percent of capacity in use at each facility.

Information was again gathered and updated in June 2001 and the information has been prepared for your review as attachment A (Number of inmates, current rated capacity, projected capacity, and percent of capacity, occupied in jails in Indian county, June 2001). We are also including a copy of Bureau of Justice Statistics Bulletin: Jails in Indian Country 2001.

Question 3: Please provide the Committee with a detailed listing of the tribal detention facilities that are scheduled for renovation or new construction and on which you base your testimony that overcrowding in tribal facilities will be reduced in 2003.

ANSWER: Please refer to attachment A (Number of inmates, current rated capacity, projected capacity, and percent of capacity, occupied in jails in Indian county, June 2001). The Department of Justice is funding the projects listed in italics. The table includes the number of beds listed as adding capacity, replacing current capacity, or renovation with capacity remaining the same. The projected rated capacity in Indian

country will increase from 2,101 beds to 3,121. This figure takes into account the beds that are being replaced and therefore not considered as expanding capacity. According to the latest information gathered from the Bureau of Justice Statistics and included in attachment A, the percent of rated as "capacity occupied" will be reduced from 91 percent to 70 percent upon completion of the currently funded projects. We are basing our projections on the rate of capacity occupied on a random date because it is a much more accurate representation of regular operating capacity than the peak date, which is in effect, the worst-case scenario.

Question 4: Please identify which, if any, tribal detention facilities are under a court order or consent decree to limit the number of inmates they hold, to detain persons in a humane condition, to hold inmates for a limited period of time, and/or to reduce overcrowding.

ANSWER: Again, please refer to attachment A (Number of inmates, current rated capacity, projected capacity, and percent of capacity, occupied in jails in Indian county, June 2001), which indicated that there were 13 facilities under consent decree to limit population on June 30, 2001.

Question 5: Does the Department of Justice count tribal detention facilities that are under a court order or consent decree to limit the number of inmates they hold, to detain persons in a humane condition, to hold inmates for a limited period of time, and/or to reduce overcrowding, as facilities that are not overcrowded?

ANSWER: The facilities that are listed as under consent decree are not automatically listed as overcrowded unless the reported number of inmates gathered in the annual BJS Survey, Jails in Indian Country, show that the facilities are unable to adhere to the consent decree.

Question 6: Will the approximately 13 facilities being constructed and scheduled for completion in 2003 replace any existing facilities? Of the estimated 1,100 beds, how many new beds will be provided and how many will replace existing beds?

ANSWER: Please refer to attachment A (Number of inmates, current rated capacity, projected capacity, and percent of capacity, occupied in jails in Indian county, June 2001). The Department of Justice has funded 20 facility projects to date, which are listed in italics. The Salt River Pima-Maricopa and Gila River Indian Community facilities are scheduled to be completed in 2004. Beds is the most accurate measure of capacity, because new facilities can often both provide new beds and replace existing ones. Of the 1,203 beds being constructed with Department of Justice resources, 893 beds will reflect newly added capacity, and 310 will replace existing capacity.

Question 7: Does the Department of Justice believe that there is a need for new

tribal detention facilities on reservations where facilities do not already exist?

ANSWER: The Department of Justice has focused resources on expanding detention bed capacity throughout Indian country. Recognizing that not every tribe would be able to successfully compete for construction resources based on existing expertise, available data, offender characteristics, adjudication patterns and in some cases existing tribal criminal codes for their court systems, the Department of Justice has focused on providing bed capacity regionally for adult and juvenile offenders to the extent possible. For example: resources were provided to the four states with the highest number of Native American juveniles in federal custody (Arizona, Montana, New Mexico, and South Dakota) to provide bed space close to the juvenile offender's community if not within the community of origin; eleven tribes that did not have existing capacity to house juvenile offenders have been funded to construct new juvenile facilities; and in Alaska, where Native Alaskan facilities were non-existent, the Department of Justice has funded two facilities to date and will consider a third proposal per direction from Congress in Fiscal Year 2002.

TRIBAL DETENTION FACILITIES

Question 8: Tribal governments that are operating detention facilities report that the facilities are inadequate and antiquated. Many are in such poor condition that they are out of compliance with contemporary building codes and professional jail standards. Did the Department of Justice consider the condition of the tribal detention facilities when it decided not to request funding for these facilities?

ANSWER: The Department of Justice Construction of Correctional Facilities on Tribal Lands Discretionary Grant Program provides funding for the planning, design and construction of correctional facilities. The Department of Justice has never funded the operations and maintenance of facilities in Indian country. Each of the 20 projects funded for new and replacement capacity must receive Bureau of Indian Affairs (BIA) design review and comply with the BIA health and safety codes, and each project must be designed to meet professional jail standards.

Each facility that is constructed requires an enormous commitment of future resources for programming, staff and maintenance. According to the Corrections Planning Handbook: Guides for California Counties in Planning Adult and Juvenile Facilities 1999; Section 1.4: the measurement of costs through a 30-year life cycle is often as much as 18 times greater than construction and other initial costs. The largest operational cost is for staffing with other expenses such as food, clothing, supplies, equipment, utilities and maintenance. Medical services, substance abuse treatment services and various vocational and educational programming services, i.e. services that make the difference between constructing a facility that will provide tribes with an effective means of modifying offender behavior versus building a warehouse with a

revolving door, are needed in addition to basic operations. The new facilities could quickly become dilapidated, misused or even abandoned if the programming resources, staffing resources and maintenance resources are not available at the tribal level or are spread too thin at the federal level.

According to the Office of Juvenile Justice and Delinquency Prevention's Juvenile Accountability Incentive Block Grants Bulletin: January 2000, Construction, Operations, and Staff Training for Juvenile Confinement Facilities, jurisdictions are recommended to allocate approximately one third of a building's construction costs each year for operational expenses.

To date the Department of Justice has funded the expansion of bed capacity in Indian country by approximately 50 percent. It remains to be seen if the corresponding funding increases will be available in the areas of staffing, substance abuse treatment, medical, educational, and vocational training services to ensure that the facilities are used as an effective means of managing their offender populations.

Question 9: Does the Department of Justice agree that the condition of tribal detention facilities are inadequate and antiquated?

ANSWER: The Department of Justice is aware that the condition of some facilities continue to be inadequate and antiquated. Due to the reasons listed in the above response, it is necessary to proceed in a way and in a time frame that will ensure each facility constructed provides an effective remedy.

Question 10: With the list of tribal detention facilities that the Committee has requested, could you please indicate whether or not each facility meets the Bureau of Indian Affairs professional jail standards.

ANSWER: The Bureau of Justice Statistics annual survey referred to earlier does not cover whether the facility meets BIA professional jail standards. We have requested information from BIA regarding facilities in operation that are not in compliance with professional jail standards as a result of building structures. The response will be forwarded for your review as soon as it is made available.

Question 11: With the list of tribal detention facilities that the Committee has requested, could you please indicate whether juveniles and adults are held in the same facility and identify which facilities meet the "sight and sound separation" requirements for juveniles and which do not.

ANSWER: Please refer to the attached report Bureau of Justice Statistics Jails in Indian Country, 1998 and 1999, appendix table 10, on page 28 for the listing of facilities authorized to house juvenile offenders and their corresponding ability to provide sight

and sound separation for the juvenile population.

Question 12: The useful life of a jail or detention facility is 30 years. Please identify the year in which each facility was built.

ANSWER: Please refer to the attached report Bureau of Justice Statistics Jails in Indian Country, 1998 and 1999, appendix table 13, on page 34 for the listing of year of each facility's original construction and the year of the most recent renovation.

OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)

Question 13: Given the fact that there is still a substantial need for law enforcement officers in Indian Country, how does the Department justify its request for reduced funding for the Community Oriented Policing Services Program?

ANSWER: Since September 11, 2001, the Department has reprioritized and shifted funding to address counter terrorism efforts. However, because the Department understands the importance of providing funding for Indian Country initiatives, this program was only reduced slightly. The proposed funding level will be sufficient for many tribes to address critical needs for additional law enforcement officers or technology. In addition to the $30 million Tribal Resources Grant Program, which is dedicated specifically for Native American law enforcement agencies, Tribes will be eligible to receive funding through the new COPS technology program proposed in 2003.

Question 14: How much do Indian tribes receive from the Byrne formula grants and other grants for law enforcement?

ANSWER: Indian tribes that have law enforcement responsibilities are eligible to receive subgrants under the Byrne Formula Grant Program at the state grantees' discretion and direct grants under the Local Law Enforcement Block Grant (LLEBG) Program if they provide UCR crime statistics supporting their inclusion in the program. Funding under these two programs may be used to hire law enforcement officers. Please see attachment B (LLEBG Fiscal Year 2000 and 2001 Purpose Area Breakdown for Tribal Jurisdictions). Our Byrne subgrant data is limited and not yet available for Fiscal Year 2001. Please see attachment C (Byrne Program Fiscal Year 1999 BJA Subawards to Tribal Entities, Fiscal Year 2000 data is on the second page).

Question 15: Is there a set aside for Indian tribes or do tribes compete for the grants with other law enforcement agencies?

ANSWER: Indian tribes are eligible under both Byrne Formula and the LLEBG Program, but there is no set-aside under either program for tribes. Under Byrne, they may receive subgrants non-competitively or they may have to compete for these funds;

this is a decision made by the state as part of their overall strategy for use of Byrne funds. If the tribe submits UCR crime data that supports their inclusion in the LLEBG program and their share of the formula distribution is $10,000 or more, they would receive a direct award; this award could be used for any of the 7 authorized purposes, including hiring of law enforcement officers.

Question 16: Is the President proposing to combine the Byrne formula grants and other grants into one Justice Assistance Grant Program and substantially reduce funding for the grant?

ANSWER: The Justice Assistance Grant (JAG) Program is being developed with the intention of maintaining the current levels of eligibility and participation. The President's budget proposes $800 million for the JAG Program for Fiscal Year 2003.

Question 17: If the grants are combined, what is the estimated amount that tribal law enforcement agencies would be eligible for and actually receive?

ANSWER: While tribal governments will remain eligible as in the past, until parameters for the formula are established, we can not determine the potential level of funding for eligible entities.

Question 18: Four years ago, the Department conducted an in-depth study of Indian country law enforcement needs and developed the Indian Country Law Enforcement Initiative. What is the Department's position on the Indian Country Law Enforcement Initiative?

ANSWER: The Department of Justice (Department) is committed to addressing the needs of tribal governments in combating crime and violence in tribal communities. The Department's commitment is reflected in the President's Fiscal Year 2003 budget request. This plan continues most of the tribal programs of the Indian Country Law Enforcement Initiative at or near Fiscal Year 2002 levels. These resources will enhance the ability of Indian tribes to enforce law and order and serve victims.

Question 19: Does the Department Plan to consult with Indian tribes on the Initiative?

ANSWER: Yes. The Office of Justice Programs will consult with tribes and work with the Office of Tribal Justice and the Executive Office of United States Attorneys to develop a tribal consultation plan. We anticipate that the consultations will take place this calendar year and address future budget years beyond FY 2003.

Question 20: Does the Department propose to include Indian tribes in any border security initiatives?

ANSWER: In September, the INS Commissioner met with the Secretary of the Interior to discuss joint efforts regarding border security on Native American lands contiguous to the international boundary. In addition, INS is pursuing Border Patrol recruitment efforts among Native Americans to increase its effectiveness in these areas. In January, INS hosted the first U.S. Border Patrol-Native American Border Security Conference. This event brought together leaders and law enforcement officials from Native American tribes to meet with representatives of the Border Patrol, the Bureau of Indian Affairs, and other agencies to strengthen working relationships and cooperation between Border Patrol and Native American law enforcement personnel, and discuss issues of mutual concern relevant to border security.

Following the conference, the U.S. Border Patrol prepared an after-action report with 13 action items. Progress on the action items is as follows:

- Border Patrol sectors are establishing Border Patrol agent liaison personnel to set up immediate communication with their Native American tribal law enforcement counterparts, to share training, and information.

- Initial efforts are underway to share technology, including an assessment of existing technology and tribal law enforcement technology needs.

- The USBP and the RCMP are both establishing Native American youth pilot programs on their respective sides of the border. This supports one of the key goals from the conference – create a youth liaison program with border tribes.

- A training analysis team is being formed to conduct a training needs assessment for all border tribal law enforcement.

- Pilot training programs will occur in the May/June timeframe for the Akwesasne (Swanton Sector) – BORTAC training was requested. BORSTAR (search and rescue) training is planned for Tucson/Tohono O'Odham tribal law enforcement.

The U.S. Border Patrol will coordinate other Native American Law Enforcement goals in conjunction with the Bureau of Indian Affairs and the Office of Homeland Security.

TRIBAL COURTS

Question 21: How does the Department plan to address the needs of tribal courts for additional funding?

ANSWER: From 1999 through FY 2001, the Department's Bureau of Justice Assistance provided approximately $12 million to plan, implement, or enhance 134 tribal justice systems. Of the 319 applicants for grant funding, 42 percent received funding. This is in

addition to several hundred tribal justice systems that exist without BJA support. Information on applying for funding is provided to all federally recognized tribes.

Tribal Court Program grantees receive between 12 and 18 months of funding, depending upon the type of grant funds for which they apply (planning, implementation, or enhancement). Often tribes lack the infrastructure to institutionalize courts once funding has expired. As with all grant programs, BJA grants can only provide seed money, but does not have sufficient funds to sustain these courts indefinitely. Technical assistance is provided to BJA-funded projects in the form of training and resources to assist courts in building capacity. Tribes that receive money for planning are eligible to apply for implementation funds and, similarly, recipients of implementation funds may apply for enhancement money. By doing so, tribes can extend the duration of funding, but at some point must look for ways to sustain their efforts for the future.

OJP also plans to continue to address the needs of tribal justice systems through the Drug Courts Program Office, which provides funds for local drug courts that provide specialized treatment and rehabilitation for non-violent substance abusing offenders. While not solely a tribal program, OJP has always ensured that tribal governments were included as Drug Court grantees. In Fiscal Year 2001 we awarded 21 Drug Court grants totaling over $3 million to Indian tribes. We will be awarding 11 tribal drug court planning grants this year and also anticipate that American Indian and Alaskan Native tribes will be well-represented among other new drug court grantees.

Question 22: Has the Department considered consulting with Tribal Courts to determine whether the current funding mechanism (i.e. grants) is the best method for funding Tribal Courts?

ANSWER: The Department has a number of mechanisms in place to consult with tribes, including tribal courts. Through individual components and specifically through the OJP American Indian & Alaska Native Affairs Office and the Office of Tribal Justice, outreach regularly occurs to help ensure that Justice Department programs are fair and culturally-appropriate.

Question 23: The Indian Tribal Justice Act was enacted in 1993 and authorizes base support funding for tribal justice systems. Why is there no funding requested for programs authorized by this Act in the President's Budget Request? During the hearing on March 5, 2002, you indicated that you would follow up on your response to this question.

ANSWER: The Indian Tribal Justice Act authorizes the Department of Interior, Bureau of Indian Affairs (BIA), to provide base support to tribal governments justice systems and judicial conferences, including both direct grants and other means such as technical assistance, training, and research. BIA did administer a program funded under that Act,

but Congress has not appropriated funding for programs authorized in the Indian Tribal Justice Act in the past few years.

The goals of the Tribal Courts Program are highly compatible with the intent of the Indian Tribal Justice Act of 1993, the Department's Tribal Courts funding is not authorized under that Act. BJA has continued to consult with BIA (and with other interested parties and with tribal representatives) as we have implemented the Tribal Courts Program.

Question 24: Please identify these other funding sources and the amounts that have been provided to Tribal Courts for Fiscal Years 2001 and 2002.

ANSWER: There are several other OJP programs through which tribal justice systems can receive funding. These include the Byrne program, the STOP Violence Against Indian Women Program, the Rural Domestic Violence and Child Victimization Enforcement Program, and Office of Juvenile Justice and Delinquency Prevention Formula Grants Program, and the Tribal Youth Program. We currently do not have a breakdown of how much funding from these programs was specifically used for tribal justice systems.

As noted in the answer to Question 21, we awarded 21 Drug Court grants totaling over $3 million to Indian tribes in Fiscal Year 2001. For Fiscal Year 2002, we will be awarding 11 tribal drug court planning grants and also anticipate that American Indian and Alaskan Native tribes will be well-represented among other new drug court grantees.

COMPREHENSIVE INDIAN RESOURCES FOR COMMUNITY AND LAW ENFORCEMENT (CIRCLE) PROJECT

Question 25: The Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project, commonly known as the CIRCLE Project, authorizes tribes to coordinate funding from the Department of Justice for a more efficient use of resources. How has the CIRCLE Project affected the way the Office of Justice Programs administers grants?

ANSWER: OJP has benefitted from the CIRCLE Project through working more closely with participating tribes to enhance understanding and increase effectiveness in addressing crime, violence and social disorder in Indian country. This has strengthened our relationship with tribal governments. The Project also streamlines the grant making process, modifies the monitoring of financial and reporting requirements, coordinates communication and management, and responds to training and technical assistance requests. We believe that these improvements will carry over into other programs. A few examples:

Grant Making Process -- All six categories of funding in the Project are awarded from a single grant application, thus eliminating further need to file and process multiple applications.

Communication and Management -- The CIRCLE Team (Team) helps to coordinate the development, implementation and evaluation of the Project. The Team meets monthly to implement the Project and manage activities supporting overall goals and objectives in the Project. Members of the team include representatives from the Office of Tribal Justice, U.S. Attorneys' Offices (New Mexico, South Dakota, Montana), Office of Community Oriented Policing Services and Office of Justice Programs. This approach ensures communication, consultation and coordination within the Department and between the Department and participating tribes. It also minimizes duplication of effort and reduces multiple communication lines to grantees.

Coordinated Technical Assistance -- Participation in the CIRCLE Project enables grantees to coordinate assistance across the traditional boundaries of an agency or topic area.

Evaluation -- The CIRCLE Team members are active participants in the evaluation. Evaluators will interview the Team to examine lessons learned, ways that the program succeeded, and areas that could be improved. The results of the evaluation will help us improve the Department's work with Indian Tribes with an emphasis on government to government relations. The Department continues to evaluate the project and will incorporate lessons learned to inform future collaborative initiatives, current tribal affairs in grant making and capacity building within the tribes.

Question 26: The CIRCLE Project is a 3-year pilot program that ends this year and its effectiveness is currently being evaluated by Harvard University. The report, however, is not expected to be completed for 2 more years. Does the Department plan to maintain the CIRCLE Project until the Harvard report is completed?

ANSWER: In the CIRCLE Project, participating Indian tribes received resources over three different funding years beginning in July 1999 with a planned implementation schedule until September 2003. The evaluation began in September 2000 with an anticipated completion date of 2004. From the end of the project period until the completion of the evaluation, the CIRCLE Team will continue to meet on the project progress, activity coordination and evaluation progress as appropriate. Throughout the evaluation process, the tribes's representatives will continue to meet with the members of the CIRCLE Team.

Question 27: You have indicated that the CIRCLE Project maximizes the use of Federal funds by enabling tribes to coordinate grants from the Department. The Committee has received favorable reviews about the CIRCLE Project from the three tribes

participating in the pilot program. Is the Department considering expanding the Project to include more tribes?

ANSWER: Currently, there are no plans to expand the CIRCLE Project. The Department of Justice awaits findings from the evaluation of the CIRCLE Project to better inform us of refining our relationships and program development.

Question 28: What are the costs associated with an expansion of the CIRCLE Project?

ANSWER: As noted in the answer to Question 27, there are currently no plans to expand the CIRCLE Project. As such, we do not have this information.

GRANT CONSOLIDATION

Question 29: Please provide a list of the various grants to be consolidated and identify whether there is a specific set-aside for Indian tribes that are eligible.

ANSWER: There is a plan being developed to consolidate the Byrne Formula (Byrne) and LLEBG Programs. The Department is currently developing the program. While there is no specific set-aside for Indian tribes, tribes previously eligible to receive funds under each program will remain eligible under the consolidated program.

Question 30: Please indicate how much Indian tribes have received from the various grants to be consolidated for Fiscal Years 2001 and 2002.

ANSWER: For the Byrne Program, subgrant information is not available for FY 2001 and the FY 2002 awards are just now being made. FY 2002 LLEBG awards have not yet been made. Please see attachment B (LLEBG Fiscal Year 2000 and 2001 Purpose Area Breakdown for Tribal Jurisdictions).

Answers to Senate Committee on Indian Affairs Questions from Senator Dorgan

Question 1: I am very concerned about the Administration's budget request which eliminates $35 million in funding for construction of tribal detention facilities. Currently, more than half of jails in Indian Country are operating above capacity, and a quarter are operating above 150 capacity. DOJ says that this overcrowding should be reduced once previously funded construction projects are completed. Can DOJ tell me what percent of jails will continue to be overcrowded even after the completion of expansion projects currently underway?

ANSWER: Please refer to attachment A. Upon completion of the construction of tribal detention facilities currently underway, there will be 80 facilities operating in Indian country. Fifteen of these facilities (19 percent) will continue to exceed capacity of Indian country facilities. As noted in our response to Senator Inouye's Question 3, basing our projections on the rate of capacity occupied on a midyear date because it is a much more accurate representation of regular operating capacity than the peak date, which is, in effect, the worst-case scenario.

Question 2: Likewise, I am concerned that the FY 2003 budget proposes to cut funding for the Community Oriented Policing Services (COPS) Program by $5 million, despite the fact that native Americans are still more than twice as likely to be the victims of violence than the general population. How many law enforcement officers will have to be eliminated because of this reduction in funding?

ANSWER: None. COPS grants are obligated in the same year they are awarded. This means that future COPS funding will not affect current grants. Since September 11, 2001, the Department has reprioritized and shifted funding to address counter terrorism efforts. However, because the Department understands the importance of providing funding for Indian Country initiatives, this program was only reduced slightly. The proposed funding level will be sufficient for many tribes to address critical needs for additional law enforcement officers or technology. In addition to the $30 million Tribal Resources Grant Program, which is dedicated specifically for Native American law enforcement agencies, Tribes will be eligible to receive funding through the new COPS technology program proposed in 2003.

Answers to Senate Committee on Indian Affairs Questions from Senator Cantwell

Question 1: Why has funding for the COPS program been cut from $35 million in fiscal year 2002 to $30 million in fiscal year 2003?

ANSWER: Since September 11, 2001, the Department has reprioritized and shifted funding to address counter terrorism efforts. However, because the Department understands the importance of providing funding for Indian Country initiatives, this program was only reduced slightly. The proposed funding level will be sufficient for many tribes to address critical needs for additional law enforcement officers or technology. In addition to the $30 million Tribal Resources Grant Program, which is dedicated specifically for Native American law enforcement agencies, Tribes will be eligible to receive funding through the new COPS technology program proposed in 2003.

Question 2: Ms. Henke, you testified that funding for the construction of tribal correctional facilities for fiscal year 2003 was eliminated because, based on available statistics, tribes' capacity needs will have been met with the fiscal year 2002 funding of $35.2 million. Tribes in Washington State have contacted me with the concern that funding will not be available for the operation and maintenance of their existing and newly constructed facilities.

ANSWER: Tribal Construction program funds are only available for the planning, design and construction of correctional facilities on tribal lands for the incarceration of offenders subject to tribal jurisdiction as authorized under Section 20109, Subtitle A of Title II of the Violent Crime Control and Law Enforcement Act of 1994, as amended, 42 U.S.C. Section 13701 et seq. Funds are not provided by the Department of Justice for the operation and maintenance of these facilities.

Operational costs are by far the greatest financial burden of jail operation. The Department of Justice collaborates with the Bureau of Indian Affairs for future operations. The Bureau of Indian Affairs has agreed to request funding for each newly constructed facility for operations. The BIA does not however request funds for increased services required by each facility (juvenile facilities in particular) for medical, substance abuse treatment, educational and vocational services.

Question 3: The Administration has requested that fiscal year 2003 funding for Tribal Courts Grant Program, Tribal Youth Initiatives, and the Indian Alcohol and Substance Abuse Division Program remain the same as fiscal year 2002 amounts. Given the law enforcement deficiencies, crime rates, and substance abuse continue to be extremely serious problems in Native American communities, why has funding not been increased even to meet the rate of inflation? Does the Administration believe that these programs are

successful in fighting abuse and crime in Native American communities? If so, does the Administration believe that additional resources would help meet the goals of the programs?

ANSWER: As indicated by the chart below, overall funding has increased for tribal courts, tribal youth initiatives and Indian Alcohol and Substance Abuse Diversion from Fiscal Year 1998 to present. Given the large need in Indian country, additional resources will assist in combating crime and substance abuse in tribal communities. Furthermore, we firmly believe that these programs will be successful. These programs help provide services that tribes have indicated to us are urgently needed. Multi-year evaluations for the Tribal Courts Program and the Tribal Youth Program are currently underway. This year we will be competitively selecting and awarding a grant for the evaluation of the Indian Alcohol and Substance Abuse Division Program. Once these evaluations have been completed and the results have been reported we will be better able to comment on the success of these programs. In the meantime, you will note that we our Fiscal Year 2003 request maintains the Fiscal Year 2002 funding level for these three programs. Fighting crime and preventing violence in American Indian and Alaska Native communities is a high priority, but we must balance this with many other high priorities, such as combating terrorism.

FY 2003 GOVERNMENT-WIDE DETAILED FEDERAL FUNDING FOR NATIVE AMERICANS AND AGENCIES' NATIVE AMERICAN PROGRAMS*

(Budget Authority, in thousands of dollars)

	FY 1997 Actual	FY 1998 Actual	FY 1999 Actual	FY 2000 Actual	FY 2001 Actual	FY 2002 Enacted	FY 2003 Pres Bud
DEPARTMENT OF JUSTICE						116,295	
Bureau of Prisons	44,788	45,347	51,406	52,948	64,438	66,370	68,361
Environment and Natural Resources Division	4,505	4,685	6,438	7,614	7,870	6,913	7,120
U.S. Attorneys	10,031	9,686	10,053	10,078	15,391	18,500	19,425
Federal Bureau of Investigation	7,929	8,869	13,550	16,031	16,706	20,075	21,242
Legal Activities	6,732	4,839	4,642	5,145	4,173	4,437	4,494
Community Oriented Policing Services 7a/	12,455	17,056	32,876	39,880	39,973	35,000	30,000
Office of Tribal Justice	12,455	17,056	0	0	1,000	0	
Subtotal, DOJ	**86,440**	**90,482**	**118,965**	**131,696**	**149,551**	**151,295**	**150,642**
DEPARTMENT OF JUSTICE:							
Off of Justice Prog (OJP)							
Crime Victims Fund (Technical Assistance Grants)	1,992	2,500	1,500	1,500	1,358	3,000	3,000
Criminal Justice Statistics	158	0	0	0	0	1,996	1,996
Juvenile Justice Programs	1,678	1,800	1,600	1,600	0	296	296
At-Risk Children's Initiative	0	0	10,000	12,500	10,043	12,472	12,472
Indian Tribal Grants	0	0	0	0	0	0	
State and Local Law Enforcement Assistance	1,389	2,257	925	0	0	0	
Local Law Enforcement Block Grant	749	957	0	0	1,120	0	
Violence Against Women Act	10,054	12,718	8,270	8,270	16,320	19,901	19,887
Drug Courts	462	2,351	868	0	3,351	0	
Corrections	2,678	5,050	34,000	34,000	19,453	35,191	
Drug Testing and Treatment 7b/	0	0	0	0	0	0	
Tribal Courts	0	0	5,000	5,000	890	7,982	7,982
Executive Office for Weed and Seed	0	950	800	0	525	0	
Police Corps	0	0	0	0	0	0	
Indian Law Enforcement Block Grant	0	0	0	0	0	0	
Civil and Criminal Legal Assistance (Byrne Grants)	0	0	0	0	349	0	
Tribal Youth Mental Health	0	0	0	0	0	0	
Alcohol and Substance Abuse	0	0	0	0	0	4,989	4989
Sexual Assault Nurse Examiners	0	0	0	0	0	0	
Indian Country Forensics Lab (COPS)	0	0	0	0	0	0	
Subtotal, OJP	**19,160**	**28,583**	**62,963**	**62,870**	**53,409**	**85,827**	**50,622**
TOTAL, JUSTICE	**105,600**	**119,065**	**181,928**	**194,566**	**202,960**	**237,122**	**201,264**

Number of inmates, current rated capacity, projected capacity, and percent of capacity, occupied in jails in Indian country, June 2001
(BJS calculations 3/20/02)

State and facility	Inmates in custody/a	Peak population in June/b	Rated capacity 6/29/01/c	Capacity added, replaced or under renovation: DOJ funded	Capacity added, replaced or under renovation: Planned (funding unknown)	Projected rated capacity/d	Percent of rated capacity occupied/e: On June 29 2001	Percent of rated capacity occupied/e: On June 29 Projected/f	Percent of rated capacity occupied/e: On peak day in June 2001	Percent of rated capacity occupied/e: On peak day in June Projected/f	Number of facilities above projected rated capacity: Midyear	Number of facilities above projected rated capacity: Peak day	Facilities under consent decree to limit population on June 30, 2001
Total	1,912	2,656	2,101	1,203	366	3,121	91 %	70 %	126 %	97 %	15	30	13
Alaska													
Mellakatla Police Department	0	7	7			7	0 %	0 %	100 %	100 %			
Barrow Juvenile Correctional Facility	0	0	0	14 j		14							
Kenai Native Assoc. adult Detention Center	0	0	0	24 j		24							
Koltzebue Regional Jail Facility (municipal)	0	0	12	28 E		40							
Arizona													
Colorado River Indian Tribes Detention Center	18	23	36			36	50 %	50 %	64 %	64 %			
Fort Mohave Tribal Police Department	2	4	4			4	50	50	100	100			
Gila River Department of Corrections and Rehabilitation	100	109	112	105 a		217	89	46	97	50			
Gila River Juvenile Detention and Rehabilitation Center	57	71	92	42 j		92	62	62	77	77			
Hopi Rehabilitation Center	100	122	96			96	104	104	127	127	1	1	
Navajo Department of Corrections-Chinle adult	22	55	25			25	88	29	220	73			Y (25)
Navajo Department of Corrections-Chinle juvenile	0	0	0	50 j		50							
Navajo Department of Corrections-Kayenta	14	25	10			10	140	140	250	250	1	1	
Navajo Department of Corrections-Tuba City	19	37	34			34	56	56	109	109		1	Y(34)
Navajo Department of Corrections-Window Rock	84	102	51			51	165	165	200	200	1	1	Y(95)
Pascua Yaqui Law Enforcement Center	1	6	6			6	17	17	100	100			Y(4)
Peach Springs Detention Center - Adult	15	32	41			41	37	37	78	78			
Peach Springs Juvenile Detention Center	0	0	0	30 j		30							
Salt River Department of Corrections	68	75	68	120 aj		120	100	57	110	63			
San Carlos Jail	51	90	48	100 aj		100	106	51	188	90			
Supai Jail	0	3	10			10	0	0	30	30			
Tohono O'odham Detention Center	100	112	34	0 E		34	294	294	329	329	1	1	
Tohono O'odham Judiciary Juvenile Detention Center	22	24	22			22	100	100	109	109		1	
Western Navajo Juvenile Services	25	36	36			36	69	69	100	100			
White Mountain Apache Police Department	75	103	46			46	163	163	224	224	1	1	
Colorado													
Southern Ute Detention Center	28	38	48			48	58 %	58 %	79 %	79 %			
Ute Mountain Ute Agency	7	16	76			76	9	9	21	21			
Idaho													
Fort Hall Police Department	21	21	25			25	84 %	84 %	84 %	84 %			
Michigan													
Sault Ste. Marie Juvenile Detention Center	0	0	0	24 j		24							
Minnesota													
Red Lake Law Enforcement Services	21	31	22	66 aj		66	96 %	31 %	141 %	46 %			Y(22)
Red Lake Juvenile Work Camp	0	0	0	24 j		24							
Mississippi													
Choctaw Police Department	40	40	40	116 aj		116	100 %	34 %	100 %	34 %			
Montana													
Blackfeet Police Department	73	73	45		45	45	162 %	162 %	162 %	162 %	1	1	
Crow Police Department	12	36	14		10	24	66	50	257	150		1	
Flathead Tribal Police Department	16	22	20			20	80	80	110	110		1	
Fort Belknap Police Department	11	26	8			8	138	138	325	325	1	1	
Fort Peck Indian Youth Services Center	17	20	16	20 j		36	106	47	125	56			
Fort Peck Police Department	19	30	22			22	86	86	136	136		1	
Northern Cheyenne Police Department	26	45	19	36 j		54	137	48	237	83			
Rocky Boy Police Department	10	12	15		15	15	67	67	80	80			
White Buffalo Youth Detention Center	31	31	24			24	129	129	129	129	1	1	
Nebraska													
Omaha Tribal Police Department	13	25	32			32	41 %	41 %	78 %	78 %			Y(32)

N ATTACHMENT

State and facility	Inmates in custody/a	Peak population in June/b	Rated capacity 6/29/01/c	Capacity added, replaced or under rennovation: DOJ funded	Capacity added, replaced or under rennovation: Planned (funding unknown)	Projected total capacity/d	Percent of capacity occupied/e: On June 29 2001	On June 29 Projected/f	On peak day in June 2001	On peak day in June Projected/f	Number of facilities above projected rated capacity: Midyear	Peak day	Facilities under consent decree to limit population on June 30, 2001
Nevada													
Owyhee Detention Facility	10	17	24			24	42 %	42 %	71 %	71 %			
Owyhee Shoshone Paiute Juvenile Facility	0	0	0	32 j		32							
New Mexico													
Jicarilla Police Department	20	24	46		60	60	44 %	33 %	52 %	40 %			
Laguna Tribal Detention Facility	0	25	22		100	100	0	0	114	25			
Mescalero Adult Detention Center	27	42	24			24	113	113	175	175	1	1	
Navajo Department of Corrections-Crownpoint	26	31	14			14	186	186	221	221	1	1	Y(14)
Navajo Department of Corrections-Shiprock	39	39	25			25	156	156	156	156	1	1	Y(32)
Navajo Department of Corrections-Tohatchi Juvenile Center	6	17	14			14	57	57	121	121		1	
Ramah Navajo Police Department	5	12	10			10	50	50	120	120		1	
Taos Tribal Detention Center	17	17	8		8	16	213	106	213	106	1	1	
Zuni Police Department	32	49	34	38 aj		38	94	84	144	129		1	
North Dakota													
Fort Berthold Agency	4	23	8	24 j		32	50 %	13 %	288 %	72 %			Y(9)
Fort Totten Municipal Center	30	37	34	0 E		34	88	88	109	109		1	
Standing Rock Law Enforcement Center	34	52	50		50	50	68	68	104	104		1	Y(50)
Turtle Mountain Law Enforcement Center	30	49	30			30	100	100	163	163		1	
Oklahoma													
Sac and Fox Nation Juvenile Detention Facility	14	30	60			60	23 %	23 %	50 %	50 %			
Oregon													
Chemawa Indian School	0	0	8		16	16	%	%	%	%			
Warm Springs Detention Center	53	94	51			51	104	104	184	184	1	1	
South Dakota													
Fort Thompson Jail	24	24	12			12	200 %	200 %	200 %	200 %	1	1	
Klyuska O'Tipi Reintegration Center	12	14	32			32	38	38	44	44			
Medicine Root Detention Center	45	80	24	0		0	188		333				Y(33)
Pine Ridge Correctional Facility	168	168	22	140 a		140	764	152	764	177	1	1	
Rosebud Sioux Tribe Law Enforcement - Adult	30	60	65			65	46	46	92	92			
Rosebud Sioux Tribe Law Enforcement - Juvenile	0	0	0	36 j									
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	17	21	22			22	77	77	96	95			
Walter Miner Law Enforcement Center-Juvenile	4	17	10			10	40	40	170	170		1	
Walter Miner Law Enforcement Facility-Adult	37	48	46			45	82	82	107	107		1	
Lower Brule Law Enforcement Services Center	0	0	0	60 aj		60							
Utah													
Uintah-Ouray Detention Center	13	17	22			22	59 %	59 %	77 %	77 %			
Washington													
Chehalis Tribal Police Department	1	2	8			8	13 %	13 %	25 %	25 %			
Makah Police Department	4	4	12		16	16	33	25	33	25			
Puyallup Tribal Detention Facility	4	8	20		30	30	20	13	40	27			
Quinault Police Department	3	12	12		18	18	25	17	100	67			
Wellpinit BIA Law Enforcement Center	9	12	10			10	90	90	120	120		1	Y(10)
Yakama Police Department	22	35	50			50	44	44	70	70			
Colewile Adult/Juvenile Justice Center	0	0	0	64 aj		64							
Nisqually Adult Detention Unit	0	0	4	8 a		12							
Wisconsin													
Menominee Tribal Jail	36	41	43			43	84 %	84 %	95 %	95 %			
Wyoming													
Wind River Police Department	16	33	26			26	62 %	62 %	127 %	127 %		1	Y(26)

Note: Facilities in italics are those receiving DOJ funding for construction. Type of construction designated by j (juvenile), a (adult) or E (expected).

a/Adults and juveniles confined in jail facilities.

b/Peak population is any day in the month of June in which the custody population of a facility was greatest.

c/Rated capacity is the maximum number of beds or inmates assigned by a rating official to a facility. Excludes temporary holding areas.

d/Rated capacity after current or planned construction projects have been completed.

e/Population as a percent of capacity occupied is calculated by dividing the population count of a facility by its rated capacity and multiplying by 100.

f/Projected occupancy based on current facilities only. Population estimates assume no growth in the midyear 2001 and peak populations.

ATTACHMENT 5

LLEBG FY 2000 and 2001 Purpose Area Breakdown for Tribal Jurisdictions

For Submitted RFDs

Report generated on March 21, 2002

Fiscal Year	Number of Jurisdictions*
2000	11
2001	18

*Tribal Jurisdictions with submitted RFDs

*RFD indicates "Request for Drawdown" which indicates an award was made.

Purpose Area	Category	FY 2000 Allocations	FY 2001 Allocations	Total Allocations
1	Law Enforcement	$326,861	$572,794	$899,655
	1a. Hiring	$85,000	$60,929	$145,929
	1b. Overtime	$30,539	$167,694	$198,233
	1c. Equipment	$200,144	$312,058	$512,202
	1d. Other	$11,178	$32,113	$43,291
2	Enhancing Security	$0	$40,006	$40,006
3	Drug Courts	$0	$0	$0
4	Enhancing Adjudication	$0	$0	$0
5	Multijurisdictional Task Forces	$0	$0	$0
6	Crime Prevention	$118,188	$13,838	$132,026
7	Indemnification Insurance	$0	$0	$0
Totals		$445,049	$626,638	$1,071,687

Attachment C

Byrne Program FISCAL YEAR 1999 BJA SUBAWARDS TO TRIBAL ENTITIES
April 2, 2002

MONTANA

St Award #	Subgrantee	Address	Project Period	Amount
99-K20-80016	Confederated Salish & Kootenai Tribe	PO Box 278 PABLO, MT 59855	07/01/99-06/30/00	37,266
State Totals		1		37,266

NORTH DAKOTA

St Award #	Subgrantee	Address	Project Period	Amount
D99-200	TURTLE MOUNTAIN CHIPPEWA BAND	TURTLE MOUNTAIN HOUSING AUTH BELCOURT, ND 58316	01/01/00-12/31/00	76,549
D99-216	SPIRIT LAKE SIOUX TRIBAL COURT	PO BOX 30 FORT TOTTEN, ND 58335	01/01/00-12/31/00	41,947
D99-217	THREE AFFILIATED TRIBES	FORT BERTHOLD DISTRICT COURT NEW TOWN, ND 58763	01/01/00-12/31/00	33,689
State Totals		3		152,185
Yearly Totals		4		189,451

FISCAL YEAR 2000 BJA SUBAWARDS TO TRIBAL ENTITIES
April 2, 2002

MONTANA

St Award #	Subgrantee	Address		Project Period	Amount
00-K20-80350	Confederated Salish & Kootenai Tribe	PO Box 278 PABLO, MT 59855		07/01/00-06/30/01	37,287
State Totals			1		37,287

NORTH DAKOTA

St Award #	Subgrantee	Address		Project Period	Amount
D00-200	TURTLE MOUNTAIN CHIPPEWA BAND	BIA LAW ENFORCEMENT CENTER BELCOURT, ND 58316		01/01/01-12/31/01	87,368
D00-215	SPIRIT LAKE SIOUX TRIBE	SPIRIT LAKE TRIBAL COURT FORT TOTTEN, ND 58335		01/01/01-12/31/01	55,841
D00-216	THREE AFFILIATED TRIBES	FORT BERTHOLD DISTRICT COURT NEW TOWN, ND 58763		01/01/01-12/31/01	19,890
State Totals			3		163,099
Yearly Totals			4		200,386
Grand Totals			8		389,837

U.S. Department of Justice
Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention

JAIBG BULLETIN
Juvenile Accountability Incentive Block Grants Program
Shay Bilchik, Administrator
January 2000

From the Administrator

"If you build it, they will come" appears to ring true when it comes to the construction of new or expanded juvenile detention facilities. Before embarking on such a costly course of action, however, a community should carefully assess its facility needs and ensure that it is effectively using alternatives to secure confinement when appropriate.

The Juvenile Accountability Incentive Block Grants (JAIBG) program provides assistance in building or expanding juvenile correction and detention facilities and in training correctional personnel. This Bulletin outlines a JAIBG program purpose area that offers technical assistance and information to help States and units of local government develop programs that address the construction, operation, and staffing of secure juvenile detention facilities. Shay Bilchik
Administrator

OJJDP

Construction, Operations, and Staff Training for Juvenile Confinement Facilities

David Roush and Michael McMillen

This Bulletin is part of OJJDP's Juvenile Accountability Incentive Block Grants (JAIBG) Best Practices Series. The basic premise underlying the JAIBG program, initially funded in fiscal year 1998, is that young people who violate the law need to be held accountable for their offenses if society is to improve the quality of life in the Nation's communities. Holding a juvenile offender "accountable" in the juvenile justice system means that once the juvenile is determined to have committed law-violating behavior, by admission or adjudication, he or she is held responsible for the act through consequences or sanctions, imposed pursuant to law, that are proportionate to the offense. Consequences or sanctions that are applied swiftly, surely, and consistently, and are graduated to provide appropriate and effective responses to varying levels of offense seriousness and offender chronicity, work best in preventing, controlling, and reducing further law violations.

In an effort to help States and units of local government develop programs in the 12 purpose areas established for JAIBG funding, Bulletins in this series are designed to present the most up-to-date knowledge to juvenile justice policymakers, researchers, and practitioners about programs and approaches that hold juvenile offenders accountable for their behavior. An indepth description of the JAIBG program and a list of the 12 program purpose areas appear in the overview Bulletin for this series.

Overview

JAIBG funds may be used to develop programs in any of 12 program purpose areas established by Congress. The first of these areas—"building, expanding, renovating, or operating temporary or permanent juvenile correction or detention facilities, including training of correctional personnel"—addresses construction, operation, and training. Before beginning construction, however, jurisdictions should complete a master plan, determine what type of facility will best meet their needs and expectations, and reach a decision to construct. Master planning is a key component because it establishes the specific policies to prevent and reduce crowding and control the length of stay (DeMuro and Dunlap, 1998).

To provide practitioners practical guidance and advice on best practices under JAIBG Program Purpose Area 1, this

paper addresses five main themes: construction decisions, master planning, facility development, operations, and training.

- **Construction decisions.** Construction under Program Purpose Area 1 includes building new facilities, expanding existing capacity through new construction, and renovating existing facilities. There are many reasons to build, including the large number of juveniles currently incarcerated in crowded facilities (Parent et al., 1994), the pressing need for secure beds in jurisdictions without juvenile detention, and the deteriorating condition of many facilities.

  Because construction is expensive, decisions to build, expand, or renovate facilities should be reached by using systematic, data-driven, and rational methods. Decisionmakers, for example, should be able to provide empirical evidence of a need for construction. If data indicate a need to build, then jurisdictions have a strong rationale for construction.

- **Master planning.** Master planning is a systematic process that increases the effectiveness of long-term decisionmaking. Using a team of juvenile justice specialists and planners from outside a jurisdiction, the process leads key juvenile justice and community stakeholders through activities that will elicit a locally defined vision and mission for the jurisdiction's juvenile justice system. Data collection and operational recommendations are then based on these core values and principles.

- **Facility development.** The facility development process, which begins with operational/architectural programming, involves documenting operational priorities and determining spatial requirements and arrangements that will respond to a facility's management, daily programming, and environmental needs. During facility development and prior to the start of physical design activities, jurisdictions should also define cost parameters for staffing and construction and identify site issues.

- **Operations.** Program Purpose Area 1 includes operations, which for juvenile detention and corrections facilities involves programs and services. Consistent with the competency development aspect of the Balanced and Restorative Justice (BARJ) model,[1] the operation of juvenile facilities rests on the assumption that the best way to improve public safety is by changing an offender's behavior. Success in doing so, however, is people-driven and, therefore, expensive (with staff costs for salaries, benefits, and training constituting a large part of operational costs). To help jurisdictions develop effective operating practices, this Bulletin identifies the fundamental needs of facilities and the key elements of operations, such as organizational prerequisites and program, staffing, and management principles.

- **Staff Training.** Accountability-based interventions change juvenile offenders' behavior by providing them with opportunities to experience positive relationships with healthy adults in appropriate settings. Staff training is the most cost-effective way to integrate accountability-based principles into staff development in juvenile confinement and custody facilities.[2] Staff training technology has expanded greatly through the programs and services of the American Correctional Association (ACA), the Juvenile Justice Trainers Association (JJTA), the National Institute of Corrections (NIC) Academy Division, the National Juvenile Detention Association (NJDA), the Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) Training and Technical Assistance Division (TTAD), and an increasing number of State-operated training academies. Although this Bulletin presents several training models and resources, it cannot capture all of the abundant knowledge on best practices in this area. Summaries of effective programs, along with a list of resources and an extensive bibliography, are provided to help practitioners retrieve original works and supplemental materials.

Construction Decisions—Assessing the Need To Build

Juvenile detention and corrections have become big business, with more and more jurisdictions spending increasing amounts of time, energy, and money to expand detention and corrections capacity.[3] As public agencies, private organizations, architects, and court systems approach construction more aggressively than ever, more and larger juvenile facilities come off the drawing boards every day in a building surge that has begun to rival the exponential growth of adult facilities in the 1970's and 1980's. Facilities for young people are no longer an

[1] The Balanced and Restorative Justice (BARJ) model, a core component of the OJJDP Comprehensive Strategy, is a combination of the Balanced Approach and the Restorative Justice models. It includes community protection, offender accountability, offender competency development, and restoration.

[2] Confinement refers to a physically restricting placement, and custody describes places and programs (such as shelter care, day treatment, and home detention) that involve supervision but may allow youth to leave at specified times.

[3] Juvenile detention refers to the custody process that occurs between the time of a juvenile's arrest and the time of his or her adjudication or disposition. It includes a range of placement alternatives that vary in restrictiveness from home detention to secure detention. Correctional placements, by contrast, take place after a juvenile has been adjudicated as an offender and a dispositional plan (or sentence) has been determined. Correctional placement alternatives range from small and open residential settings to large, State-operated, maximum-security corrections facilities. Some jurisdictions allow the dispositional placement of juveniles in detention facilities, an action that complicates the distinction between detention and corrections.

afterthought, buried in the recesses of civic concern and public budgets; they are "big-ticket" items occupying communities' full and serious attention.

Reasons for Construction

Reasons for the recent explosion in construction of juvenile residential facilities are found in both fact and perception. On the factual side, crowding is widespread (Parent et al., 1994), making affected residential programs difficult to manage and not as safe as those operating at recommended capacities. Residents spend more time in lockdown, and program quality suffers (Previte, 1997). When staff must focus primarily on safety and security, effective intervention and treatment are compromised. In addition, because staffing levels rarely increase as quickly as the number of residents, crowded facilities often do not have enough staff to do the job well.

Another reason for the recent growth in construction is the large number of aging and outdated physical plants, many built during the construction booms following World War II (see Norman, 1961). Facilities built during the 1950's, 1960's, and 1970's are fast approaching the end of their useful lifespan, an end brought nearer by the ravages of crowding and (for many facilities) inadequate maintenance and repair budgets. Such older facilities also were never intended to withstand the intense uses they now frequently must serve. While juvenile facilities once served a largely nonviolent and manageable population (with few serious offenders), they now serve juveniles with profound behavioral problems and learning deficits and significant mental health needs, many of whom present security problems (Cocozza, 1992; Otto et al., 1992). A large number of facilities are inappropriately configured to meet these needs.

A need for increased capacity is another factor driving construction. Until recently, jurisdictions nationwide have experienced an increase in juvenile arrests overall and in arrests for increasingly serious offenses. In communities that have their own secure facilities, the increase has caused buildings to become crowded and/or juveniles to be turned away. Jurisdictions that rely on other communities for secure beds are frequently told that no room is available. In both situations, one immediate solution has been to construct new bed space. With more beds, communities reason, there will be no crowding, operations will improve, and problems will go away.

In many instances, communities have been correct in perceiving a need for added capacity. For example, in jurisdictions where population has doubled or tripled over the past 20 years (often with accompanying changes in juvenile offenders and in the general social fabric), institutional capacities may now be totally inadequate. In many communities, especially those where juvenile court placement practices have not changed, comprehensive master planning has confirmed a need for additional capacity to respond to current and future needs. In other communities, however, studies have shown that juvenile facilities are housing youth who pose no significant threat to community safety or the court process and who could be managed as effectively in less restrictive and less costly programs and settings (Boersema, 1998; Boersema et al., 1997; Jones and Krisberg, 1994). In these instances, the perception that secure custody is necessary for all juveniles being detained (and perhaps many more) conflicts with the reality. When placement in a secure facility is a jurisdiction's primary or only treatment option, it becomes an expensive catchall, one that replaces less restrictive and equally (or more) appropriate alternatives (Dunlap and Roush, 1995).

Alternatives to Construction

When the perceived need for added capacity conflicts with reality, a business-as-usual approach to secure custody generates high bed-need projections, which, in turn, result in excess capacity. Excess capacity then leads to continued overuse of secure custody for juveniles and an immediate and lasting strain on financial resources. A jurisdiction may build its way out of problems, but only temporarily. The numbers usually catch up with the space available—and usually more quickly than anyone expected.

In response to these concerns, many jurisdictions are pursuing alternatives to construction. This approach, which uses a range of variably restrictive residential and nonresidential services, is commonly called "the continuum of care." Similar to the graduated sanctions model set forth in OJJDP's *Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders* (Wilson and Howell, 1993), the continuum-of-care approach requires jurisdictions to examine closely how to direct resources toward managing public safety and meeting the needs of the greatest number of juveniles (Bilchik, 1998). The continuum-of-care approach commonly considers and implements a variety of services (such as home detention, electronic monitoring, afterschool and evening report programs, day treatment, restitution, shelter care, and staff-secure residential programs) as alternatives to physically restrictive detention custody (DeMuro, 1997; Guarino-Ghezzi and Loughran, 1996; Howell, 1997).

The JAIBG program raises two important questions related to maintaining a strong continuum of services. First, given JAIBG's endorsement of the concept of graduated sanctions, will jurisdictions develop and expand the range of sanctions to serve as consequences for delinquency? Second, will an overreliance on juvenile institutions as a first or primary sanction occur that will weaken other sanctions or the continuum itself? The development of a strong continuum of services

would seem to help achieve JAIBG's goal of having sanctions that are graduated, immediate, and accountability oriented. In addition, a strong continuum may address many jurisdictions' lack of dispositional options (sanctions) between probation and incarceration. By providing juvenile court judges with options, a strong continuum of care will improve the juvenile justice system's ability to deliver appropriate sanctions and hold offenders accountable.

Master Planning—Getting the Numbers Right

In those instances when increased capacity is necessary, deciding to build a new facility is only the first of many difficult and critical decisions that a jurisdiction must make. Because physical facilities exist for a long time, jurisdictions should make every effort to ensure that the process leading to construction will produce the best and most appropriate buildings possible.

Master planning is the most important step in the construction process (Elias and Ricci, 1997; Farbstein/Williams and Associates, 1981; Kimme et al., 1988; McMillen and Hill, 1997). Juvenile justice system literature emphasizes the importance of using planning models to make responsible decisions about bed space and construction needs (Boersema, 1998; DeMuro, 1997; Jones and Steinhart, 1994). Chinn (1996) outlines a planning strategy to find new solutions for housing habitually violent young offenders. The National Center for Juvenile Justice recommends a 10-step master planning process to address a range of problems (Steenson and Thomas, 1997); and Barton (1994), Guarino-Ghezzi and Loughran (1996), and Schwartz (1994) commend the steps in the master planning process as a strategy to effect broad systems reform. NIC conducts Planning of New Institutions (PONI) workshops and provides materials that address the construction planning process (National Clearinghouse for Criminal Justice Planning and Architecture, 1996; Taylor et al., 1996; Voorhis, 1996). PONI workshops for juvenile institutions are currently available to juvenile justice practitioners.

Responding to crowding and a need for less restrictive services, NJDA assembled teams of planners, architects, juvenile justice systems specialists, and law enforcement specialists to develop juvenile justice master plans for several judicial circuits in Illinois (Boersema, 1998). In each circuit, teams considered how many secure detention beds would be needed in the future and developed master plans with a wide range of alternatives, including construction of secure and staff-secure detention beds.[4] Even though the jurisdictions described themselves as very similar to one another, the planning process revealed significant differences to key stakeholders. Given these differences, the assumption that "one size fits all" can be misleading and costly—especially when the proposed solution requires construction of new secure beds.

The master planning process can change a jurisdiction's understanding of its needs, including the size of the facility it thinks that it needs (McMillen, 1998). In one jurisdiction, for example, a review of intake decisions prompted the chief juvenile court judge and circuit court administrator to modify the intake process for all juvenile justice system components, including law enforcement. This change led to an immediate and lasting 40-percent drop in the detention facility's average daily population. Intake data not previously considered also allowed the jurisdiction to lower its bed-space projections. Given serious structural problems with the existing facility, the final recommendation was to build a new secure detention center with a capacity that was 10 beds higher than that of the existing facility. The jurisdiction's initial request, by contrast, had been to construct a facility with almost twice the number of new beds actually needed. Without a systematic assessment by individuals outside the system, the jurisdiction would have significantly overbuilt.

[4] The term "staff-secure" refers to security resulting from the presence of and measures taken by staff members, rather than conditions created by the presence of locks or other hardware.

Planning Team Members

Given the high cost of juvenile facility construction, a jurisdiction should carefully review the qualifications of master planning team members and make sure that the team includes the following: an architect experienced in building juvenile facilities, a planner with juvenile justice and master planning experience who is knowledgeable in data collection and analysis procedures, a juvenile justice systems specialist experienced in operating model or effective programs and services, and a local law enforcement specialist who can provide access to information and services from local law enforcement agencies.

Planning Steps

Jurisdictions assessing space needs should complete the following important planning steps:

Step 1: Form an advisory group

Each jurisdiction should form an advisory group to guide planning efforts. Whether called a stakeholders group, steering committee, community advisory group, or interagency workgroup, the group should include the jurisdiction's chief probation officer; its superintendent(s) of juvenile confinement facilities; responsible local juvenile justice advocates; and representatives from the juvenile court, local law enforcement, the public defender's and prosecutor's offices, youth-serving agencies, placement agencies for adjudicated youth,

and community organizations (DeMuro and Dunlap, 1998).

Step 2: Define advisory group tasks

The community advisory group's main tasks are establishing goals for the planning process and monitoring progress toward those goals (Ricci, 1995). Establishing goals involves agreeing on those goals that will appear in a local juvenile justice system's vision and mission statements and identifying the objectives, policies, procedures, and practices related to those goals. Monitoring goals involves considering how critical decisions and outcomes will affect all stakeholders in the system. Careful monitoring will keep decisionmaking balanced and provide the accountability needed to ensure that the process remains consistent with a group's vision and mission statements.

Step 3: Collect and analyze data

Advisory groups should use data collection and analysis resources from both within and outside their jurisdictions. Although local data experts may be familiar with local systems and sources of information, consultants from outside the area may possess broader knowledge of the quality and implications of data and various analysis strategies. The planning team will oversee the data collection process, but the community advisory group should determine the quantity and quality of data to be collected. Because many jurisdictions have inadequate information management systems and important data may be hard to access or of poor quality, data collection and analysis are often tedious steps in the master planning process. To address these obstacles, advisory groups should include data collection procedures in the initial plan.

Data analysis should encompass the full range of services and programs available in the jurisdiction. According to the National Association of Counties (NACO), a jurisdiction's continuum of care may suffer when a new facility is built (Office of Juvenile Justice and Delinquency Prevention, 1998). In jurisdictions with limited resources, a new facility can become a financial drain, leaving fewer resources for alternatives (noninstitutional) and prevention programs.

Schwartz (1994) opposes the use of architects or architectural planning firms to collect and analyze data because a potential conflict of interest between an architect's financial interests and a jurisdiction's best interests may exist when a large construction project is involved. Other practitioners, however, cite examples of architectural planning firms that have completed master plans and advised jurisdictions against building juvenile confinement facilities even when construction would have benefited the firms financially.

Step 4: Obtain technical assistance

Technical assistance regarding how to create a master plan and assess a jurisdiction's need for new or expanded facility construction is available through OJJDP and other sources listed in the "For Further Information" section of this Bulletin.

Step 5: Involve staff

Planning teams and advisory groups should involve facility staff, particularly line staff and first-level supervisors, in the master planning process (Taylor et al., 1996). Experience indicates that youth can also play an important role.

Facility Development—Determining the Type of Facility Needed

For a secure juvenile facility to work well, it must first and foremost be a safe place. Residents should be able to leave and the public enter only at staff's discretion. The facility must be easy to manage, supervise, and maintain, and it must resist the hard use—and at times abuse—of the young people who reside there. It needs adequate space for required and desired programs and services. The space must be arranged in a way that allows staff to do their jobs and residents to do what is required of them in a flexible manner.

A review of plans and programs for juvenile facilities reveals a variety of physical and operational approaches. The approach chosen depends on a community's circumstances and attitudes. Architects generally try to be responsive to both the specific needs of their clients and the constraints imposed by budgets and sites.

Unfortunately, many facilities are designed without information on the specific expectations and needs of those who will use and manage the buildings. In these instances, designers may propose physical structures based on available juvenile or adult system models, which may or may not be appropriate. Without carefully considering the following factors, jurisdictions will be unable to determine the best possible approach for the physical design of their facilities:

- Diverse methods of managing juvenile behavior.
- Resident and staff responses to the physical environment.
- Daily program structure.
- Staffing patterns and costs.
- Circulation and space-sharing patterns in a facility.
- Responses to emergencies and other situations.

Considering these factors may lead planners to discover that a proposed design provides security but fails to achieve other essential goals. Because a successful design is based on the operational priorities of a particular project, rote design (i.e., one that

proceeds without considering such priorities) will only compromise a project's goals and ultimate effectiveness.

There is no magical "best approach" to facility design. In developing any new or expanded facility, jurisdictions and their planners must find their own best approach, basing designs on their own expectations, rather than on preconceived architectural notions. The architectural/operational programming process described below permits such an individualized approach.

Architectural/Operational Programming

With growing demands for improved security, program quality, and architectural sophistication, predesign planning has become increasingly important. Operational programming—which should involve key agency and community decisionmakers, court representatives, service providers, and other community stakeholders—involves having these parties examine closely what they intend to accomplish with a proposed facility. Failure to involve all concerned parties in the process can lead to confusion and dissension.

The operational programming process typically begins with a review of a facility's proposed vision and mission statements (e.g., to protect the public and prevent flight from prosecution, provide a safe and secure environment, deliver programming and services consistent with legal requirements, and ensure resident health and welfare). These statements may serve as the foundation for building a hierarchy of programs and spaces. In many cases, however, the statements only begin to scratch the surface of expectations for a facility.

A comprehensive range of philosophical and operational imperatives should be established before physical planning activities begin. Such imperatives may include:

- Implementing behavior management methods.
- Respecting juvenile rights and recognizing juvenile needs.
- Providing programs that address juvenile, system, and family needs.
- Implementing methods for fostering resident accountability, cooperation, and participation.
- Recognizing the importance of resident skills assessment and development.
- Recognizing the importance of family involvement with residents.
- Emphasizing effective intervention and treatment or punishment.
- Appreciating and responding to resident gender, culture, religion, and ethnicity.
- Recognizing the value of links to community and transition services.
- Emphasizing the importance of returning juveniles to productive roles in the community.

These factors, among others, should guide the continuing development and refinement of programs, staffing patterns, environmental quality, and spaces at a proposed facility. If a facility and its services are to succeed, planners should address the use of space only after all other priorities have been established.

Next, operational programming should investigate the following specific issues:

- Security and supervision methods.
- Optimal residential group size for housing and activities.
- Classification.
- Special needs groups.
- Scope of daily programs and services.
- Scheduling of activities.
- Visual/physical connections between activities.
- Resident circulation and movement.
- Environmental priorities (sound, lighting, furnishings, appearance, image).
- Maintenance and repair (durability, life cycle costs).
- Staff communications and support.
- Potential staffing requirements and costs.
- Staff qualifications and training requirements.
- Codes and standards requirements.
- Operational flexibility.
- Future expansion potential.
- Construction cost parameters.

A review of these specific issues will help to determine a facility's essential operational concepts and identify developmental options that are responsive to these essential concepts.

Following close on the heels of operational programming, architectural planning takes all of the previously assembled information and begins to enter real numbers and specific spaces into the equation.

Once a facility's major functions have been identified, the architectural planning process examines the various activities that take place in different areas, the number of people involved, and the times these activities occur. This analysis generates net area (square footage) requirements for anticipated activities. Net area requirements are then combined with circulation and other requirements related to resident and staff movement within the building, the need for other spaces (mechanical rooms, electrical closets, and various undefined spaces), and additional space required for wall thickness and other structural elements. This calculation yields the gross building area or

total square footage required for the building. It is not unusual for the total square footage required by a residential facility to be up to 50-percent greater than the net area required for actual user activities.

While individual space requirements for facility functions are being developed (see table 1), architects should explore with facility operators factors—scheduling, potential circulation patterns, supervision and staffing requirements, and options for connecting various spaces and activity zones—to be considered in determining spatial arrangements. Architects should then develop construction diagrams that show the most efficient visual and physical connections (functional adjacencies) and indicate access control points and circulation patterns (see figure 1, page 8).

A facility's design can succeed only to the extent that it meets the needs and expectations of its users. Building a residential facility is expensive and, once construction begins, there is generally no chance to correct errors in design. Comprehensive operational programming and architectural planning provide facility planners with an opportunity to make the best possible decisions from the outset, before committing plans to brick and mortar.

Space Considerations

Defining the gross building area and general spatial arrangements makes it possible to project capital construction costs and related expenditures for furnishings, fees, and site work. Because these projections may form the basis for funding procurement and for ensuring that a building is constructed within budget, the related analysis of space considerations must be thorough. The process of examining space considerations and projecting costs must precede physical design efforts to ensure that all operational objectives are achieved and to prevent costly changes in scope during subsequent design phases (DeWitt, 1987).

The amount of space required for various facility functions depends on many factors, including State licensing and building codes, professional standards of practice (American Correctional Association, 1991a, 1991b, 1991c), and the operational priorities and methods governing where, when, and how activities are to take place. Operational factors should be given high priority because building codes and standards typically do little more than prescribe minimum spatial requirements (American Correctional Association, 1991a, 1991b, 1991c). Facility staff may require the flexibility to depart from certain professional standards of practice to fulfill operational needs specific to their own facility.

Although spatial requirements for secure juvenile facilities vary depending on a facility's capacity and scope of activities, these requirements usually include more space per resident than is required in facilities designed for adults. The demand for a high level of service and activity at juvenile facilities—to keep juveniles occupied during the day and to facilitate the intervention process—requires more space.

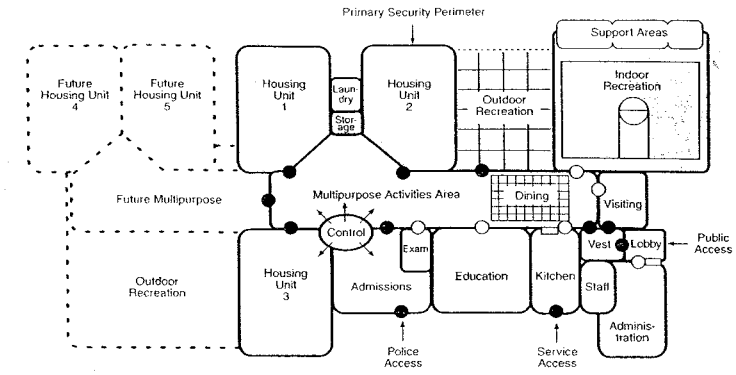
In facilities with 50 or fewer residents, spatial allocations of 700 to 800 square feet per resident are not uncommon. Larger facilities, which achieve certain economies of scale, may reasonably average 600 to 700 square feet per resident. A design that significantly exceeds these ranges without offering compelling justification may be seen as overly generous. On the other hand, one that provides significantly less space may jeopardize a facility's functionality.

Table 1: Sample Space Listing (Housing Component)

Space Number	Space/Area	Quantity	Square Feet	Total Net Square Feet	Comments
5.100	Bedrooms (Standard)	9	70	630	Single User, Toilet
5.101	Bedroom (ADA Access)*	1	100	100	Single User, Toilet
5.102	Quiet Living/Dayroom	1	500	500	10 Users, Natural Lighting
5.103	Staff Desk	1	30	30	Open Station, Telephone
5.104	Restroom/Shower	1	70	70	Single User, ADA Access
5.105	Shower	1	40	40	Single User
5.106	Storage/Janitor Closet	1	80	80	With Janitor Sink
		Total Net Square Feet		1,450	
		Six Units (60 Beds) @ 1,450 NSF/Unit		8,700	

Note: Space Listing covers general population housing units with 10 beds.
Source: Mike McMillen, AIA
* Bedroom must be accessible according to standards of the Americans With Disabilities Act (ADA).

Figure 1: Sample Spatial Relationships Diagram



Source: Mike McMillen, AIA

Design Issues

An effective juvenile facility, through a combination of spaces, security features, and environment, allows staff to perform their jobs with ease and professionalism. Although operating an effective residential program for juveniles is never easy, the physical setting can help or hinder operations. If staff members have to struggle with a building to accomplish their objectives, they may not make the effort to do their jobs well or they may seek easier but less beneficial ways to perform their duties. In addition, a building with design elements that provoke undesired responses from residents will only make staff members' jobs harder.

Although no single combination of spaces, security features, and environment is appropriate for every situation, certain aspects of secure residential design are of universal importance. These aspects are discussed below.

Security and safety

Having a secure and safe facility—the first requisite in secure juvenile confinement—involves more than construction materials and hardware. True security and safety derive from a combination of physical materials, management methods, resident supervision, program features, staff support, and access control.

A sharp philosophical shift in the planning and design of juvenile facilities has followed the general trend toward tougher penalties on juvenile offenders (Niedringhous and Goedert, 1998). New juvenile correctional facilities are larger, better equipped with security hardware and technology, and better able to accommodate growth. They also emphasize the use of materials that resist abuse, destruction, and penetration by residents. Although materials that create a less restrictive environment may be available, using durable materials is a way to ensure that a building provides a first line of defense that staff do not need to worry about. If juveniles cannot escape or engage in damaging behavior as a way to exert control or gain attention, then both staff and residents will be able to focus on more productive activities.

Most new facilities feature a secure building perimeter that minimizes the potential for unauthorized resident

egress, public access, and resident contact with the public. Within the building, major functional spaces such as housing, education, recreation, dining, and visiting areas are zoned so that staff can control resident access and maintain appropriate group size and separation. Many facilities control access between zones remotely (from a central security or control station), making it unnecessary for staff to carry keys (often a target of residents). To ensure continuous visual contact between residents and staff, walls of damage-resistant glazing are used extensively in partitions separating residential areas. Nearly all housing in new facilities consists of single-occupancy bedrooms with integral sanitary fixtures.

If these features seem like those already common in adult facilities, there is good reason. Juvenile justice practitioners today face many of the same safety and security problems that their adult system counterparts have long faced, making a similar level of protection necessary in juvenile facilities. In many ways, however, differences between juvenile and adult operations are more pronounced now than in the past.

Direct supervision

Direct supervision in adult corrections (Farbstein, Liebert, and Sigurdson, 1996; Nelson, 1993; Nelson et al., 1984) is not the same as direct supervision in juvenile facilities. The staffing ratio is one source of difference. Adult facilities commonly use 1 correctional officer for every 40 or more inmates (Nelson et al., 1984; Wright and Goodstein, 1989). To maintain safety and security with this ratio, adult facilities rely on electronic surveillance, security construction, and behavior management teams or therapeutic Special Weapons and Tactics (SWAT) teams charged with crisis management. By contrast, juvenile facilities usually need 1 staff person working directly with every 8 to 10 juveniles to ensure effective involvement and behavior management. (Having 1 staff member supervise 40 juveniles would be a prescription for serious problems.) In addition, almost all juvenile facilities use direct supervision staffing patterns, with staff physically present and directly involved with residents at all times. Juveniles are not (and should not be) left to their own devices or managed by remote control.

Higher staff-resident ratios at juvenile facilities allow for more effective interaction. When staff have many opportunities to work with residents, problems can be identified and resolved before they pose a threat to safety. Juveniles themselves will feel safer, will feel less exposed to unknown threats, and will be less likely to act out.

Another common and effective supervision strategy at juvenile facilities is having residents participate regularly in programs and services such as education, recreation, and counseling. A juvenile who is occupied and engaged is far less likely to present behavior problems. He or she will also realize general benefits in such areas as personal skills development, health maintenance, academic achievement, and cooperation (Glick and Goldstein, 1995; Henggeler, 1998; Rubenstein, 1991).

Normalization of the residential environment—both the physical and operational character of a facility—is another essential element in developing a safe and secure setting. Although a secure detention facility is not an environment that most residents would describe as normal, many facilities today are designed with the intent of minimizing overtly institutional characteristics so that residents will not engage in the negative behaviors that an institutional environment may prompt. Spatial variety, movable furnishings, natural lighting, acoustic control, housing/group size, and opportunities for resident movement are design elements that can help to reduce the sense of crowding and restrictiveness that often leads residents to engage in thoughtless and unsafe behavior.

Despite the need for increasingly restrictive physical features, juvenile justice professionals continue to emphasize the need for facilities to reflect intense concern for the juveniles who reside in them. For example, professionals demand buildings that support a wide range of activities and encourage ongoing contact between residents and staff. In this context, security and safety are recognized as necessary to accommodate people and places—rather than as ways to create coercive and restrictive confinement.

Group size/classification

Another fundamental difference between juvenile and adult facilities is the typical size of resident groups or housing units. Although housing units with capacities of 25 to 40 are common at adult facilities, juvenile facilities rarely have units that house more than 12 to 16 residents and often have units that house as few as 8 residents. Juvenile programs avoid larger resident groups for various reasons, including the following:

- Larger groups of juveniles are more difficult to manage.
- It is harder for staff (who are often both counselors and supervisors) to work effectively with individuals in larger groups.
- It is more difficult to move larger groups for various program activities.

An increasingly important reason for small group sizes at juvenile facilities relates to resident classification priorities. In the past, most juvenile facilities had relatively small capacities. These small facilities needed small resident groups in order to separate boys from girls and older youth from younger and to make it possible for staff to work with residents on a more individualized basis. Today, juvenile

facilities are becoming larger, but the need for more refined classification methods (and for the ability to place residents in small groups) is more apparent than ever. Juvenile facilities are receiving a higher percentage of serious offenders, sexual offenders, juveniles with identified substance abuse and mental health problems, and female offenders. Accordingly, facilities need something other than a one-size-fits-all management approach. They need an approach that includes specially structured programming and services and the ability to classify and separate juveniles into small groups for housing and program purposes. Although program staff rarely, if ever, want to assemble large groups of juveniles, they should be able to do so when necessary or appropriate without being restricted by the organization or spatial limitations of a building.

The issue of what housing unit size is best has by no means been resolved and probably never will be. Economic considerations (smaller units usually mean higher staffing costs) often conflict with operational needs (smaller units can mean better staff management of residents). Therefore, different balances must be struck in different communities. Although most programs call for smaller units (up to 12 residents), some prefer larger units with multiple staff assigned to each unit to allow staff present to provide immediate support. Some jurisdictions insist on making all housing units in a single facility the same size, thereby permitting consistent and efficient staff allocation (because it is virtually impossible to predict how the number of residents in each classification will change over time). Others require the development of variable-size housing units so that certain groups of residents can be lodged in smaller groups, based on management and program needs. Although there is more than one way of doing things correctly, juvenile facilities generally lean toward smaller group sizes and staffing levels that support this approach.

Environmental concerns

The wisdom of Vitruvius (the Greek scholar who explained that a building may be judged by its adherence to the principles of commodity, firmness, and delight) has certain relevance to environmental concerns that are pertinent to juvenile facilities. By commodity, Vitruvius meant that a building must serve the function for which it was intended. By firmness, he meant that a building should be able to withstand the rigors of wind, rain, and inhabitants. By delight, he meant that a building should provide enjoyment to its users.

Although it is easy to see how the concepts of commodity and firmness apply to secure juvenile facilities, it is harder to see the connection between secure juvenile facilities and the principle of delight. The concept of delight, however, applies in many ways to these facilities. The spaces that people live and work in profoundly affect their attitudes, comfort levels, and feelings about how good or bad their circumstances are. In turn, these perceptions influence people's approaches to getting through each day. A person in an inhospitable, threatening, or demeaning environment, for example, may feel overcome by circumstances and seek relief through isolation. A person in a restrictive environment might try to exert control over his or her situation by attempting to change things or simply trying to get up and leave.

In a secure juvenile facility, none of these responses is desirable. Juveniles who isolate themselves (emotionally or physically) become unreachable and pose special management problems. Juveniles who try to exert control through aggressive, confrontational, or manipulative behavior present a danger to staff and other residents and disrupt the smooth flow of daily activities. Although leaving a secure custodial setting is not an option for residents, the possibility that they will plot such an action is a continuing source of staff concern.

Some secure residential facilities for juveniles are designed to inhibit or prevent these undesirable responses by physically restricting residents at all times and using materials and spaces that allow no opportunity for entry or escape. Such buildings, however, often evidence little consideration for the sensibilities of their occupants. At the opposite extreme, other buildings are completely nonrestrictive and are designed for management methods that rely entirely on staff and program structure to respond to and control any potential problem behaviors.

The majority of juvenile facilities fall somewhere in between these extremes, depending on the population being served and local attitudes. Most are designed both to be physically durable and to take human factors into account. Providing residents opportunities to cooperate and behave responsibly encourages them to do so and to become more accountable for their actions. The physical setting, while discouraging abuse or destruction of the building and its furnishings by residents, must also project an image that reinforces society's positive expectations of juveniles (rather than one that will provoke counterproductive responses).

Such a setting offers a normalized or noninstitutional environment, one whose features will moderate the perception of institutional confinement. Small group living arrangements relieve the sense of crowding and the strain of fitting in with other youth. Natural lighting and regular physical and visual access to outdoor spaces reduce impressions of confinement, as does the ability to move among locations with varied spatial character. A quiet acoustic environment, achieved through carpeting and other

surface treatments, furnishings, and spatial configurations, can be used to create the perception of a calm and controlled setting.

In a 1998 keynote address to the American Institute of Architects Conference, James Bell, a staff attorney for the Youth Law Center, described the optimal features of a juvenile facility as follows:

> While technology may be good for adult incarceration, it has proven repeatedly to be a poor way to administer juvenile facilities. Use your designs as a tool to try to reduce warehousing of young people, many of whom have still not been adjudicated delinquent.
>
> Make sure there is plenty of light and space. Juveniles in general are mercurial, and they definitely are so while detained. A light, spacious setting can improve their spirits when they return from court or from a visit that goes poorly.
>
> Make sure there is enough space for large muscle exercise and for classrooms and contact visiting. Be wary of multiple use rooms that are supposed to serve as the primary classroom. You can believe that any space not designated specifically for classrooms will probably not be used as such. There are too many competing needs for any large space and school will be one of the first casualties.
>
> I know that you can design facilities that downplay the negative aspects of confinement and provide positive space through your use of natural light, glass, colors, textures, and furnishings.

Staff support, communication, and supervision

One of the great challenges in developing effective operations and management practices in a juvenile facility is the need for staff to work consistently and effectively with residents. To do so, staff must be confident of both their personal safety and the overall security of the facility. When staff are responsible for too many residents, when they doubt the availability of assistance in emergencies, or when they have a limited number of responses to resident behavior, they are likely to avoid close contact with residents under their care and rely on physically restrictive measures to achieve control. As a result, program quality suffers, and a more institutional character prevails.

Appropriate group size is a decisive factor in staff members' perception of control. The ability to keep groups within various zones also contributes to a sense of control. Other design features affect staff perception of control. Housing and activity spaces, for example, should be arranged in a way that promotes a high degree of visibility for staff within and outside those areas. Juveniles should not be able to conceal themselves in corners or rooms that are not directly supervised. Resident circulation between physically controlled security zones (housing, education, recreation, visiting, dining) should also be direct and easily observed by staff. Residents should know that they are being observed at all times and that there are no gaps in surveillance—even when staff are not working with them directly. Remote audio and visual monitoring systems should be used, as appropriate, to supplement direct supervision and to ensure backup during periods of low staffing.

Staff members must also be able to communicate immediately with one another at all times. Access to audio communication systems should be uncomplicated and widely available. In many new facilities, staff are equipped with cordless telephones or other wireless communication devices to ensure instant connection to other staff and prompt notification of others in the event of an emergency.

Housing

Housing is a critical issue in designing a successful juvenile facility. As discussed above (under "Group size/classification"), housing units for juveniles tend to be smaller than those in adult facilities. The vast majority of units in juvenile facilities support 8 to 12 residents—the maximum number, according to juvenile authorities, that a single staff person can manage effectively with a high level of staff interaction and safety (Parent et al., 1994). Although smaller units may result in less efficient staffing patterns, they may be necessary for certain categories of offenders. Larger housing units—though more common in recent large facilities—are generally considered unacceptable in small facilities because it is harder to classify residents when they are part of larger groups.

Housing units must support such varied activities as sleeping, counseling, studying, reading, writing, playing board games, using a computer, and watching television. Staff generally want housing areas to be quiet spaces that provide residents with a sense of calm, reflection, and privacy after days filled with structured programs and activities. To control noise and intensity levels, active pursuits such as table games, exercise, and recreation often occur outside of, but close to, housing areas.

To create spatial flexibility and allow for certain program activities in housing areas, many housing unit designs include living space beyond the minimum levels required by national standards. Many facilities also now incorporate easily accessible activity spaces, both indoor and outdoor, in close proximity to housing.

Some new facilities feature housing units based on the "unit management concept," meaning that the majority

of resident activities (including dining and education) occur within the housing unit. This approach minimizes resident circulation. Most residential programs, however, involve extensive movement of residents among spaces and reserve housing units for sleeping, studying, and engaging in certain small group activities. Although either approach can be successful, the decision to pursue one over the other should be carefully considered during project planning phases because the two approaches require radically different designs.

Regardless of the amount of resident movement envisioned, most housing areas in new juvenile facilities include the following:

- Single-occupancy sleeping rooms.
- Group living spaces.
- Individual showers and restrooms.
- Storage spaces for clothes, linens, and other items used on the unit.
- Accessible janitor closets (which facilitate resident participation in cleaning).

Staff desk areas are often included in housing areas to allow staff members to complete paperwork and related activities in close proximity to residents. According to the mandates of the 1990 Americans With Disabilities Act, housing unit designs must also now include a certain number of bedrooms with wheelchair access. Many housing units and the areas within and immediately adjacent to them also have laundry facilities that allow resident participation, interview rooms that may be used by social services and other staff members, additional storage space, and "timeout" rooms that permit temporary separation of residents who are exhibiting disruptive behavior.

Single-occupancy sleeping rooms are preferred in most juvenile confinement settings. Although professional standards and case law permit the use of multiple-occupancy sleeping rooms, practitioners have found that shared sleeping spaces—even with intensive supervision—are often a source of increased juvenile injuries, intimidation, and other undesirable behaviors. ACA standards require facilities' living units to be designed primarily for single-occupancy sleeping, allowing no more than 20 percent of housing capacity to be multiple-occupancy sleeping rooms (American Correctional Association, 1991a, 1991b, 1991c). The court in *T.J. et al.* v. *Delia et al.* (King County, WA), for example, held that having three or more youth in one sleeping room constituted a potentially dangerous, and even unconstitutional, threat to individual safety and ordered a stop to multiple-occupancy sleeping rooms (i.e., those with three or more residents) in juvenile detention facilities (cf., Puritz and Scali, 1998).

OJJDP's Research Report *Conditions of Confinement: Juvenile Detention and Corrections Facilities* (Parent et al., 1994) has similarly linked increased juvenile-on-juvenile injuries to large dormitories (11 or more residents in one large room) and recommends eliminating dormitory sleeping arrangements in all juvenile facilities. Because of these concerns, many program operators faced with crowding refuse to place more than one resident in a sleeping room, opting instead to put extra mattresses in separate and easily supervised dayrooms or hallways to minimize the potential for injury or other dangers.

Because sleeping rooms are the hardest areas to supervise, they should be a facility's most durable and abuse-resistant spaces. Hard finishes and stainless steel sanitary fixtures are commonly used, windows and frames are designed to be durable, and windows are designed and located to prevent external communication. Sleeping rooms should include audio communications systems to allow residents to contact staff and staff to contact and monitor residents as necessary. Doors, whether made of heavy-gauge metal or solid wood, should have vision panels. Although fire safety regulations may require remote release doors, normal operations usually allow staff to control sleeping room doors with a key.

Suicide prevention is a paramount concern in designing facilities. The time that a juvenile spends in his or her room, when contact with staff and other residents is limited, can be the most emotionally disturbing period of the juvenile's entire incarceration (Hayes, 1998; Rowan, 1989). Recognizing the potential for suicidal and other dangerous behavior, most residential programs seek to minimize the time that juveniles spend in their rooms. In addition, programs attempt to eliminate protrusions and sharp edges in sleeping rooms and limit residents' access to hardware or other materials that might be used for self-destructive purposes. Sleeping rooms today are consequently more spartan than in the past, an environmental tradeoff considered acceptable given the need for increased safety and the limited time that residents spend there. By contrast, group living spaces in housing units today are generally more open, less confining, and more easily supervised than in the past.

Most program operators favor single-level housing arrangements over multilevel arrangements because single-level arrangements permit easier access to and better supervision of sleeping rooms. Site restrictions, staffing levels, cost constraints, and other factors, however, sometimes require facilities to consider split-level or two-story housing arrangements, with bedrooms stacked vertically around a common living or dayroom area. Although many newer facilities have used this approach successfully (Dugan, 1998), it poses significant design and operational challenges, including potential difficulties with vertical circulation, resident access, emergency egress, room checks

and supervision, and ADA compliance and the potential for behavior problems (e.g., jumping or throwing objects from upper levels).

For the most part, secure detention housing spaces are intended to provide a constant level of physical security and supervision that supports flexible use (based on needs determined by staff). Spatial and material distinctions are less important design considerations than a facility's ability to use housing spaces in a variety of ways that may be modified over time.

Programs and Services

Having a full schedule of programs and services available to residents facilitates effective management of their behavior. Keenly aware that residents may find unproductive or damaging outlets for youthful energy when limited opportunities for positive activity are available, program staff in juvenile facilities believe that structured educational and recreational activities are the best defense against misbehavior (Roush, 1996c).

In addition to their behavior management benefits, program and service opportunities are essential to residents' health and well-being (Bell, 1990, 1992, 1996; National Commission on Correctional Health Care, 1999; Soler et al., 1990). Facilities accordingly allow visitation and provide comprehensive education, recreation, counseling, religious, and medical services (Roush, 1993). Although specific requirements for programs in each of these areas are not always defined, professional standards, case law, and State codes mandate provision of these services (Roush, 1993), and best practices demand something more than a minimalist approach.

Education

Although educational programs may meet the letter of the law by assigning residents a few hours of homework each day or requiring them to complete self-directed learning packets and related activities, program operators usually believe that more extensive academic activities are necessary to meet residents' needs (Leone, Rutherford, and Nelson, 1991; Wolford and Koebel, 1995). The time that a juvenile spends in custody, when educators can have his or her undivided attention, is often described as a "teachable moment," a time when considerable learning can take place (Cavanagh, 1995). Given this opportunity, many residential programs feature hours of year-round educational activities (formal and informal) that focus not only on standard academic subjects, but also on the following:

- Life skills development.
- Communications skills assessment.
- Remedial reading and writing instruction.
- Conflict resolution skills development (including instruction on social skills, anger management, and healthy lifestyles).
- Computer literacy.
- Learning skills assessment.

Daytime learning activities frequently carry over into the evening and may also include counseling and group instruction in subjects such as anger management, peer pressure responses, and substance abuse resistance. A well-founded residential program seeks both to identify problems that may contribute to delinquency and to initiate coordinated educational responses to these problems.

Recreation

Recreation includes such diverse activities as exercise and sports, constructive leisure activities for individuals and groups (e.g., crafts, cards, and board games), intellectual activities (e.g., reading, writing, and problem solving), and certain less active pursuits (e.g, computer games) (Calloway, 1995; Grimm, 1998; Roush, 1996c). Active recreational activities (which involve vigorous competitive and noncompetitive activities) are an essential part of daytime and evening programming (Bell, 1990, 1992, 1996; Soler et al., 1990). The availability of indoor space for these activities allows residents to pursue active exercise regardless of weather conditions. Outdoor recreational opportunities should also be available to relieve the stress of constant indoor confinement. For these, practitioners generally favor easily supervised outdoor areas that are close to housing and indoor activity areas (for easy access) and suitable for small groups.

Visitation

Visitation with family members usually involves scheduled periods for group contact visitation,[5] supplemented by prearranged private visits as appropriate. Most facilities include group visiting rooms and private visiting rooms (for meetings with family and legal counsel) within a building's secure perimeter but outside its primary residential areas. Some program operators oppose bringing visitors into any residential areas, given the possible disruption of programming for juveniles receiving visitors, the need to control contraband, and other safety concerns. Some facilities also have a limited number of noncontact visiting rooms to be used in the rare circumstance when potential harm to residents or visitors is anticipated.

Health care

Most juvenile facilities' medical services include medical screening, regular examinations, sick call, and distribution of medications (Morris, Anderson, and Baker, 1996; National

[5] During contact visitation, a detained individual and his or her visitor(s) are in the same area; in noncontact visits, they are separated by safety glass.

Commission on Correctional Health Care, 1999; Owens, 1994). Because they require round-the-clock medical staffing, infirmaries are provided in only the largest facilities. Emergency medical services and ongoing medical supervision are usually provided as needed at designated offsite locations, except in the largest facilities.

Because of the number and diversity of health-related problems experienced by juveniles and the proliferation of medications being administered to juveniles in custody, the availability of regular care and attention by qualified medical professionals has become a matter of increasing concern for juvenile facilities. The expanding scope of medical services needed for juveniles in secure residential custody has resulted in increased space needs. Many facilities also now include health education for juveniles as an integral part of their programs.

Site Selection Issues

Site selection is one of the most perplexing decisions jurisdictions face when developing juvenile residential facilities. Many projects encounter resistance from community members who fear that placing a facility near their homes will make their neighborhoods unsafe and cause property values to plummet. Responses of this nature are inevitable when a project is announced without community input and participation. Community involvement should begin at a project's earliest stages and should include meetings to provide background information and public hearings to respond to citizen concerns. Although involving the community will not guarantee a facility's acceptance, failure to address local concerns publicly and directly will invite conflict.

Unfortunately, the fear of political backlash or community opposition too often prompts planners to select remote sites that are incompatible with operational needs. From a practical planning perspective, site selection should focus on identifying locations that satisfy a range of operational needs, including the following:

- **Public access.** The site should provide convenient access to families, legal counsel, and local agencies that will have contact with residents. It should be easily accessible by private vehicle or public transportation.
- **Adequate land area.** The site should have sufficient space for a facility's initial construction needs and possible future expansion. Adequate space for a buffer between public areas and secure residential areas is also desirable. A site that is too small may necessitate undesirable vertical development and circulation or may limit outdoor recreation capabilities and future expansion potential.
- **Proximity to population served.** Juvenile facilities should be located near the districts from which their populations are drawn. Such proximity ensures convenient access by families. It also helps facilities recruit staff with cultural/ethnic backgrounds similar to those of the residents being confined. Unfortunately, lower property costs for land in remote locations sometimes lead jurisdictions to select sites in areas that pose access and staffing difficulties.
- **Proximity to courts.** For facilities that hold youth prior to adjudication, sites should be close to both the courts and the facilities where youth may be placed after adjudication and disposition. Such proximity will minimize the time that staff and residents need to spend away from the facility and reduce staffing needs and transportation costs.
- **Compatibility of adjacent land uses.** Site selection should focus on locations that support the residential character of intended operations. Heavily industrialized areas are generally inappropriate, as are areas with traffic volumes that would threaten effective monitoring of a site's perimeter. Excessive noise (for example, from transportation or a nearby commercial enterprise) should also be avoided.

Site selection and land acquisition are often highly politicized processes and may ultimately require compromise. It is difficult to find a site that satisfies all concerns (Ricci, 1995). Unfortunately, some institutions built in remote areas because of economic incentives end up being staffed by underpaid and undertrained individuals who differ culturally and racially from the resident population (Butterfield, 1998; Kearns, 1998). To avoid such situations, planners should make every effort to identify the characteristics of critical concern to operators and address potential obstacles before the site selection process is finalized.

Construction Costs

Almost every jurisdiction contemplating the construction of a new juvenile facility agonizes about the high costs involved. Although there are ways of reducing costs (e.g., through more efficient systems designs of physical plants and buildings), jurisdictions can go only so far in this direction without compromising operational integrity and environmental quality. The costs of juvenile facilities are especially troubling to funding authorities who compare such costs with the significantly lower relative costs (on a per resident basis) of adult facilities. This comparison is unfair, however, because juvenile facilities usually require substantially more square footage per resident.

At present, juvenile facilities that are highly durable and include a full complement of education and recreation areas and associated administrative, admissions, food service, and other support spaces cost an average of $140 to $160 per square foot for the

building itself (McMillen, 1998). This amount includes all construction materials, mechanical/electrical systems, security equipment, and hardware. It does not include additional costs for site work, parking, landscaping, architectural/engineering services, or furnishings; nor does it allow for any contingencies during construction (i.e., changes required because of unforeseen circumstances). These additional costs can increase the cost of facility development by 30 to 35 percent (McMillen, 1998). Even higher costs should be anticipated in locations with high construction cost indexes (e.g., large metropolitan areas).

The cost per bed space is also influenced by a facility's size. Small facilities (25 to 50 beds) require support spaces not appreciably smaller than those in larger facilities (50 to 100 beds), which are able to achieve economies of scale. For this reason, small facilities frequently average between 700 and 800 square feet per resident, while larger detention facilities average 600 to 700 square feet per resident. Long-term care facilities frequently provide more space in support of expanded programming options.

Using average costs for construction and development expenses, table 2 provides examples that illustrate total project costs expected for facilities with 40- and 80-bed capacities.

These examples do not by any means encompass the complete range of development costs for juvenile facilities. A review of recent juvenile facility projects, in fact, reveals that costs vary considerably (above and below) those presented in table 2.

Operational Costs

As high as construction costs may be, they represent only a fraction of the costs that a jurisdiction developing expanded detention capacity will have to bear each year during the life of a facility. For example, the authors' experience has shown that staffing expenses—which account for approximately 80 to 85 percent of annual operating expenditures in facilities with a direct supervision staffing pattern—require annual expenditures amounting to about 25 to 27 percent of a facility's total development cost. The percentage is somewhat lower for large facilities and somewhat higher for small facilities. Staffing expenses include all direct supervision, administration, and program and support services staff that most facilities require. When other expenses (food, clothing, supplies, utilities, communications, normal maintenance, travel, training, and related items) are added to staffing expenses, a facility's total annual operating expenditures may approach 30 to 33 percent of the total facility development cost. To operate a facility, therefore, jurisdictions must allocate approximately one-third of a building's cost for each year the building remains open. (For example, a facility that costs $10 million to build will cost approximately $3 million to operate each year.)

For a new facility that will be used for at least 30 years, total operating costs over the lifetime of the facility will exceed construction costs by 10 times or more. Expenditures will actually be even higher, because the operating budget described above does not include expenses associated with debt service of initial construction bonds or the cost of the inevitable repair and replacement of structural and mechanical systems over the life of a building.

A physical design based on staffing efficiency—even if it will involve higher construction expenditures—is of utmost importance. In the interest of fiscal responsibility, however, jurisdictions should carefully consider long-term operational costs throughout the planning process. Only by examining all potential operational expenses rigorously will planners achieve the best possible balance of physical design and supervision needs. The high cost of secure operations further underscores the importance of seeking cost-effective detention alternatives that reduce residential capacity needs while providing necessary supervision, management, and system flexibility (Moon, Applegate, and Latessa, 1997).

Table 2: Construction/Development Cost Examples

Cost Factor	40-Bed Capacity	80-Bed Capacity
Total Square Feet/Resident	750	650
Cost per Square Foot (1999)	$150	$150
Total Construction Cost	*$4,500,000*	*$7,800,000*
Sitework @ ±9.5% of Construction	*$427,500*	*$741,000*
Furnishings @ ±5.0% of Construction	*$225,000*	*$390,000*
Arch./Eng. Fees @ ±8.5% of Construction	*$382,500*	*$663,000*
Contingency @ ±10.0% of Construction	*$450,000*	*$780,000*
Total Project Cost	**$5,985,000**	**$10,374,000**
Total Cost per Resident	**$149,625**	**$129,675**

Note: The table does not include financing/bond costs or administrative fees.

Juvenile Facility Operations

Fundamental Needs

OJJDP's *Conditions of Confinement* Research Report (Parent et al., 1994) provides a comprehensive analysis of conditions in juvenile confinement facilities. In particular, the study measured facilities' conformance to

46 assessment criteria that reflected existing minimum national and professional standards in 12 areas:

- Living space.
- Health care.
- Food, clothing, and hygiene.
- Living accommodations.
- Security.
- Control of suicidal behavior.
- Inspections and emergency preparedness.
- Education.
- Recreation.
- Treatment services.
- Access to community.
- Limits on staff discretion.

The 12 areas were each placed in 1 of 4 broad categories (basic needs, order and safety, programming, and juvenile rights). The study examined each facility's conformance with the 12 areas of conditions of confinement. The percentage of facilities that conformed to all criteria in any of the 12 areas ranged from 25 to 85 percent, underscoring a disparity in practices and a national need for improved operations.

Some special problems—such as suicidal behavior, injuries to residents, injuries to staff, and lawsuits—were attributable to isolated events. The study found, however, that most operational problems were correlated with pervasive deficiencies in conditions of confinement. To improve such conditions, the study recommended developing performance-based standards for juvenile facilities. Conditions of confinement, however, are only one part of the larger and more complex measure of juvenile facilities commonly referred to as "quality of life." The study's recommendation of performance-based standards resulted from the finding that high levels of compliance with policy-based criteria did not necessarily result in improved conditions of confinement, suggesting the need for improved standards and different ways to evaluate quality of life.

Key Elements for Operation

JAIBG Program Purpose Area 1 suggests that a new facility's operation should be as efficient as possible. Ideally, the facility should be a best practices program. The idea of starting a program from scratch or building a facility or operation from the ground up appeals to most juvenile justice practitioners largely because it frees them from all of the "baggage" of past practices. Problems arise, however, when practitioners must conceptualize what kind of program they want (i.e., the principles of running an institution) and determine how to make it happen (i.e., the practice of institutional operations or process).

If successful facility operations were easy to develop, more model programs would exist. Although a model program is difficult to develop, there are sufficient resources (knowledge derived from lessons learned and technology derived from best practices) to guide the development of exemplary programs. This section serves as an operations guide, setting forth steps to take, knowledge and resources to acquire, and people to talk to in order to operate an effective facility. In particular, it outlines three categories of information: (1) organizational prerequisites (components that must be in place before program development can occur), (2) program principles to guide operations, and (3) staffing and management principles to guide implementation. The information provided here does not include standards by which to measure or evaluate facility operations. Instead, this section identifies key elements that should be addressed. If any one of these elements is missing or not fully developed, a facility administrator should be prepared to explain why.

Organizational prerequisites

Safety and security. Safety and security are fundamental prerequisites of program development. Programs cannot grow and evolve unless residents and staff are safe and secure—both physically and emotionally. Physical aspects of safety and security include a new facility's design and construction and policies and procedures that control or prevent juveniles' access to contraband and/or weapons. Emotional safety and security means that residents and staff feel safe from fear or harm.

Order and organization. Organization is the backbone of program development, the structure upon which effective programs are built. Previte (1994) refers to this structure as "The Code" and identifies three components: order, tradition, and discipline.

- *Order* includes a building's neatness and cleanliness, its adherence to a daily routine or schedule, and a feeling—among residents and staff—of knowing what will happen next. To achieve order, an institution must have a clear and comprehensive policy and procedures manual. To develop the manual, facilities should refer to the series of publications on ACA standards (American Correctional Association, 1991a, 1991b, 1991c, 1994), the series' companion works (American Correctional Association, 1987, 1992a, 1992b, 1992c), chapter 7 of the *Desktop Guide to Good Juvenile Detention Practice* (Roush, 1996b), and products from the OJJDP-sponsored Performance-Based Standards Project managed by the Council of Juvenile Correctional Administrators (CJCA).
- *Tradition* includes customs, routines, songs, and other activities unique to a facility. With a new facility, the possibilities for tradition are endless. Traditions need not be large or complicated; they may be

as simple as serving chocolate milk at meals or celebrating birthdays with cake and ice cream. The purpose of tradition is to generate an identity within the facility.

- *Discipline*, by identifying appropriate behaviors and correcting inappropriate behaviors, is a facility's method of building character, pride, and integrity. It involves teaching a collectively endorsed set of appropriate behaviors and values for staff and residents. These behaviors and values are explained in greater detail in the discussion of program principles below.

Conditions of confinement. Conditions of confinement, a model of organizational structure based on the Youth Law Center's C.H.A.P.T.E.R.S. model (Soler et al., 1990), identifies eight areas of institutional operations most likely to be targets of litigation. NJDA recommends that facilities use this model to assess their potential liability before developing programs. Each area in the C.H.A.P.T.E.R.S. model is identified below, and sources of information relevant to each area are cited.

- *Classification and Admissions.* Classification systems are explained in detail in Howell (1997) and OJJDP's *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders* (Howell, 1995a). Information about admissions appears in American Correctional Association, 1987, 1992c; Christy, 1994; and Roush, 1994, 1996c.
- *Medical and Health Care Services.* Although the National Commission on Correctional Health Care (NCCHC) (1999) and ACA (1991a, 1991b, 1991c) both have standards that address medical and healthcare services, NCCHC's are more comprehensive. Additional information on this topic appears in Morris, Anderson, and Baker (1996) and Owens (1994).
- *Access Issues.* These issues concern a confined juvenile's right to have access to information and individuals outside the facility (e.g., through mail, telephone, visitation, and communication with attorneys and the courts). Bell (1990, 1992, 1996) explains these rights and discusses related standards and case law.
- *Programs.* ACA standards again provide guidance and direction. According to Soler et al. (1990), the courts' primary programming interests are recreation and education. Information about recreation is available in the *Desktop Guide* (Roush, 1996b) and Calloway (1995). Developmentally appropriate best practices are found in Barrueta-Clement et al. (1984) and Kostelnik, Soderman, and Whiren (1999), and guidance on correctional education programs is available in the *Desktop Guide* (Roush, 1996b); Gemignani (1994); Hodges, Giulioti, and Porpotage (1994); Leone, Rutherford, and Nelson (1991); and Wolford and Koebel (1995).
- *Training.* See "Training" section in this Bulletin.
- *Environmental Issues.* ACA standards address these issues, which include compliance with State and local regulations on health, safety, and sanitation.
- *Confinement and Restraints.* Information appears in the ACA standards, the *Desktop Guide* (Roush, 1996b), Mitchell and Varley (1991), and the NCCHC standards (1999).
- *Safety.* The best sources of information on resident safety are Soler et al. (1990), Hayes (1998), Rowan (1989), Parent et al. (1994), the ACA standards, and the *Desktop Guide*.

Staff. Two organizational prerequisites relate to staff. First, through a central personnel office or consultation with personnel specialists, a new facility should develop an effective program for staff recruitment, selection, retention, training, and development. Staff training and development are addressed in detail later in this Bulletin.

Second, through its policies and procedures, a facility must ensure that it has sufficient staff to sustain programming. This is a controversial issue, because staffing is the single largest cost in a facility's operational budget and because best practices offer no hard-and-fast rules about staffing levels. Staffing levels depend on many factors, including a program's philosophy, the quality of interactions between staff and residents, the education and training levels of staff, and the physical plant. Best practices are typically associated with facilities that have a small number of youth (6–10) under the direct supervision of any one line staff member (Roush, 1997).

Density. Density (the number of people per unit of space in a facility) is a significant factor in the effectiveness of an institutional program (Roush, 1999). When density creates problems in a juvenile facility, the institution is said to be crowded. The best facilities have plans, policies, procedures, or strategies to address crowding (Burrell et al., 1998; Previte, 1997).

Program principles

Successful programs have core principles or assumptions to guide problem solving and decisionmaking. These principles define a program's purpose and content, articulate what an institution hopes to accomplish, and specify the operations that it will use to accomplish its goals. Frequently called core values, program principles are decisions about the type of facility required to accomplish program goals and the number and type of staff members needed to implement the program.

Many different program models address a wide array of offenders and intervention strategies. In completing a master plan, a jurisdiction identifies the characteristics of its juvenile offender

population. It then chooses a program model best suited to the offender population. Research into best practices has revealed that the following program components are successful in juvenile detention and corrections:

Effective assessment. The better the match between offender needs and facility programs and services, the greater the likelihood of success. To assess offender needs, a facility must use effective needs assessment strategies (Agee, 1995; Bell, 1996; Howell, 1995b, 1997).

Behavior contracting. The use of behavior contracts with juvenile offenders is effective, especially when contracts focus on changing behaviors associated with criminal acts (Agee, 1995; Lipsey, 1992; Stumphauzer, 1979).

Cognitive programs. Cognitive restructuring (i.e, changing a juvenile's "self-talk") has produced successful outcomes for several decades. Adolescents, especially juvenile offenders, may have deficits in consequential thinking and alternative thinking. Their thinking is frequently illogical, and they have trouble changing irrational beliefs. Cognitive strategies that address these deficits further the goals of JAIBG by emphasizing accountability and personal responsibility (Agee, 1995; Gibbs et al., 1997; Glick, Sturgeon, and Venator-Santiago, 1998; Lipsey, 1992; Traynelis-Yurek, 1997).

Positive peer cultures. Although positive group dynamics is an important part of successful programs, the ultimate empowerment for youth is having the opportunity to solve their own problems. Researchers have shown that youth are more motivated to behave appropriately when other youth participate in decisionmaking about the intervention. They also gain a greater sense of self-worth when they are able to help themselves and others (Brendtro and Ness, 1983; Ferrara, 1992; Vorrath and Brendtro, 1984; Wasmund, 1988).

Anger management. With violence becoming increasingly common in American society, youth in juvenile confinement facilities are becoming more comfortable using violence as a problem-solving strategy. Anger management, however, can be learned, and it is a prerequisite for meaningful and lasting behavior change among youth who have exhibited violent behavior (American Psychological Association, 1993; Chinn, 1996; Dobbins and Gatowski, 1996).

Discipline. Discipline, a vital part of effective programs, creates character, courage, pride, and integrity. An inescapable part of every juvenile confinement facility, discipline also sets the tone for all other program interventions. Effective discipline programs set high expectations for youth; employ graduated sanctions; emphasize corrective measures; encourage and celebrate appropriate behaviors, achievements, and accomplishments; and help youth to understand that disciplinary procedures are in their own best interest. Effective discipline programs require strong and committed staff members, who must make discipline part of their own lives—not just part of their jobs.

Empathy training. Empathy training (one of the BARJ model's restorative elements) includes helping juveniles become aware of and empathize with their victims. Awareness and empathy are necessary precursors to feelings of guilt, shame, and remorse.

Social skills training. Most juvenile offenders lack adequate social skills. Many do not know how to relate to persons outside their family or gang. Experience indicates that social skills programming is an important part of juvenile detention and corrections programs (Roush, 1998).

Drug and alcohol abuse counseling. Many youth entering juvenile confinement facilities are under the influence of alcohol and/or other drugs or have a history of abusing these substances. Drug and alcohol counseling programs are therefore important ancillary services that can improve the effectiveness of model programs (Agee, 1995; Cellini, 1994; Howell, 1997).

Transition and aftercare services. Without transition and aftercare programs, changes occurring within an institutional setting are unlikely to have long-lasting effects. Transition programs move youth back into the community gradually. Aftercare involves having a specially trained aftercare worker or probation officer work with youth in the community for an extended period of time (until the youth is comfortable being back in the community or has met a specified set of criteria). As the number of youth in the juvenile justice system has increased, caseloads have become so large that aftercare and parole services officers have insufficient time to address all of the problems of the youth on their caseloads. Therefore, many youth's problems are unaddressed or neglected; without supervision, youth often quickly return to lives of drugs and crime (Agee, 1995; Altschuler and Armstrong, 1995; Howell, 1997; Lipsey, 1992).

When using any of the techniques above, facilities should explain related expectations clearly to each juvenile entering the facility. Expectations should be systematic (use a method to achieve goals); logical (make sense); rigorous (place high expectations on youth for improved performance); and balanced (emphasize strengths while administering sanctions/punishments).

Staffing and management principles

Recruitment, selection, retention, and development of good staff members are strengths of every successful program. Several organizations and individuals have examined the characteristics of effective juvenile justice staff (Glick, Sturgeon, and Venator-Santiago,

1998; Goldstein and Glick, 1987; Previte, 1994; Roush, 1996b). Lists of attributes compiled by researchers have been fairly similar and include such traits as patience, the ability to interact effectively with other people (i.e., social, communication, and relationship skills), cooperation, respect, empathy, the ability to work as a team player, alertness, physical strength, and optimism.

Once a facility hires good staff members, it needs to determine which management principles are linked to best practice operations. Four principles are presented below.[6]

Consistency. Best practice programs have highly consistent management principles. Consistency involves at least three elements.

- *Rules that provide structure and dependability but do not overwhelm youth.* Rules should be clear and understandable. They should be few in number and general in nature. Realizing that not every misbehavior can be addressed by a specific rule, best practices programs have rules based on general principles (e.g., cooperation, respect, and responsibility). Rules and structure are the backbone of emotional and physical safety and provide the foundation for discipline and self-control in children (Humphrey, 1984). According to Previte (1994), rules are an institution's way of saying "I care" to youth.
- *Rule enforcement that is firm but fair.* Because adolescents are often concerned with fairness, facilities should enforce rules in a firm and fair manner. While perceptions of unfairness generate feelings of anger and resentment, perceptions of fairness generate cooperation and increased safety. Being firm but fair means several things. It means that rules are enforced uniformly, with no second chances, excuses, or warnings (unless rules call for a warning). Rules are enforced matter-of-factly, without emotion on the part of staff. The staff member's role is simply to enforce rules, not to provide a lecture, sermon, or interrogation about a youth's knowledge of the rules. Violating a rule is a youth's choice; if the consequences for rule violations have been clearly specified in advance, the youth also chooses the consequence when he or she violates a rule. Being fair also means providing procedures for changing or eliminating unreasonable rules.
- *A social order.* A facility needs to develop a social order (i.e., consistent rules that govern everyone in the facility, including staff) (Roush, 1984). There will always be two sets of rules—one for staff (including rules that apply to facility operation) and one for residents. Best practices programs, however, have certain rules of conduct that apply to everyone. Such a social order encourages the development of respect and dignity.

Involvement. Involvement means that a program includes activity, interaction, and staff-resident relationships. Regardless of their content, all effective programs are active—with youth in the best programs spending as many as 14 hours each day in structured and supervised activities (American Correctional Association, 1991a, 1991c). In addition to being enjoyable, active programs are physically and mentally challenging. They are purposeful, educational, and helpful (Roush, 1993). They are also outlets for youthful energy: youth in active programs are tired and ready to sleep at the end of the day.

Involvement also requires interaction between staff and residents, ranging from active supervision of an activity (residents are within earshot of or only a few feet away from staff) to actual staff participation in an activity.

The essence of involvement in juvenile facilities is the relationship between residents and staff. Staff members should be involved in juveniles' lives in a constructive way. In the best programs, staff members have chosen their jobs primarily because they like youth and genuinely want to help. Without compromising a facility's structure and order, these staff members listen to the residents, and, as Previte (1994) explains, "Listening creates hope, and hope is power."

Emphasis on positive consequences. Successful programs emphasize the positive (Carrera, 1996). In fact, they use positive consequences at least four times more often than negative sanctions (Madsen, Becker, and Thomas, 1968). Effective programs must be both demanding and encouraging and must communicate both positive and negative messages appropriately, clearly, and without compromise.

To achieve the balance referred to in the BARJ model, juvenile justice practitioners must be open to including positive youth development programs, rather than focusing exclusively on problems, needs, skill deficits, and other "negatives." Matching programs and services to offender needs and deficits may be effective; however, as Karen Pittman of the International Youth Foundation has observed, being problem free is not the same as being fully prepared (1996). A positive approach focusing on the strengths of youth—rather than one focusing solely on their problems or needs—has produced effective outcomes (Brendtro and Ness, 1995; Checkoway and Finn, 1992; Clark, 1995, 1996; Leffert et al., 1996; Seita, Mitchell, and Tobin, 1996). Positive youth development programs that can be used in juvenile confinement facilities include sports and recreation activities, camping programs, service programs, mentoring programs,

[6] For more information on management principles and other operations issues, jurisdictions should call the OJJDP National Training and Technical Assistance Center at 800-830-4031. Additional sources of information on operating a juvenile facility also appear at the end of this Bulletin, under "For Further Information."

school-to-work programs, and support for teen parents.

Respect. No management principles will work without respect. Respect means treating juveniles like worthwhile human beings, regardless of their behavior, appearance, offense history, psychological assessment, hygiene, or volatility. It means refraining from name calling, threats, putdowns, and cursing. According to youth, respect is the single most important trait of a good staff member in any type of program. A respectful and nonjudgmental approach separates the deed from the doer, allowing staff to treat youth with respect no matter how reprehensible the youth's conduct may be.

Respect leads staff to focus on similarities (rather than differences) between themselves and the juveniles under their care. For example, when staff of the Utah County Juvenile Detention Center (Provo, UT) were asked to explain their motivation for working with youth in the juvenile justice system, the majority stated, "These are *my* brothers and sisters who are in trouble. I am here to help them."

Juvenile Facility Staff Training

Fundamental Needs

Citing numerous links between inadequate staff training and serious problems (e.g., suicidal behaviors by residents), OJJDP's study on conditions of confinement confirmed the need for additional staff training (Parent et al., 1994). Many problems with conditions of confinement occurred in facilities where staff had deficits in specific knowledge and skill areas. The study also reinforced the belief that juvenile institutions should give priority to improving training for new staff (given the high levels of staff turnover) and adding training for all staff in the areas of adolescent health care, education, treatment, access issues, juveniles' rights, and limits or controls on staff discretion.

OJJDP's *Juvenile Detention Training Needs Assessment* (Roush, 1996c) identified factors that heighten the need for improved training. These factors include uneven levels of preemployment education among staff, high rates of staff turnover, lateral shifts in personnel, increasingly complex needs of juvenile offenders, worker liability issues, and development of new technologies. According to detention administrators in Michigan, scarce funding was the primary problem facing facilities that wanted to improve training (Michigan Juvenile Detention Association, 1981). More than two-thirds of New Jersey detention facilities did not even have a training budget in 1990 (Lucas, 1991). Juvenile facility staff cite scheduling difficulties (e.g., interruptions in training because of staffing problems and crowding) as the major obstacle to implementing training programs (Brown, 1982; Roush, 1996c).

Staff Training

Even though juvenile facility staff training has made significant progress over the past decade, and access to training information, resources, and services has never been better, training remains one of the highest ranked needs among line staff. One promising sign that training is becoming more widely available is the rapid growth of State-operated training academies: only six such academies existed in 1944, while today more than half of the States operate academies.

The recent overall improvement in staff training is attributable to three factors. First, knowledge about effective training in general has been applied to juvenile justice specifically, resulting in a knowledge base and technology that are specific to juvenile justice system needs (National Training and Technical Assistance Center, 1998; Blair et al., undated; Cellini, 1995; Christy, 1989). Second, professional associations and organizations—particularly the American Correctional Association (ACA); the Association for Staff Training and Development (ASTD); the Juvenile Justice Trainers Association (JJTA) (a professional organization devoted entirely to training); the National Institute of Corrections (NIC) Academy Division (the training arm of the Federal Bureau of Prisons); and the National Juvenile Detention Association (NJDA)—have expanded the network of skilled trainers. Third, OJJDP has provided strong leadership and support through its Training and Technical Assistance Division. Some of the contributions to training made by ACA, NJDA, JJTA, and OJJDP are described below.

ACA

Through standards that specify an annual minimum number of training hours for each category of employee at various periods in his or her employment, ACA has confirmed the importance of staff training (American Correctional Association, 1991a, 1991c). With facilities' accreditation dependent upon compliance with ACA training standards, comprehensive staff training programs have gained legitimacy, and training funds have increased. What was once thought to be an excessive amount of time for training (160 hours for new employees during their first year) is now generally accepted as a best practice (Roush, 1996c). To sustain this level of training, at least 2 to 4 percent of a facility's annual operations budget should be allocated to staff training services. For more information about accredited juvenile justice facilities, practitioners should contact the ACA Standards and Accreditation Division (800–222–5646) and request a list of facilities, contact persons, and phone numbers.

ACA has also developed useful training materials, including videos and correspondence courses. ACA training videos address topics such as facility admissions, suicide prevention,

and cultural diversity. Correspondence courses through ACA address basic careworker skills, behavior management, suicide prevention, and supervision of youthful offenders. Upon successfully completing courses and passing an examination, an employee receives a certificate from ACA.

NJDA

NJDA research (Roush, 1996c) has affirmed ACA's training requirements, identified five discrete training categories for juvenile justice employees, and developed learning objectives to supplement the training topics identified by ACA. Through OJJDP grants, NJDA and JJTA developed and tested two 40-hour training curriculums for line staff in juvenile detention and corrections facilities. The curriculums are based on national training needs assessment data (Roush and Jones, 1996), and the lesson plans developed follow the Instructional Theory Into Practice (ITIP) model recommended by NIC. NJDA also has developed a training implementation model intended to strengthen and expand facilities' in-house training capabilities (Roush, 1996a). Through the use of the Training Needs Assessment Inventory (TNAI) and interchangeable lesson plans, institutions can tailor training interventions to meet their specific needs.

JJTA

With the development of *Guidelines for Quality Training* (Blair et al., undated) and *OJJDP Training, Technical Assistance, and Evaluation Protocols: A Primer for OJJDP Training and Technical Assistance Providers* (National Training and Technical Assistance Center, 1998), JJTA has provided basic information about the necessary components of a model staff training program. Composed primarily of staff development and training specialists, JJTA provides a national network of information on training services and technical assistance for juvenile justice trainers.

NIC has also developed a 27-step training implementation strategy. Combined with *Training, Technical Assistance, and Evaluation Protocols: A Primer for OJJDP Training and Technical Assistance Providers*, this strategy provides sufficient knowledge to generate a comprehensive staff training program. Facilities can secure information on the entire network of resources available by referring to the *Training and Technical Assistance Resource Catalog*, updated and published annually by the National Training and Technical Assistance Center, or by calling the center at 800–830–4031.

OJJDP

In 1990, OJJDP entered into an interagency agreement with the NIC Academy Division to provide leadership development programs for juvenile detention and corrections personnel. Under the agreement, NIC offers correctional leadership development (CLD) programs for new chief executive officers, managers, and supervisors. OJJDP produced a video on leadership in juvenile justice based on NIC's leadership development curriculum. NIC's training-for-trainers workshop, which uses the ITIP model, is rated by juvenile justice practitioners as one of the best programs for developing foundation skills for trainers. OJJDP also provides technical assistance resources for line staff training through NJDA's Center for Research and Professional Development (517–432–1242) and for management staff training through the NIC Academy Division (800–995–6429).

Six Major Steps to Implementation

Several important steps must be completed to construct a model staff training program. As in the master planning process, a facility should begin by articulating vision and mission statements. The subsequent steps are described below.

Step 1: Conduct a training needs assessment

A facility should first conduct a training needs assessment to identify gaps between the knowledge, skills, and abilities needed to perform jobs effectively and the knowledge, skills, and abilities currently possessed by staff members. The larger the gap, the greater the training need. Assessment instruments and procedures can be used to collect this information, and juvenile justice trainers are available to conduct needs assessments for agencies and organizations.

Step 2: Develop a formal training plan

Based on information revealed by its needs assessment, a facility should formalize its training strategy. This strategy generally takes the form of training policies and procedures in which the facility identifies who the trainers will be, what types of training will be offered, which staff members will be trained, and how many hours of training are to be provided annually for each position. Training policies and procedures should also establish minimum training requirements for staff at different levels and identify any administrative, professional, and/or statutory standards or requirements that the facility will meet.

Step 3: Adopt, adapt, or develop a core curriculum

Based on the training needs identified and the training plan developed, a facility should adopt, adapt, or develop a core curriculum as its primary training vehicle. Several curriculums are available, including three developed by OJJDP grants: the National Detention Careworker Curriculum, the Juvenile Corrections Careworker Curriculum, and the National Training Curriculum for Educators in Juvenile Confinement Facilities. To obtain copies of these curriculums, practitioners should contact NJDA, listed in the "For Further Information" section.

Step 4: Adopt an action strategy

A facility should next adopt an action strategy for delivering training services. As discussed above, a majority of States have training academies responsible for training all personnel in State-operated juvenile correctional and detention facilities. Facilities not covered by a State training academy are responsible for devising their own training delivery strategies.

Responding to the need for a training delivery strategy for locally operated juvenile facilities and facilities in States without training academies, NJDA developed and tested a training implementation strategy. NJDA's strategy includes developing vision and mission statements, conducting a training needs assessment, developing a formal training plan, and selecting a training curriculum. NJDA's strategy also addresses identification of key staff members (middle managers, shift supervisors, and lead workers) to serve as staff trainers. After completing a basic training curriculum in a separate training workshop, these key staff members are divided into two groups: trainers and mentors. Trainers complete a 40-hour program on building training foundation skills using the NIC model. Mentors (those key staff who do not want or should not have staff training responsibilities) receive training on mentoring so that they can help guide new employees through the training process. The NJDA strategy has proven successful in strengthening in-house training capabilities.

Step 5: Schedule training

The next major step is to schedule training, a task that is extremely difficult when a facility lacks sufficient resources to provide coverage for staff members attending training. The NJDA makes scheduling easier by expanding the cadre of in-house staff trainers.

Several scheduling strategies have been successful. The Cook County Temporary Juvenile Detention Center (Chicago, IL), for example, has a full-time training staff devoted to organizing and delivering training services that meet ACA standards. To improve ongoing training efforts, particularly in-service training, at the Bexar County Juvenile Detention Center (San Antonio, TX), Kossman (1990) implemented an innovative, four-shift staffing pattern. Instead of the routine three-shift (a.m., p.m., and night) scheduling assignments, he added a fourth shift as a replacement for those shifts attending staff training. Using the four-shift pattern, Kossman reported reductions in overtime costs and a greater commitment to training.

Step 6: Evaluate training

As a final step, facilities should evaluate training. Evaluations should include trainees' reactions and suggestions for improvement and plans or commitments to implement training lessons in daily practice. Facilities should conduct evaluations on an ongoing basis to determine whether staff behavior and institutional practices have changed as a result of training and whether the direction of any change is compatible with the goals of training. Results of evaluation efforts also provide information about the nature and extent of a facility's training needs. This information, in turn, becomes data for training needs assessment. The process has now come full circle, with evaluation data guiding future training needs assessment, annual revisions and modifications to the training plan, and updates to a facility's training curriculum.

Conclusion

Even though extensive literature on juvenile justice exists, best practices are difficult to define (Elliot, 1998). The purpose of this Bulletin is not to prescribe a specific best practice. Rather, it seeks to identify resources (especially knowledge, principles, and people) that can inform practitioners, policymakers, and the public in their quest to develop and implement best practices in the areas of juvenile facility construction, operations, and staff training. This is really a search for "best knowledge"; once this knowledge is located, best practice is not far behind.

It is often easier to ascertain best practices in the area of construction because the physical structures that result are available for a wide array of examination and analysis. This is not always the case when searching for best practices in the areas of operations and staff training. In these areas, the search for models and examples of best practice is most productive when it begins with people—as opposed to places. Best practice is found through best practitioners.

There has never been a better time to acquire knowledge from practitioners. The expansion of juvenile justice has brought many new and talented people into the field. Communication technologies are also better than ever. Professional organizations (including the Alliance for Juvenile Justice, the American Correctional Association, the American Probation and Parole Association, the Council of Juvenile Corrections Administrators, the Juvenile Justice Trainers Association, the National Association of Juvenile Correctional Agencies, the National Council of Juvenile and Family Court Judges, the National Council on Crime and Delinquency, the National Juvenile Court Services Association, and the National Juvenile Detention Association) offer access to abundant information, resources, and personal contacts. The excuses for *not* knowing are rapidly disappearing.

References

Agee, V.M. 1995. Managing clinical programs for juvenile delinquents. In *Managing Delinquency Programs That Work*, edited by B. Glick and A.P. Goldstein. Laurel, MD: American Correctional Association.

Altschuler, D.M., and Armstrong, T.L. 1995. Managing aftercare services for delinquents. In *Managing Delinquency Programs That Work*, edited by B. Glick and A.P. Goldstein. Laurel, MD: American Correctional Association.

American Correctional Association. 1987. *Admissions in Juvenile Detention: The Critical Hour*. Videotape. Washington, DC: Capitol Communication Systems, Inc.

American Correctional Association. 1991a. *Standards for Juvenile Detention Facilities*, 3d ed. Laurel, MD: American Correctional Association.

American Correctional Association. 1991b. *Standards for Juvenile Training Schools*, 3d ed. Laurel, MD: American Correctional Association.

American Correctional Association. 1991c. *Standards for Small Juvenile Detention Facilities*. Laurel, MD: American Correctional Association.

American Correctional Association. 1992a. *Guidelines for the Development of Policies and Procedures: Juvenile Detention Facilities*. Laurel, MD: American Correctional Association.

American Correctional Association. 1992b. *Handbook on Facility Planning and Design for Juvenile Corrections*. Laurel, MD: American Correctional Association.

American Correctional Association. 1992c. *Juvenile Careworker Resource Guide*. Laurel, MD: American Correctional Association.

American Correctional Association. 1994. *1994 Standards Supplement*. Laurel, MD: American Correctional Association.

American Psychological Association Commission on Violence and Youth. 1993. *Violence and Youth: Psychology's Response*. Washington, DC: American Psychological Association.

Barrueta-Clement, J.R., Schweinhart, L.J., Barnett, W.S., Epstein, A., and Weikart, D. 1984. *Changed Lives: The Effects of the Perry Preschool Program on Youth Through Age 19*. Ypsilanti, MI: High/Scope Educational Research Foundation.

Barton, W.H. 1994. Implementing detention policy changes. In *Reforming Juvenile Detention: No More Hidden Closets*, edited by I.M. Schwartz and W.H. Barton. Columbus, OH: Ohio State University Press.

Bell, J.R. 1990. Litigation in juvenile justice: A tool for advancement. *Corrections Today* (August):22–23, 26, 28.

Bell, J.R. 1992. Rights and responsibilities of juveniles. In *Juvenile Careworker Resource Guide*. Laurel, MD: American Correctional Association.

Bell, J.R. 1996. Rights and responsibilities of staff and youth. In *Desktop Guide to Good Juvenile Detention Practice*, edited by D.W. Roush. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Bell, J.R. 1998. National perspectives on juvenile justice. Keynote address to the American Institute of Architecture Conference.

Bilchik, S. 1998. *A Juvenile Justice System for the 21st Century*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Blair, J., Collins, B., Gurnell, B., Satterfield, F., Smith, M.G., Yeres, S., and Zuercher, R. Undated. *Guidelines for Quality Training*. Ithaca, NY: Juvenile Justice Trainers Association.

Boersema, C. 1998. Strategic planning as a means to address detention overcrowding. *Journal for Juvenile Justice and Detention Services* 13(Spring):20–31.

Boersema, C., Dunlap, E., Gulley, J., and Roush, D.W. 1997. *Juvenile Justice System Master Plan for Detention Services: Final Report*. Richmond, KY: National Juvenile Detention Association.

Brendtro, L.K., and Ness, A.E. 1983. *Re-educating Troubled Youth: Environments for Teaching and Treatment*. New York, NY: Aldine Publishing.

Brendtro, L.K., and Ness, A.E. 1995. Fixing flaws or building strengths? *Reclaiming Children and Youth* 4:2–7.

Brown, M., Jr. 1982. Training officers in juvenile detention. *Corrections Today* (June):14–16, 18.

Burrell, S., DeMuro, P., Dunlap, E., Sanniti, C., and Warboys, L. 1998. *Crowding in Juvenile Detention Centers: A Problem-Solving Manual*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Butterfield, F. 1998. Hard times: Profits at a juvenile prison come with a chilling cost. *The New York Times on the Web* (July 15):1–17.

Calloway, J. 1995. Managing recreation and leisure for juvenile delinquents. In *Managing Delinquency Programs That Work*, edited by B. Glick and A.P. Goldstein. Laurel, MD: American Correctional Association.

Carrera, M.A. 1996. *Lessons for Lifeguards: Working with Teens When the Topic Is Hope*. NewYork, NY: Donkey Press.

Cavanagh, M.F. 1995. Remarks. *Journal for Juvenile Justice and Detention Services* 10(Fall):37–40.

Cellini, H.R. 1994. Management and treatment of institutionalized violent juveniles. *Corrections Today* (July):98, 100–102.

Cellini, H.R. 1995. Training programs and staff development. In *Managing Delinquency Programs That Work*, edited by B. Glick and A.P. Goldstein. Laurel, MD: American Correctional Association.

Checkoway, B., and Finn, J. 1992. *Young People as Community Builders*. Ann Arbor, MI: Center for the Study of Youth Policy, University of Michigan.

Chinn, K.L. 1996. National trends in juvenile violence. *Corrections Today* (July):70, 72–73.

Christy, J.T. 1989. A curriculum for training juvenile detention staff. *Journal for Juvenile Justice and Detention Services* 4(Winter):23–29.

Christy, J.T. 1994. Toward a model secure detention program: Lessons from Shuman Center. In *Reforming Juvenile Detention: No More Hidden Closets*, edited by I.M. Schwartz and W. Barton. Columbus, OH: Ohio State University Press.

Clark, M.D. 1995. The problem with problem solving: A critical review. *Journal for Juvenile Justice and Detention Services* 10(Spring):30–35.

Clark, M.D. 1996. Solution-focused interviewing: A strength-based method for juvenile justice. *Journal for Juvenile Justice and Detention Services* 11(Spring):33–38.

Cocozza, J.J., ed. 1992. *Responding to the Mental Health Needs of Youth in the Juvenile Justice System*. Seattle, WA: National Coalition for the Mentally Ill in the Criminal Justice System.

Coordinating Council on Juvenile Justice and Delinquency Prevention. 1996. *Combating Violence and Delinquency: The National Juvenile Justice Action Plan*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

DeMuro, P. 1997. Overcrowding in juvenile detention: Some concrete suggestions. *Texas Probation* 12(July):11–17.

DeMuro, P., and Dunlap, E.L. 1998. A reasonable alternative to locking up more kids: The development of jurisdictional core groups. *Journal for Juvenile Justice and Detention Services* 13(Spring):3–19.

DeWitt, C.B. 1987. *Building on Experience: A Case Study of Advanced Construction and Financing Methods for Corrections*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Corrections.

Dobbins, S.A., and Gatowski, S.I. 1996. *A Guide to Research on Juvenile Violence*. Reno, NV: State Judicial Institute and the National Council of Juvenile and Family Court Judges.

Dugan, R.J. 1998. A juvenile detention facility that works. In *Best Practices: Excellence in Corrections*, edited by E. Rhine. Lanham, MD: American Correctional Association.

Dunlap, E.L., and Roush, D.W. 1995. Juvenile detention as process and place. *Juvenile and Family Court Journal* 46(Spring):3–16.

Elias, G.L., and Ricci, K. 1997. *Woman in Jail: Facility Planning Issues*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Corrections.

Elliot, D.E. 1998. What makes a "best practice"? In *Proceedings of the 1998 Governor's Juvenile Justice Summit*. Columbus, OH: Office of Criminal Justice Services.

Farbstein, J., Liebert, D., and Sigurdson, H. 1996. *Audits of Podular Direct-Supervision Jails*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Corrections.

Farbstein/Williams and Associates. 1981. *Corrections Planning Handbooks*. Sacramento, CA: California Board of Corrections, Youth and Adult Correctional Agency.

Ferrara, M.L. 1992. *Group Counseling with Juvenile Delinquents: The Limit and Lead Approach*. Newbury Park, CA: Sage Publications, Inc.

Gemignani, R.J. 1994. *Juvenile Correctional Education: A Time for Change*. OJJDP Update on Research. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Gibbs, J., Potter, B., Goldstein, A., and Brendtro, L. 1997. Equipping youth to think and act constructively. *Reclaiming Children and Youth: Journal of Emotional and Behavioral Problems* 6(Summer):120–127.

Glick, B., and Goldstein, A.P., eds. 1995. *Managing Delinquency Programs That Work*. Laurel, MD: American Correctional Association.

Glick, B., Sturgeon, W., and Venator-Santiago, C.R. 1998. *No Time to Play: Youthful Offenders in Adult Correctional Systems*. Lanham, MD: American Correctional Association.

Goldstein, A.P., and Glick, B. 1987. *Aggression Replacement Training: A Comprehensive Intervention for Aggressive Youth*. Champaign, IL: Research Press.

Grimm, R. 1998. Is there life after basketball? Presentation to the 18th Annual Governor's Conference on Juvenile Justice, New Orleans, LA.

Guarino-Ghezzi, S., and Loughran, E.J. 1996. *Balancing Juvenile Justice*. New Brunswick, NJ: Transaction Publishers.

Hayes, L.M. 1998. Suicide prevention in correctional facilities: An overview. In *Clinical Practice in Correctional Medicine*, edited by M. Puisis. St. Louis, MO: Mosby.

Henggeler, S.W. 1998. *Treating Serious Anti-Social Behavior in Youth: The MST Approach*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Hodges, J., Giuliotti, N., and Porpotage, F.M., II. 1994. *Improving Literacy Skills of Juvenile Detainees*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Howell, J.C., ed. 1995a. *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*. Summary. Washington, DC: U.S. Department of Justice,

Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Howell, J.C. 1995b. A national perspective. In *Managing Delinquency Programs That Work*, edited by B. Glick and A.P. Goldstein. Laurel, MD: American Correctional Association.

Howell, J.C. 1997. *Juvenile Justice and Youth Violence*. Thousand Oaks, CA: Sage Publications, Inc.

Howell, J.C., Krisberg, B., Hawkins, J.D., and Wilson, J.J., eds. 1995. *Serious, Violent, and Chronic Juvenile Offenders: A Sourcebook*. Thousand Oaks, CA: Sage Publications, Inc.

Humphrey, L.L. 1984. Children's self-control in relation to perceived social environment. *Journal of Personality and Social Psychology* 46:178–188.

Jones, M.A., and Krisberg, B. 1994. *Images and Reality: Juvenile Crime, Youth Violence, and Public Policy*. San Francisco, CA: National Council on Crime and Delinquency.

Jones, M.A., and Steinhart, D. 1994. Assessing the need for secure detention: A planning approach. *NCCD Focus* (August):1–7.

Kearns, R. 1998. No profit for kids in Glen Mills' Florida plunge. *Youth Today* 7(June):1, 37–38.

Kimme, D.A., Bowker, G., Deichman, R., Bounds, B., Reisteck, C., and Farbstein, J. 1988. *Small Jail Design Guide: A Planning and Design Resource for Local Facilities of Up to 50 Beds*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Corrections.

Kossman, S.P. 1990. Staffing pattern dynamics: A new approach to old problems. *Journal for Juvenile Justice and Detention Services* 5(Fall):9–12.

Kostelnik, M.J., Soderman, A.K., and Whiren, A.P. 1999. *Developmentally Appropriate Curriculum: Best Practices in Early Childhood Education*. Upper Saddle River, NJ: Merrill.

Leffert, N., Saito, R.N., Blyth, D.A., and Kroenke, C.H. 1996. *Making the Case: Measuring the Impact of Youth Development Programs*. Minneapolis, MN: The Search Institute.

Leone, P.E., Rutherford, R.B., and Nelson, C.M. 1991. *Special Education in Juvenile Corrections*. Reston, VA: Council for Exceptional Children.

Lipsey, M.W. 1992. Juvenile delinquency treatment: A meta-analytic inquiry into the variability of effects. In *Meta-Analysis for Explanation: A Casebook*, edited by T.D. Cook, H. Cooper, and D.S. Cordray. New York, NY: Russell Sage Foundation.

Lucas, C. 1991. *Juvenile Detention Staff Development Initiative: Survey of Training Resources*. Trenton, NJ: New Jersey Department of Corrections.

Madsen, C.H., Becker, W.C., and Thomas, D.R. 1968. Rules, praise, and ignoring: Elements of elementary classroom control. *Journal of Applied Behavior Analysis* 1:139–150.

McMillen, M. 1998. Planning juvenile detention facilities: The *real* costs. *Journal for Juvenile Justice and Detention Services* 13(Spring):49–57.

McMillen, M., and Hill, J.R. 1997. Jadults and adulniles. *Corrections Today* (April):100–101, 102–104.

Michigan Juvenile Detention Association. 1981. *Child Care Staff Training: Two Unresolved Issues*. Marshall, MI: Michigan Juvenile Detention Association.

Mitchell, J., and Varley, C. 1991. Isolation and restraint in juvenile correctional facilities. *Journal for Juvenile Justice and Detention Services* 6(Fall):31–37.

Moon, M.M., Applegate, B.K., and Latessa, E.J. 1997. RECLAIM Ohio: A politically viable alternative to treating youthful felony offenders. *Crime & Delinquency* 43(October):438–456.

Morris, R., Anderson, M., and Baker, C. 1996. Health care for incarcerated adolescents. In *Desktop Guide to Good Juvenile Detention Practice*, edited by D.W. Roush. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

National Clearinghouse for Criminal Justice Planning and Architecture. 1996 Criminal justice planning process: A total systems model. *Planning of New Institutions Workshops*. Longmont, CO: National Institute of Corrections.

National Commission on Correctional Health Care. 1999. *Standards for Health Services in Juvenile Detention and Confinement Facilities*. Chicago, IL: National Commission on Correctional Health Care.

National Commission on Correctional Health Care. 1998. Health services to adolescents in adult correctional facilities: Position statement. *Journal of Correctional Health Care* 5(Spring):113–117.

National Training and Technical Assistance Center. 1998. *OJJDP Training and Technical Assistance Protocols: A Primer for OJJDP Training and Technical Assistance Providers*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Nelson, W.R. 1993. New generation jails. In *Podular Direct Supervision Jails*. Washington, DC: U.S. Department of Justice, National Institute of Corrections, Jails Division.

Nelson, W.R., O'Toole, M., Krauth, B., and Whitmore, C.G. 1984. *Direct Supervision Models*. Boulder, CO: National Institute of Corrections Information Center.

Niedringhous, R.T., and Goedert, P. 1998. New rules in juvenile justice design. *Corrections Today* (February): 58–60.

Norman, S., ed. 1961. *Standards and Guides for the Detention of Children and Youth*, 2d ed. New York, NY: National Council on Crime and Delinquency.

Office of Juvenile Justice and Delinquency Prevention. 1998. *1997 Report to Congress: Title V Incentive Grants for*

Local Delinquency Prevention Programs. Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Otto, R.K., Greenstein, J.J., Johnson, M.K., and Friedman, R.M. 1992. Prevalence of mental disorders among youth in the juvenile justice system. In *Responding to the Mental Health Needs of Youth in the Juvenile Justice System*, edited by J.J. Cocozza. Seattle, WA: National Coalition for the Mentally Ill in the Criminal Justice System.

Owens, J. 1994. Juvenile health care in correctional facilities: A public health opportunity. *New York Health Services Journal* 1(Spring):55–66.

Parent, D., Leiter, V., Kennedy, S., Livens, L., Wentworth, D., and Wilcox, S. 1994. *Conditions of Confinement: Juvenile Detention and Corrections Facilities*. Research Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Pittman, K.J. 1996. Community, youth, development: Three goals in search of connection. *New Designs for Youth Development* (Winter).

Previte, M.T. 1994. *Hungry Ghosts: One Woman's Mission to Change Their World*. Grand Rapids, MI: Zondervan Publishing House.

Previte, M.T. 1997. Preventing security crises at youth centers. *Corrections Today* (February):76–79.

Puritz, P., and Scali, M.A. 1998. *Beyond the Walls: Improving Conditions of Confinement for Youth in Custody*. Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Ricci, K. 1995. What county commissioners can do about overcrowding in their jails. *The Prison Journal* 61:1–3.

Roush, D.W. 1984. Contributions to the therapeutic milieu: Integrating key theoretical constructs. *Child Care Quarterly* 13:233–250.

Roush, D.W. 1993. Juvenile detention programming. *Federal Probation* 57(September):20–33.

Roush, D.W. 1994. Admission to juvenile detention. *Journal for Juvenile Justice and Detention Services* 9(Fall):32–39.

Roush, D.W. 1996a. A comprehensive strategy for implementing the NJDA careworker training curriculum. *JERITT Bulletin* 7(2):1–4.

Roush, D.W., ed. 1996b. *Desktop Guide to Good Juvenile Detention Practice*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Roush, D.W. 1996c. *Juvenile Detention Training Needs Assessment*. Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Roush, D.W. 1997. Staffing patterns in juvenile detention facilities. *Journal for Juvenile Justice and Detention Services* 12(Fall):87–94.

Roush, D.W. 1998. The importance of comprehensive skills-based programs in juvenile detention and corrections. In *Juvenile Justice: Policies, Programs and Services*, 2d ed., edited by A.R. Roberts. New York, NY: Nelson-Hall Publishing Company.

Roush, D.W. 1999. Crowding and its effects. In *Juvenile Detention Centers: Applied Resources Manual*, edited by D.W. Roush. Richmond, KY: National Juvenile Detention Association.

Roush, D.W., and Jones, M.A. 1996. Juvenile detention training: A status report. *Federal Probation* 60(June):54–60.

Rowan, J.R. 1989. Suicide detection and prevention: A must for juvenile facilities. *Corrections Today* (August):218, 219, 226–227.

Rubenstein, F.D. 1991. A facility-wide approach to social skills training. *Journal of Correctional Education* 42(June):88–93.

Schwartz, I.M. 1994. What policymakers need to know about juvenile detention reform. In *Reforming Juvenile Detention: No More Hidden Closets*, edited by I.M. Schwartz and W.H. Barton. Columbus, OH: Ohio State University Press.

Seita, J., Mitchell, M., and Tobin, C. 1996. *In Whose Best Interest? One Child's Odyssey, a Nation's Responsibility*. Elizabethtown, NJ: Continental Press.

Soler, M.I., Shotton, A., Bell, J., Jameson, E., Shauffer, C., and Warboys, L. 1990. *Representing the Child Client*. New York, NY: Matthew Bender.

Steenson, D., and Thomas, D. 1997. Managing change through strategic planning. In *Juvenile Probation Administrators' Desktop Guide*, edited by D. Thomas and P. Torbet. Pittsburgh, PA: National Center for Juvenile Justice.

Stumphauzer, J.S., ed. 1979. *Progress in Behavior Therapy with Delinquents*. Springfield, IL: Charles C. Thomas, Publisher.

Taylor, J., Gottheil, D., Kimme, D., Bishop, K., and Maase, D. 1996. Seven steps to plan a better jail. In *Planning of New Institutions Workshops*. Longmont, CO: National Institute of Corrections.

Traynelis-Yurek, E. 1997. Thinking clearly through positive peer culture. *Reclaiming Children and Youth: Journal of Emotional and Behavioral Problems* 6(Summer):87–89.

Treahy, J. 1995. Detention services for juveniles. In *Managing Delinquency Programs That Work*, edited by B. Glick and A.P. Goldstein. Laurel, MD: American Correctional Association.

Voorhis, D.J. 1996. The seven stumbling blocks to effective jail planning. In *Planning of New Institutions Workshops*. Longmont, CO: National Institute of Corrections.

Vorrath, H., and Brendtro, L. 1984. *Positive peer culture*, 2d ed. New York, NY: Aldine Publishing.

Wasmund, W.C. 1988. The social climates of peer group and other residential programs. *Child & Youth Care Quarterly* 17(Fall):146–155.

Wilson, J.J., and Howell, J.C. 1993. *Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders.* Summary. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Wolford, B.I., and Koebel, L.L. 1995. Reform education to reduce juvenile delinquency. *Criminal Justice* (Winter):2–6, 54–56.

Wright, K.N., and Goodstein, L. 1989. Correctional environments. In *The American Prison: Issues in Research and Policy*, edited by L. Goodstein and D.L. MacKenzie. New York, NY: Plenum Press.

For Further Information

The following sources of information may be helpful before beginning the search for best knowledge and best practices relating to juvenile facility operations:

- **American Correctional Association** (800–222–5646) has assembled and published information on a variety of best practices.
- **American Institute of Architects** (202–626–7300), through its library, archives, and online services, is the preeminent source of information in the United States on the practice and profession of architecture.
- **The Juvenile Justice Clearinghouse (JJC)** (800–638–8736) supplies information to the field through the dissemination of publications, monographs, and reports. Clearinghouse staff provide some research services. Information relevant to best knowledge and practices includes OJJDP publications describing its Gould/Wysinger Award recipients.
- **The National Council of Juvenile and Family Court Judges** (702–784–6012) has developed curriculum materials that explain many best practices concepts.
- **The National Criminal Justice Reference Service (NCJRS)** (800–851–3420) will conduct a computer search of relevant criminal and juvenile justice literature.
- **The National Institute of Corrections Academy Division** (800–995–6429) develops curriculum materials that explain many best practices concepts.
- **The National Juvenile Detention Association** (517–432–1242) has collected information on innovative programs and services for juvenile detention.
- **OJJDP's National Training and Technical Assistance Center (NTTAC)** (800–830–4031) has information on individuals, agencies, associations, and grant recipients that address best practices in operations.
- **OJJDP's JAIBG Technical Assistance Development Services Group** (877–GO–JAIBG) provides and coordinates technical assistance within the 12 JAIBG purpose areas.

Useful Publications

The following guides, handbooks, and manuals provide valuable information on the construction and operation of juvenile detention and corrections facilities:

- *Best Practices: Excellence in Corrections*, a 1998 compilation of best practices, edited by E. Rhine and published by the American Correctional Association.
- *Conflict Resolution Education: A Guide to Implementing Programs in Schools, Youth-Serving Organizations, and Community and Juvenile Justice Settings*, a 1996 guidebook edited by D. Crawford and R. Bodine and published by OJJDP.
- *A Directory of Programs That Work*, a 1996 directory compiled by the American Correctional Association and published in the August 1996 issue of *Corrections*.
- *Effective and Innovative Programs: Resource Manual*, a 1994 manual developed by the National Juvenile Detention Association and edited by D. Roush and T. Wyss.
- *OJJDP Training and Technical Assistance Protocols: A Primer for OJJDP Training and Technical Assistance*, a 1998 collection of protocols compiled by the National Training and Technical Assistance Center and published by OJJDP.
- *Training and Technical Assistance Resource Catalog*, a 1997 catalog of resources compiled by the National Training and Technical Assistance Center and published by OJJDP.
- *What Works: Promising Interventions in Juvenile Justice*, a 1994 manual published by OJJDP and edited by I. Montgomery, P.M. Torbet, D.A. Malloy, L.P. Adamcik, M.J. Toner, and J. Andrews.

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Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of OJJDP or the U.S. Department of Justice.

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Jails in Indian Country, 1998 and 1999

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- In the community
- Admissions and releases
- Deaths and suicides

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Jails in Indian Country, 1998 and 1999

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July 2000, NCJ 173410

U.S. Department of Justice
Bureau of Justice Statistics

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Ellen Goldberg edited and produced the report. Jayne Robinson administered final production.

Pamela Butler, Governments Division, the U.S. Bureau of the Census, conducted the data collection and processing for the 1998 and 1999 surveys under the supervision of Stephanie Brown.

This report and its tables as spreadsheets are available on the World Wide Web at <www.ojp.usdoj.gov/bjs/abstract/jic99.htm>

The data presented in this report can be accessed from the National Archive of Criminal Justice Data (NACJD) <www.icpsr.umich.edu/NACJD/>. Select dataset numbers ICPSR 2979 (1998) and 2980 (1999). Public use tapes, disks, and CD-ROM's are available from NACJD/ICPSR, P.O. Box 1248, Ann Arbor, MI 48106 (1-800-999-0960).

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Highlights

On June 30, 1999, a total of 69 jails, detention centers, or other correctional facilities were supervising 1,693 persons in Indian country, an increase of 8% from the previous year. At midyear 1998, 1,567 persons were under the supervision of jails in Indian country.

These data are based on the 1998 and 1999 Surveys of Jails in Indian Country (SJIC). The Survey includes all confinement facilities, detention centers, jails, and other correctional facilities located in Indian country and operated by tribal authorities or the U.S. Bureau of Indian Affairs (BIA). The SJIC was initiated in 1998, as a component of the Annual Survey of Jails (ASJ).

Tribal jurisdiction

With the assistance of the Bureau of Indian Affairs, BJS identified 69 jails or detention facilities operating in Indian country during 1998 and 1999. These facilities are affiliated with 53 different tribal reservations and located in 18 States. The tribes included in this report have retained criminal jurisdiction over crimes committed by Indians in Indian country. Tribal authority to imprison offenders is limited to sentences of 1 year or less for each offense. Tribes generally share jurisdiction over felony offenses with the Federal or State government. See *Methodology* for additional details.

Criminal jurisdiction in Indian country

Tribal jurisdiction
- Crimes committed by Indians against Indians in Indian country. Sentences are limited to 1 year or less and a $5,000 fine. 25 U.S.C.A. § 1302(7)

Federal or State jurisdiction
- 14 crimes under the Major Crimes Act of 1885. 18 U.S.C.A. § 1153
- All crimes on tribal lands specified under Public Law 280, 18 U.S.C.A. § 1162

Note: Criminal jurisdiction in Indian country depends on several factors, including the identity of the defendant, the identity of the victim, and where the crime was committed. See Canby, 1998.

69 facilities were operating in Indian country, with the capacity to hold 2,118 persons on June 30, 1999

	Number of facilities
Total	69
Operator	
BIA	20
Tribe	48
Private	1
Total rated capacity*	2,118

*Maximum number of inmates assigned by a rating official.

- 48 facilities operated by tribal authorities, 20 operated by the BIA, and 1 privately operated facility were supervising persons in Indian country. The 69 facilities had the capacity to hold 2,118 persons.

At midyear 1999, jails in Indian country supervised 1,693 persons

	Number of inmates, June 30	
	1999	1998
Total	1,693	1,567
In custody	1,621	1,479
Adult	1,354	1,176
Juveniles	267	303
Community supervision	72	88
Inmate movement, June 1-30		
Admissions	8,147	8,942
Discharges	7,744	8,372
Percent of capacity occupied*		
June 30	77%	74%
Peak day in June	108	115

*Number of inmates in custody divided by total rated capacity.

- Indian country facilities held 1,621 inmates in custody, and supervised 72 persons in the community on June 30, 1999. The number under supervision increased by 8% from the previous year.
- In a 1-month period, June 1-30, 1999, facilities in Indian country admitted 8,147 inmates, and discharged 7,744 inmates.
- On June 30, 1999, jails in Indian country were operating at 77% capacity. On their peak day in June 1999 jails were operating at 108% capacity, down from 115% in 1998.

Jails in Indian country employed 775 persons on June 30, 1998

- The 69 facilities in Indian country employed 775 persons at midyear 1998. About three-fourths (573) were facility duty staff.
- At midyear 1998 there were 2.6 inmates for every facility duty employee (correctional officer or other staff member supervising inmates). The U.S. average among small local jails (those holding 50 inmates or fewer) was 2.0 inmates per correctional officer in 1999.

Most commonly reported needs of jails in Indian country:

- *Staff training*
- *Additional correctional officers*
- *New jail equipment*
- *Modify space for special population*
- *Drug/alcohol treatment program*

- 67 of the 69 jails in Indian country reported the need for additional correctional officers or staff training.
- 60 facilities reported the need to modify existing space for a special population and the need for new jail equipment, 59 reported they were in need of drug and alcohol treatment programs.

Survey of Jails in Indian Country

In 1998 the Bureau of Justice Statistics initiated the Survey of Jails in Indian Country (SJIC) as a component of the Annual Survey of Jails (ASJ). The SJIC, administered annually at midyear (June 30th), is sent to confinement facilities, detention centers, jails, and other correctional facilities located on Indian land.

The survey gathers information on the number of persons in custody, the number under community supervision, offender characteristics, and facility capacity. In 1998, the SJIC included a special section on facility characteristics, including types of confinement areas, function of the facility, programs offered, personnel characteristics, and facility needs.

Within the United States there are around 300 Indian land areas or reservations located in 33 States (Utter, 1993). Generally, the local governing authority on an Indian reservation is a tribal government or Council. Jurisdiction over crimes committed in Indian country depends on several factors, including the identity of the victim, the identity of the offender, the severity of the crime, and where the crime was committed.

Tribal governments have criminal jurisdiction over crimes committed by Indians in Indian country. Tribal authority to sentence offenders is limited to 1 year or less imprisonment and a $5,000 fine (25 U.S.C.A. §1302(7)). Tribes generally share jurisdiction over felony offenses with State or Federal government authorities (see *Methodology*).

69 facilities were operating in Indian country, with the capacity to hold 2,118 persons on June 30, 1999

The 69 facilities identified in Indian country are affiliated with 53 different tribal reservations and located in 18 States (table 1). Arizona contains the largest number of facilities (19), followed by Montana (9), New Mexico (9), and South Dakota (9).

Unlike local jails that are operated by city or county governments, most jails in Indian country are owned and operated by tribal authorities or the Bureau of Indian Affairs (BIA). Tribal governments manage the majority (48) of the facilities, BIA operates 20, and a private firm operates 1 facility (table 2). About half the facilities are owned by tribal authorities, and half by the BIA.

Table 1. Jails in Indian country, by State, June 30, 1999

Alaska
- Metlakatla Police Department

Arizona
- Colorado River Indian Tribes Detention Center
- Fort Mohave Tribal Police Department
- Gila River West End Holding Facility
- Hopi Rehabilitation Center
- Navajo Department of Corrections - Chinle
- Navajo Department of Corrections-Kayenta
- Navajo Department of Corrections-Tuba City
- Navajo Department of Corrections-Window Rock
- Pascua Yaqui Law Enforcement Center
- Peach Springs Detention Center
- Sacaton Adult Detention Center
- Sacaton Juvenile Detention Rehabilitation Center
- Salt River Detention Center
- San Carlos Jail
- Supai Jail
- Tohono O'odham Detention Center
- Tohono O'odham Judiciary Juvenile Detention Center
- Western Navajo Juvenile Services
- White Mountain Apache Police Department

Colorado
- Southern Ute Police Department
- Ute Mountain Ute Agency

Idaho
- Fort Hall Police Department

Minnesota
- Red Lake Law Enforcement Services

Mississippi
- Choctaw Police Department

Montana
- Blackfeet Police Department
- Crow Police Department
- Flathead Tribal Police Department
- Fort Belknap Police Department
- Fort Peck Indian Youth Services Center
- Fort Peck Police Department
- Northern Cheyenne Police Department
- Rocky Boy Police Department
- White Buffalo Youth Detention Center

Nebraska
- Omaha Tribal Police Department

Nevada
- Owyhee Detention Facility

New Mexico
- Jicarilla Police Department
- Laguna Tribal Detention Facility
- Mescalero Adult Detention Center
- Navajo Department of Corrections-Crownpoint
- Navajo Department of Corrections-Shiprock
- Navajo Department of Corrections-Tohatchi Juvenile Center
- Ramah Public Safety Center
- Taos Tribal Detention Center
- Zuni Police Department

North Dakota
- Fort Berthold Agency
- Fort Totten Municipal Center
- Standing Rock Law Enforcement Center
- Turtle Mountain Law Enforcement Center

Oklahoma
- Sac & Fox Nation Juvenile Detention Facility

Oregon
- Chemawa Indian School
- Warm Springs Detention Center

South Dakota
- Fort Thompson Jail
- Klyuska O'Tipi Reintegration Center
- Lower Brule Law Enforcement Services Center
- Medicine Root Detention Center
- Pine Ridge Correctional Facility
- Rosebud Sioux Tribe Law Enforcement
- Sisseton-Wahpeton Sioux Tribal Law Enforcement Center
- Walter Miner Law Enforcement Center-Juvenile
- Walter Miner Law Enforcement Facility - Adult

Utah
- Uintah-Ouray Detention Center

Washington
- Makah Police Department
- Puyallup Tribal Detention Facility
- Quinault Police Department
- Wellpinit BIA Law Enforcement Center
- Yakama Police Department

Wisconsin
- Menominee Tribal Jail

Wyoming
- Wind River Police Department

Table 2. Number of jails in Indian country, owner of facility, operator, and total rated capacity, June 30, 1999

	Number of facilities
Total number of facilities	69
Owner	
BIA	34
Tribe	33
Other*	2
Operator	
BIA	20
Tribe	48
Other*	1
Total rated capacity	2,118

Note: Data on owner and operator of facility, were collected on June 30, 1998.
*Includes private and city government facilities.

Combined, the 69 facilities had the rated capacity to confine 2,118 persons on June 30, 1999. Rated capacity is the maximum number of beds or inmates allocated by rating officials to each jail facility.

On June 30, 1999, jails in Indian country supervised 1,693 persons

Jails in Indian country held 1,621 inmates in custody, and supervised an additional 72 persons in the community on June 30, 1999 (table 3). The number of persons under supervision was up by 8% from the previous year, June 30, 1998, when 1,479 inmates were in custody and 88 persons were under community supervision.

Local jails operated by city or county governments held over three times as many American Indians as jails in Indian country. At midyear 1999, local jails held an estimated 5,200 American Indians or Alaska Natives. Overall, State, Federal, local, and tribal authorities were supervising 45,913 American Indians. The majority were under community supervision (26,234).

A total of 19,679 American Indians were in custody at midyear 1999, most of whom were held in State prisons (11,123).

	Number of persons 6/30/99
Total	45,913
In custody	19,679
Local jails*	5,200
Jails in Indian country	1,621
State prisons	11,123
Federal prisons	1,735
Under community supervision	26,234
State/Federal*	
Probation	21,986
Parole	4,176
Indian country	72

*Estimated from the 1999 Census of Jails.
*Year-end 1998 data.

American Indians account for just under 1% of the U.S. resident population, and around 1% of those in custody of jails or prisons. At midyear 1999, the rate of incarceration for American Indians was about 15% higher than the national rate. Federal and State prison and jail authorities held 797 American Indians per 100,000 Indians in the U.S resident population, compared to 682 persons per 100,000 U.S. residents.

On July 1, 1999, the total U.S. resident population of American Indians and Alaska Natives reached an estimated 2,369,000 (U.S. Census Bureau). For additional information on American Indians under correctional supervision outside Indian country see *American Indians and Crime*, BJS report, NCJ 173386.

16% of those in custody of jails in Indian country were juveniles

On June 30, 1999, jails in Indian country held 1,354 adults, 84% male and 16% female (table 3). Juveniles (persons under the age of 18) accounted for 16% of the total custody population. About three-quarters of the juveniles were male, and a quarter female. On June 30, 1999, 20 juveniles were being held as adults, down from 26 on June 30, 1998.

Nearly 75% of those held in jails in Indian country at midyear 1999 were convicted, up from 63% the previous year. Jails in Indian country held 1,200 convicted offenders on June 30, 1999, and 409 inmates that were unconvicted, or awaiting adjudication. At midyear 1998, 939 persons were convicted, and 540 unconvicted.

Both admissions and releases were down by nearly 10% during the month of June 1999, compared to June 1998. In a 1-month period, June 1999, facilities in Indian country admitted 8,147 persons, a 9% decrease from June 1998, when 8,942 persons were admitted. The number of inmates released was also down, from 8,372 during June 1998 to 7,744 for June 1999.

Table 3. Inmate characteristics, June 30, 1998 and 1999

	Number of persons	
	1999	1998
Number of inmates	1,693	1,567
Convicted	1,200	939
Unconvicted	409	540
In custody	1,621	1,479
Adult	1,354	1,176
Males	1,131	988
Females	223	188
Juvenile	267	303
Males	197	227
Females	70	76
Under community supervision	72	88
Inmate movements June 1-30		
New admissions	8,147	8,942
Final discharges	7,744	8,372

Table 4. Persons under community supervision, June 30, 1998 and 1999

Type of supervision	Number of persons 1999	1998
Total	72	88
Electronic monitoring	14	12
Home detention	10	3
Community service	31	15
Day reporting	5	55
Other	11	3

On June 30, 1999, 72 persons were under community supervision, down from 88 the previous year

The number of persons under community supervision decreased by 18% on June 30, 1999, compared to June 30, 1998 (table 4). Among those under community supervision at midyear 1999, nearly half (31 persons) were required to perform community service, 14 were under electronic monitoring, 10 were on home detention, 5 were sentenced to day reporting, and 11 were under some other form of supervision in the community. During the previous year over half of all persons in the community were supervised with day reporting, compared to about 7% in 1999.

Most inmates in custody were confined in multiple occupancy cells or rooms on June 30, 1998

At midyear 1998, nearly two-thirds of inmates held in custody were housed in multiple occupancy cells or rooms (table 5). Fourteen percent of the custody population were housed in a single cell or room.

About 5% of inmates were housed in areas not originally intended for confinement, and 11% were double-bunked in single cells. Another 7% of inmates were in separate holding areas or drunk tanks. In addition to the 1,479 inmates housed in Indian country, 40 persons under Indian country jurisdiction were housed by other authorities due to crowding.

43 of the 69 jail facilities held misdemeanants in 1998

Just under two-thirds of jail facilities in Indian country held inmates convicted of misdemeanors, or less serious crimes that generally carry a sentence of 1 year or less (table 6). Ten facilities held offenders convicted of felony offenses. Nine of the facilities did not hold inmates beyond 72 hours. Most facilities (43 of the 69) reported they are authorized to hold juveniles. Among facilities that hold both adults and juveniles, two-thirds reported that juveniles are separated from adults by both sight and sound. Nine facilities separated young persons by sight only, and four facilities reported that juveniles were not separated from adults.

The 10 largest jails housed 40% of inmates in Indian country in 1999

On June 30, 1999, the 10 largest jails in Indian country housed 655 inmates, or about 40% of the total custody population (table 7). Combined, the 10 facilities had a rated capacity of 681 inmates, or just over 30% of the total rated capacity of all facilities in Indian country.

Table 6. Facility characteristics of jails in Indian country, June 30, 1998 and 1999

Facility characteristics	Number of facilities
Function of facility	
Holds inmates less than 72 hours only	9
Holds misdemeanants	43
Holds convicted felons	10
Authority to hold juveniles	43
Type of adult/juvenile separation*	
Sight/sound	23
Sight only	9
None	4

Note: Data on function of facility were collected on June 30, 1998.
*Not reported for juvenile detention facilities.

The Tohono O'odham Detention Center reported the largest number of inmates. At midyear 1999, the facility was operating at 113% capacity with 98 persons in custody. The second largest facility, the Sacaton Adult Detention Center, held 86 inmates in custody on June 30, 1999, and was operating just under capacity at 96%. The 10 largest jails in Indian country were all located in Arizona.

Table 5. Number of inmates by type of confinement area, June 30, 1998

Confinement areas	Number of inmates	Percent of total population
Total in custody*	1,479	100 %
Single cell or room	202	13.7
Multiple occupied single cells or rooms	155	10.5
Designed multiple occupancy cells or rooms	950	64.2
Areas not originally intended for confinement	72	4.9
Separate holding areas/drunk tanks	100	6.8

*Forty additional inmates housed by other authorities due to crowding.

Table 7. Ten largest jails in Indian country, June 30, 1999

Jail facility	Custody population	Rated capacity	Percent of capacity
Tohono O'odham Detention Center (AZ)	98	87	113%
Sacaton Adult Detention Center (AZ)	86	90	96
White Mountain Apache Police Department (AZ)	73	46	159
Hopi Rehabilitation Center (AZ)	69	79	87
Salt River Detention Center (AZ)	64	84	76
Sacaton Juvenile Detention Rehabilitation Center (AZ)	62	100	62%
Gila River West End Holding Facility (AZ)	54	40	135
San Carlos Jail (AZ)	53	64	83
Peach Springs Detention Center (AZ)	49	40	123
Navajo Department of Corrections-Window Rock (AZ)	47	51	92

Over half of all facilities in Indian country held 24 or fewer inmates at midyear 1999. Nineteen facilities reported fewer than 10 inmates were in custody on June 30, 1999, 4 of which reported a custody population of zero. Larger facilities, those holding 50 or more inmates, accounted for about 12% of all jails in Indian country.

Facility size*	Number of facilities	Percent of all facilities
Total	69	100%
Fewer than 10 inmates	19	28%
10 to 24	23	33
25 to 49	19	28
50 or more	8	12

Note: Detail does not add to total due to rounding.
*Custody population on June 30, 1999.

Indian country jails were operating at 108% capacity on peak day in June 1999, down from 115% in 1998

On their peak day in June 1999, jails in Indian country were holding 2,289 persons, down from 2,306 on their peak day in June 1998. At midyear 1998 about 15% of persons were housed in space not designed for housing inmates or for multiple occupancy (table 8).

On June 30, 1999, jails in Indian country were operating at 77% capacity, up slightly from 74% the previous year. At midyear 1998 just over half (58%) of the total juvenile capacity was occupied.

15 jails in Indian country were operating above 150% capacity on peak day in June 1999

Nearly a quarter of jails in Indian country were operating above 150% capacity on their most crowded day in June 1999 (table 9). Over half were operating above 100% capacity. These numbers remained relatively unchanged from June 1998, when 34 facilities were operating above 100% capacity, and 14 facilities above 150% capacity.

The 15 facilities operating above 150% capacity on their peak day in June 1999 were located in 8 different States. Three were located in Arizona, three in Montana, three in New Mexico, two in South Dakota, and one each in North Dakota, Oregon, Nebraska, and Minnesota.

Table 9. Facilities in Indian country operating above 150% capacity on peak day in June 1999

Facilities operating above capacity	Peak population in June	Rated capacity	Percent of capacity
Fort Berthold Agency (ND)	32	9	355%
Pine Ridge Correctional Facility (SD)	84	24	350
Navajo Department of Corrections-Tuba City (AZ)	80	24	333
Navajo Department of Corrections-Shiprock (NM)	53	18	294
Crow Police Department (MT)	38	14	271
White Mountain Apache Police Department (AZ)	107	46	233%
Northern Cheyenne Police Department (MT)	42	19	221
Navajo Department of Corrections-Chinle (AZ)	30	14	214
Medicine Root Detention Center (SD)	48	24	200
Warm Springs Detention Center (OR)	62	35	177
Fort Belknap Police Department (MT)	14	8	175%
Jicarilla Police Department (NM)	33	19	174
Omaha Tribal Police Department (NE)	38	22	173
Red Lake Law Enforcement Services (MN)	37	22	168
Ramah Public Safety Center (NM)	10	6	167

Table 8. Percent of capacity occupied on June 30 and peak day in June 1998 and 1999

Capacity indicator	1999	1998
Percent of capacity occupied		
On June 30	77%	74%
On peak day in June	108	115
Percent of population in space not designed for housing or for multiple occupancy	--	15%
Percent of juvenile capacity occupied on June 30	--	58%

-- Not collected for 1999.

Fort Berthold Agency located in North Dakota was operating at 356% capacity, with 32 inmates in custody on their most crowded day in June 1999. The facility had a rated capacity to hold nine inmates. Pine Ridge Correctional Facility located in South Dakota was operating at 350% capacity, holding 84 persons on their peak day in June 1999, with a rated capacity of 24 inmates. The Navajo Department of Corrections, Tuba City, Arizona, was holding 80 inmates on their peak day in June, with a rated capacity to hold 24 inmates. During the previous year, 7 of these 15 facilities were operating above 150% capacity on their peak day in June.

Small facilities reported the highest occupancy rates in June 1999

Facilities with the smallest rated capacity reported high occupancy rates for June 1999. On their most crowded day in June, occupancy was 161% of rated capacity in jails designed to hold fewer than 10 inmates. Occupancy was 155% of rated capacity in jails rated to hold 10 to 24 inmates, compared to 89% in those rated to hold 50 or more inmates.

Capacity of facility	Percent of capacity occupied on peak day in June 1999*
Total	108%
Fewer than 10 inmates	161%
10 to 24	155%
25 to 49	117%
50 or more	89%

*Based on the average daily population divided by rated capacity.

11 jail facilities in Indian country were under a court order or consent decree on June 30, 1999

Eleven facilities under a court order had restrictions on the maximum number of inmates held in custody (table 10). Other court order or consent decree restrictions involved items such as hygiene, cleanliness, and meals.

Jails in Indian country reported they expect to increase capacity by 866 beds within the next 3 years. Thirteen jails are planning to expand the existing facility, 13 will renovate their facility, and 10 plan to close the existing facility.

Among the 69 facilities in Indian country, the average jail is around 21 years old. The original date of construction ranged from 1929, at the Fort Hall Police Department in Idaho, to 1998, at the Mescalaro Adult Detention Center in New Mexico. Since the time of original construction, 28 facilities have been renovated. All but one facility completed the renovations in the 1980's or 1990's.

Table 10. Court orders, consent decrees, and planned changes for jails in Indian country, June 30, 1998 and 1999

Facility characteristics	Number of facilities
Total	69
Under court order/consent decree in 1999	11
Average age of original construction in 1998	21 yrs
Planned changes to jails in Indian country 1999-2002	
Add to existing facility	13
Renovate facility	13
Close facility	10
Expected increase in capacity	866 beds

No deaths were reported by jails in Indian country from midyear 1998 to midyear 1999, 7 were reported during the previous year

Between July 1, 1998, and June 30, 1999, jails in Indian country reported no inmates died in custody (table 11). The previous reporting period, July 1, 1997, to June 30, 1998, jails in Indian country reported seven persons in custody died. Three inmates died by suicide, and four by other causes. During the 1999 reporting period 103 attempted suicides were reported, down from 133 in the previous year.

In 1998 two-thirds of jails offered drug or alcohol programs; a quarter, educational or employment programs

Forty-six of the 69 facilities in Indian country offered alcohol counseling or programs, 40 offered programs for drug problems, and 42 had some type of mental health program or counseling available (table 12). Among other services offered to inmates, educational programs were available in 19 facilities and employment programs in 15 facilities.

Table 11. Deaths reported by jails in Indian country 1998 and 1999

	7/1/98-6/30/99	7/1/97-6/30/98
Deaths	0	7
Suicides	0	3
Other causes	0	4
Attempted suicides	103	133

Table 12. Counseling and programs offered in jails in Indian country, June 30, 1998

Counseling or programs offered	Number of facilities
Drug	40
Alcohol	46
Mental health	42
Education	19
Employment	15
Other	11

Note: Data not collected in 1999.

775 persons were employed in jails in Indian country on June 30, 1998

Just under half of persons employed by jails in Indian country were male (365), and slightly over half female (410) (table 13). Nearly three-fourths of all jail employees were facility duty personnel (573). Jails in Indian country also employed 16 field duty staff, 49 administrative employees, 64 technical or professional staff, and 73 clerical, maintenance or food service staff. At midyear 1998 there were approximately 2.6 inmates for every facility duty employee (correctional officers or other staff members that supervise inmates). In 1999 the U.S. average among all local jails was 4.0 inmates per correctional officer. Small jails (those holding 50 inmates or fewer) held an average of 2.0 inmates per correctional officer.

Table 13. Staff characteristics of jails in Indian country, June 30, 1998

Staff characteristics	Number of personnel
Total	775
Male	365
Female	410
Functions	
Administrative	49
Field duty	16
Facility duty	573
Technical/professional	64
Clerical/maintenance/ food service	73
Number of inmates per jail operations staff*	2.6

Note: Data not collected in 1999.
*The number of inmates in custody on June 30, 1998, divided by the number of facility duty staff.

Nearly all jails in Indian country reported a need for additional correctional officers and staff training

When asked about additional resources needed, 67 of the 69 facilities in Indian country reported the need for staff training in 1998, 66 reported the need for additional correctional officers (table 14).

Sixty jails reported the need to modify the facility for a special population, and sixty reported the need for new jail equipment. Among other facility needs, 56 reported the need for additional housing space, 44 need to modify the facility to comply with the Americans with Disabilities Act, and 42 facilities reported the need for other renovations.

Drug and alcohol treatment was the most commonly reported program need (59 facilities), followed by other counseling or educational programs (57 facilities). Two-thirds of all facilities in Indian country reported the need for drug and alcohol testing.

Table 14. Reported needs of jails in Indian country, June 30, 1998

Reported needs	Number of facilities	Percent of all facilities
Facility needs		
Housing space	56	81%
Renovate space	42	61
Modify space to comply with Americans with Disabilities Act	44	64%
Modify space for special population	60	87
New jail equipment	60	87
Staffing needs		
Correctional officers	66	96%
Administrative support staff	44	64
Staff training	67	97
Program needs		
Drug and alcohol treatment	59	86%
Drug and alcohol testing	47	68
Other counseling/education programs	57	83

Note: Data not collected in 1999.

Methodology

"Indian country" is a statutory term that includes the following: all lands within an Indian reservation; dependent Indian communities; and Indian trust allotments (18 U.S.C. §1151). Tribal authority to imprison Indian offenders is limited to 1 year per offense by statute (25 U.S.C. §1302). Thus, tribal courts generally adjudicate misdemeanor crimes.

Tribal law enforcement agencies act as first responders to both felony and misdemeanor crimes. For most of Indian country, the federal government provides felony law enforcement concerning crimes by or against Indians. Certain areas of Indian country are under Public Law 280, which delegates Federal law enforcement authority over crimes by and against Indians to the States.

Survey of Jails in Indian Country

The Survey of Jails in Indian Country (SJIC) was conducted by the Bureau of Justice Statistics to describe all adult and juvenile jail facilities and detention centers in Indian country. For purposes of this report, Indian country includes reservations, pueblos, rancherias, and other Native American communities throughout the United States. The reference date for this first comprehensive BJS survey of Indian facilities was June 30, 1998. The SJIC was initiated in 1998 as a component of the Annual Survey of Jails (ASJ), the 14th such survey in a series begun in 1982.

The ASJ is conducted in each of the 4 to 5 years between the Census of Jails. The 1998 ASJ consisted of a sample survey of 795 jails operated by local governments, a survey of the Nation's 25 multi-jurisdictional facilities, and a survey of the 69 facilities in Indian country.

The Office of Law Enforcement Services, Bureau of Indian Affairs (BIA), U.S. Department of the Interior, provided a complete list of 74 Indian country jail facilities. At the time of the 1998 survey, 2 facilities no longer existed, 2 were closed, and 1 had not begun operation, resulting in 69 surveyed facilities. The same 69 facilities were surveyed in 1999. The facilities are in 18 States and are affiliated with 53 Indian tribes.

Each facility is defined as a confinement facility, which can include detention centers, jails, and other correctional facilities, operated by tribal authorities or the BIA. Special jail facilities such as medical, treatment, or release centers; halfway houses; and work farms are also included.

For purposes of the survey, inmates are defined as all persons under the supervision of a jail facility to include the following:

- all confined adults and juveniles (that is, persons under age 18);
- persons in special programs administered by the jail (that is, electronic monitoring, house arrest, community service, day reporting, boot camps, work release, weekend, and other alternatives to incarceration);
- persons on transfer to treatment facilities but who remain under the legal jurisdiction of the jail authorities;
- and persons held for other jurisdictions. Excluded are inmates on AWOL, escape, or long-term transfer to other jurisdictions.

Data were obtained by mailed questionnaires. Through follow-up phone calls, the survey achieved a response rate of 100%.

References

Canby, William Jr. *American Indian Law In A Nutshell.* St. Paul, Minnesota: West Group, 1998.

Greenfeld, Lawrence A., and Steven K. Smith. *American Indians and Crime.* Bureau of Justice Statistics, NCJ 173386, February 1999.

Utter, Jack.. *American Indians: Answers to Today's Questions.* Lake Anne, Michigan: National Woodlands Publishing Co., 1993.

Appendix table 1. Persons under the supervision of jails in Indian country, June 30, 1998 and 1999

State and facility	Offender population, June 30					
	Total		Inmates in custody/1		Community based/2	
	1999	1998	1999	1998	1999	1998
Total	1,693	1,567	1,621	1,479	72	88
Alaska						
Metlakatla Police Department	0	0	0	0	0	0
Arizona						
Colorado River Indian Tribes Detention Center	11	22	11	22	0	0
Fort Mohave Tribal Police Department	4	2	2	2	2	0
Gila River West End Holding Facility	54	40	54	40	0	0
Hopi Rehabilitation Center	69	78	69	77	0	1
Navajo Department of Corrections - Chinle	10	5	10	5	0	0
Navajo Department of Corrections-Kayenta	5	8	5	6	0	2
Navajo Department of Corrections-Tuba City	41	19	40	19	1	0
Navajo Department of Corrections-Window Rock	47	37	47	37	0	0
Pascua Yaqui Law Enforcement Center	3	0	3	0	0	0
Peach Springs Detention Center	49	42	49	42	0	0
Sacaton Adult Detention Center	86	67	86	67	0	0
Sacaton Juvenile Detention Rehabilitation Center	62	90	62	90	0	0
Salt River Detention Center	64	75	64	75	0	0
San Carlos Jail	53	36	53	36	0	0
Supai Jail	0	15	0	10	0	5
Tohono O'odham Detention Center	98	85	98	85	0	0
Tohono O'odham Judiciary Juvenile Detention Center	7	19	7	19	0	0
Western Navajo Juvenile Services	41	20	41	20	0	0
White Mountain Apache Police Department	73	7	73	7	0	0
Colorado						
Southern Ute Police Department	27	2	25	2	2	0
Ute Mountain Ute Agency	12	10	12	10	0	0
Idaho						
Fort Hall Police Department	27	19	26	19	1	0
Minnesota						
Red Lake Law Enforcement Services	8	14	8	14	0	0
Mississippi						
Choctaw Police Department	26	19	26	19	0	0
Montana						
Blackfeet Police Department	37	34	27	34	10	0
Crow Police Department	12	7	12	7	0	0
Flathead Tribal Police Department	26	34	26	23	0	11
Fort Belknap Police Department	20	23	14	22	6	1
Fort Peck Indian Youth Services Center	12	8	12	8	0	0
Fort Peck Police Department	22	27	22	27	0	0
Northern Cheyenne Police Department	20	17	20	17	0	0
Rocky Boy Police Department	2	6	2	3	0	3
White Buffalo Youth Detention Center	0	6	0	6	0	0
Nebraska						
Omaha Tribal Police Department	17	20	17	17	0	3
Nevada						
Owyhee Detention Facility	18	17	18	17	0	0

Appendix table 1. Continued

State and facility	Offender population, June 30					
	Total		Inmates in custody/1		Community based/2	
	1999	1998	1999	1998	1999	1998
New Mexico						
Jicarilla Police Department	16	28	16	28	0	0
Laguna Tribal Detention Facility	10	12	10	12	0	0
Mescalero Adult Detention Center	26	13	25	13	1	0
Navajo Department of Corrections-Crownpoint	31	10	18	10	13	0
Navajo Department of Corrections-Shiprock	34	21	34	21	0	0
Navajo Department of Corrections-Tohatchi Juvenile Center	5	3	5	3	0	0
Ramah Public Safety Center	6	9	4	9	2	0
Taos Tribal Detention Center	6	3	4	3	2	0
Zuni Police Department	35	54	35	54	0	0
North Dakota						
Fort Berthold Agency	18	8	18	6	0	2
Fort Totten Municipal Center	19	35	19	35	0	0
Standing Rock Law Enforcement Center	33	23	30	23	3	0
Turtle Mountain Law Enforcement Center	34	24	34	24	0	0
Oklahoma						
Sac & Fox Nation Juvenile Detention Facility	16	25	16	25	0	0
Oregon						
Chemawa Indian School	0	0	0	0	0	0
Warm Springs Detention Center	35	50	35	48	0	2
South Dakota						
Fort Thompson Jail	12	4	12	4	0	0
Klyuska O'Tipi Reintegration Center	12	3	12	3	0	0
Lower Brule Law Enforcement Services Center	6	7	6	7	0	0
Medicine Root Detention Center	24	26	24	26	0	0
Pine Ridge Correctional Facility	53	83	38	31	15	52
Rosebud Sioux Tribe Law Enforcement	17	25	9	25	8	0
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	14	12	11	12	3	0
Walter Miner Law Enforcement Center - Juvenile	2	12	2	12	0	0
Walter Miner Law Enforcement Facility - Adult	40	23	39	23	1	0
Utah						
Uintah Ouray Detention Center	20	8	20	8	0	0
Washington						
Makah Police Department	3	8	3	4	0	4
Puyallup Tribal Detention Facility	15	18	15	18	0	0
Quinault Police Department	2	8	2	6	0	2
Wellpinit BIA Law Enforcement Center	5	1	5	1	0	0
Yakama Police Department	30	34	28	34	2	0
Wisconsin						
Menominee Tribal Jail	40	35	40	35	0	0
Wyoming						
Wind River Police Department	11	12	11	12	0	0

Note: The Chemawa Indian School in Oregon was not in session on June 30. The White Buffalo Youth Detention Center was temporarily closed from February to July, 1999

/Not reported.

1/Adults and juveniles confined in jail facilities.

2/Persons serving their sentences in the community under programs administered by jail staff (e.g., electronic monitoring, house arrest, community service, day reporting, work programs, boot camps, and other programs). Excludes offenders in weekend programs.

Appendix table 2. Inmates in the custody of jails in Indian country, by gender, June 30, 1998 and 1999

State and facility	Number of adults in custody, June 30					
	Total		Male		Female	
	1999	1998	1999	1998	1999	1998
Total	1,354	1,176	1,131	988	223	188
Alaska						
Mallakatla Police Department	0	0	0	0	0	0
Arizona						
Colorado River Indian Tribes Detention Center	11	17	11	14	0	3
Fort Mohave Tribal Police Department	2	2	2	2	0	0
Gila River West End Holding Facility	54	40	54	40	0	0
Hopi Rehabilitation Center	69	77	60	67	9	10
Navajo Department of Corrections - Chinle	10	5	10	5	0	0
Navajo Department of Corrections-Kayenta	5	6	5	5	0	1
Navajo Department of Corrections-Tuba City	40	19	32	18	8	1
Navajo Department of Corrections-Window Rock	47	37	45	34	2	3
Pascua Yaqui Law Enforcement Center	3	0	3	0	0	0
Peach Springs Detention Center	42	34	32	28	10	6
Sacaton Adult Detention Center	86	67	61	57	25	10
Sacaton Juvenile Detention Rehabilitation Center	0	0	0	0	0	0
Salt River Detention Center	45	47	37	42	8	5
San Carlos Jail	48	36	35	26	13	10
Supai Jail	0	10	0	9	0	1
Tohono O'odham Detention Center	98	85	82	76	16	9
Tohono O'odham Judiciary Juvenile Detention Center	0	0	0	0	0	0
Western Navajo Juvenile Services	0	0	0	0	0	0
White Mountain Apache Police Department	58	5	48	4	10	1
Colorado						
Southern Ute Police Department	25	2	19	2	6	0
Ute Mountain Ute Agency	12	10	12	10	0	0
Idaho						
Fort Hall Police Department	8	17	6	14	2	3
Minnesota						
Red Lake Law Enforcement Services	5	14	5	10	0	4
Mississippi						
Choctaw Police Department	26	18	20	15	6	3
Montana						
Blackfeet Police Department	27	34	27	30	0	4
Crow Police Department	12	6	8	5	4	1
Flathead Tribal Police Department	24	22	19	18	5	4
Fort Belknap Police Department	11	15	8	13	3	2
Fort Peck Indian Youth Services Center	0	0	0	0	0	0
Fort Peck Police Department	22	27	18	22	4	5
Northern Cheyenne Police Department	16	15	13	11	3	4
Rocky Boy Police Department	1	3	1	2	0	1
White Buffalo Youth Detention Center	0	0	0	0	0	0
Nebraska						
Omaha Tribal Police Department	16	17	15	17	1	0
Nevada						
Owyhee Detention Facility	18	17	14	15	4	2

Appendix table 2. Continued

State and facility	Number of adults in custody, June 30					
	Total		Male		Female	
	1999	1998	1999	1998	1999	1998
New Mexico						
Jicarilla Police Department	15	26	15	24	0	2
Laguna Tribal Detention Facility	8	12	7	11	1	1
Mescalero Adult Detention Center	25	13	14	10	11	3
Navajo Department of Corrections-Crownpoint	18	10	17	8	1	2
Navajo Department of Corrections-Shiprock	34	21	27	14	7	7
Navajo Department of Corrections-Tohatchi Juvenile Center	0	0	0	0	0	0
Rimrock Public Safety Center	4	9	4	7	0	2
Taos Tribal Detention Center	4	3	4	3	0	0
Zuni Police Department	31	46	24	37	7	9
North Dakota						
Fort Berthold Agency	18	5	15	4	3	1
Fort Totten Municipal Center	18	27	12	21	6	6
Standing Rock Law Enforcement Center	29	15	26	13	3	2
Turtle Mountain Law Enforcement Center	33	24	32	22	1	2
Oklahoma						
Sac & Fox Nation Juvenile Detention Facility	0	0	0	0	0	0
Oregon						
Chemawa Indian School	0	0	0	0	0	0
Warm Springs Detention Center	26	38	23	27	3	11
South Dakota						
Fort Thompson Jail	10	4	9	2	1	2
Kiyuska O'Tipi Reintegration Center	0	0	0	0	0	0
Lower Brule Law Enforcement Services Center	6	7	5	6	1	1
Medicine Root Detention Center	24	26	16	22	8	4
Pine Ridge Correctional Facility	38	31	26	24	12	7
Rosebud Sioux Tribe Law Enforcement	9	18	7	12	2	6
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	11	12	10	9	1	3
Walter Miner Law Enforcement Center - Juvenile	0	0	0	0	0	0
Walter Miner Law Enforcement Facility - Adult	39	23	32	17	7	6
Utah						
Uintah-Ouray Detention Center	20	8	19	7	1	1
Washington						
Makah Police Department	3	4	3	4	0	0
Puyallup Tribal Detention Facility	15	14	14	10	1	4
Quinault Police Department	2	4	2	3	0	1
Wellpinit BIA Law Enforcement Center	5	1	5	1	0	0
Yakama Police Department	18	26	15	19	3	7
Wisconsin						
Menominee Tribal Jail	39	33	36	28	3	5
Wyoming						
Wind River Police Department	11	12	10	12	1	0

Appendix table 3. Juveniles in the custody of jails in Indian country, by gender, June 30, 1998 and 1999

State and facility	Number of juveniles in custody (under 18)						Number of juveniles held as adults*	
	Total		Male		Female			
	1999	1998	1999	1998	1999	1998	1999	1998
Total	267	303	197	227	70	76	22	26
Alaska								
Metlakatla Police Department	0	0	0	0	0	0	0	0
Arizona								
Colorado River Indian Tribes Detention Center	0	5	0	3	0	2	0	4
Fort Mohave Tribal Police Department	0	0	0	0	0	0	0	0
Gila River West End Holding Facility	0	0	0	0	0	0	0	0
Hopi Rehabilitation Center	0	0	0	0	0	0	0	0
Navajo Department of Corrections - Chinle	0	0	0	0	0	0	0	0
Navajo Department of Corrections-Kayenta	0	0	0	0	0	0	0	0
Navajo Department of Corrections-Tuba City	0	0	0	0	0	0	0	0
Navajo Department of Corrections-Window Rock	0	0	0	0	0	0	0	0
Pascua Yaqui Law Enforcement Center	0	0	0	0	0	0	0	0
Peach Springs Detention Center	7	8	7	5	0	3	0	8
Sacaton Adult Detention Center	0	0	0	0	0	0	0	0
Sacaton Juvenile Detention Rehabilitation Center	62	90	51	67	11	23	0	1
Salt River Detention Center	19	28	15	23	4	5	0	0
San Carlos Jail	5	0	0	0	5	0	0	0
Supai Jail	0	0	0	0	0	0	0	0
Tohono O'odham Detention Center	0	0	0	0	0	0	0	0
Tohono O'odham Judiciary Juvenile Detention Center	7	19	6	18	1	1	0	0
Western Navajo Juvenile Services	41	20	29	16	12	4	0	0
White Mountain Apache Police Department	15	2	12	1	3	1	0	0
Colorado								
Southern Ute Police Department	0	0	0	0	0	0	0	0
Ute Mountain Ute Agency	0	0	0	0	0	0	0	0
Idaho								
Fort Hall Police Department	18	2	13	2	5	0	18	0
Minnesota								
Red Lake Law Enforcement Services	3	0	1	0	2	0	0	0
Mississippi								
Choctaw Police Department	0	1	0	1	0	0	0	0
Montana								
Blackfeet Police Department	0	0	0	0	0	0	0	0
Crow Police Department	0	1	0	1	0	0	0	0
Flathead Tribal Police Department	2	1	2	1	0	0	0	0
Fort Belknap Police Department	3	7	1	7	2	0	0	0
Fort Peck Indian Youth Services Center	12	8	8	6	4	2	0	0
Fort Peck Police Department	0	0	0	0	0	0	0	0
Northern Cheyenne Police Department	4	2	1	1	3	1	0	2
Rocky Boy Police Department	1	0	1	0	0	0	1	0
White Buffalo Youth Detention Center	0	6	0	5	0	1	0	0
Nebraska								
Omaha Tribal Police Department	1	0	1	0	0	0	1	0
Nevada								
Owyhee Detention Facility	0	0	0	0	0	0	0	0

Appendix table 3. Continued

State and facility	Number of juveniles in custody (under 18)						Number of juveniles held as adults*	
	Total		Male		Female			
	1999	1998	1999	1998	1999	1998	1999	1998
New Mexico								
Jicarilla Police Department	1	2	1	0	0	2	1	2
Laguna Tribal Detention Facility	2	0	1	0	1	0	0	0
Mescalero Adult Detention Center	0	0	0	0	0	0	0	0
Navajo Department of Corrections-Crownpoint	0	0	0	0	0	0	0	0
Navajo Department of Corrections-Shiprock	0	0	0	0	0	0	0	0
Navajo Department of Corrections-Tohatchi Juvenile Center	5	3	5	2	0	1	0	0
Ramah Public Safety Center	0	0	0	0	0	0	0	0
Taos Tribal Detention Center	0	0	0	0	0	0	0	0
Zuni Police Department	4	8	4	6	0	2	0	0
North Dakota								
Fort Berthold Agency	0	1	0	1	0	0	0	0
Fort Totten Municipal Center	1	8	1	4	0	4	0	0
Standing Rock Law Enforcement Center	1	8	0	8	1	0	1	0
Turtle Mountain Law Enforcement Center	1	0	1	0	0	0	0	0
Oklahoma								
Sac & Fox Nation Juvenile Detention Facility	16	25	15	20	1	5	0	0
Oregon								
Chemawa Indian School	0	0	0	0	0	0	0	0
Warm Springs Detention Center	9	10	5	6	4	4	1	0
South Dakota								
Fort Thompson Jail	2	0	2	0	0	0	0	0
Kiyuska O'Tipi Reintegration Center	12	3	7	2	5	1	0	0
Lower Brule Law Enforcement Services Center	0	0	0	0	0	0	0	0
Medicine Root Detention Center	0	0	0	0	0	0	0	0
Pine Ridge Correctional Facility	0	0	0	0	0	0	0	0
Rosebud Sioux Tribe Law Enforcement	0	7	0	5	0	2	0	5
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	0	0	0	0	0	0	0	0
Walter Miner Law Enforcement Center - Juvenile	2	12	2	8	0	4	0	3
Walter Miner Law Enforcement Facility - Adult	0	0	0	0	0	0	0	0
Utah								
Uintah-Ouray Detention Center	0	0	0	0	0	0	0	0
Washington								
Makah Police Department	0	0	0	0	0	0	0	0
Puyallup Tribal Detention Facility	0	4	0	3	0	1	0	0
Quinault Police Department	0	2	0	2	0	0	0	0
Wellpinit BIA Law Enforcement Center	0	0	0	0	0	0	0	0
Yakama Police Department	10	8	4	2	6	6	0	0
Wisconsin								
Menominee Tribal Jail	1	2	1	1	0	1	0	1
Wyoming								
Wind River Police Department	0	0	0	0	0	0	0	0

/ Not reported.
*All male and female juveniles confined in facilities on June 30 tried or awaiting trial in adult court.

Appendix table 4a. Persons supervised in the community by jails in Indian country, by type of alternative supervision, June 30, 1999

State and facility	Offenders supervised in the community/1					
	Total	Electronic monitoring	Home detention/2	Community service	Day reporting	Other alternatives
Total	72	14	10	31	5	11
Alaska						
Metlakatla Police Department	0	0	0	0	0	0
Arizona						
Colorado River Indian Tribes Detention Center	0	0	0	0	0	0
Fort Mohave Tribal Police Department	2	0	2	0	0	0
Gila River West End Holding Facility	0	0	0	0	0	0
Hopi Rehabilitation Center	0	0	0	0	0	0
Navajo Department of Corrections - Chinle	0	0	0	0	0	0
Navajo Department of Corrections-Kayenta	0	0	0	0	0	0
Navajo Department of Corrections-Tuba City	1	0	0	1	0	0
Navajo Department of Corrections-Window Rock	0	0	0	0	0	0
Pascua Yaqui Law Enforcement Center	0	0	0	0	0	0
Peach Springs Detention Center	0	0	0	0	0	0
Sacaton Adult Detention Center	0	0	0	0	0	0
Sacaton Juvenile Detention Rehabilitation Center	0	0	0	0	0	0
Salt River Detention Center	0	0	0	0	0	0
San Carlos Jail	0	0	0	0	0	0
Supai Jail	0	0	0	0	0	0
Tohono O'odham Detention Center	0	0	0	0	0	0
Tohono O'odham Judiciary Juvenile Detention Center	0	0	0	0	0	0
Western Navajo Juvenile Services	0	0	0	0	0	0
White Mountain Apache Police Department	0	0	0	0	0	0
Colorado						
Southern Ute Police Department	2	0	0	0	0	2
Ute Mountain Ute Agency	0	0	0	0	0	0
Idaho						
Fort Hall Police Department	1	0	0	1	0	0
Minnesota						
Red Lake Law Enforcement Services	0	0	0	0	0	0
Mississippi						
Choctaw Police Department	0	0	0	0	0	0
Montana						
Blackfeet Police Department	10	0	0	10	0	0
Crow Police Department	0	0	0	0	0	0
Flathead Tribal Police Department	0	0	0	0	0	0
Fort Belknap Police Department	6	0	4	2	0	0
Fort Peck Indian Youth Services Center	0	0	0	0	0	0
Fort Peck Police Department	0	0	0	0	0	0
Northern Cheyenne Police Department	0	0	0	0	0	0
Rocky Boy Police Department	0	0	0	0	0	0
White Buffalo Youth Detention Center	0	0	0	0	0	0
Nebraska						
Omaha Tribal Police Department	0	0	0	0	0	0
Nevada						
Owyhee Detention Facility	0	0	0	0	0	0

Appendix table 4a. Continued

State and facility	Offenders supervised in the community/1					
	Total	Electronic monitoring	Home detention/2	Community service	Day reporting	Other alternatives
New Mexico						
Jicarilla Police Department	0	0	0	0	0	0
Laguna Tribal Detention Facility	0	0	0	0	0	0
Mescalero Adult Detention Center	1	0	0	0	0	1
Navajo Department of Corrections-Crownpoint	13	13	0	0	0	0
Navajo Department of Corrections-Shiprock	0	0	0	0	0	0
Navajo Department of Corrections-Tohatchi Juvenile Center	0	0	0	0	0	0
Ramah Public Safety Center	2	0	0	2	0	0
Taos Tribal Detention Center	2	1	1	0	0	0
Zuni Police Department	0	0	0	0	0	0
North Dakota						
Fort Berthold Agency	0	0	0	0	0	0
Fort Totten Municipal Center	0	0	0	0	0	0
Standing Rock Law Enforcement Center	3	0	0	0	3	0
Turtle Mountain Law Enforcement Center	0	0	0	0	0	0
Oklahoma						
Sac & Fox Nation Juvenile Detention Facility	0	0	0	0	0	0
Oregon						
Chemawa Indian School	0	0	0	0	0	0
Warm Springs Detention Center	0	0	0	0	0	0
South Dakota						
Fort Thompson Jail	0	0	0	0	0	0
Kiyuska O'Tipi Reintegration Center	0	0	0	0	0	0
Lower Brule Law Enforcement Services Center	0	0	0	0	0	0
Medicine Root Detention Center	0	0	0	0	0	0
Pine Ridge Correctional Facility	15	0	0	15	0	0
Rosebud Sioux Tribe Law Enforcement	8	0	3	0	0	5
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	3	0	0	0	0	3
Walter Miner Law Enforcement Center - Juvenile	0	0	0	0	0	0
Walter Miner Law Enforcement Facility - Adult	1	/	/	/	/	/
Utah						
Uintah-Ouray Detention Center	0	0	0	0	0	0
Washington						
Makah Police Department	0	0	0	0	0	0
Puyallup Tribal Detention Facility	0	0	0	0	0	0
Quinault Police Department	0	0	0	0	0	0
Wellpinit BIA Law Enforcement Center	0	0	0	0	0	0
Yakama Police Department	2	0	0	0	2	0
Wisconsin						
Menominee Tribal Jail	0	0	0	0	0	0
Wyoming						
Wind River Police Department	0	0	0	0	0	0

/ Not reported.
Note: Detail does not add to total because Walter Miner Law Enforcement Facility did not report type of community supervision.
1/Persons serving their sentences in the community under programs administered by jail staff. Excludes offenders in weekend programs.
2/Excludes persons under electronic monitoring.

Appendix table 4b. Persons supervised in the community by jails in Indian country, by type of alternative supervision, June 30, 1998

State and facility	Offenders supervised in the community/1					
	Total	Electronic monitoring	Home detention/2	Community service	Day reporting	Other alternatives
Total	88	12	3	15	55	3
Alaska						
Metlakatla Police Department	0	0	0	0	0	0
Arizona						
Colorado River Indian Tribes Detention Center	0	0	0	0	0	0
Fort Mohave Tribal Police Department	0	0	0	0	0	0
Gila River West End Holding Facility	0	0	0	0	0	0
Hopi Rehabilitation Center	1	1	0	0	0	0
Navajo Department of Corrections - Chinle	0	0	0	0	0	0
Navajo Department of Corrections-Kayenta	2	0	0	2	0	0
Navajo Department of Corrections-Tuba City	0	0	0	0	0	0
Navajo Department of Corrections-Window Rock	0	0	0	0	0	0
Pascua Yaqui Law Enforcement Center	0	0	0	0	0	0
Peach Springs Detention Center	0	0	0	0	0	0
Sacaton Adult Detention Center	0	0	0	0	0	0
Sacaton Juvenile Detention Rehabilitation Center	0	0	0	0	0	0
Salt River Detention Center	0	0	0	0	0	0
San Carlos Jail	0	0	0	0	0	0
Supai Jail	5	0	0	5	0	0
Tohono O'odham Detention Center	0	0	0	0	0	0
Tohono O'odham Judiciary Juvenile Detention Center	0	0	0	0	0	0
Western Navajo Juvenile Services	0	0	0	0	0	0
White Mountain Apache Police Department	0	0	0	0	0	0
Colorado						
Southern Ute Police Department	0	0	0	0	0	0
Ute Mountain Ute Agency	0	0	0	0	0	0
Idaho						
Fort Hall Police Department	0	0	0	0	0	0
Minnesota						
Red Lake Law Enforcement Services	0	0	0	0	0	0
Mississippi						
Choctaw Police Department	0	0	0	0	0	0
Montana						
Blackfeet Police Department	0	0	0	0	0	0
Crow Police Department	0	0	0	0	0	0
Flathead Tribal Police Department	11	11	0	0	0	0
Fort Belknap Police Department	1	0	1	0	0	0
Fort Peck Indian Youth Services Center	0	0	0	0	0	0
Fort Peck Police Department	0	0	0	0	0	0
Northern Cheyenne Police Department	0	0	0	0	0	0
Rocky Boy Police Department	3	0	0	0	3	0
White Buffalo Youth Detention Center	0	0	0	0	0	0
Nebraska						
Omaha Tribal Police Department	3	0	0	0	0	3
Nevada						
Owyhee Detention Facility	0	0	0	0	0	0

Appendix table 4b. Continued

State and facility	Offenders supervised in the community/1					
	Total	Electronic monitoring	Home detention(2)	Community service	Day reporting	Other alternatives
New Mexico						
Jicarilla Police Department	0	0	0	0	0	0
Laguna Tribal Detention Facility	0	0	0	0	0	0
Mescalero Adult Detention Center	0	0	0	0	0	0
Navajo Department of Corrections-Crownpoint	0	0	0	0	0	0
Navajo Department of Corrections-Shiprock	0	0	0	0	0	0
Navajo Department of Corrections-Tohatchi Juvenile Center	0	0	0	0	0	0
Ramah Public Safety Center	0	0	0	0	0	0
Taos Tribal Detention Center	0	0	0	0	0	0
Zuni Police Department	0	0	0	0	0	0
North Dakota						
Fort Berthold Agency	2	0	0	2	0	0
Fort Totten Municipal Center	0	0	0	0	0	0
Standing Rock Law Enforcement Center	0	0	0	0	0	0
Turtle Mountain Law Enforcement Center	0	0	0	0	0	0
Oklahoma						
Sac & Fox Nation Juvenile Detention Facility	0	0	0	0	0	0
Oregon						
Chemawa Indian School	0	0	0	0	0	0
Warm Springs Detention Center	2	0	0	2	0	0
South Dakota						
Fort Thompson Jail	0	0	0	0	0	0
Klyuska O'Tipi Reintegration Center	0	0	0	0	0	0
Lower Brule Law Enforcement Services Center	0	0	0	0	0	0
Medicine Root Detention Center	0	0	0	0	0	0
Pine Ridge Correctional Facility	52	0	0	0	52	0
Rosebud Sioux Tribe Law Enforcement	0	0	0	0	0	0
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	0	0	0	0	0	0
Walter Miner Law Enforcement Center - Juvenile	0	0	0	0	0	0
Walter Miner Law Enforcement Facility - Adult	0	0	0	0	0	0
Utah						
Uintah-Ouray Detention Center	0	0	0	0	0	0
Washington						
Makah Police Department	4	0	0	4	0	0
Puyallup Tribal Detention Facility	0	0	0	0	0	0
Quinault Police Department	2	0	2	0	0	0
Wellpinit BIA Law Enforcement Center	0	0	0	0	0	0
Yakama Police Department	0	0	0	0	0	0
Wisconsin						
Menominee Tribal Jail	0	0	0	0	0	0
Wyoming						
Wind River Police Department	0	0	0	0	0	0

/ Not reported.
1/Persons serving their sentences in the community under programs administered by jail staff. Excludes offenders in weekend programs.
2/Excludes persons under electronic monitoring.

Appendix table 5. Offenders under the supervision of jails in Indian country, by conviction status, June 30, 1998 and 1999

State and facility	Inmates in custody, June 30					
	Total		Convicted		Unconvicted	
	1999	1998	1999	1998	1999	1998
Total	1,621	1,479	1,200	939	409	540
Alaska						
Mellakatla Police Department	0	0	0	0	0	0
Arizona						
Colorado River Indian Tribes Detention Center	11	22	9	5	2	17
Fort Mohave Tribal Police Department	2	2	2	0	0	2
Gila River West End Holding Facility	54	40	54	36	0	4
Hopi Rehabilitation Center	69	77	66	66	3	11
Navajo Department of Corrections - Chinle	10	5	0	0	10	5
Navajo Department of Corrections-Kayenta	5	6	0	0	5	6
Navajo Department of Corrections-Tuba City	40	19	21	0	19	19
Navajo Department of Corrections-Window Rock	47	37	23	17	24	20
Pascua Yaqui Law Enforcement Center	3	0	3	0	0	0
Peach Springs Detention Center	49	42	37	34	12	8
Sacaton Adult Detention Center	86	67	83	40	3	27
Sacaton Juvenile Detention Rehabilitation Center	62	90	59	47	3	43
Salt River Detention Center	64	75	44	60	20	15
San Carlos Jail	53	36	46	36	7	0
Supai Jail	0	10	0	3	0	7
Tohono O'odham Detention Center	98	85	62	35	36	50
Tohono O'odham Judiciary Juvenile Detention Center	7	19	3	10	4	9
Western Navajo Juvenile Services	41	20	41	13	0	7
White Mountain Apache Police Department	73	7	64	7	9	0
Colorado						
Southern Ute Police Department	25	2	6	2	19	0
Ute Mountain Ute Agency	12	10	9	2	3	8
Idaho						
Fort Hall Police Department	26	19	8	1	18	18
Minnesota						
Red Lake Law Enforcement Services	8	14	4	4	4	10
Mississippi						
Choctaw Police Department	26	19	23	14	3	5
Montana						
Blackfeet Police Department	27	34	24	23	3	11
Crow Police Department	12	7	8	7	4	0
Flathead Tribal Police Department	26	23	12	23	14	0
Fort Belknap Police Department	14	22	1	12	13	10
Fort Peck Indian Youth Services Center	12	8	10	8	2	0
Fort Peck Police Department	22	27	19	13	3	14
Northern Cheyenne Police Department	20	17	19	14	1	3
Rocky Boy Police Department	2	3	1	3	1	0
White Buffalo Youth Detention Center	0	6	0	6	0	0
Nebraska						
Omaha Tribal Police Department	17	17	12	17	5	0
Nevada						
Owyhee Detention Facility	18	17	18	17	0	0

Appendix table 5. Continued

State and facility	Inmates in custody, June 30					
	Total		Convicted		Unconvicted	
	1999	1998	1999	1998	1999	1998
New Mexico						
Jicarilla Police Department	16	28	13	25	3	3
Laguna Tribal Detention Facility	10	12	10	12	0	0
Mescalero Adult Detention Center	25	13	20	11	5	2
Navajo Department of Corrections-Crownpoint	18	10	4	10	14	0
Navajo Department of Corrections-Shiprock	34	21	17	21	17	0
Navajo Department of Corrections-Tohatchi Juvenile Cente	5	3	0	0	5	3
Ramah Public Safety Center	4	9	3	3	1	6
Taos Tribal Detention Center	4	3	2	3	2	0
Zuni Police Department	35	54	34	54	1	0
North Dakota						
Fort Berthold Agency	18	6	16	0	2	6
Fort Totten Municipal Center	19	35	19	35	0	0
Standing Rock Law Enforcement Center	30	23	26	16	4	7
Turtle Mountain Law Enforcement Center	34	24	32	19	2	5
Oklahoma						
Sac & Fox Nation Juvenile Detention Facility	16	25	16	10	0	15
Oregon						
Chemawa Indian School	0	0	0	0	0	0
Warm Springs Detention Center	35	48	35	6	0	42
South Dakota						
Fort Thompson Jail	12	4	11	4	1	0
Kiyuska O'Tipi Reintegration Center	12	3	/	0	/	3
Lower Brule Law Enforcement Services Center	6	7	1	0	5	7
Medicine Root Detention Center	24	26	3	10	21	16
Pine Ridge Correctional Facility	38	31	10	6	28	25
Rosebud Sioux Tribe Law Enforcement	9	25	0	13	9	12
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	11	12	9	7	2	5
Walter Miner Law Enforcement Center - Juvenile	2	12	0	2	2	10
Walter Miner Law Enforcement Facility - Adult	39	23	30	2	9	21
Utah						
Uintah-Ouray Detention Center	20	8	4	4	16	4
Washington						
Makah Police Department	3	4	3	4	0	0
Puyallup Tribal Detention Facility	15	18	15	18	0	0
Quinault Police Department	2	6	2	0	0	6
Wellpinit BIA Law Enforcement Center	5	1	4	1	1	0
Yakama Police Department	28	34	24	34	4	0
Wisconsin						
Menominee Tribal Jail	40	35	35	30	5	5
Wyoming						
Wind River Police Department	11	12	11	4	0	8

/Not reported.
Note: Detail does not equal total because Kiyuska O'Tipi Reintegration Center did not report conviction status.
*Includes probation and parole violators with no new sentence.

Appendix table 6. Inmates under the supervision of jails in Indian country, movements, June 1-30, 1998 and 1999

State and facility	Inmate movements, June 1-30			
	New admissions/1		Final discharges/2	
	1999	1998	1999	1998
Total	8,147	8,942	7,744	8,372
Alaska				
Metlakatla Police Department	0	11	0	11
Arizona				
Colorado River Indian Tribes Detention Center	479	53	476	53
Fort Mohave Tribal Police Department	26	3	26	3
Gila River West End Holding Facility	/	8	/	4
Hopi Rehabilitation Center	5	200	5	100
Navajo Department of Corrections - Chinle	100	10	100	18
Navajo Department of Corrections-Kayenta	71	213	69	169
Navajo Department of Corrections-Tuba City	355	401	371	408
Navajo Department of Corrections-Window Rock	589	638	557	567
Pascua Yaqui Law Enforcement Center	5	26	/	26
Peach Springs Detention Center	91	68	51	24
Sacaton Adult Detention Center	99	115	54	100
Sacaton Juvenile Detention Rehabilitation Center	23	36	27	11
Salt River Detention Center	74	7	95	5
San Carlos Jail	443	280	371	270
Supai Jail	23	80	23	80
Tohono O'odham Detention Center	11	169	/	129
Tohono O'odham Judiciary Juvenile Detention Center	30	30	25	25
Western Navajo Juvenile Services	20	31	15	21
White Mountain Apache Police Department	42	285	/	270
Colorado				
Southern Ute Police Department	78	24	78	24
Ute Mountain Ute Agency	11	64	57	48
Idaho				
Fort Hall Police Department	2	112	2	80
Minnesota				
Red Lake Law Enforcement Services	4	139	12	130
Mississippi				
Choctaw Police Department	146	138	148	120
Montana				
Blackfeet Police Department	20	15	20	27
Crow Police Department	/	201	/	199
Flathead Tribal Police Department	88	66	84	66
Fort Belknap Police Department	87	113	83	106
Fort Peck Indian Youth Services Center	2	29	14	27
Fort Peck Police Department	202	10	194	5
Northern Cheyenne Police Department	375	375	337	337
Rocky Boy Police Department	130	10	130	10
White Buffalo Youth Detention Center	0	1	0	0
Nebraska				
Omaha Tribal Police Department	15	97	15	97
Nevada				
Owyhee Detention Facility	30	3	25	1

Appendix table 6. Continued

State and facility	Inmate movements, June 1-30			
	New admissions/1		Final discharges/2	
	1999	1998	1999	1998
New Mexico				
Jicarilla Police Department	90	79	53	33
Laguna Tribal Detention Facility	64	41	59	34
Mescalero Adult Detention Center	/	38	/	24
Navajo Department of Corrections-Crownpoint	302	2	321	5
Navajo Department of Corrections-Shiprock	412	421	395	402
Navajo Department of Corrections-Tohatchi Juvenile Center	53	40	27	27
Ramah Public Safety Center	29	4	27	35
Taos Tribal Detention Center	15	30	18	25
Zuni Police Department	77	36	88	103
North Dakota				
Fort Berthold Agency	97	105	88	92
Fort Totten Municipal Center	/	15	/	15
Standing Rock Law Enforcement Center	/	82	/	107
Turtle Mountain Law Enforcement Center	10	182	15	167
Oklahoma				
Sac & Fox Nation Juvenile Detention Facility	34	47	36	48
Oregon				
Chemawa Indian School	0	0	0	0
Warm Springs Detention Center	82	7	81	6
South Dakota				
Fort Thompson Jail	60	59	60	168
Klyuska O'Tipi Reintegration Center	16	119	15	119
Lower Brule Law Enforcement Services Center	250	190	249	190
Medicine Root Detention Center	868	625	856	813
Pine Ridge Correctional Facility	1,245	1,215	1,189	1,148
Rosebud Sioux Tribe Law Enforcement	353	300	349	280
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	47	76	9	64
Walter Miner Law Enforcement Center - Juvenile	7	78	82	70
Walter Miner Law Enforcement Facility - Adult	20	585	15	559
Utah				
Uintah-Ouray Detention Center	20	4	18	4
Washington				
Makah Police Department	12	3	9	4
Puyallup Tribal Detention Facility	29	7	21	15
Quinault Police Department	10	9	7	8
Wellpinit BIA Law Enforcement Center	11	9	27	0
Yakama Police Department	158	177	128	177
Wisconsin				
Menominee Tribal Jail	181	148	99	111
Wyoming				
Wind River Police Department	150	150	150	150

1/Includes persons officially booked into jail facilities by formal legal document or by the authority of the courts or some other official agency. Excludes returns from escape, work release, weekend sentence, medical appointments/treatment facilities, bail and court appearances.
2/Includes persons released after a period of confinement (e.g., sentence completion, bail/bond, other pretrial release, transfers to other facilities within jurisdiction). Excludes temporary discharges (e.g., work releases, weekenders, medical appointments/treatment facilities, court appearances, furloughs, day reporters, and transfers to other facilities within jurisdiction).

Appendix table 7. Capacity of custody areas and population as a percent of capacity, June 30, 1998 and 1999

State and facility	Rated capacity/1		Population on June 30 as a percent of capacity/2		Peak population in the month of June/3		Peak population in the month of June as a percent of capacity	
	1999	1998	1999	1998	1999	1998	1999	1998
Total	2,118	1,998	77 %	74 %	2,289	2,306	108 %	115 %
Alaska								
Metlakatla Police Department	10	10	0	0	3	3	30 %	30 %
Arizona								
Colorado River Indian Tribes Detention Center	36	45	31 %	49 %	/	/	/	/
Fort Mohave Tribal Police Department	4	4	50	50	4	3	100 %	75 %
Gila River West End Holding Facility	40	40	135	100	54	100	135	250
Hopi Rehabilitation Center	79	85	87	91	69	/	87	/
Navajo Department of Corrections - Chinle	14	18	71	28	30	18	214	100
Navajo Department of Corrections-Kayenta	20	10	25	60	/	9	/	90
Navajo Department of Corrections-Tuba City	24	33	167	58	80	49	333	149
Navajo Department of Corrections-Window Rock	51	42	92	88	59	58	116	138
Pascua Yaqui Law Enforcement Center	6	8	50	0	3	8	50	100
Peach Springs Detention Center	40	52	123	81	60	57	150	110
Sacaton Adult Detention Center	90	27	96	248	110	75	122	278
Sacaton Juvenile Detention Rehabilitation Center	100	32	62	281	74	93	74	291
Salt River Detention Center	84	90	76	83	69	100	82	111
San Carlos Jail	64	46	83	78	59	36	92	78
Supai Jail	8	8	0	125	9	10	113	125
Tohono O'odham Detention Center	87	87	113	98	121	107	139	123
Tohono O'odham Judiciary Juvenile Detention Center	20	20	35	95	15	19	75	95
Western Navajo Juvenile Services	36	36	114	56	28	23	78	64
White Mountain Apache Police Department	46	60	159	12	107	69	233	115
Colorado								
Southern Ute Police Department	55	2	46 %	100 %	25	2	46 %	100 %
Ute Mountain Ute Agency	14	14	86	71	15	13	107	93
Idaho								
Fort Hall Police Department	32	32	81 %	59 %	30	21	94 %	66 %
Minnesota								
Red Lake Law Enforcement Services	22	20	36 %	70 %	37	35	168 %	175 %
Mississippi								
Choctaw Police Department	32	32	81 %	59 %	28	19	88 %	59 %
Montana								
Blackfeet Police Department	45	35	60 %	97 %	47	34	104 %	97 %
Crow Police Department	14	14	86	50	38	33	271	236
Flathead Tribal Police Department	20	20	130	115	26	27	130	135
Fort Belknap Police Department	8	8	175	275	14	32	175	400
Fort Peck Indian Youth Services Center	21	21	57	38	13	13	62	62
Fort Peck Police Department	21	21	105	129	31	38	148	181
Northern Cheyenne Police Department	19	19	105	90	42	22	221	116
Rocky Boy Police Department	20	20	10	15	9	12	45	60
White Buffalo Youth Detention Center	/	22	/	27	/	16	/	73
Nebraska								
Omaha Tribal Police Department	22	17	77 %	100 %	38	27	173 %	159 %
Nevada								
Owyhee Detention Facility	24	30	75 %	57 %	18	23	75 %	77 %

Appendix table 7. Continued

State and facility	Rated capacity/1		Population on June 30 as a percent of capacity/2		Peak population in the month of June/3		Peak population in the month of June as a percent of capacity	
	1999	1998	1999	1998	1999	1998	1999	1998
New Mexico								
Jicarilla Police Department	19	19	84 %	147 %	33	28	174 %	147 %
Laguna Tribal Detention Facility	10	10	100	120	15	14	150	140
Mescalero Adult Detention Center	30	36	83	36	27	14	90	39
Navajo Department of Corrections-Crownpoint	37	37	49	27	31	29	84	78
Navajo Department of Corrections-Shiprock	18	23	189	91	53	46	294	200
Navajo Department of Corrections-Tohatchi Juvenile Center	6	6	83	50	8	9	133	150
Ramah Public Safety Center	6	6	67	150	10	9	167	150
Taos Tribal Detention Center	9	10	44	30	10	20	111	200
Zuni Police Department	34	34	103	159	37	54	109	159
North Dakota								
Fort Berthold Agency	9	6	200 %	100 %	32	18	356 %	300 %
Fort Totten Municipal Center	35	32	54	109	/	35	/	109
Standing Rock Law Enforcement Center	78	56	39	41	48	75	62	134
Turtle Mountain Law Enforcement Center	30	45	113	53	34	35	113	78
Oklahoma								
Sac & Fox Nation Juvenile Detention Facility	60	69	27 %	36 %	/	30	/	44 %
Oregon								
Chemawa Indian School	8	8	0 %	0 %	0	0	0 %	0 %
Warm Springs Detention Center	35	48	100	100	62	48	177	100
South Dakota								
Fort Thompson Jail	16	16	75 %	25 %	20	16	125 %	100 %
Kiyuska O'Tipi Reintegration Center	32	32	38	9	16	15	50	47
Lower Brule Law Enforcement Services Center	25	30	24	23	27	39	108	130
Medicine Root Detention Center	24	26	100	100	48	38	200	146
Pine Ridge Correctional Facility	24	24	158	129	84	106	350	442
Rosebud Sioux Tribe Law Enforcement	60	60	15	42	15	25	25	42
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	22	20	50	60	16	18	73	90
Walter Miner Law Enforcement Center - Juvenile	10	10	20	120	10	17	100	170
Walter Miner Law Enforcement Facility - Adult	56	57	70	40	58	81	104	142
Utah								
Uintah-Ouray Detention Center	18	18	111 %	44 %	21	14	117 %	78 %
Washington								
Makah Police Department	12	14	25 %	29 %	7	8	58 %	57 %
Puyallup Tribal Detention Facility	28	25	54	72	/	18	/	72
Quinault Police Department	12	12	17	50	5	6	42	50
Wellpinit BIA Law Enforcement Center	11	8	46	13	6	3	55	38
Yakama Police Department	50	55	56	62	56	50	112	91
Wisconsin								
Menominee Tribal Jail	40	40	100 %	88 %	54	50	135 %	125 %
Wyoming								
Wind River Police Department	26	26	42 %	46 %	15	35	58 %	135 %

/ Not reported.
1/Rated capacity is the maximum number of beds or inmates assigned by a rating official to a facility. Excludes temporary holding areas.
2/Population as a percent of capacity is calculated by dividing the population count of a facility by its rated capacity and multiplying by 100.
3/Peak population is any day in the month of June in which the custody population of a facility was greatest. Total includes the number of inmates on June 30 in those facilities that did not report data.

Appendix table 8. Deaths, suicides, and attempted suicides of inmates in custody of jails in Indian country, 1998 and 1999

State and facility	Attempted suicides 1999	Attempted suicides 1998	Deaths* 1998	Suicides* 1998
Total	103	133	7	3
Alaska				
Metlakatla Police Department	0	0	0	0
Arizona				
Colorado River Indian Tribes Detention Center	0	0	0	0
Fort Mohave Tribal Police Department	0	0	0	0
Gila River West End Holding Facility	0	1	0	0
Hopi Rehabilitation Center	2	2	0	0
Navajo Department of Corrections - Chinle	0	0	0	0
Navajo Department of Corrections-Kayenta	0	0	0	0
Navajo Department of Corrections-Tuba City	1	0	0	0
Navajo Department of Corrections-Window Rock	3	1	0	0
Pascua Yaqui Law Enforcement Center	/	0	0	0
Peach Springs Detention Center	0	0	0	0
Sacaton Adult Detention Center	12	10	0	0
Sacaton Juvenile Detention Rehabilitation Center	18	0	0	0
Salt River Detention Center	0	10	1	0
San Carlos Jail	6	0	0	0
Supai Jail	0	0	0	0
Tohono O'odham Detention Center	2	1	0	0
Tohono O'odham Judiciary Juvenile Detention Center	3	5	0	0
Western Navajo Juvenile Services	0	0	0	0
White Mountain Apache Police Department	/	0	1	0
Colorado				
Southern Ute Police Department	1	0	0	0
Ute Mountain Ute Agency	0	0	0	0
Idaho				
Fort Hall Police Department	0	0	0	0
Minnesota				
Red Lake Law Enforcement Services	5	13	1	1
Mississippi				
Choctaw Police Department	0	1	0	0
Montana				
Blackfeet Police Department	0	26	1	1
Crow Police Department	2	0	0	0
Flathead Tribal Police Department	3	0	0	0
Fort Belknap Police Department	2	0	0	0
Fort Peck Indian Youth Services Center	0	0	0	0
Fort Peck Police Department	0	0	0	0
Northern Cheyenne Police Department	3	0	0	0
Rocky Boy Police Department	/	0	0	0
White Buffalo Youth Detention Center	/	3	0	0
Nebraska				
Omaha Tribal Police Department	1	2	0	0
Nevada				
Owyhee Detention Facility	0	1	0	0

Appendix table 8. Continued

State and facility	Attempted suicides 1999	Attempted suicides 1998	Deaths* 1998	Suicides* 1998
New Mexico				
Jicarilla Police Department	5	0	0	0
Laguna Tribal Detention Facility	0	0	0	0
Mescalero Adult Detention Center	0	0	0	0
Navajo Department of Corrections-Crownpoint	0	0	0	0
Navajo Department of Corrections-Shiprock	2	2	0	0
Navajo Department of Corrections-Tohatchi Juvenile Center	0	0	0	0
Ramah Public Safety Center	2	0	0	0
Taos Tribal Detention Center	1	2	0	0
Zuni Police Department	1	4	0	0
North Dakota				
Fort Berthold Agency	0	0	0	0
Fort Totten Municipal Center	1	0	0	0
Standing Rock Law Enforcement Center	0	0	0	0
Turtle Mountain Law Enforcement Center	0	0	0	0
Oklahoma				
Sac & Fox Nation Juvenile Detention Facility	0	0	0	0
Oregon				
Chemawa Indian School	0	0	0	0
Warm Springs Detention Center	0	0	0	0
South Dakota				
Fort Thompson Jail	3	5	0	0
Klyuska O'Tipi Reintegration Center	0	0	0	0
Lower Brule Law Enforcement Services Center	2	1	1	0
Medicine Root Detention Center	0	0	0	0
Pine Ridge Correctional Facility	8	0	0	0
Rosebud Sioux Tribe Law Enforcement	4	10	1	0
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	2	0	0	0
Walter Miner Law Enforcement Center - Juvenile	4	4	0	0
Walter Miner Law Enforcement Facility - Adult	0	0	0	0
Utah				
Uintah-Ouray Detention Center	0	0	0	0
Washington				
Makah Police Department	0	0	0	0
Puyallup Tribal Detention Facility	0	0	0	0
Quinault Police Department	0	0	0	0
Wellpinit BIA Law Enforcement Center	2	0	0	0
Yakama Police Department	2	12	1	1
Wisconsin				
Menominee Tribal Jail	0	7	0	0
Wyoming				
Wind River Police Department	0	0	0	0

Note: Data reported for 1999 are for the period July 1, 1998, to June 30, 1999. Data for 1998 are for the period July 1, 1997, to June 30, 1998.
*No deaths or suicides were reported for the period July 1, 1998, to June 30, 1999.

Appendix table 9. Number of inmates held in drug/alcohol detoxification, June 30, 1999

State and facility	Number of inmates held in drug/alcohol detoxification	Capacity of separate holding areas or drunk tanks
Total	173	420
Alaska		
Metlakatla Police Department	..	.
Arizona		
Colorado River Indian Tribes Detention Center		..
Fort Mohave Tribal Police Department	.	5
Gila River West End Holding Facility	.	2
Hopi Rehabilitation Center	13	...
Navajo Department of Corrections - Chinle	0	18
Navajo Department of Corrections-Kayenta	..	5
Navajo Department of Corrections-Tuba City	6	34
Navajo Department of Corrections-Window Rock	0	...
Pascua Yaqui Law Enforcement Center	..	...
Peach Springs Detention Center	..	20
Sacaton Adult Detention Center	.	...
Sacaton Juvenile Detention Rehabilitation Center	0	...
Salt River Detention Center	..	.
San Carlos Jail	3	..
Supai Jail	...	..
Tohono O'odham Detention Center	.	.
Tohono O'odham Judiciary Juvenile Detention Center	0	4
Western Navajo Juvenile Services	17	10
White Mountain Apache Police Department	..	15
Colorado		
Southern Ute Police Department	1	8
Ute Mountain Ute Agency	2	.
Idaho		
Fort Hall Police Department	7	7
Minnesota		
Red Lake Law Enforcement Services	...	..
Mississippi		
Choctaw Police Department	1	..
Montana		
Blackfeet Police Department	25	...
Crow Police Department	...	...
Flathead Tribal Police Department	...	...
Fort Belknap Police Department	3	...
Fort Peck Indian Youth Services Center	...	...
Fort Peck Police Department	..	...
Northern Cheyenne Police Department	0	10
Rocky Boy Police Department	...	...
White Buffalo Youth Detention Center	0	0
Nebraska		
Omaha Tribal Police Department	...	...
Nevada		
Owyhee Detention Facility	0	10

Appendix table 9. Continued

State and facility	Number of inmates held in drug/alcohol detoxification	Capacity of separate holding areas or drunk tanks
New Mexico		
Jicarilla Police Department	...	...
Laguna Tribal Detention Facility	0	...
Mescalero Adult Detention Center	1	9
Navajo Department of Corrections-Crownpoint	7	12
Navajo Department of Corrections-Shiprock	...	22
Navajo Department of Corrections-Tohatchi Juvenile Center	...	8
Hamah Public Safety Center	...	...
Taos Tribal Detention Center	...	8
Zuni Police Department	2	8
North Dakota		
Fort Berthold Agency	0	4
Fort Totten Municipal Center	...	...
Standing Rock Law Enforcement Center	2	...
Turtle Mountain Law Enforcement Center	1	8
Oklahoma		
Sac & Fox Nation Juvenile Detention Facility	...	6
Oregon		
Chemawa Indian School	0	...
Warm Springs Detention Center	2	29
South Dakota		
Fort Thompson Jail	0	1
Kiyuska O Tipi Reintegration Center	...	25
Lower Brule Law Enforcement Services Center	5	...
Medicine Root Detention Center	23	30
Pine Ridge Correctional Facility	38	...
Rosebud Sioux Tribe Law Enforcement	9	0
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	2	2
Walter Miner Law Enforcement Center - Juvenile	...	...
Walter Miner Law Enforcement Facility - Adult	5	50
Utah		
Uintah Ouray Detention Center	5	8
Washington		
Makah Police Department	...	9
Puyallup Tribal Detention Facility	...	...
Quileute Police Department	0	5
Wellpinit BIA Law Enforcement Center	0	1
Yakama Police Department	0	14
Wisconsin		
Menominee Tribal Jail	...	...
Wyoming		
Wind River Police Department	/	20

...Not applicable, no program, or seperate holding area.
/ Not reported.

Appendix table 10. Function of jails in Indian country, and type of adult/juvenile seperation, June 30, 1998

State and facility	Holds offenders: Less than 72 hours	Holds offenders: Beyond 72 hours	Holds misde-meanants/1	Holds felons/2	Authorized to hold juvenile offenders	Type of adult/juvenile separation
Alaska						
Metlakatla Police Department	X				X	Sight only
Arizona						
Colorado River Indian Tribes Detention Center	X	X	X	X	X	Sight/Sound
Fort Mohave Tribal Police Department	X				X	Sight/Sound
Gila River West End Holding Facility	X	X	X			
Hopi Rehabilitation Center	X	X	X	X	X	Sight/Sound
Navajo Department of Corrections - Chinle	X					
Navajo Department of Corrections-Kayenta	X					
Navajo Department of Corrections-Tuba City	X					
Navajo Department of Corrections-Window Rock			X			
Pascua Yaqui Law Enforcement Center	X				X	Sight only
Peach Springs Detention Center	X	X	X	X	X	Sight/Sound
Sacaton Adult Detention Center	X	X	X	X		
Sacaton Juvenile Detention Rehabilitation Center		X	X		X	...
Salt River Detention Center		X	X		X	Sight/Sound
San Carlos Jail	X					
Supai Jail	X	X			X	Sight only
Tohono O'odham Detention Center	X	X	X			
Tohono O'odham Judiciary Juvenile Detention Center		X	X		X	...
Western Navajo Juvenile Services	X	X	X		X	Sight/Sound
White Mountain Apache Police Department	X	X	X		X	Sight only
Colorado						
Southern Ute Police Department	X	X	X			
Ute Mountain Ute Agency	X	X	X		X	Sight/Sound
Idaho						
Fort Hall Police Department		X	X		X	Sight/Sound
Minnesota						
Red Lake Law Enforcement Services	X	X	X	X	X	Sight only
Mississippi						
Choctaw Police Department	X	X	X		X	Sight/Sound
Montana						
Blackfeet Police Department			X		X	Sight only
Crow Police Department	X		X		X	Sight/Sound
Flathead Tribal Police Department			X		(3)	
Fort Belknap Police Department		X	X		X	Sight/Sound
Fort Peck Indian Youth Services Center		X	X		X	...
Fort Peck Police Department			X	X		
Northern Cheyenne Police Department		X	X	X	X	None
Rocky Boy Police Department		X			X	Sight/Sound
White Buffalo Youth Detention Center		X			X	...
Nebraska						
Omaha Tribal Police Department	X	X	X			
Nevada						
Owyhee Detention Facility			X			

Appendix table 10. Continued

State and facility	Holds offenders Less than 72 hours	Holds offenders Beyond 72 hours	Holds misde-meanants/1	Holds felons/2	Authorized to hold juvenile offenders	Type of adult/juvenile separation
New Mexico						
Jicarilla Police Department	X	X			X	Sight/Sound
Laguna Tribal Detention Facility	X	X	X		X	Sight only
Mescalero Adult Detention Center	X	X	X			
Navajo Department of Corrections-Crownpoint			X			
Navajo Department of Corrections-Shiprock			X			
Navajo Department of Corrections-Tohatchi Juvenile Center	X	X			X	
Ramah Public Safety Center	X	X	X			
Taos Tribal Detention Center	X	X	X			
Zuni Police Department	X	X	X		X	None
North Dakota						
Fort Berthold Agency	X				/3	
Fort Totten Municipal Center	X	X	X		X	Sight/Sound
Standing Rock Law Enforcement Center			X		X	Sight/Sound
Turtle Mountain Law Enforcement Center			X		X	Sight/Sound
Oklahoma						
Sac & Fox Nation Juvenile Detention Facility	X	X	X	X	X	
Oregon						
Chemawa Indian School	X				X	Sight only
Warm Springs Detention Center	X	X	X		X	Sight/Sound
South Dakota						
Fort Thompson Jail	X	X				
Kiyuska O'Tipi Reintegration Center			X		X	
Lower Brule Law Enforcement Services Center			X			
Medicine Root Detention Center	X	X	X			
Pine Ridge Correctional Facility	X	X	X	X		
Rosebud Sioux Tribe Law Enforcement	X	X			X	Sight/Sound
Sisseton Wahpeton Sioux Tribal Law Enforcement Center	X	X	X		X	None
Walter Miner Law Enforcement Center - Juvenile	X	X	X		X	Sight/Sound
Walter Miner Law Enforcement Facility - Adult	X	X	X			
Utah						
Uintah-Ouray Detention Center			X			
Washington						
Makah Police Department		X	X	X	X	Sight/Sound
Puyallup Tribal Detention Facility			X		X	Sight/Sound
Quileute Police Department		X	X		X	Sight only
Wellpinit BIA Law Enforcement Center	X	X	X			
Yakama Police Department			X		X	Sight/Sound
Wisconsin						
Menominee Tribal Jail		X	X		X	Sight/Sound
Wyoming						
Wind River Police Department		X	X		X	None

...Not applicable.
1/Offenders sentenced to less than one year.
2/Offenders with sentences of more than one year.
3/Juveniles are not held overnight. Detained until parent/guardian is contacted and arrangements are made.

Appendix table 11. Types of confinement areas within jails in Indian country, June 30, 1998

State and facility	Total	Location of inmates in facilities: Single cell or room	Multiple occupied single cells or rooms	Designed multiple occupancy cells or rooms	Areas not originally for confinement	Separate holding areas/ drunk tanks
Total	1,479	202	155	950	72	100
Alaska						
Metlakatla Police Department	0	0	0	0	0	0
Arizona						
Colorado River Indian Tribes Detention Center	22	0	0	22	0	0
Fort Mohave Tribal Police Department	2	0	0	0	0	2
Gila River West End Holding Facility	40	0	0	40	0	0
Hopi Rehabilitation Center	77	0	77	0	0	0
Navajo Department of Corrections - Chinle	5	0	0	2	0	3
Navajo Department of Corrections-Kayenta	6	0	0	0	0	6
Navajo Department of Corrections-Tuba City	19	3	0	9	0	7
Navajo Department of Corrections-Window Rock	37	0	0	37	0	0
Pascua Yaqui Law Enforcement Center	0	0	0	0	0	0
Peach Springs Detention Center	42	16	4	6	12	4
Sacaton Adult Detention Center	67	4	0	63	0	0
Sacaton Juvenile Detention Rehabilitation Center	90	4	0	52	34	0
Salt River Detention Center	75	4	0	71	0	0
San Carlos Jail	36	6	10	8	4	8
Supai Jail	10	0	10	0	0	0
Tohono O'odham Detention Center	85	18	2	44	5	16
Tohono O'odham Judiciary Juvenile Detention Center	19	0	0	19	0	0
Western Navajo Juvenile Services	20	16	0	4	0	0
White Mountain Apache Police Department	7	0	0	7	0	0
Colorado						
Southern Ute Police Department	2	0	0	2	0	0
Ute Mountain Ute Agency	10	1	0	9	0	0
Idaho						
Fort Hall Police Department	19	0	0	19	0	0
Minnesota						
Red Lake Law Enforcement Services	14	4	2	8	0	0
Mississippi						
Choctaw Police Department	19	3	0	14	0	2
Montana						
Blackfeet Police Department	34	0	0	15	9	10
Crow Police Department	7	1	0	6	0	0
Flathead Tribal Police Department	23	5	0	18	0	0
Fort Belknap Police Department	22	0	0	12	0	10
Fort Peck Indian Youth Services Center	8	8	0	0	0	0
Fort Peck Police Department	27	2	4	21	0	0
Northern Cheyenne Police Department	17	1	0	16	0	0
Rocky Boy Police Department	3	1	0	2	0	0
White Buffalo Youth Detention Center	6	0	0	6	0	0
Nebraska						
Omaha Tribal Police Department	17	0	0	17	0	0
Nevada						
Owyhee Detention Facility	17	9	0	8	0	0

Appendix table 11. Continued

State and facility	Total	Location of inmates in facilities: Single cell or room	Multiple occupied single cells or rooms	Designed multiple occupancy cells or rooms	Areas not originally for confinement	Separate holding areas/ drunk tanks
New Mexico						
Jicarilla Police Department	28	10	0	18	0	0
Laguna Tribal Detention Facility	12	6	0	6	0	0
Mescalero Adult Detention Center	13	2	0	11	0	0
Navajo Department of Corrections-Crownpoint	10	0	0	10	0	0
Navajo Department of Corrections-Shiprock	21	7	0	14	0	0
Navajo Department of Corrections-Tohatchi Juvenile Center	3	1	0	0	0	2
Ramah Public Safety Center	9	0	0	9	0	0
Taos Tribal Detention Center	3	0	0	3	0	0
Zuni Police Department	54	0	16	22	0	16
North Dakota						
Fort Berthold Agency	6	1	0	4	0	1
Fort Totten Municipal Center	35	2	0	33	0	0
Standing Rock Law Enforcement Center	23	0	0	23	0	0
Turtle Mountain Law Enforcement Center	24	1	0	23	0	0
Oklahoma						
Sac & Fox Nation Juvenile Detention Facility	25	25	0	0	0	0
Oregon						
Chemawa Indian School	0	0	0	0	0	0
Warm Springs Detention Center	48	0	0	48	0	0
South Dakota						
Fort Thompson Jail	4	0	0	4	0	0
Kiyuska O'Tipi Reintegration Center	3	0	0	3	0	0
Lower Brule Law Enforcement Services Center	7	0	0	7	0	0
Medicine Root Detention Center	26	4	22	0	0	0
Pine Ridge Correctional Facility	31	4	0	20	7	0
Rosebud Sioux Tribe Law Enforcement	25	2	0	20	0	3
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	12	0	0	11	0	1
Walter Miner Law Enforcement Center - Juvenile	12	5	0	6	1	0
Walter Miner Law Enforcement Facility - Adult	23	11	0	3	0	9
Utah						
Uintah Ouray Detention Center	8	0	8	0	0	0
Washington						
Makah Police Department	4	0	0	4	0	0
Puyallup Tribal Detention Facility	18	0	0	18	0	0
Quileute Police Department	6	6	0	0	0	0
Welipini BIA Law Enforcement Center	1	0	0	1	0	0
Yakama Police Department	34	0	0	34	0	0
Wisconsin						
Menominee Tribal Jail	35	7	0	28	0	0
Wyoming						
Wind River Police Department	12	2	0	10	0	0

Appendix table 12. Jails in Indian country under court order or consent decree for overcrowding or other reasons, June 30, 1999

State and facility	Federal, Tribal, or State court order or consent decree	
	Maximum capacity due to consent decree	Other court orders or consent decrees
Total	...	
Alaska		
Metlakatla Police Department	.	
Arizona		
Colorado River Indian Tribes Detention Center		
Fort Mohave Tribal Police Department	..	
Gila River West End Holding Facility	...	
Hopi Rehabilitation Center	...	
Navajo Department of Corrections - Chinle	7	Overcrowding
Navajo Department of Corrections-Kayenta	10	Hygiene, cleanliness
Navajo Department of Corrections-Tuba City	34	Hygiene, cleanliness, meals
Navajo Department of Corrections-Window Rock	96	Overcrowding
Pascua Yaqui Law Enforcement Center	2	
Peach Springs Detention Center	...	
Sacaton Adult Detention Center	...	
Sacaton Juvenile Detention Rehabilitation Center	...	
Salt River Detention Center	...	
San Carlos Jail	...	
Supai Jail	...	
Tohono O'odham Detention Center	...	
Tohono O'odham Judiciary Juvenile Detention Center	...	
Western Navajo Juvenile Services	46	
White Mountain Apache Police Department	...	
Colorado		
Southern Ute Police Department	..	
Ute Mountain Ute Agency	14	Number of hours in detox
Idaho		
Fort Hall Police Department	...	
Minnesota		
Red Lake Law Enforcement Services	..	
Mississippi		
Choctaw Police Department	...	
Montana		
Blackfeet Police Department	...	
Crow Police Department	...	
Flathead Tribal Police Department	...	
Fort Belknap Police Department	...	
Fort Peck Indian Youth Services Center	...	
Fort Peck Police Department	...	
Northern Cheyenne Police Department	...	
Rocky Boy Police Department	...	
White Buffalo Youth Detention Center	...	
Nebraska		
Omaha Tribal Police Department	...	
Nevada		
Owyhee Detention Facility	...	

Appendix table 12. Continued

State and facility	Federal, Tribal, or State court order or consent decree	
	Maximum capacity due to consent decree	Other court orders or consent decrees
New Mexico		
Jicarilla Police Department		
Laguna Tribal Detention Facility		
Mescalero Adult Detention Center		
Navajo Department of Corrections-Crownpoint	37	House under humane and safe conditions
Navajo Department of Corrections-Shiprock	40	Hygiene, clean linens, meals, etc
Navajo Department of Corrections-Tohatchi Juvenile Center	14	Hygiene, clean linens, meals, etc
Ramah Public Safety Center		
Taos Tribal Detention Center		
Zuni Police Department		
North Dakota		
Fort Berthold Agency		
Fort Totten Municipal Center		
Standing Rock Law Enforcement Center	.	
Turtle Mountain Law Enforcement Center	.	
Oklahoma		
Sac & Fox Nation Juvenile Detention Facility		
Oregon		
Chemawa Indian School	.	
Warm Springs Detention Center	. .	
South Dakota		
Fort Thompson Jail		
Kiyuska O'Tipi Reintegration Center		
Lower Brule Law Enforcement Services Center	30	
Medicine Root Detention Center		
Pine Ridge Correctional Facility	.	
Rosebud Sioux Tribe Law Enforcement		
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center		
Walter Miner Law Enforcement Center - Juvenile	.	
Walter Miner Law Enforcement Facility - Adult	. .	
Utah		
Uintah-Ouray Detention Center	.	
Washington		
Makah Police Department	.	
Puyallup Tribal Detention Facility	. .	
Quileute Police Department	. . .	
Wellpinit BIA Law Enforcement Center	. . .	
Yakama Police Department	. .	
Wisconsin		
Menominee Tribal Jail	. . .	
Wyoming		
Wind River Police Department	. . .	

. . Not applicable, not under a court order or consent decree.
/Not reported.

Appendix table 13. Owner and operator of jails in Indian country, facility age, and year of most recent renovation, June 30, 1998

State and facility	Owner of facility	Operator of facility	Year of original completed construction	Age of original construction	Year of most recent renovation*
Total					
Alaska					
Metlakatla Police Department	Tribe	Tribe	1960	38	...
Arizona					
Colorado River Indian Tribes Detention Center	Tribe	Tribe	1996	2	...
Fort Mohave Tribal Police Department	Tribe	Tribe	1996	2	...
Gila River West End Holding Facility	BIA	BIA	1988	10	1995
Hopi Rehabilitation Center	BIA	BIA	/	/	...
Navajo Department of Corrections - Chinle	Tribe	Tribe	1964	34	1992
Navajo Department of Corrections-Kayenta	Tribe	Tribe	1982	16	...
Navajo Department of Corrections-Tuba City	Tribe	Tribe	1966	32	...
Navajo Department of Corrections-Window Rock	Tribe	Tribe	1963	35	1994
Pascua Yaqui Law Enforcement Center	Tribe	Tribe	1992	6	...
Peach Springs Detention Center	BIA	BIA	1985	13	...
Sacaton Adult Detention Center	BIA	BIA	1963	35	1996
Sacaton Juvenile Detention Rehabilitation Center	BIA	Tribe	1984	14	...
Salt River Detention Center	Tribe	Tribe	1977	21	1996
San Carlos Jail	BIA	BIA	1965	33	...
Supai Jail	BIA	BIA	1986	12	...
Tohono O'odham Detention Center	BIA	Tribe	1964	34	1985
Tohono O'odham Judiciary Juvenile Detention Center	Tribe	Tribe	1972	26	...
Western Navajo Juvenile Services	Private	Private	1996	2	...
White Mountain Apache Police Department	BIA	Tribe	1970	28	1988
Colorado					
Southern Ute Police Department	Tribe	Tribe	1978	20	...
Ute Mountain Ute Agency	Tribe	BIA	1970	28	1996
Idaho					
Fort Hall Police Department	Tribe	Tribe	1929	69	...
Minnesota					
Red Lake Law Enforcement Services	Tribe	Tribe	1980	18	1986
Mississippi					
Choctaw Police Department	Tribe	Tribe	1973	25	1996
Montana					
Blackfeet Police Department	BIA	Tribe	1970	28	...
Crow Police Department	BIA	BIA	1974	24	...
Flathead Tribal Police Department	Tribe	Tribe	1978	20	...
Fort Belknap Police Department	BIA	Tribe	1948	50	1995
Fort Peck Indian Youth Services Center	BIA	Tribe	1993	5	...
Fort Peck Police Department	BIA	Tribe	1987	11	...
Northern Cheyenne Police Department	BIA	BIA	1964	34	1987
Rocky Boy Police Department	Tribe	Tribe	1977	21	...
White Buffalo Youth Detention Center	Tribe	Tribe	1976	22	...
Nebraska					
Omaha Tribal Police Department	BIA	Tribe	1989	9	...
Nevada					
Owyhee Detention Facility	BIA	Tribe	1968	30	1978

Appendix table 13. Continued

State and facility	Owner of facility	Operator of facility	Year of original completed construction	Age of original construction	Year of most recent renovation*
New Mexico					
Jicarilla Police Department	Tribe	Tribe	1972	26	1982
Laguna Tribal Detention Facility	Tribe	Tribe	1974	24	1997
Mescalero Adult Detention Center	BIA	BIA	1974	24	1998
Navajo Department of Corrections-Crownpoint	Tribe	Tribe	1974	24	1995
Navajo Department of Corrections-Shiprock	Tribe	Tribe	1960	38	1993
Navajo Department of Corrections-Tohatchi Juvenile Center	Tribe	Tribe	1961	37	1985
Ramah Public Safety Center	Tribe	Tribe	1974	24	. . .
Taos Tribal Detention Center	Tribe	Tribe	1992	6	. . .
Zuni Police Department	Tribe	Tribe	1976	22	1995
North Dakota					
Fort Berthold Agency	City gov't	BIA	1978	20	. . .
Fort Totten Municipal Center	BIA	BIA	1965	33	1997
Standing Rock Law Enforcement Center	BIA	BIA	1964	34	1987
Turtle Mountain Law Enforcement Center	BIA	BIA	1952	46	1991
Oklahoma					
Sac & Fox Nation Juvenile Detention Facility	Tribe	Tribe	1996	2	. . .
Oregon					
Chemawa Indian School	BIA	BIA	1988	10	. . .
Warm Springs Detention Center	BIA	Tribe	1984	14	. . .
South Dakota					
Fort Thompson Jail	BIA	Tribe	1978	20	. . .
Kiyuska O'Tipi Reintegration Center	BIA	Tribe	1995	3	. . .
Lower Brule Law Enforcement Services Center	Tribe	BIA	1972	26	1996
Medicine Root Detention Center	BIA	BIA	1979	19	1985
Pine Ridge Correctional Facility	BIA	Tribe	1979	19	. . .
Rosebud Sioux Tribe Law Enforcement	BIA	Tribe	1983	15	. . .
Sisseton Wahpeton Sioux Tribal Law Enforcement Center	Tribe	Tribe	1975	23	1992
Walter Miner Law Enforcement Center - Juvenile	BIA	Tribe	1993	5	. . .
Walter Miner Law Enforcement Facility - Adult	BIA	Tribe	1993	5	. . .
Utah					
Uintah-Ouray Detention Center	Tribe	BIA	1975	23	. . .
Washington					
Makah Police Department	Tribe	Tribe	1973	25	. . .
Puyallup Tribal Detention Facility	Tribe	Tribe	1995	3	. . .
Quinault Police Department	BIA	Tribe	/	/	1983
Wellpinit BIA Law Enforcement Center	BIA	BIA	1996	2	. . .
Yakama Police Department	Tribe	Tribe	1974	24	1995
Wisconsin					
Menominee Tribal Jail	BIA	Tribe	1981	17	. . .
Wyoming					
Wind River Police Department	BIA	BIA	1986	12	. . .

. . . Facility has never been renovated.
/ Not reported.
*Structural changes or improvements to cells, dormitories, and other inmate sleeping areas.

Appendix table 14. Planned changes to jails in Indian country and change in capacity, June 30, 1999

State and facility	Rated capacity*	Definite plans for facility changes in the next 2 years: Add to existing facility	Close existing facility	Renovate facility	No change	Change in capacity due to facility renovations
Total	2,118					866
Alaska						
Metlakatla Police Department	10				X	0
Arizona						
Colorado River Indian Tribes Detention Center	36				X	0
Fort Mohave Tribal Police Department	4				X	0
Gila River West End Holding Facility	40	X	X			/
Hopi Rehabilitation Center	79			X		0
Navajo Department of Corrections - Chinle	14				X	0
Navajo Department of Corrections-Kayenta	20				X	0
Navajo Department of Corrections-Tuba City	24			X		0
Navajo Department of Corrections-Window Rock	51				X	0
Pascua Yaqui Law Enforcement Center	5				X	0
Peach Springs Detention Center	40				X	0
Sacaton Adult Detention Center	90		X			30
Sacaton Juvenile Detention Rehabilitation Center	100	X	X			112
Salt River Detention Center	84				X	0
San Carlos Jail	54				X	0
Supai Jail	8				X	0
Tohono O'odham Detention Center	87	X				209
Tohono O'odham Judiciary Juvenile Detention Center	20				X	0
Western Navajo Juvenile Services	36				X	0
White Mountain Apache Police Department	48				X	0
Colorado						
Southern Ute Police Department	55				X	0
Ute Mountain Ute Agency	14	X	X			82
Idaho						
Fort Hall Police Department	32		X			/
Minnesota						
Red Lake Law Enforcement Services	22	X	X			48
Mississippi						
Choctaw Police Department	32				X	0
Montana						
Blackfeet Police Department	45			X		0
Crow Police Department	14			X		10
Flathead Tribal Police Department	20				X	0
Fort Belknap Police Department	8			X		8
Fort Peck Indian Youth Services Center	21	X				20
Fort Peck Police Department	21				X	0
Northern Cheyenne Police Department	19	X				/
Rocky Boy Police Department	20		X			0
White Buffalo Youth Detention Center	/					
Nebraska						
Omaha Tribal Police Department	22				X	0
Nevada						
Owyhee Detention Facility	24	X				24

Appendix table 14. Continued

State and facility	Rated capacity*	Definite plans for facility changes in the next 2 years: Add to existing facility	Close existing facility	Renovate facility	No change	Change in capacity due to facility renovations
New Mexico						
Jicarilla Police Department	19				X	0
Laguna Tribal Detention Facility	10	X		X		0
Mescalero Adult Detention Center	30			X		0
Navajo Department of Corrections-Crownpoint	37				X	0
Navajo Department of Corrections-Shiprock	18				X	0
Navajo Department of Corrections-Tohatchi Juvenile Center	6				X	0
Ramah Public Safety Center	6				X	0
Taos Tribal Detention Center	9			X		12
Zuni Police Department	34				X	0
North Dakota						
Fort Berthold Agency	9	X				48
Fort Totten Municipal Center	35				X	0
Standing Rock Law Enforcement Center	78				X	0
Turtle Mountain Law Enforcement Center	30				X	0
Oklahoma						
Sac & Fox Nation Juvenile Detention Facility	60				X	0
Oregon						
Chemawa Indian School	8				X	0
Warm Springs Detention Center	35				X	0
South Dakota						
Fort Thompson Jail	16				X	0
Kiyuska O'Tipi Reintegration Center	32				X	0
Lower Brule Law Enforcement Services Center	25	X	X			30
Medicine Root Detention Center	24			X		0
Pine Ridge Correctional Facility	24		X	X		200
Rosebud Sioux Tribe Law Enforcement	60				X	0
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	22				X	0
Walter Miner Law Enforcement Center - Juvenile	10				X	0
Walter Miner Law Enforcement Facility - Adult	56				X	0
Utah						
Uintah-Ouray Detention Center	18				X	0
Washington						
Makah Police Department	12			X		8
Puyallup Tribal Detention Facility	28	X	X	X		30
Quinault Police Department	12			X		24
Wellpinit BIA Law Enforcement Center	11				X	0
Yakama Police Department	50	X				0
Wisconsin						
Menominee Tribal Jail	40				X	0
Wyoming						
Wind River Police Department	26				X	0

Note: Data are reported on all plans that have received final administrative approval, even though the necessary funds may not have been authorized.
/ Not reported.
*Rated capacity is the maximum number of beds or inmates assigned by a rating official to a facility. Excludes temporary holding areas.

Appendix table 15. Counseling and special programs available in jails in Indian country, June 30, 1998

State and facility	Type of counseling or special programs offered to inmates					
	Drug	Alcohol	Mental health	Education	Employment	Other*
Total						
Alaska						
Metlakatla Police Department	x	x				
Arizona						
Colorado River Indian Tribes Detention Center	x	x	x	x	x	x
Fort Mohave Tribal Police Department	x	x				
Gila River West End Holding Facility						
Hopi Rehabilitation Center	x	x	x		x	
Navajo Department of Corrections - Chinle			x			
Navajo Department of Corrections-Kayenta						
Navajo Department of Corrections-Tuba City						
Navajo Department of Corrections-Window Rock	x	x	x			
Pascua Yaqui Law Enforcement Center	x	x	x			
Peach Springs Detention Center	x	x	x			
Sacaton Adult Detention Center						
Sacaton Juvenile Detention Rehabilitation Center	x	x	x	x	x	x
Salt River Detention Center			x	x		
San Carlos Jail						
Supai Jail						
Tohono Oodham Detention Center	x	x	x			
Tohono Oodham Judiciary Juvenile Detention Center					x	
Western Navajo Juvenile Services	x	x	x	x	x	x
White Mountain Apache Police Department						
Colorado						
Southern Ute Police Department	x	x	x	x	x	
Ute Mountain Ute Agency	x	x	x			
Idaho						
Fort Hall Police Department		x				
Minnesota						
Red Lake Law Enforcement Services	x	x	x			
Mississippi						
Choctaw Police Department	x	x	x	x	x	x
Montana						
Blackfeet Police Department	x	x	x	x	x	
Crow Police Department	x	x	x			
Flathead Tribal Police Department	x	x	x			
Fort Belknap Police Department	x	x	x		x	
Fort Peck Indian Youth Services Center	x	x	x	x		
Fort Peck Police Department						
Northern Cheyenne Police Department	x	x				
Rocky Boy Police Department			x			x
White Buffalo Youth Detention Center	x	x	x	x	x	
Nebraska						
Omaha Tribal Police Department						
Nevada						
Owyhee Detention Facility	x	x	x	x	x	

Appendix table 15. Continued

State and facility	Type of counseling or special programs offered to inmates					
	Drug	Alcohol	Mental health	Education	Employment	Other*
New Mexico						
Jicarilla Police Department	X	X	X	X	X	
Laguna Tribal Detention Facility	X	X	X			
Mescalero Adult Detention Center	X	X	X			
Navajo Department of Corrections-Crownpoint				X		
Navajo Department of Corrections-Shiprock	X	X	X	X		
Navajo Department of Corrections-Tohatchi Juvenile Center		X				
Ramah Public Safety Center		X	X			
Taos Tribal Detention Center						
Zuni Police Department	X	X	X			
North Dakota						
Fort Berthold Agency						
Fort Totten Municipal Center	X	X	X			
Standing Rock Law Enforcement Center						
Turtle Mountain Law Enforcement Center	X	X	X			
Oklahoma						
Sac & Fox Nation Juvenile Detention Facility	X	X		X	X	X
Oregon						
Chemawa Indian School	X	X		X		
Warm Springs Detention Center	X	X	X	X		
South Dakota						
Fort Thompson Jail						
Khyuska O'Tipi Reintegration Center						X
Lower Brule Law Enforcement Services Center		X	X			
Medicine Root Detention Center	X	X	X			
Pine Ridge Correctional Facility	X	X	X	X		X
Rosebud Sioux Tribe Law Enforcement			X			
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center						
Walter Miner Law Enforcement Center - Juvenile		X	X	X		X
Walter Miner Law Enforcement Facility - Adult		X	X			
Utah						
Uintah-Ouray Detention Center	X	X	X	X	X	
Washington						
Makah Police Department	X	X				
Puyallup Tribal Detention Facility	X	X	X		X	
Quinault Police Department	X	X	X			X
Wellpinit BIA Law Enforcement Center	X	X				
Yakama Police Department	X	X	X			X
Wisconsin						
Menominee Tribal Jail						
Wyoming						
Wind River Police Department			X			

*Includes spiritual and cultural counseling; adventure-based and recreation-based therapy; and life skills training.

Appendix table 16. Jail operations staff of jails in Indian country, June 30, 1998

State and facility	Total	Male	Female	Function of jail operations staff: Administration	Field duty/1	Facility duty/2	Technical professional support	Clerical, maintenance, food service	Number of inmates per jail operations staff member(3)
Total	775	365	410	49	16	573	64	73	2.6
Alaska									
Metlakatla Police Department	5	1	4	0	0	5	0	0	0.0
Arizona									
Colorado River Indian Tribes Detention Center	21	9	12	1	0	20	0	0	1.1
Fort Mohave Tribal Police Department	14	7	7	2	6	0	6	0	
Gila River West End Holding Facility	4	4	0	0	0	4	0	0	10.0
Hopi Rehabilitation Center	8	1	7	1	0	4	0	3	19.3
Navajo Department of Corrections - Chinle	13	6	7	0	0	10	0	3	0.5
Navajo Department of Corrections-Kayenta	9	3	6	1	0	7	0	1	0.9
Navajo Department of Corrections-Tuba City	16	6	10	3	0	10	0	3	1.9
Navajo Department of Corrections-Window Rock	15	6	9	1	0	11	0	3	3.4
Pascua Yaqui Law Enforcement Center	6	3	3	0	0	6	0	0	0.0
Peach Springs Detention Center	8	3	5	0	0	5	3	0	8.4
Sacaton Adult Detention Center	13	10	3	0	0	13	0	0	5.2
Sacaton Juvenile Detention Rehabilitation Center	68	25	43	2	0	37	25	4	2.4
Salt River Detention Center	19	12	7	1	0	18	0	0	4.2
San Carlos Jail	20	11	9	0	0	20	0	0	1.8
Supai Jail	2	1	1	0	1	1	0	0	10.0
Tohono O'odham Detention Center	21	14	7	0	0	21	0	0	4.0
Tohono O'odham Judiciary Juvenile Detention Center	12	7	5	1	0	11	0	0	1.7
Western Navajo Juvenile Services	27	12	15	5	0	16	2	4	1.3
White Mountain Apache Police Department	13	4	9	0	0	13	0	0	0.5
Colorado									
Southern Ute Police Department	5	0	5	0	0	5	0	0	0.4
Ute Mountain Ute Agency	4	2	2	0	0	4	0	0	2.5
Idaho									
Fort Hall Police Department	5	4	1	0	0	5	0	0	3.8
Minnesota									
Red Lake Law Enforcement Services	13	10	3	0	0	7	0	6	2.0
Mississippi									
Choctaw Police Department	17	9	8	1	0	16	0	0	1.2
Montana									
Blackfeet Police Department	8	1	7	0	0	8	0	0	4.3
Crow Police Department	12	7	5	0	0	12	0	0	0.6
Flathead Tribal Police Department	6	2	4	1	0	4	0	1	5.8
Fort Belknap Police Department	6	2	4	0	0	6	0	0	3.7
Fort Peck Indian Youth Services Center	12	5	7	1	1	5	2	3	1.6
Fort Peck Police Department	9	4	5	2	0	6	1	0	4.5
Northern Cheyenne Police Department	5	2	3	1	0	4	0	0	4.3
Rocky Boy Police Department	9	4	5	0	0	4	2	3	0.8
White Buffalo Youth Detention Center	12	6	6	1	2	8	0	1	0.8
Nebraska									
Omaha Tribal Police Department	7	2	5	0	0	5	0	2	3.4
Nevada									
Owyhee Detention Facility	5	2	3	0	0	5	0	0	3.4

Appendix table 16. Continued

State and facility	Total	Male	Female	Function of jail operations staff: Administration	Field duty(1)	Facility duty/2	Technical/professional support	Clerical, maintenance, food service	Number of inmates per jail operations staff member/3
New Mexico									
Jicarilla Police Department	12	7	5	0	0	12	0	0	2.3
Laguna Tribal Detention Facility	5	3	2	0	0	5	0	0	2.4
Mescalero Adult Detention Center	6	2	4	0	0	6	0	0	2.2
Navajo Department of Corrections-Crownpoint	13	7	6	2	0	8	0	3	1.3
Navajo Department of Corrections-Shiprock	14	6	8	0	0	11	0	3	1.9
Navajo Department of Corrections-Tohatchi Juvenile Center	11	6	5	2	0	8	0	1	0.4
Ramah Public Safety Center	5	1	4	0	0	5	0	0	1.8
Taos Tribal Detention Center	4	1	3	0	0	4	0	0	0.8
Zuni Police Department	12	4	8	1	0	7	0	4	7.7
North Dakota									
Fort Berthold Agency	4	2	2	0	0	4	0	0	1.5
Fort Totten Municipal Center	10	5	5	0	0	6	3	1	5.8
Standing Rock Law Enforcement Center	7	3	4	0	0	5	0	2	4.6
Turtle Mountain Law Enforcement Center	8	5	3	0	0	8	0	0	3.0
Oklahoma									
Sac & Fox Nation Juvenile Detention Facility	54	24	30	7	0	27	7	13	0.9
Oregon									
Chemawa Indian School	4	3	1	0	2	2	0	0	
Warm Springs Detention Center	9	4	5	0	0	9	0	0	5.3
South Dakota									
Fort Thompson Jail	6	4	2	0	0	6	0	0	0.7
Kiyuska O'Tipi Reintegration Center	14	5	9	0	0	13	0	1	0.2
Lower Brule Law Enforcement Services Center	4	4	0	0	0	4	0	0	1.8
Medicine Root Detention Center	7	2	5	1	0	4	0	2	6.5
Pine Ridge Correctional Facility	13	5	8	2	0	4	5	2	7.8
Rosebud Sioux Tribe Law Enforcement	5	4	1	0	0	5	0	0	5.0
Sisseton Wahpeton Sioux Tribal Law Enforcement Center	8	6	2	1	2	0	5	0	
Walter Miner Law Enforcement Center - Juvenile	14	6	8	2	0	12	0	0	1.0
Walter Miner Law Enforcement Facility - Adult	14	8	6	2	0	12	0	0	1.9
Utah									
Uintah-Ouray Detention Center	5	1	4	0	0	2	3	0	4.0
Washington									
Makah Police Department	7	3	4	1	2	3	0	1	1.3
Puyallup Tribal Detention Facility	8	4	4	0	0	8	0	0	2.3
Quinault Police Department	7	5	2	1	0	6	0	0	1.0
Wellpinit BIA Law Enforcement Center	5	1	4	0	0	5	0	0	0.2
Yakama Police Department	10	5	5	0	0	10	0	0	3.4
Wisconsin									
Menominee Tribal Jail	17	10	7	2	0	12	0	3	2.9
Wyoming									
Wind River Police Department	4	2	2	0	0	4	0	0	3.0

...Not applicable.
1/Includes patrol officers, police officers, deputies, and other field staff who spend more than 50% of their time in the field.
2/Includes correctional officers, deputies, and other staff who spend more than 50% of their time supervising inmates.
3/The number of inmates in custody on June 30, 1998, divided by the number of facility duty staff.

Appendix table 17. Reported staffing needs of jails in Indian country, June 30, 1998

State and facility	Staffing needs: More correctional officers	More administrative support staff	More staff training	Other specified
Alaska				
Metlakatla Police Department	X		X	
Arizona				
Colorado River Indian Tribes Detention Center	X	X	X	
Fort Mohave Tribal Police Department	X	X	X	
Gila River West End Holding Facility	X	X	X	
Hopi Rehabilitation Center	X	X	X	
Navajo Department of Corrections - Chinle	X	X	X	
Navajo Department of Corrections-Kayenta		X	X	
Navajo Department of Corrections-Tuba City	X			Equipment
Navajo Department of Corrections-Window Rock	X	X	X	
Pascua Yaqui Law Enforcement Center	X	X	X	
Peach Springs Detention Center	X	X	X	
Sacaton Adult Detention Center	X	X	X	
Sacaton Juvenile Detention Rehabilitation Center	X	X	X	Professional staff
Salt River Detention Center	X	X	X	
San Carlos Jail	X	X	X	
Supai Jail	X		X	Professional staff
Tohono O'odham Detention Center	X		X	
Tohono O'odham Judiciary Juvenile Detention Center	X	X	X	
Western Navajo Juvenile Services	X	X	X	Funding/salary increases
White Mountain Apache Police Department	X	X	X	
Colorado				
Southern Ute Police Department	X		X	
Ute Mountain Ute Agency	X	X	X	
Idaho				
Fort Hall Police Department	X	X	X	
Minnesota				
Red Lake Law Enforcement Services	X		X	
Mississippi				
Choctaw Police Department	X		X	Certification training
Montana				
Blackfeet Police Department	X	X	X	Computer hardware/software
Crow Police Department	X	X	X	Funding/salary increases
Flathead Tribal Police Department	X	X	X	
Fort Belknap Police Department	X	X	X	
Fort Peck Indian Youth Services Center	X		X	
Fort Peck Police Department	X	X	X	Equipment
Northern Cheyenne Police Department	X		X	
Rocky Boy Police Department	X	X	X	
White Buffalo Youth Detention Center	X	X	X	
Nebraska				
Omaha Tribal Police Department	X		X	
Nevada				
Owyhee Detention Facility	X	X	X	Technical/support staff

Appendix table 17. Continued

State and facility	Staffing needs: More correctional officers	More administrative support staff	More Staff training	Other Specified
New Mexico				
Jicarilla Police Department	X	X	X	
Laguna Tribal Detention Facility	X		X	
Mescalero Adult Detention Center	X		X	Funding/salary increases
Navajo Department of Corrections-Crownpoint	X	X	X	
Navajo Department of Corrections-Shiprock	X	X	X	
Navajo Department of Corrections-Tohatchi Juvenile Center			X	
Ramah Public Safety Center	X	X	X	Equipment
Taos Tribal Detention Center	X	X	X	
Zuni Police Department	X	X	X	Equipment
North Dakota				
Fort Berthold Agency	X	X	X	
Fort Totten Municipal Center	X		X	
Standing Rock Law Enforcement Center	X	X	X	
Turtle Mountain Law Enforcement Center	X	X	X	Management staff
Oklahoma				
Sac & Fox Nation Juvenile Detention Facility	X	X	X	
Oregon				
Chemawa Indian School	X		X	
Warm Springs Detention Center	X		X	
South Dakota				
Fort Thompson Jail	X	X	X	
Kiyuska O'Tipi Reintegration Center	X	X	X	
Lower Brule Law Enforcement Services Center	X		X	
Medicine Root Detention Center	X		X	
Pine Ridge Correctional Facility	X	X	X	
Rosebud Sioux Tribe Law Enforcement	X		X	
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	X	X		
Walter Miner Law Enforcement Center - Juvenile			X	
Walter Miner Law Enforcement Facility - Adult	X		X	Equipment
Utah				
Uintah Ouray Detention Center	X	X	X	Professional staff, technical/support staff
Washington				
Makah Police Department	X	X	X	
Puyallup Tribal Detention Facility	X		X	
Quinault Police Department	X		X	
Wellpinit BIA Law Enforcement Center	X		X	
Yakama Police Department	X		X	
Wisconsin				
Menominee Tribal Jail	X	X	X	
Wyoming				
Wind River Police Department	X	X	X	

Appendix table 18. Reported facility needs of jails in Indian country, June 30, 1998

State and facility	Housing space	Renovate space	Modify space pursuant to ADA of 1991*	Modify space for special population	New jail equipment	Other specified
Alaska						
Mediakatla Police Department						New facility
Arizona						
Colorado River Indian Tribes Detention Center				X	X	Staff, programs
Fort Mohave Tribal Police Department	X	X	X	X	X	
Gila River West End Holding Facility	X		X	X	X	Telecommunications equipment
Hopi Rehabilitation Center	X	X	X	X	X	
Navajo Department of Corrections - Chinle	X	X	X	X	X	
Navajo Department of Corrections-Kayenta	X	X		X		Renovations
Navajo Department of Corrections-Tuba City	X	X	X		X	
Navajo Department of Corrections Window Rock	X	X	X	X	X	
Pascua Yaqui Law Enforcement Center	X			X	X	New facility
Peach Springs Detention Center	X	X	X	X	X	Audiovisual equipment
Sacaton Adult Detention Center	X		X	X	X	Telecommunications equipment
Sacaton Juvenile Detention Rehabilitation Center	X	X		X	X	Computer hardware/software
Salt River Detention Center	X		X	X	X	New facility
San Carlos Jail	X	X	X	X		
Supai Jail	X	X	X	X	X	Renovations
Tohono O'odham Detention Center	X	X	X	X	X	
Tohono O'odham Judiciary Juvenile Detention Center	X	X	X	X	X	
Western Navajo Juvenile Services					X	Maintenance
White Mountain Apache Police Department			X	X	X	New facility
Colorado						
Southern Ute Police Department		X	X	X		
Ute Mountain Ute Agency	X	X	X	X	X	
Idaho						
Fort Hall Police Department	X	X	X	X	X	New facility
Minnesota						
Red Lake Law Enforcement Services	X			X		
Mississippi						
Choctaw Police Department				X	X	
Montana						
Blackfeet Police Department	X	X	X	X	X	
Crow Police Department	X	X	X	X	X	
Flathead Tribal Police Department	X			X	X	
Fort Belknap Police Department	X	X		X	X	Renovations
Fort Peck Indian Youth Services Center	X			X		
Fort Peck Police Department	X	X		X	X	
Northern Cheyenne Police Department	X	X		X	X	Audiovisual equipment, renovations
Rocky Boy Police Department	X	X	X	X	X	
White Buffalo Youth Detention Center	X	X	X	X	X	
Nebraska						
Omaha Tribal Police Department	X	X				
Nevada						
Owyhee Detention Facility	X	X	X	X	X	Juvenile facility, computer hardware, and telecommunications equipment

Appendix table 18. Continued

State and facility	Housing space	Renovate space	Modify space pursuant to ADA of 1991*	Modify space for special population	New jail equipment	Other specified
New Mexico						
Jicarilla Police Department	X	X	X	X	X	
Laguna Tribal Detention Facility	X	X	X	X	X	
Mescalero Adult Detention Center	X			X	X	New facility
Navajo Department of Corrections-Crownpoint	X		X	X	X	
Navajo Department of Corrections-Shiprock	X		X	X	X	
Navajo Department of Corrections-Tohatchi Juvenile Center		X		X	X	
Ramah Public Safety Center	X	X	X	X	X	Renovations
Taos Tribal Detention Center	X	X	X	X	X	Vehicles, renovations
Zuni Police Department	X		X	X	X	New facility
North Dakota						
Fort Berthold Agency	X	X	X	X	X	
Fort Totten Municipal Center	X	X	X	X	X	
Standing Rock Law Enforcement Center		X		X	X	
Turtle Mountain Law Enforcement Center	X		X	X	X	
Oklahoma						
Sac & Fox Nation Juvenile Detention Facility						Renovations
Oregon						
Chemawa Indian School	X	X		X	X	Audiovisual equipment
Warm Springs Detention Center	X	X		X	X	
South Dakota						
Fort Thompson Jail	X	X	X	X	X	Juvenile facility
Klyuska O'Tipi Reintegration Center						Renovations
Lower Brule Law Enforcement Services Center	X		X	X	X	New facility
Medicine Root Detention Center	X	X	X	X	X	New facility
Pine Ridge Correctional Facility	X	X	X	X	X	New facility
Rosebud Sioux Tribe Law Enforcement	X	X	X	X	X	Clothing and other miscellaneous
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	X		X	X	X	New facility
Walter Miner Law Enforcement Center - Juvenile	X			X	X	
Walter Miner Law Enforcement Facility - Adult	X		X	X	X	Clothing and other miscellaneous
Utah						
Uintah-Ouray Detention Center	X	X	X	X	X	Staff
Washington						
Makah Police Department		X	X	X	X	Renovations
Puyallup Tribal Detention Facility		X	X	X	X	
Quileute Police Department					X	
Wellpinit BIA Law Enforcement Center	X			X	X	
Yakama Police Department	X	X	X	X	X	New facility
Wisconsin						
Menominee Tribal Jail	X		X		X	
Wyoming						
Wind River Police Department	X				X	

*Americans with Disabilities Act.

Appendix table 19. Reported special program needs of jails in Indian country, June 30, 1998

State and facility	Drug and alcohol treatment	Drug and alcohol testing	Other counseling and education programs	Other special needs
Alaska				
Metlakatla Police Department				
Arizona				
Colorado River Indian Tribes Detention Center	X	X	X	Trained staff
Fort Mohave Tribal Police Department	X	X	X	
Gila River West End Holding Facility	X	X	X	
Hopi Rehabilitation Center	X	X	X	
Navajo Department of Corrections - Chinle	X	X	X	
Navajo Department of Corrections-Kayenta	X			
Navajo Department of Corrections-Tuba City	X	X	X	Counseling services and equipment
Navajo Department of Corrections-Window Rock	X	X	X	
Pascua Yaqui Law Enforcement Center	X	X	X	
Peach Springs Detention Center	X	X	X	
Sacaton Adult Detention Center	X	X	X	
Sacaton Juvenile Detention Rehabilitation Center	X		X	
Salt River Detention Center	X	X	X	
San Carlos Jail	X	X	X	Program funding
Supai Jail	X			
Tohono O'odham Detention Center	X		X	
Tohono O'odham Judiciary Juvenile Detention Center	X	X	X	
Western Navajo Juvenile Services	X	X	X	
White Mountain Apache Police Department	X	X	X	Educational programs for juveniles
Colorado				
Southern Ute Police Department	X	X	X	
Ute Mountain Ute Agency	X	X	X	
Idaho				
Fort Hall Police Department	X	X	X	
Minnesota				
Red Lake Law Enforcement Services	X	X	X	
Mississippi				
Choctaw Police Department	X	X	X	
Montana				
Blackfeet Police Department	X		X	
Crow Police Department			X	
Flathead Tribal Police Department	X	X	X	
Fort Belknap Police Department				
Fort Peck Indian Youth Services Center	X	X		
Fort Peck Police Department	X	X	X	
Northern Cheyenne Police Department	X	X		
Rocky Boy Police Department	X	X	X	
White Buffalo Youth Detention Center	X	X	X	
Nebraska				
Omaha Tribal Police Department	X	X	X	
Nevada				
Owyhee Detention Facility		X		911 system

Appendix table 19. Continued

State and facility	Drug and alcohol treatment	Drug and alcohol testing	Other counseling and education programs	Other special needs
New Mexico				
Jicarilla Police Department	X	X	X	
Laguna Tribal Detention Facility	X	X	X	Laundry, plumbing, AC/heating, computer equipment needed
Mescalero Adult Detention Center				Jail operations staff training
Navajo Department of Corrections-Crownpoint	X	X	X	
Navajo Department of Corrections-Shiprock	X		X	
Navajo Department of Corrections-Tohatchi Juvenile Center			X	
Ramah Public Safety Center	X			
Taos Tribal Detention Center	X	X	X	TV room and kitchen
Zuni Police Department	X		X	
North Dakota				
Fort Berthold Agency	X	X	X	
Fort Totten Municipal Center	X	X	X	
Standing Rock Law Enforcement Center	X	X	X	
Turtle Mountain Law Enforcement Center			X	On-call counselors for suicide evaluations
Oklahoma				
Sac & Fox Nation Juvenile Detention Facility	X		X	
Oregon				
Chemawa Indian School	X	X	X	
Warm Springs Detention Center	X	X	X	
South Dakota				
Fort Thompson Jail	X	X	X	
Klyuska O'Tipi Reintegration Center	X		X	Library books and computer hardware/software for education
Lower Brule Law Enforcement Services Center	X	X		
Medicine Root Detention Center	X		X	Treatment centers
Pine Ridge Correctional Facility	X	X	X	Space for classrooms
Rosebud Sioux Tribe Law Enforcement	X		X	Programs for juveniles
Sisseton Wahpeton Sioux Tribal Law Enforcement Center	X	X	X	
Walter Miner Law Enforcement Center - Juvenile	X		X	School within facility and alternatives for incarceration
Walter Miner Law Enforcement Facility - Adult			X	
Utah				
Uintah Ouray Detention Center	X	X	X	
Washington				
Makah Police Department	X	X	X	Additional area for photographs and records
Puyallup Tribal Detention Facility				
Quinault Police Department	X	X	X	GED program
Wellpinit BIA Law Enforcement Center	X	X	X	
Yakama Police Department	X		X	Treatment programs
Wisconsin				
Menominee Tribal Jail	X	X	X	
Wyoming				
Wind River Police Department		X		

Appendix table 20. Tribal affiliation of Jails in Indian Country, by State, 1998 and 1999

State and facility	Tribal affiliation
Total	
Alaska	
Metlakatla Police Department	Metlakatla Indian Community
Arizona	
Colorado River Indian Tribes Detention Center	Colorado River Indian Tribes
Fort Mohave Tribal Police Department	Fort Mohave Indian Tribe
Gila River West End Holding Facility	Gila River Indian Community
Hopi Rehabilitation Center	Hopi Tribe
Navajo Department of Corrections - Chinle	Navajo Nation
Navajo Department of Corrections-Kayenta	Navajo Nation
Navajo Department of Corrections-Tuba City	Navajo Nation
Navajo Department of Corrections-Window Rock	Navajo Nation
Pascua Yaqui Law Enforcement Center	Pascua Yaqui Tribe
Peach Springs Detention Center	Hualapai, Havasupai, Prescott Apache and Tonto Apache
Sacaton Adult Detention Center	Gila River Indian Community
Sacaton Juvenile Detention Rehabilitation Center	Gila River Indian Community
Salt River Detention Center	Salt River Pima-Maricopa Indian Community
San Carlos Jail	San Carols Apache Tribe
Supai Jail	Supai Tribe
Tohono O'odham Detention Center	Tohono O'odham Nation
Tohono O'odham Judiciary Juvenile Detention Center	Tohono O'odham Nation
Western Navajo Juvenile Services	Navajo Nation
White Mountain Apache Police Department	White Mountain Apache Tribe
Colorado	
Southern Ute Police Department	Southern Ute Tribe
Ute Mountain Ute Agency	Ute Mountain Ute Tribe
Idaho	
Fort Hall Police Department	Shoshone-Bannock Tribe
Minnesota	
Red Lake Law Enforcement Services	Red Lake Chippewa Tribe
Mississippi	
Choctaw Police Department	Mississippi Band of Choctaw Indians
Montana	
Blackfeet Police Department	Blackfeet Tribe
Crow Police Department	Crow Tribe
Flathead Tribal Police Department	Confederated Tribes of Salish and Kootenai
Fort Belknap Police Department	Gros Ventre and Assiniboine Tribe
Fort Peck Indian Youth Services Center	Assiniboine and Sioux Tribes
Fort Peck Police Department	Assiniboine and Sioux Tribes
Northern Cheyenne Police Department	Northern Cheyenne Tribe
Rocky Boy Police Department	Chippewa-Cree Tribe
White Buffalo Youth Detention Center	Blackfeet Tribe
Nebraska	
Omaha Tribal Police Department	Omaha Tribe
Nevada	
Owyhee Detention Facility	Shoshone-Paiute Tribes

Appendix table 20. Continued

State and facility	
New Mexico	
Jicarilla Police Department	Jicarilla Apache Tribe
Laguna Tribal Detention Facility	Laguna Pueblo
Mescalero Adult Detention Center	Mescalero Apache Tribe
Navajo Department of Corrections-Crownpoint	Navajo Nation
Navajo Department of Corrections-Shiprock	Navajo Nation
Navajo Department of Corrections-Tohatchi Juvenile Center	Navajo Nation
Hamah Public Safety Center	Hamah Navajo
Taos Tribal Detention Center	Taos Pueblo
Zuni Police Department	Zuni Pueblo
North Dakota	
Fort Berthold Agency	Three Affiliated Tribes of Fort Berthold Reservation
Fort Totten Municipal Center	Spirit Lake Sioux Tribe
Standing Rock Law Enforcement Center	Standing Rock Sioux Tribe
Turtle Mountain Law Enforcement Center	Turtle Mountain Chippewa Tribe
Oklahoma	
Sac & Fox Nation Juvenile Detention Facility	Sac and Fox Nation
Oregon	
Chemawa Indian School	BIA Law Enforcement Services
Warm Springs Detention Center	Warm Springs Confederated Tribes
South Dakota	
Fort Thompson Jail	Crow Creek Sioux Tribe
Kiyuska O'Tipi Reintegration Center	Oglala Sioux Tribe
Lower Brule Law Enforcement Services Center	Lower Brule Sioux Tribe
Medicine Root Detention Center	Oglala Sioux Tribe
Pine Ridge Correctional Facility	Oglala Sioux Tribe
Rosebud Sioux Tribe Law Enforcement	Rosebud Sioux Tribe
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	Sisseton Wahpeton Sioux Tribe
Walter Miner Law Enforcement Center - Juvenile	Cheyenne River Sioux Tribe
Walter Miner Law Enforcement Facility - Adult	Cheyenne River Sioux Tribe
Utah	
Uintah Ouray Detention Center	Northern Ute Tribe
Washington	
Makah Police Department	Makah Indian Tribe
Puyallup Tribal Detention Facility	Puyallup Tribe
Quinault Police Department	Quinault Tribe
Wellpinit BIA Law Enforcement Center	Spokane Tribe
Yakama Police Department	Confederated Tribes of Yakama Nation
Wisconsin	
Menominee Tribal Jail	Menominee Indian Tribe
Wyoming	
Wind River Police Department	Shoshone and Arapahoe Tribe

Appendix table 21. Jails in Indian country, by tribe, 1998 and 1999

Assiniboine and Sioux Tribes
Fort Peck Indian Youth Services Center
Fort Peck Police Department

BIA Law Enforcement Services
Chemawa Indian School*

Blackfeet Tribe
Blackfeet Police Department
White Buffalo Youth Detention Center

Cheyenne River Sioux Tribe
Walter Miner Law Enforcement Center - Juvenile
Walter Miner Law Enforcement Facility - Adult

Chippewa-Cree Tribe
Rocky Boy Police Department

Colorado River Indian Tribes
Colorado River Indian Tribes Detention Center

Confederated Tribes of Salish and Kootenai
Flathead Tribal Police Department

Confederated Tribes of Yakama Nation
Yakama Police Department

Crow Creek Sioux Tribe
Fort Thompson Jail

Crow Tribe
Crow Police Department

Fort Mohave Indian Tribe
Fort Mohave Tribal Police Department

Gila River Indian Community
Sacaton Adult Detention Center
Gila River West End Holding Facility
Sacaton Juvenile Detention Rehabilitation Center

Gros Ventre and Assiniboine Tribe
Fort Belknap Police Department

Hopi Tribe
Hopi Rehabilitation Center

Hualapai, Havasupai, Prescott Apache and Tonto Apache
Peach Springs Detention Center

Jicarilla Apache Tribe
Jicarilla Police Department

Laguna Pueblo
Laguna Tribal Detention Facility

Lower Brule Sioux Tribe
Lower Brule Law Enforcement Services Center

Makah Indian Tribe
Makah Police Department

Menominee Indian Tribe
Menominee Tribal Jail

Mescalero Apache Tribe
Mescalero Adult Detention Center

Metlakatla Indian Community
Metlakatla Police Department

Mississippi Band of Choctaw Indians
Choctaw Police Department

Navajo Nation
Navajo Department of Corrections-Crownpoint
Western Navajo Juvenile Services
Navajo Department of Corrections-Shiprock
Navajo Department of Corrections-Tohatchi Juvenile Center
Navajo Department of Corrections-Window Rock
Navajo Department of Corrections-Tuba City
Navajo Department of Corrections-Kayenta
Navajo Department of Corrections - Chinle

Northern Cheyenne Tribe
Northern Cheyenne Police Department

Northern Ute Tribe
Uintah-Ouray Detention Center

Oglala Sioux Tribe
Kiyuska O Tipi Reintegration Center
Pine Ridge Correctional Facility
Medicine Root Detention Center

Omaha Tribe
Omaha Tribal Police Department

Pascua Yaqui Tribe
Pascua Yaqui Law Enforcement Center

Puyallup Tribe
Puyallup Tribal Detention Facility

Quinault Tribe
Quinault Police Department

Ramah Navajo
Ramah Public Safety Center

Red Lake Chippewa Tribe
Red Lake Law Enforcement Services

Rosebud Sioux Tribe
Rosebud Sioux Tribe Law Enforcement

Sac and Fox Nation
Sac & Fox Nation Juvenile Detention Facility

Salt River Pima-Maricopa Indian Community
Salt River Detention Center

San Carlos Apache Tribe
San Carlos Jail

Shoshone-Bannock Tribe
Fort Hall Police Department

Shoshone-Paiute Tribes
Owyhee Detention Facility

Shoshone and Arapahoe Tribe
Wind River Police Department

Sisseton-Wahpeton Sioux Tribe
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center

Southern Ute Tribe
Southern Ute Police Department

Spirit Lake Sioux Tribe
Fort Totten Municipal Center

Spokane Tribe
Wellpinit BIA Law Enforcement Center

Standing Rock Sioux Tribe
Standing Rock Law Enforcement Center

Supai Tribe
Supai Jail

Taos Pueblo
Taos Tribal Detention Center

Three Affiliated Tribes of Fort Berthold Reservation
Fort Berthold Agency

Tohono O'odham Nation
Tohono O'odham Judiciary Juvenile Detention Center
Tohono O'odham Detention Center

Turtle Mountain Chippewa Tribe
Turtle Mountain Law Enforcement Center

Ute Mountain Ute Tribe
Ute Mountain Ute Agency

Warm Springs Confederated Tribes
Warm Springs Detention Center

White Mountain Apache Tribe
White Mountain Apache Police Department

Zuni Pueblo
Zuni Police Department

* Not affiliated with a tribe.

Appendix table 22. Inmates in custody, and rated capacity of jails in Indian country, by tribe, June 30, 1999

Tribe	June 30, 1999 Custody population	Rated capacity
Assiniboine and Sioux Tribes*	34	42
Blackfeet Tribe*	27	67
Cheyenne River Sioux Tribe*	41	66
Chippewa-Cree Tribe	2	20
Colorado River Indian Tribes	11	26
Confederated Tribes of Salish and Kootenai	26	20
Confederated Tribes of Yakama Nation	28	50
Crow Creek Sioux Tribe	12	16
Crow Tribe	12	14
Fort Mohave Indian Tribe	2	4
Gila River Indian Community*	202	230
Gros Ventre and Assiniboine Tribe	14	8
Hopi Tribe	69	79
Hualapai, Havasupai, Prescott Apache and Tonto Apache	49	40
Jicarilla Apache Tribe	16	19
Laguna Pueblo	10	10
Lower Brule Sioux Tribe	6	25
Makah Indian Tribe	3	12
Menominee Indian Tribe	40	40
Mescalero Apache Tribe	25	30
Mollakalla Indian Community	0	10
Mississippi Band of Choctaw Indians	26	32
Navajo Nation*	200	206
Northern Cheyenne Tribe	20	19
Northern Ute Tribe	20	18
Oglala Sioux Tribe*	74	80
Omaha Tribe	17	22
Pascua Yaqui Tribe	3	6
Puyallup Tribe	15	28
Quinault Tribe	2	12
Ramah Navajo	4	6
Red Lake Chippewa Tribe	8	22
Rosebud Sioux Tribe	9	60
Sac and Fox Nation	16	60
Salt River Pima-Maricopa Indian Community	64	84
San Carlos Apache Tribe	53	54
Shoshone-Bannock Tribe	26	32
Shoshone-Paiute Tribes	18	24
Shoshone and Arapahoe Tribe	11	26
Sisseton-Wahpeton Sioux Tribe	11	22
Southern Ute Tribe	25	55
Spirit Lake Sioux Tribe	19	35
Spokane Tribe	5	11
Standing Rock Sioux Tribe	30	78
Supai Tribe	0	8
Taos Pueblo	4	9
Three Affiliated Tribes of Fort Berthold Reservation	18	9
Tohono O'odham Nation*	105	107
Turtle Mountain Chippewa Tribe	34	30
Ute Mountain Ute Tribe	12	14
Warm Springs Confederated Tribes	35	35
White Mountain Apache Tribe	73	46
Zuni Pueblo	35	34

*Tribe has more than one jail or detention facility (see appendix table 21).

CJ-5B

OMB No. 1121-0094: Approval Expires 06/30/2001

RETURN TO
Bureau of the Census
Governments Division
Washington Plaza, Bldg. II,
Room 509
Washington, DC 20233-6800

FORM CJ-5B (7-8-98)

1998 ANNUAL SURVEY OF JAILS IN INDIAN COUNTRY

U.S. DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS
ACTING AS COLLECTING AGENT FOR
BUREAU OF JUSTICE STATISTICS
U.S. DEPARTMENT OF JUSTICE

DATA SUPPLIED BY

Name	Title	Telephone number	FAX number	E-mail address
		( )	( )	

(Please correct any error in name, mailing address, and ZIP Code)

GENERAL INFORMATION

- If you have any questions about completing this form, please call the **Bureau of the Census** toll-free at **1-800-253-2078.**
- Please mail your completed questionnaire to the **Bureau of the Census** in the enclosed envelope before **July 31, 1998**, or **FAX** (all) pages toll free to **1-888-891-2099.**

Who does this survey cover?

All confinement facilities, including detention centers, jails, and other correctional facilities operated by tribal authorities or the Bureau of Indian Affairs.

- INCLUDE special jail facilities (e.g., medical/treatment/release centers, halfway houses, and work farms).

All persons under your jail supervison.

- INCLUDE all confined adults and juveniles (i.e., persons under age 18).
- INCLUDE persons in special programs administered by your jail/correctional facility (e.g., electronic monitoring, house arrest, community service, day reporting, boot camps, work release, weekenders, and other alternatives to incarceration).
- INCLUDE persons on transfer to treatment facilities but who remain under your legal jurisdiction.
- INCLUDE persons held for other jurisdictions.

What data are to be excluded from this survey?

- EXCLUDE inmates on AWOL, escape, or long-term transfer to other jurisdictions.
- EXCLUDE any persons housed in a correctional facility not operated by your jurisdiction.

INSTRUCTIONS

- If the answer to a question is "not available" or "unknown," write "DK" in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," write "0" in the space provided.
- When exact numeric answers are not available, provide estimates and mark (X) in the box beside each figure that is estimated. For example 1,234 ☒

Burden statement

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 1 1/4 hours per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

FORM CJ-SB (7-98)

Section I — FACILITY CHARACTERISTICS

1. Who owns this facility? - *Mark (X) ONE box.*

1 ☐ Bureau of Indian Affairs
2 ☐ Tribal authority
3 ☐ Other - *Specify* _____

2. Who operates this facility? - *Mark (X) ONE box.*

1 ☐ Bureau of Indian Affairs
2 ☐ Tribal authority
3 ☐ Other - *Specify* _____

3. For what tribal police departments or other law enforcement agencies does this facility hold offenders? - *Specify*

_____

_____

4. As a matter of practice does this facility house - *Mark (X) ONE box.*

1 ☐ Males only
2 ☐ Females only
3 ☐ Both males and females

5. For which of the following purposes does this facility hold offenders? - *Mark (X) all that apply.*

1 ☐ Temporary holding or lockup facility in which arrestees are usually detained up to 72 hours, excluding holidays and weekends, pending arraignment

2 ☐ Detention facility with authority to hold persons facing criminal charges beyond 72 hours

3 ☐ Correctional facility for persons convicted of misdemeanors with sentences usually of a year or less

4 ☐ Correctional facility for persons convicted of felonies with sentences of more than a year

6. Does your facility have a separate holding area, drunk tank, or other temporary detention unit?

1 ☐ Yes – What is the maximum number of inmates that can be held in these temporary holding areas? _____ ☐

2 ☐ No

7. On June 30, 1998, what was the total rated capacity of this facility, excluding separate temporary holding areas reported in item 6?

- Rated capacity is the maximum number of beds or inmates assigned by a rating official to this facility.
- If rated capacity is not available, estimate by using the design capacity and mark the box.

☐
_____ Rated capacity

8. Is this facility authorized to house juveniles (persons under age 18)?

1 ☐ Yes
2 ☐ No – *Go to item 11*

9. What type of separation for adult and juvenile offenders is provided in this facility? *Mark (X) ONE box.*

1 ☐ No separation
2 ☐ Sight only separation
3 ☐ Sound only separation
4 ☐ Both sight and sound separation

10. How many juveniles can this facility normally hold separately from adults?

☐
_____ Juvenile capacity

Section II — INMATE COUNTS AND MOVEMENTS

11. On June 30, 1998, how many persons were –

a. **CONFINED in this facility?** _____ ☐

b. **Under jail supervision but NOT CONFINED?**

- INCLUDE all persons in community-based programs run by this facility (e.g., electronic monitoring, house arrest, community service, day reporting, work programs, weekend programs, boot camps, and other programs).

_____ ☐

c. **Total** *(Sum of items 11a+11b)* _____ ☐

12. Of all persons under your jail supervision, reported in item 11c, how many were not U.S. citizens?

☐
_____ Non-U.S. citizens

13a. During the 30 day period from June 1, 1998, to June 30, 1998, on what day did your facility hold the greatest number of persons?

June _____, 1998

b. **How many persons were CONFINED on that day?**

☐
_____ Number

14. On June 30, 1998, how many persons CONFINED in this facility were -

a. **Adult males** (age 18 or older) . . . _____ ☐

b. **Adult females** (age 18 or older) . . _____ ☐

c. **Juvenile males** (under age 18) . . _____ ☐

d. **Juvenile females** (under age 18) . _____ ☐

e. **TOTAL** *(Sum of items 14a to 14d should equal item 11a)* . . . . . _____ ☐

15. Of all male and female juveniles CONFINED in this facility on June 30, 1998, how many were tried, or awaiting trial in ADULT court?

☐
_____ Juveniles

16. Of all persons CONFINED in this facility on June 30, 1998, how many were –

a. **Convicted**

- Includes probation and parole violators with no new sentence _____ ☐

b. **Unconvicted** . . . . . _____ ☐

c. **TOTAL** *(Sum of items 16a+16b should equal item 11a)* . . . . . _____ ☐

FORM CJ-58 (7-6-98)

17. During the 30 day period from June 1, 1998, to June 30, 1998, how many persons were –

a. New admissions to your jail facility?

- INCLUDE persons officially booked into your facilities by formal legal document or by the authority of the courts or some other official agency.
- EXCLUDE returns from escape, work release, weekend sentence, medical appointments/treatment facilities, bail and court appearances

☐ _____ New admissions

b. Final discharges from your jail facility?

- INCLUDE all persons released after a period of confinement (e.g., sentence completion, bail/bond, other pretrial release, transfers to other jurisdictions, and death).
- EXCLUDE temporary discharges (e.g., work releases, weekenders, medical appointments/treatment facilities, to courts, furloughs, day reporters, and transfers to other facilities within your jurisdiction).

☐ _____ Final discharges

18. Between July 1, 1997, and June 30, 1998, –

a. How many persons died while CONFINED in your facility?

- Enter 0 if no deaths.

☐ _____ Number of deaths

b. Of those who died, how many committed suicide?

☐ _____ Number of completed suicides

c. How many persons ATTEMPTED suicide while CONFINED in your facility?

☐ _____ Number of attempted suicides

Section III — POPULATION SUPERVISED IN THE COMMUNITY

COMPLETE ITEMS 19 AND 20 IF YOUR FACILITY SUPERVISES PERSONS IN THE COMMUNITY, OTHERWISE GO TO ITEM 21.

19. On June 30, 1998, how many persons under your jail supervision who were NOT CONFINED were –

a. Convicted . . . . . _____ ☐

b. Unconvicted . . . . . _____ ☐

c. TOTAL *(Sum of items 19a+19b should equal item 11b)* . . . . . _____ ☐

20. On June 30, 1998, how many persons under your supervision who were NOT CONFINED participated in –

a. Electronic monitoring . . . . . _____ ☐

b. Home detention without electronic monitoring . . . . . _____ ☐

c. Community service . . . . . _____ ☐

d. Day reporting . . . . . _____ ☐

e. Weekend programs . . . . . _____ ☐

f. Other pretrial supervision . . . . . _____ ☐

g. Other alternatives to incarceration . . . . . _____ ☐

h. TOTAL *(Sum of items 20a to 20g should equal item 11b)* . . . . . _____ ☐

Section IV — FACILITY STAFF

21. On June 30, 1998, how many men and women were employed by this facility?

- Include all full time and part time staff

a. Male employees . . . . . _____ ☐

b. Female employees . . . . . _____ ☐

c. Total number of employees *(Sum of items 21a+21b)* . . . . . _____ ☐

22. Of the total number of employees on June 30, 1998, how many worked in –

- Count each employee only once.

a. Administration

- Include the jail administrator or sheriff, assistants, and other personnel who work in an administrative capacity more than 50% of the time

_____ ☐

b. Field operations

- Include patrol officers, police officers, deputies, and other field staff who spend more than 50% of their time in the field.

_____ ☐

c. Jail operations

- Include correctional officers, guards, and other staff who spend more than 50% of their time supervising inmates.

_____ ☐

d. Technical/professional support

- Include dispatchers, teachers, counselors, social workers, medical staff, and other professional staff.

_____ ☐

e. Clerical, maintenance, and food service

_____ ☐

f. Other – *Specify*

_____ ☐

g. TOTAL *(Sum of items 22a to 22f should equal item 21c)* . . . . . _____ ☐

Section V — FACILITY NEEDS ASSESSMENT

23. In what year was the original construction completed on this facility?

- If more than one building, use the age of the oldest building currently used to house inmates.

1 _____ Year completed

24. In what year did this facility have its most recent major renovation?

- Include only structural changes or improvements to cells, dormitories, and other inmate sleeping areas.
- Include structural restorations, new plumbing, fixtures, heating, air conditioning, etc.

1 _____ Year of renovation

or *Mark (☒) box below.*

☐ Facility has never had a major renovation.

FORM CJ 59 (7 6 98)

25. Are there any definite plans to add to this facility, close this facility, or renovate the existing facility between July 1, 1998, and June 30, 2000?

Mark (X) all that apply.

- Report all plans that have received final administrative approval, even though the necessary funds may not have been authorized.

1 ☐ Add on to existing facility
2 ☐ Close this facility
3 ☐ Renovate existing space
4 ☐ No change planned – *Go to item 27.*

26. What will be the NET EFFECT of these planned changes?

Mark (X) ONLY one box.

1 ☐ No change in bed capacity
2 ☐ An increase in capacity of _____ ☐ Beds
3 ☐ A decrease in capacity of _____ ☐ Beds

27. On June 30, 1998, was this facility under a Tribal, State or Federal COURT ORDER or CONSENT DECREE -

a. To limit the number of inmates it can house?

1 ☐ Yes – How many inmates is this facility allowed to house?
_____ ☐ Inmates
2 ☐ No

b. For conditions of confinement?

1 ☐ Yes – *Specify*
_____
_____
2 ☐ No

28. On June 30, 1998, how many inmates were held in –

a. Single occupied cells or rooms . . . . . _____ ☐ Inmates

b. Multiple occupied units originally designed for single occupancy . . . . . _____ ☐ Inmates

c. Multiple occupied units designed for multiple occupancy. . . . . _____ ☐ Inmates

d. Areas not originally designed for confinement
- Include hallways, recreation areas, storage rooms, and other common spaces. _____ ☐ Inmates

e. Separate holding areas, drunk tanks, or other temporary detention units _____ ☐ Inmates

f. Other temporary space
- Include tents, trailers, and other temporary space. _____ ☐ Inmates

g. Other – *Specify*
_____ _____ ☐ Inmates

h. Total – *(Sum of items 28a to 28g should equal item 11a)* . _____ ☐ Inmates

29. On June 30, 1998, were any offenders under your jail jurisdiction housed by other authorities due to crowding in your facility?

- Include inmates housed by other local governments, tribal authorities, and State or Federal authorities solely to ease crowding.

1 ☐ Yes - How many? _____ ☐ Inmates
2 ☐ No

30. Does this facility detoxify CONFINED persons from drugs or alcohol?

1 ☐ Yes - On June 30, 1998, how many inmates were being detoxified?
_____ ☐ Inmates
2 ☐ No

31. What types of counseling or special programs are available to inmates in this facility?

Mark (X) all that apply.

1 ☐ Drug dependency/counseling/awareness
2 ☐ Alcohol dependency/counseling/awareness
3 ☐ Psychological/psychiatric/mental health counseling
4 ☐ Basic/secondary education programs
5 ☐ Employment (e.g., job seeking and interviewing skills)
6 ☐ Other – *Specify*
_____

32. What are your current needs?

Mark (X) all that apply.

a. Staffing needs

1 ☐ More correctional officers
2 ☐ More administrative support staff
3 ☐ More staff training
4 ☐ Other – *Specify*
_____

b. Facility needs

1 ☐ More housing space to ease crowding
2 ☐ Renovation of existing housing space
3 ☐ Modify facility to comply with the Americans with Disabilities Act
4 ☐ More space for special populations
- Detoxification cells, suicide watch cells, administrative segregation, etc.

5 ☐ New equipment for custody staff
6 ☐ Other – *Specify*
_____

c. Special program needs

1 ☐ Implement/expand alcohol and drug treatment programs
2 ☐ Implement/expand drug testing programs
3 ☐ Implement/expand other special counseling and education programs

d. Other needs – *Specify*
_____
_____
_____

CJ-3D

OMB No. 1121-0100: Approval Expires 05/31/2002

RETURN TO	Bureau of the Census Governments Division Washington Plaza, Bldg. II, Room 509 Washington, DC 20233-6800	FORM CJ-3D (8-22-99)	**1999 CENSUS OF JAILS IN INDIAN COUNTRY**	U.S. DEPARTMENT OF COMMERCE BUREAU OF THE CENSUS ACTING AS COLLECTING AGENT FOR BUREAU OF JUSTICE STATISTICS U.S. DEPARTMENT OF JUSTICE

DATA SUPPLIED BY

Name			Title			
OFFICIAL ADDRESS	Number and street or P.O. box/Route number			City	State	ZIP Code
TELEPHONE	Area code	Number	Extension	**FAX NUMBER** Area Code	Number	
E-MAIL ADDRESS						

(Please correct any error in name, mailing address, and ZIP Code)

GENERAL INFORMATION

- If you have any questions about completing this form, please call the **Bureau of the Census** toll-free at **1-800-253-2079.**
- Please mail your completed questionnaire to the **Bureau of the Census** in the enclosed envelope before **July 31, 1999**, or **FAX** (all) pages toll-free to **1-888-851-2099.**
- Please retain a copy of the completed form for your records.

Who does this survey cover?

All confinement facilities, including detention centers, jails, and other correctional facilities operated by tribal authorities or the Bureau of Indian Affairs.

- INCLUDE special jail facilities (e.g., medical/treatment/release centers, halfway houses, and work farms).

All persons under your jail supervision.

- INCLUDE all confined adults and juveniles (i.e., persons under age 18).
- INCLUDE persons in special programs administered by your jail/correctional facility (e.g., electronic monitoring, house arrest, community service, day reporting, boot camps, work release, weekenders, and other alternatives to incarceration).
- INCLUDE persons on transfer to treatment facilities but who remain under your legal jurisdiction.
- INCLUDE persons held for other jurisdictions.

What data are to be excluded from this survey?

- EXCLUDE inmates on AWOL, escape, or long-term transfer to other jurisdictions.
- EXCLUDE any persons housed in a correctional facility not operated by your jurisdiction.

Burden statement

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 1 hour per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

FORM CJ-3D (6-22-99)

INSTRUCTIONS

- If the answer to a question is "not available" or "unknown," write "DK" in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," write "0" in the space provided.
- When exact numeric answers are not available, provide estimates and mark (X) in the box beside each figure that is estimated. For example 1,234 ☒

Section I — INMATE COUNTS AND MOVEMENTS

1. On June 30, 1999, how many persons were –

a. CONFINED in this facility? _____ ☐

- INCLUDE persons on transfer to treatment facilities but who remain under your jurisdiction.
- INCLUDE persons held for other jurisdiction.
- EXCLUDE inmates on AWOL escape, or long-term transfer to other jurisdictions.

b. Under jail supervision but NOT CONFINED?

- INCLUDE all persons in community-based programs run by this facility (e.g., electronic monitoring, house arrest, community service, day reporting, work programs, boot camps, and other programs).
- EXCLUDE inmates on weekend programs. A weekend program allows offenders to serve their sentences of confinement on the weekend (e.g., Friday–Sunday).

_____ ☐

c. Total *(Sum of items 1a and 1b)* _____ ☐

2. On the weekend prior to June 30, 1999, did this facility have a weekend program?

1 ☐ Yes - **How many inmates participated?** _____ ☐

2 ☐ No

3a. During the 30 day period from June 1, 1999, to June 30, 1999, on what day did this facility hold the greatest number of persons?

June ____, 1999

b. How many persons were CONFINED on that day?

Number that day _____ ☐

4. On June 30, 1999, how many persons CONFINED in this facility were –

a. Males age 18 or older . . . . . _____ ☐

b. Females age 18 or older . . . _____ ☐

c. Males under age 18 . . . . . _____ ☐

d. Females under age 18 . . . . . _____ ☐

e. TOTAL *(Sum of items 4a to 4d should equal item 1a)* . . . . . _____ ☐

5. Of all male and female juveniles CONFINED in this facility on June 30, 1999, how many were tried, or awaiting trial in ADULT court?

Number of juveniles (under age 18) held as adults _____ ☐

6. Of all persons CONFINED in this facility on June 30, 1999, how many were –

a. Convicted

- Include probation and parole violators with no new sentence _____ ☐

b. Unconvicted . . . . . _____ ☐

c. TOTAL *(Sum of items 6a and 6b should equal item 1a)* . . . . . _____ ☐

7. During the 30 day period from June 1, 1999, to June 30, 1999, how many persons were –

a. New admissions to this jail facility?

- INCLUDE persons officially booked into and housed in your facilities by formal legal document or by the authority of the courts or some other official agency.
- EXCLUDE returns from escape, work release, medical appointments/treatment facilities, bail and court appearances.

New admissions _____ ☐

b. Final discharges from this jail facility?

- INCLUDE all persons released after a period of confinement (e.g., sentence completion, bail/bond, other pretrial release, transfers to other jurisdictions, and death).
- EXCLUDE temporary discharges (e.g., work releases, medical appointments/treatment facilities, to courts, furloughs, day reporters, and transfers to other facilities within your jurisdiction).

Final discharges _____ ☐

8. Between July 1, 1998, and June 30, 1999 –

a. How many persons died while CONFINED in this facility?

- Enter 0 if no deaths.

Number of deaths _____ ☐

b. Of those who died, how many committed suicide?

Number of completed suicides _____ ☐

c. How many persons ATTEMPTED suicide while CONFINED in this facility?

Number of attempted suicides _____ ☐

FORM CJ-3D (6-22-99)

Section II — POPULATION SUPERVISED IN THE COMMUNITY

COMPLETE ITEMS 9 and 10 IF THIS FACILITY SUPERVISES PERSONS IN THE COMMUNITY, OTHERWISE GO TO ITEM 11.

9. On June 30, 1999, how many persons under your jail supervision who were NOT CONFINED were –

- **EXCLUDE inmates on weekend programs.**

a. Convicted _____ ☐

b. Unconvicted _____ ☐

c. TOTAL *(Sum of items 9a and 9b should equal item 1b)* _____ ☐

10. On June 30, 1999, how many persons under your supervision who were NOT CONFINED participated in –

a. Electronic monitoring _____ ☐

b. Home detention without electronic monitoring _____ ☐

c. Community service _____ ☐

d. Day reporting _____ ☐

e. Other pretrial supervision _____ ☐

f. Other alternatives to incarceration _____ ☐

g. TOTAL *(Sum of items 10a to 10f should equal item 1b)* _____ ☐

Section III — FACILITY OPERATIONS

11. Does this facility detoxify CONFINED persons from drugs or alcohol?

1 ☐ Yes – **On June 30, 1999, how many inmates were being detoxified?**

Inmates _____ ☐

2 ☐ No

12. Does this facility have a separate holding area, or other temporary detention unit?

1 ☐ Yes – **What is the maximum number of inmates that can be held in these temporary holding areas?**

_____ ☐

2 ☐ No

13. On June 30, 1999, what was the total rated capacity of this facility, excluding separate temporary holding areas reported in item 12?

- Rated capacity is the maximum number of beds or inmates assigned by a rating official to this facility.
- If rated capacity is not available, estimate by using the design capacity and mark the box.

Rated capacity _____ ☐

14. Are there any definite plans to add to this facility, close this facility, or renovate the existing facility between July 1, 1999, and June 30, 2002?

Mark (☒) all that apply.

- Report all plans that have received final administrative approval, even though the necessary funds may not have been authorized.

1 ☐ Add on to existing facility

2 ☐ Close this facility

3 ☐ Renovate existing space

4 ☐ No change planned – *Go to item 16*

15. What is or will be the NET EFFECT of these changes?

Mark (☒) ONLY one box.

1 ☐ No change in bed capacity

2 ☐ An increase in capacity of _____ ☐ Beds

3 ☐ A decrease in capacity of _____ ☐ Beds

16. On June 30, 1999, was this facility under a Tribal, State, or Federal COURT ORDER or CONSENT DECREE –

a. To limit the number of inmates it can house?

1 ☐ Yes – **What is the maximum number of inmates this facility is allowed to house?**

_____ ☐

2 ☐ No

b. For conditions of confinement?

1 ☐ Yes – *Specify*

_____

2 ☐ No

c. In what year did this order take effect? If more than one, report the year for the longest in effect.

1 9 _ _

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July 2001, NCJ 188156

Jails in Indian Country, 2000

By Todd D. Minton
BJS Statistician

On June 30, 2000, a total of 69 jails, confinement facilities, detention centers, or other correctional facilities were supervising 1,799 persons in Indian country, an increase of 6% from the previous year. At midyear 1999, 1,693 persons were under the supervision of jails in Indian country.

Indian country facilities held 1,775 inmates at midyear 2000, up from 1,621 at midyear 1999. Jail authorities also supervised 24 offenders in alternative programs outside the jail facilities.

The 69 facilities had a rated capacity to hold 2,076 persons. On June 30, 2000, they were operating at 86% of capacity, up from 78% at midyear 1999. On their peak day in June 2000, the 69 jails were operating at 118% capacity, up from 111% in 1999. Seventeen jails reported plans to increase capacity by 1,108 beds before July 2003.

These data are based on the 2000 Survey of Jails in Indian Country (SJIC). The survey includes all jails, confinement facilities, detention centers, and other correctional facilities located in Indian country and operated by tribal authorities or the Bureau of Indian Affairs (BIA). The survey gathers information on the number of persons in custody, the number under community supervision, offender characteristics, and facility capacity.

Highlights

At midyear 2000 jails in Indian country supervised 1,799 persons

	Number of inmates, June 30	
	2000	1999
Total	1,799	1,693
In custody	1,775	1,621
Adult	1,498	1,354
Juveniles	277	267
Community supervision	24	72
Inmate movement, June 1-30		
Admissions	7,151	8,147
Discharges	7,201	7,744

- On June 30, 2000, Indian country facilities held 1,498 adults and 277 juveniles. In the 12 months ending June 30, 2000, the number of inmates in custody increased 9.5%.
- In a 1-month period, June 2000, facilities in Indian country admitted 7,151 inmates and discharged 7,201 inmates.

69 facilities were operating in Indian country, with the capacity to hold 2,076 persons on June 30, 2000

	2000	1999
Rated capacity	2,076	2,065
Percent of capacity*		
June 30	86%	78%
Peak day in June	118	111

*Number of inmates in custody divided by rated capacity.

- On June 30, 2000, 69 jails in Indian country were operating at 86% of capacity. On their peak day in June 2000, jails were operating at 118% of capacity, up from 111% in 1999.

17 jail facilities operating in Indian country expect an increase of 1,108 beds before July 2003

Planned changes, 2000-2003*	Number of facilities
Add to existing facility	4
Build a new facility	12
Renovate facility	11
Close facility	3
Expected increase in capacity	1,108 beds

*Five facilities reported more than one type of change.

- From 2000 to 2003, 25 jails planned to expand, renovate, or close the existing facility, or to build a new facility. Seventeen facilities expected to increase capacity by 1,108 beds; 8 facilities expected to build a new facility or renovate or replace existing space without adding beds.

Tribes retain jurisdiction over many crimes by American Indians and Alaska Natives in Indian country

Thirty-three States contain around 300 Indian land areas or reservations. Generally, the local governing authority on Indian lands is a tribal government or council. Jurisdiction over crimes in Indian country depends on several factors, including the identity of the victim and the offender, the severity of the crime, and where the crime was committed. (See box on this page.) Tribal authority to sentence offenders is limited to 1 year or less of imprisonment and a $5,000 fine (25 U.S.C. § 1302(7)).

City or county jails held over 3 times as many American Indians as jails in Indian country. (*American Indians* in this report includes Alaska Natives.) At midyear 2000 local jails held an estimated 5,500 American Indians, some of whom may have been adjudicated by a tribal criminal justice system and housed in jails under contract with tribal governments. Overall, State, Federal, local, and tribal authorities were supervising 47,828 American Indians. Most were under community supervision (27,590).

	Number of American Indians and Alaska Natives 6/30/00
Total	47,828
In custody	20,238
Local jails*	5,500
Jails in Indian country	1,775
State prisons	11,085
Federal prisons	1,878
Under community supervision	27,590
State/Federal, 12/99	
Probation	23,518
Parole	4,048
Indian country	24

*Estimated from 2000 Annual Survey of Jails.

A total of 20,238 American Indians were in custody at midyear 2000, most of whom were held in State prisons (11,085).

On April 1, 2000, 2,475,956 American Indians and Alaska Natives lived in the United States.[1] American Indians account for under 1% of the U.S. resident population and around 1% of those in custody of jails or prisons.

[1]U.S. Census Bureau, 2000 Census of Population and Housing.

Criminal jurisdiction in Indian country

Tribal jurisdiction
- Crimes committed by Indians in Indian country. Sentences are limited to 1 year or less and a $5,000 fine per offense. 25 U.S.C. § 1302(7)

Federal jurisdiction
- 14 crimes under the Major Crimes Act of 1885. 18 U.S.C. § 1153

State jurisdiction
- All crimes on tribal lands specified under Public Law 280. 18 U.S.C. § 1162

Note: Criminal jurisdiction in Indian country depends on several factors, including the identity of the defendant, victim, type of offense, and where the crime was committed.

At midyear 2000 the rate of incarceration for American Indians was about 15% higher than the overall national rate. Federal and State prison and jail authorities held 818 American Indians per 100,000 Indians, compared to 702 persons of all races per 100,000 U.S. residents.[2]

On June 30, 2000, jails in Indian country supervised 1,799 persons

Jails in Indian country held 1,775 inmates in custody and supervised an additional 24 persons in the community on June 30, 2000 (table 1). The number of persons under supervision was up 6% from the previous year, when 1,621 inmates were in custody, and 72 persons were under community supervision.

Sixty-one percent of those held in jails at midyear 2000 were convicted, down from 75% in 1999. On June 30, 2000, jails in Indian country held 1,072 convicted offenders and 689 inmates who were unconvicted, or awaiting adjudication. At midyear 1999, 1,200 inmates in custody were convicted, and 409 unconvicted.

Juveniles accounted for nearly 16% of inmates in custody

At midyear 2000, jails in Indian country held 1,498 adults, 81% male and 19% female. Juveniles (persons under age 18) accounted for almost 16% of the total custody population. Three-quarters of the juveniles were male, and a quarter female. On June 30, 2000, 14 juveniles were being held as adults, down from 20 on June 30, 1999 (not shown in a table).

[2]For additional information on American Indians under correctional supervision outside Indian country, see *American Indians and Crime*, BJS report, February 1999, NCJ 173386.

90% of confined inmates held for misdemeanors; 15% for DWI/DUI

Regardless of conviction status, 1,560 inmates (90% of inmates with a known offense) were being held for a misdemeanor. Ninety-seven inmates were being held for a felony, and 71 for other reasons, including protective custody, detoxification, involuntary commitment order, uncontrollable juvenile behavior, pick-up orders, and pending charges.

On June 30, 2000, 15% of confined inmates were being held for driving while intoxicated or driving under the influence of alcohol or drugs (274), and 7% for a drug law violation (133). Fifteen percent of inmates in custody of jails in Indian country were undergoing drug or alcohol detoxification (263) (appendix table 5, page 12).

Table 1. Indian country jail inmate characteristics, June 30, 1999 and 2000

	Number of persons	
	2000	1999
Total	1,799	1,593
In custody	1,775	1,621
Adult	1,498	1,354
Males	1,214	1,131
Females	284	223
Juvenile	277	267
Males	207	197
Females	70	70
Convicted	1,072	1,200
Unconvicted	689	409
Felony	97	/
Misdemeanor	1,560	/
Other	71	/
DWI/DUI	274	/
Drug law violation	133	/
Under community supervision	24	72
Inmate movements, June 1-30		
New admissions	7,151	8,147
Final discharges	7,201	7,744

/Not collected in 1999.

From 1999 to 2000, admissions declined 12%, and discharges, 7%

Compared to June 1999, admissions and discharges were down during June 2000. In June 2000, facilities in Indian country admitted 7,151 persons, a decrease from 8,147 persons admitted in June 1999. The number of inmates discharged was also down, from 7,744 during June 1999 to 7,201 during June 2000.

Jail authorities reported two inmate deaths during the 12-month period ending June 30, 2000 (not shown in a table). One inmate committed suicide, and one died of unspecified causes. During this time, 151 inmates attempted suicide, up from 103 during the previous 12-month period (not shown in a table).

On June 30, 2000, 24 persons under community supervision, down from 72 the previous year

Among those under community supervision at midyear 2000, 18 persons were required to perform community service, 2 were on home detention, 3 were sentenced to day reporting, and 1 was under some other form of supervision (table 2). No person under community supervision by Indian country jails was monitored electronically on June 30, 2000, compared to 14 persons in 1999.

The 10 largest jails housed 45% of inmates in Indian country

On June 30, 2000, the 10 largest jails in Indian country housed 806 inmates (table 3). Arizona had 8 of the 10 largest jails in Indian country.

Table 2. Persons under community supervision, June 30, 1999 and 2000

Type of supervision	Number of persons 2000	1999
Total	24	72
Electronic monitoring	0	14
Home detention	2	10
Community service	18	31
Day reporting	3	5
Other	1	11

Combined, the 10 facilities had a rated capacity of 625 inmates, or 30% of the total rated capacity of all facilities in Indian country. The Gila River Department of Corrections and Rehabilitation, operating at 148% of its rated capacity, held the largest number of inmates (166). The Tohono O'odham Detention Center, operating at 344% of its rated capacity, had the next largest population (117).

Jails holding 24 or fewer inmates at midyear 2000 comprised nearly 70% of all Indian country facilities. Twenty-two facilities, 2 of which had no inmates, reported fewer than 10 inmates. Nine facilities held 50 or more inmates and accounted for 13% of all jails in Indian country.

Facility size*	Number of facilities	Percent of all facilities
Total	69	100%
Fewer than 10 inmates	22	32%
10 to 24	24	35
25 to 49	14	20
50 or more	9	13

*Custody population on June 30, 2000.

Indian country jails operated at 118% of capacity on peak day in June 2000, up from 111% in 1999

Combined, the 69 facilities had a rated capacity to confine 2,076 persons on June 30, 2000. Rated capacity is the maximum number of beds or inmates allocated by rating officials to each jail facility.

Table 3. Ten largest jails in Indian country, June 30, 2000

Jail facility	Custody population	Rated capacity	Percent of capacity
Total	806	625	129%
Gila River Department of Corrections and Rehabilitation (AZ)	166	112	148%
Tohono O'odham Detention Center (AZ)	117	34	344
Hopi Rehabilitation Center (AZ)	87	86	101
Navajo Department of Corrections-Tuba City (AZ)	87	33	264
Warm Springs Detention Center (OR)	67	48	140
White Mountain Apache Police Department (AZ)	65	46	141%
Gila River Juvenile Detention and Rehabilitation Center (AZ)	61	100	61
Pine Ridge Correctional Facility (SD)	55	22	250
Salt River Department of Corrections (AZ)	52	84	62
San Carlos Jail (AZ)	49	60	82

Table 4. Jails in Indian country operating above 150% of capacity on peak day in June 2000

Facilities operating above capacity	Peak population in June	Rated capacity	Percent of capacity
Total, 16 facilities	951	443	215%
Pine Ridge Correctional Facility (SD)	86	22	391%
Tohono O'odham Detention Center (AZ)	125	34	368
Navajo Department of Corrections-Tuba City (AZ)	105	33	318
Fort Berthold Agency (ND)	22	9	244
Navajo Department of Corrections-Kayenta (AZ)	22	10	220
Medicine Root Detention Center (SD)	52	24	217%
Red Lake Law Enforcement Services (MN)	46	22	209
Navajo Department of Corrections-Crownpoint (NM)	29	14	207
Fort Peck Police Department (MT)	44	22	200
Omaha Tribal Police Department (NE)	18	9	200
Jicarilla Police Department (NM)	37	19	195%
Crow Police Department (MT)	27	14	193
Fort Belknap Police Department (MT)	15	8	188
White Mountain Apache Police Department (AZ)	80	46	174
Gila River Department of Corrections and Rehabilitation (AZ)	174	112	155
Blackfeet Police Department (MT)	69	45	153

On June 30, 2000, jails in Indian country were operating at 86% of capacity, up from 78% of capacity in 1999. On their peak day in June 2000, jails were holding 2,441 inmates in custody, up from 2,289 on their peak day in June 1999.

	2000	1999
Rated capacity	2,076	2,065
Percent of capacity		
On June 30	86%	78%
Peak day in June	118	111

Thirty facilities were operating above 100% of capacity in 2000. (See Appendix table 2, page 6.) In June 1999 over half of the facilities were operating above 100% of capacity.

Sixteen jails in Indian country were operating above 150% of capacity on their peak day in June 2000 (table 4). These 16 were in 7 States: Arizona (5 facilities), Montana (4), New Mexico (2), South Dakota (2), and North Dakota, Nebraska, and Minnesota (1).

On its peak day in June 2000, the Pine Ridge Correctional Facility in South Dakota operated at 391% of capacity, with 86 inmates in custody and a rated capacity of 22. Two other facilities reported operating at over 300%: Tohono O'odham Detention Center (368%) and the Navajo Department of Corrections-Tuba City (318%).

Medium-sized facilities reported the highest occupancy rates on their peak day in June 2000

Facilities with a rated capacity of 10 to 49 beds reported the highest occupancy rates on their peak day in June 2000. On the jails' most crowded day in June, occupancy was about 128% of rated capacity. Occupancy was 119% of capacity in jails rated to hold fewer than 10 inmates, compared to 98% in those rated to hold 50 or more inmates.

Capacity of facility	Percent of capacity occupied on peak day in June 2000
Total	118%
Fewer than 10 inmates	119
10 to 24	129
25 to 49	127
50 or more	98

11 jail facilities in Indian country under a court order or consent decree on June 30, 2000

At midyear 2000, 11 facilities were under a court order or consent decree to limit the number of inmates they could house (table 5). Five of those facilities were under multiple court orders or consent decrees, including to detain persons in a humane condition, to hold inmates for 48 hours only, and to reduce overcrowding.

Seventeen jails expected to increase capacity by 1,108 beds before July 2003. Four jails planned to expand the existing facility, 12 had definite plans to build a new facility, 11 planned to renovate, and 3 planned to close and build a new facility.

Table 5. Court orders, consent decrees, and planned changes for jails in Indian country, June 30, 2000

	Number of facilities
Total	69
Under court order/ consent decree	11
Planned changes 2000-2003*	
Add to existing facility	4
Build a new facility	12
Renovate facility	11
Close facility	3
Expected capacity increase	1,108 beds

*Facilities could report more than one type of change.

Appendix table 1. Tribal affiliation of jails in Indian country, by State, 2000

State and facility	Tribal affiliation
Alaska	
Metlakatla Police Department	Metlakatla Indian Community
Arizona	
Colorado River Indian Tribes Detention Center	Colorado River Indian Tribes
Fort Mohave Tribal Police Department	Fort Mohave Indian Tribe
Gila River Department of Corrections and Rehabilitation	Gila River Indian Community
Gila River Juvenile Detention and Rehabilitation Center	Gila River Indian Community
Hopi Rehabilitation Center	Hopi Tribe
Navajo Department of Corrections-Chinle	Navajo Nation
Navajo Department of Corrections-Kayenta	Navajo Nation
Navajo Department of Corrections-Tuba City	Navajo Nation
Navajo Department of Corrections-Window Rock	Navajo Nation
Pascua Yaqui Law Enforcement Center	Pascua Yaqui Tribe
Peach Springs Detention Center	Hualapai, Havasupai, Prescott Apache, and Tonto Apache
Salt River Department of Corrections	Salt River Pima-Maricopa Indian Community
San Carlos Jail	San Carlos Apache Tribe
Supai Jail	Supai Tribe
Tohono O'odham Detention Center	Tohono O'odham Nation
Tohono O'odham Judiciary Juvenile Detention Center	Tohono O'odham Nation
Western Navajo Juvenile Services	Navajo Nation
White Mountain Apache Police Department	White Mountain Apache Tribe
Colorado	
Southern Ute Detention Center	Southern Ute Tribe
Ute Mountain Ute Agency	Ute Mountain Ute Tribe
Idaho	
Fort Hall Police Department	Shoshone-Bannock Tribe
Minnesota	
Red Lake Law Enforcement Services	Red Lake Chippewa Tribe
Mississippi	
Choctaw Police Department	Mississippi Band of Choctaw Indians

Appendix table 1. Continued

State and facility	Tribal affiliation
Montana	
Blackfeet Police Department	Blackfeet Tribe
Crow Police Department	Crow Tribe
Flathead Tribal Police Department	Confederated Tribes of Salish and Kootenai
Fort Belknap Police Department	Gros Ventre and Assiniboine Tribe
Fort Peck Indian Youth Services Center	Assiniboine and Sioux Tribes
Fort Peck Police Department	Assiniboine and Sioux Tribes
Northern Cheyenne Police Department	Northern Cheyenne Tribe
Rocky Boy Police Department	Chippewa-Cree Tribe
White Buffalo Youth Detention Center	Blackfeet Tribe
Nebraska	
Omaha Tribal Police Department	Omaha Tribal Police Department
Nevada	
Owyhee Detention Facility	Shoshone-Paiute Tribes
New Mexico	
Jicarilla Police Department	Jicarilla Apache Tribe
Laguna Tribal Detention Facility	Laguna Pueblo
Mescalero Adult Detention Center	Mescalero Apache Tribe
Navajo Department of Corrections-Crownpoint	Navajo Nation
Navajo Department of Corrections-Shiprock	Navajo Nation
Navajo Department of Corrections-Tohatchi Juvenile Center	Navajo Nation
Ramah Public Safety Center	Ramah Navajo
Taos Tribal Detention Center	Taos Pueblo
Zuni Police Department	Zuni Pueblo
North Dakota	
Fort Berthold Agency	Three Affiliated Tribes of Fort Berthold Reservation
Fort Totten Municipal Center	Spirit Lake Sioux Tribe
Standing Rock Law Enforcement Center	Standing Rock Sioux Tribe
Turtle Mountain Law Enforcement Center	Turtle Mountain Chippewa Tribe
Oklahoma	
Sac and Fox Nation Juvenile Detention Facility	Sac and Fox Nation
Oregon	
Chemawa Indian School	BIA Law Enforcement Services
Warm Springs Detention Center	Warm Springs Confederated Tribes
South Dakota	
Fort Thompson Jail	Crow Creek Sioux Tribe
Klyuska O'Tipi Reintegration Center	Oglala Sioux Tribe
Lower Brule Law Enforcement Services Center	Lower Brule Sioux Tribe
Medicine Root Detention Center	Oglala Sioux Tribe
Pine Ridge Correctional Facility	Oglala Sioux Tribe
Rosebud Sioux Tribe Law Enforcement	Rosebud Sioux Tribe
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	Sisseton-Wahpeton Sioux Tribe
Walter Miner Law Enforcement Center-Juvenile	Cheyenne River Sioux Tribe
Walter Miner Law Enforcement Facility-Adult	Cheyenne River Sioux Tribe
Utah	
Uintah-Ouray Detention Center	Northern Ute Tribe
Washington	
Chehalis Tribal Police Department	Chehalis Indian Tribe
Makah Police Department	Makah Indian Tribe
Puyallup Tribal Detention Facility	Puyallup Tribe
Quinault Police Department	Quinault Tribe
Wellpinit BIA Law Enforcement Center	Spokane Tribe
Yakama Police Department	Confederated Tribes of Yakama Nation
Wisconsin	
Menominee Tribal Jail	Menominee Indian Tribe
Wyoming	
Wind River Police Department	Shoshone and Arapahoe Tribe

Note: The Gila River West End Holding Facility and the Sacaton Adult Detention Center were reported as one facility, the Gila River Department of Corrections and Rehabilitation. The Chemawa Indian School is closed each year from May to September. The Chehalis Tribal Police Department was temporarily closed on June 30, 2000.

Appendix table 2. Inmates, rated capacity, and percent of capacity occupied in jails in Indian country, June 2000

State and facility	Inmates in custody[a]	Peak population in June[b]	Rated capacity[c]	Population on June 30 as a percent of capacity[d]	Peak population in June as a percent of capacity
Total	1,775	2,441	2,076	86%	118%
Alaska					
Metlakatla Police Department	1	5	8	13%	63%
Arizona					
Colorado River Indian Tribes Detention Center	19	36	36	53%	100%
Fort Mohave Tribal Police Department	2	4	4	50	100
Gila River Department of Corrections and Rehabilitation	166	174	112	148	155
Gila River Juvenile Detention and Rehabilitation Center	61	78	100	61	78
Hopi Rehabilitation Center	87	99	86	101	115
Navajo Department of Corrections-Chinle	18	53	39	46	136
Navajo Department of Corrections-Kayenta	6	22	10	60	220
Navajo Department of Corrections-Tuba City	87	105	33	264	318
Navajo Department of Corrections-Window Rock*	47	59	51	92	116
Pascua Yaqui Law Enforcement Center	1	6	6	17	100
Peach Springs Detention Center	47	51	40	118	128
Salt River Department of Corrections	52	67	84	62	80
San Carlos Jail	49	64	60	82	107
Supai Jail	2	5	10	20	50
Tohono O'odham Detention Center	117	125	34	344	368
Tohono O'odham Judiciary Juvenile Detention Center	13	17	21	62	81
Western Navajo Juvenile Services	30	35	36	83	97
White Mountain Apache Police Department	65	80	46	141	174
Colorado					
Southern Ute Detention Center	39	55	48	81%	115%
Ute Mountain Ute Agency	7	14	14	50	100
Idaho					
Fort Hall Police Department	31	31	25	124%	124%
Minnesota					
Red Lake Law Enforcement Services	20	46	22	91%	209%
Mississippi					
Choctaw Police Department	26	30	32	81%	94%
Montana					
Blackfeet Police Department	34	69	45	76%	153%
Crow Police Department	9	27	14	64	193
Flathead Tribal Police Department	19	20	20	95	100
Fort Belknap Police Department	4	15	8	50	188
Fort Peck Indian Youth Services Center	11	22	21	52	105
Fort Peck Police Department	17	44	22	77	200
Northern Cheyenne Police Department	19	19	19	100	100
Rocky Boy Police Department	5	10	20	25	50
White Buffalo Youth Detention Center	11	22	24	46	92
Nebraska					
Omaha Tribal Police Department	15	18	9	167%	200%
Nevada					
Owyhee Detention Facility	18	20	24	75%	83%

Appendix table 2. Continued

State and facility	Inmates in custody[a]	Peak population in June[b]	Rated capacity[c]	Population on June 30 as a percent of capacity[d]	Peak population in June as a percent of capacity
New Mexico					
Jicarilla Police Department	13	37	19	68%	195%
Laguna Tribal Detention Facility	43	50	55	78	91
Mescalero Adult Detention Center	23	33	24	96	138
Navajo Department of Corrections-Crownpoint	22	29	14	157	207
Navajo Department of Corrections-Shiprock	40	40	32	125	125
Navajo Department of Corrections-Tohatchi Juvenile Center	9	9	14	64	64
Ramah Public Safety Center	10	11	11	91	100
Taos Tribal Detention Center	3	7	8	38	88
Zuni Police Department	27	31	34	79	91
North Dakota					
Fort Berthold Agency	22	22	9	244%	244%
Fort Totten Municipal Center	4	4	/	/	/
Standing Rock Law Enforcement Center	15	34	40	38	85
Turtle Mountain Law Enforcement Center	24	31	30	80	103
Oklahoma					
Sac and Fox Nation Juvenile Detention Facility	14	14	66	21%	21%
Oregon					
Chemawa Indian School	0	0	8	0%	0%
Warm Springs Detention Center	67	68	48	140	142
South Dakota					
Fort Thompson Jail	7	9	14	50%	64%
Klyuska O'Tipi Reintegration Center	11	11	32	34	34
Lower Brule Law Enforcement Services Center	1	27	30	3	90
Medicine Root Detention Center	41	52	24	171	217
Pine Ridge Correctional Facility	55	86	22	250	391
Rosebud Sioux Tribe Law Enforcement	31	59	65	48	91
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	10	16	22	45	73
Walter Miner Law Enforcement Center-Juvenile	6	15	10	60	150
Walter Miner Law Enforcement Facility-Adult	35	65	45	78	144
Utah					
Uintah-Ouray Detention Center	8	8	22	36%	36%
Washington					
Chehalis Tribal Police Department	0	0	8	0%	0%
Makah Police Department	6	7	16	38	44
Puyallup Tribal Detention Facility	8	8	32	25	25
Quinault Police Department	2	4	13	15	31
Wellpinit BIA Law Enforcement Center	6	10	10	60	100
Yakama Police Department	22	41	45	49	91
Wisconsin					
Menominee Tribal Jail	20	35	45	44%	78%
Wyoming					
Wind River Police Department	15	21	26	58%	81%

/Not reported.
[a]Adults and juveniles confined in jail facilities.
[b]Peak population is any day in the month of June in which the custody population of a facility was greatest.
[c]Rated capacity is the maximum number of beds or inmates assigned by a rating official to a facility. Excludes temporary holding areas.
[d]Population as a percent of capacity is calculated by dividing the population count of a facility by its rated capacity and multiplying by 100.
[e]Data for the Navajo Department of Corrections in Window Rock, AZ, are from June 30, 1999.

Appendix table 3. Adults and juveniles in the custody of jails in Indian country, by gender, June 30, 2000

State and facility	Number of inmates in custody					
	Adults			Juveniles (under age 18)		
	Total	Male	Female	Total	Male	Female
Total	1,498	1,214	284	277	207	70
Alaska						
Metlakatla Police Department	1	1	0	0	0	0
Arizona						
Colorado River Indian Tribes Detention Center	17	10	7	2	2	0
Fort Mohave Tribal Police Department	2	2	0	0	0	0
Gila River Department of Corrections and Rehabilitation	165	130	35	1	1	0
Gila River Juvenile Detention and Rehabilitation Center	0	0	0	61	49	12
Hopi Rehabilitation Center	84	70	14	3	3	0
Navajo Department of Corrections-Chinle	18	16	2	0	0	0
Navajo Department of Corrections-Kayenta	6	5	1	0	0	0
Navajo Department of Corrections-Tuba City	87	72	15	0	0	0
Navajo Department of Corrections-Window Rock*	47	45	2	0	0	0
Pascua Yaqui Law Enforcement Center	1	1	0	0	0	0
Peach Springs Detention Center	40	34	6	7	5	2
Salt River Department of Corrections	37	26	11	15	12	3
San Carlos Jail	49	35	14	0	0	0
Supai Jail	2	2	0	0	0	0
Tohono O'odham Detention Center	117	95	22	0	0	0
Tohono O'odham Judiciary Juvenile Detention Center	0	0	0	13	13	0
Western Navajo Juvenile Services	0	0	0	30	24	6
White Mountain Apache Police Department	58	45	13	7	2	5
Colorado						
Southern Ute Detention Center	39	30	9	0	0	0
Ute Mountain Ute Agency	7	7	0	0	0	0
Idaho						
Fort Hall Police Department	22	19	3	9	2	7
Minnesota						
Red Lake Law Enforcement Services	9	7	2	11	9	2
Mississippi						
Choctaw Police Department	19	15	4	7	4	3
Montana						
Blackfeet Police Department	34	31	3	0	0	0
Crow Police Department	6	5	1	3	3	0
Flathead Tribal Police Department	19	15	4	0	0	0
Fort Belknap Police Department	3	3	0	1	1	0
Fort Peck Indian Youth Services Center	0	0	0	11	9	2
Fort Peck Police Department	17	15	2	0	0	0
Northern Cheyenne Police Department	19	12	7	0	0	0
Rocky Boy Police Department	4	3	1	1	1	0
White Buffalo Youth Detention Center	0	0	0	11	4	7
Nebraska						
Omaha Tribal Police Department	15	13	2	0	0	0
Nevada						
Owyhee Detention Facility	18	17	1	0	0	0

Appendix table 3. Continued

State and facility	Number of inmates in custody					
	Adults			Juveniles (under age 18)		
	Total	Male	Female	Total	Male	Female
New Mexico						
Jicarilla Police Department	13	13	0	0	0	0
Laguna Tribal Detention Facility	42	41	1	1	1	0
Mescalero Adult Detention Center	23	20	3	0	0	0
Navajo Department of Corrections-Crownpoint	22	17	5	0	0	0
Navajo Department of Corrections-Shiprock	40	31	9	0	0	0
Navajo Department of Corrections-Tohatchi Juvenile Center	0	0	0	9	7	2
Ramah Public Safety Center	10	8	2	0	0	0
Taos Tribal Detention Center	3	3	0	0	0	0
Zuni Police Department	19	15	4	8	7	1
North Dakota						
Fort Berthold Agency	20	20	0	2	2	0
Fort Totten Municipal Center	4	4	0	0	0	0
Standing Rock Law Enforcement Center	10	7	3	5	5	0
Turtle Mountain Law Enforcement Center	22	20	2	2	2	0
Oklahoma						
Sac and Fox Nation Juvenile Detention Facility	1	1	0	13	12	1
Oregon						
Chemawa Indian School	0	0	0	0	0	0
Warm Springs Detention Center	55	40	15	12	9	3
South Dakota						
Fort Thompson Jail	7	2	5	0	0	0
Klyuska O'Tipi Reintegration Center	2	2	0	9	5	4
Lower Brule Law Enforcement Services Center	1	1	0	0	0	0
Medicine Root Detention Center	41	28	13	0	0	0
Pine Ridge Correctional Facility	55	44	11	0	0	0
Rosebud Sioux Tribe Law Enforcement	25	16	9	6	4	2
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	10	7	3	0	0	0
Walter Miner Law Enforcement Center-Juvenile	0	0	0	6	3	3
Walter Miner Law Enforcement Facility-Adult	35	28	7	0	0	0
Utah						
Uintah-Ouray Detention Center	8	7	1	0	0	0
Washington						
Chehalis Tribal Police Department	0	0	0	0	0	0
Makah Police Department	4	4	0	2	1	1
Puyallup Tribal Detention Facility	8	8	0	0	0	0
Quinault Police Department	0	0	0	2	2	0
Wellpinit BIA Law Enforcement Center	5	4	2	0	0	0
Yakama Police Department	17	15	2	5	1	4
Wisconsin						
Menominee Tribal Jail	20	16	4	0	0	0
Wyoming						
Wind River Police Department	13	11	2	2	2	0

*Data for the Navajo Department of Corrections in Window Rock, AZ, are from June 30, 1999.

Appendix table 4. Inmates in jails in Indian country, by conviction status and seriousness of the offense, June 30, 2000

State and facility	Number of inmates in custody				
	Conviction status		Seriousness of offense		
	Convicted[a]	Unconvicted	Felony	Misdemeanor	Other[b]
Total	1,072	689	97	1,560	71
Alaska					
Metlakatla Police Department	1	0	0	1	0
Arizona					
Colorado River Indian Tribes Detention Center	5	14	0	18	1
Fort Mohave Tribal Police Department	0	2	0	2	0
Gila River Department of Corrections and Rehabilitation	136	30	1	165	0
Gila River Juvenile Detention and Rehabilitation Center	61	0	36	25	0
Hopi Rehabilitation Center	82	5	0	87	0
Navajo Department of Corrections-Chinle	0	18	0	18	0
Navajo Department of Corrections-Kayenta	0	6	0	6	0
Navajo Department of Corrections-Tuba City	21	66	0	87	0
Navajo Department of Corrections-Window Rock[c]	23	24	/	/	/
Pascua Yaqui Law Enforcement Center	0	1	0	1	0
Peach Springs Detention Center	22	25	0	47	0
Salt River Department of Corrections	20	32	0	52	0
San Carlos Jail	39	10	4	45	0
Supai Jail	2	0	0	2	0
Tohono O'odham Detention Center	70	47	0	117	0
Tohono O'odham Judiciary Juvenile Detention Center	8	5	13	0	0
Western Navajo Juvenile Services	25	5	0	30	0
White Mountain Apache Police Department	55	10	0	65	0
Colorado					
Southern Ute Detention Center	32	7	0	36	3
Ute Mountain Ute Agency	3	4	0	7	0
Idaho					
Fort Hall Police Department	11	20	1	30	0
Minnesota					
Red Lake Law Enforcement Services	10	10	0	20	0
Mississippi					
Choctaw Police Department	19	7	0	26	0
Montana					
Blackfeet Police Department	19	15	1	33	0
Crow Police Department	9	0	0	9	0
Flathead Tribal Police Department	7	12	0	19	0
Fort Belknap Police Department	4	0	0	4	0
Fort Peck Indian Youth Services Center	7	4	8	3	0
Fort Peck Police Department	17	0	3	14	0
Northern Cheyenne Police Department	7	12	0	19	0
Rocky Boy Police Department	3	2	0	5	0
White Buffalo Youth Detention Center	10	1	0	11	0
Nebraska					
Omaha Tribal Police Department	0	15	2	13	0
Nevada					
Owyhee Detention Facility	16	2	0	18	0

Appendix table 4. Continued

State and facility	Number of inmates in custody				
	Conviction status		Seriousness of offense		
	Convicted[a]	Unconvicted	Felony	Misdemeanor	Other[b]
New Mexico					
Jicarilla Police Department	13	0	1	12	0
Laguna Tribal Detention Facility	30	13	0	43	0
Mescalero Adult Detention Center	22	1	3	20	0
Navajo Department of Corrections-Crownpoint	15	7	0	22	0
Navajo Department of Corrections-Shiprock	21	19	0	40	0
Navajo Department of Corrections-Tohatchi Juvenile Center	0	9	0	9	0
Ramah Public Safety Center	1	9	0	10	0
Taos Tribal Detention Center	3	0	0	3	0
Zuni Police Department	20	7	0	27	0
North Dakota					
Fort Berthold Agency	18	4	0	22	0
Fort Totten Municipal Center	0	4	0	0	4
Standing Rock Law Enforcement Center	8	7	0	2	13
Turtle Mountain Law Enforcement Center	21	3	1	21	2
Oklahoma					
Sac and Fox Nation Juvenile Detention Facility	/	/	12	0	2
Oregon					
Chemawa Indian School	0	0	0	0	0
Warm Springs Detention Center	48	19	0	52	15
South Dakota					
Fort Thompson Jail	4	3	0	7	0
Klyuska O'Tipi Reintegration Center	4	7	4	6	1
Lower Brule Law Enforcement Services Center	0	1	0	1	0
Medicine Root Detention Center	0	41	0	41	0
Pine Ridge Correctional Facility	0	55	0	55	0
Rosebud Sioux Tribe Law Enforcement	27	4	2	29	0
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	7	3	0	10	0
Walter Miner Law Enforcement Center-Juvenile	0	6	1	5	0
Walter Miner Law Enforcement Facility-Adult	1	34	1	4	30
Utah					
Uintah-Ouray Detention Center	6	2	0	8	0
Washington					
Chehalis Tribal Police Department	0	0	0	0	0
Makah Police Department	6	0	3	3	0
Puyallup Tribal Detention Facility	6	2	0	8	0
Quinault Police Department	2	0	0	2	0
Wellpinit BIA Law Enforcement Center	2	4	0	6	0
Yakama Police Department	22	0	0	22	0
Wisconsin					
Menominee Tribal Jail	16	4	0	20	0
Wyoming					
Wind River Police Department	5	10	0	15	0

/Not reported.
[a]Includes probation and parole violators with no new sentence.
[b]Other includes protective custody, detoxification, involuntary commitment order, uncontrollable juvenile behavior, pick up orders, and pending charges.
[c]Data for the Navajo Department of Corrections in Window Rock, AZ, are from June 30, 1999.

Appendix table 5. Inmates in jails in Indian country with a DWI/DUI offense or a drug violation or in detoxification, June 30, 2000

State and facility	Inmates in custody	Inmates in custody: Number: DWI/DUI[a]	Number: Drug offense	Number: In detoxification[b]	Percent: DWI/DUI[a]	Percent: Drug offense	Percent: In detoxification[b]
Total	1,775	274	133	263	15%	7%	15%
Alaska							
Metlakatla Police Department	1	0	0	1	0%	0%	100%
Arizona							
Colorado River Indian Tribes Detention Center	19	1	0	...	5%	0%	...
Fort Mohave Tribal Police Department	2	2	0	...	100	0	...
Gila River Department of Corrections and Rehabilitation	166	4	1	...	2	1	...
Gila River Juvenile Detention and Rehabilitation Center	61	23	6	0	38	10	0
Hopi Rehabilitation Center	87	0	0	2	0	0	2
Navajo Department of Corrections-Chinle	18	3	0	...	17	0	...
Navajo Department of Corrections-Kayenta	6	1	0	...	17	0	...
Navajo Department of Corrections-Tuba City	87	13	56	45	15	64	52
Navajo Department of Corrections-Window Rock[c]	47	/	/	0	/	/	0
Pascua Yaqui Law Enforcement Center	1	0	0	...	0	0	...
Peach Springs Detention Center	47	12	10	...	26	21	...
Salt River Department of Corrections	52	20	20	...	38	38	...
San Carlos Jail	49	13	2	6	27	4	12
Supai Jail	2	0	0	...	0	0	...
Tohono O'odham Detention Center	117	/	/	...	/	/	...
Tohono O'odham Judiciary Juvenile Detention Center	13	13	0	5	100	0	38
Western Navajo Juvenile Services	30	17	2	3	57	7	10
White Mountain Apache Police Department	65	5	1	...	8	2	...
Colorado							
Southern Ute Detention Center	39	24	6	...	62%	15%	...
Ute Mountain Ute Agency	7	2	0	5	29	0	71
Idaho							
Fort Hall Police Department	31	19	0	5	61%	0%	16%
Minnesota							
Red Lake Law Enforcement Services	20	3	1	1	15%	5%	5%
Mississippi							
Choctaw Police Department	26	0	0	7	0%	0%	27%
Montana							
Blackfeet Police Department	34	1	2	...	3%	6%	...
Crow Police Department	9	0	0	...	0	0	...
Flathead Tribal Police Department	19	3	0	...	16	0	...
Fort Belknap Police Department	4	0	0	4	0	0	100
Fort Peck Indian Youth Services Center	11	9	2	...	82	18	...
Fort Peck Police Department	17	1	0	...	6	0	...
Northern Cheyenne Police Department	19	2	0	10	11	0	53
Rocky Boy Police Department	5	0	0	...	0	0	...
White Buffalo Youth Detention Center	11	0	0	0	0	0	0
Nebraska							
Omaha Tribal Police Department	15	1	0	9	7%	0%	60%
Nevada							
Owyhee Detention Facility	18	2	1	...	11%	6%	...

Appendix table 5. Continued

State and facility	Inmates in custody	Inmates in custody: Number: DWI/DUI[a]	Number: Drug offense	Number: In detoxification[b]	Percent: DWI/DUI[a]	Percent: Drug offense	Percent: In detoxification[b]
New Mexico							
Jicarilla Police Department	13	3	0	...	23%	0%	...
Laguna Tribal Detention Facility	43	14	2	1	33	5	2
Mescalero Adult Detention Center	23	4	0	...	17	0	...
Navajo Department of Corrections-Crownpoint	22	2	0	7	9	0	32
Navajo Department of Corrections-Shiprock	40	6	1	...	15	3	...
Navajo Department of Corrections-Tohatchi Juvenile Center	9	0	2	...	0	22	...
Ramah Public Safety Center	10	1	0	...	10	0	...
Taos Tribal Detention Center	3	0	0	...	0	0	...
Zuni Police Department	27	3	0	2	11	0	7
North Dakota							
Fort Berthold Agency	22	5	1	13	23%	5%	59%
Fort Totten Municipal Center	4	0	0	4	0	0	100
Standing Rock Law Enforcement Center	15	2	0	10	13	0	67
Turtle Mountain Law Enforcement Center	24	1	0	3	4	0	13
Oklahoma							
Sac and Fox Nation Juvenile Detention Facility	14	0	2	...	0%	14%	...
Oregon							
Chemawa Indian School	0	0	0	0	0%	0%	0%
Warm Springs Detention Center	67	5	8	15	7	12	22
South Dakota							
Fort Thompson Jail	7	1	0	...	14%	0%	...
Klyuska O'Tipi Reintegration Center	11	0	0	5	0	0	45
Lower Brule Law Enforcement Services Center	1	0	0	0	0	0	0
Medicine Root Detention Center	41	2	0	38	5	0	93
Pine Ridge Correctional Facility	55	4	0	49	7	0	89
Rosebud Sioux Tribe Law Enforcement	31	4	0	4	13	0	13
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	10	6	0	2	60	0	20
Walter Miner Law Enforcement Center-Juvenile	6	0	0	2	0	0	33
Walter Miner Law Enforcement Facility-Adult	35	1	0	2	3	0	6
Utah							
Uintah-Ouray Detention Center	8	1	0	1	13%	0%	13%
Washington							
Chehalis Tribal Police Department	0	0	0	...	0%	0%	...
Makah Police Department	6	1	1	...	17	17	...
Puyallup Tribal Detention Facility	8	5	1	0	63	13	0
Quinault Police Department	2	0	2	...	0	100	...
Wellpinit BIA Law Enforcement Center	6	3	3	...	50	50	...
Yakama Police Department	22	0	0	2	0	0	9
Wisconsin							
Menominee Tribal Jail	20	3	0	...	15%	0%	...
Wyoming							
Wind River Police Department	15	3	0	...	20%	0%	...

...Not applicable, facility does not detoxify confined persons from drugs or alcohol.
/Not reported.
[a]Includes driving while intoxicated and driving while under the influence of drugs or alcohol.
[b]Includes inmates in detoxification for drugs or alcohol.
[c]Data for the Navajo Department of Corrections in Window Rock, AZ, are from June 30, 1999.

Appendix table 6. Planned changes to jails in Indian country and change in capacity, June 30, 2000

State and facility	Rated capacity*	Definite plans for facility changes in the next 3 years: Add to existing facility	Build a new facility	Close this facility	Renovate existing space	Change in capacity due to facility renovations
Total	878					1,108
Arizona						
Fort Mohave Tribal Police Department	4		x	x		8
Gila River Department of Corrections and Rehabilitation	112	x				104
Hopi Rehabilitation Center	86				x	0
Salt River Department of Corrections	84		x			150
San Carlos Jail	60		x			58
Tohono O'odham Detention Center	34				x	25
White Mountain Apache Police Department	46				x	0
Colorado						
Ute Mountain Ute Agency	14		x	x		62
Minnesota						
Red Lake Law Enforcement Services	22		x			66
Montana						
Blackfeet Police Department	45				x	0
Crow Police Department	14				x	20
Fort Peck Indian Youth Services Center	21	x			x	12
Northern Cheyenne Police Department	19		x			19
Rocky Boy Police Department	20		x			0
White Buffalo Youth Detention Center	24				x	0
New Mexico						
Mescalero Adult Detention Center	24				x	10
Navajo Department of Corrections-Crownpoint	14				x	0
Taos Tribal Detention Center	8	x			x	12
Zuni Police Department	34		x			0
North Dakota						
Standing Rock Law Enforcement Center	40				x	0
South Dakota						
Lower Brule Law Enforcement Services Center	30		x	x		55
Medicine Root Detention Center	24		x			250
Pine Ridge Correctional Facility	22		x			235
Washington						
Puyallup Tribal Detention Facility	32	x				2
Yakama Police Department	45		x			20

Note: Data are reported on all plans that have received final administrative approval, even though the necessary funds may not have been authorized.
*Rated capacity is the maximum number of beds or inmates assigned by a rating official to a facility. Excludes temporary holding areas.

Appendix table 7. Jails in Indian country under court order or consent decree to limit population or for other reasons, June 30, 2000

State and facility	Tribal, State, or Federal court order or consent decree: Maximum capacity set by consent decree	Other conditions specified
Total	350	
Arizona		
Hopi Rehabilitation Center	86	
Navajo Department of Corrections-Chinle	28	To detain in a humane condition
Navajo Department of Corrections-Tuba City	33	48-hour holding only
Pascua Yaqui Law Enforcement Center	4	
Idaho		
Fort Hall Police Department	25	
Montana		
Fort Peck Indian Youth Services Center	9	
New Mexico		
Navajo Department of Corrections-Crownpoint	37	To detain in a humane condition
Navajo Department of Corrections-Shiprock	32	To detain in a humane condition
Oregon		
Warm Springs Detention Center	46	
South Dakota		
Medicine Root Detention Center	24	Overcrowding
Wyoming		
Wind River Police Department	26	

Methodology

"Indian country" is a statutory term that includes the following: all lands within an Indian reservation; dependent Indian communities; and Indian trust allotments (18 U.S.C. § 1151). Courts interpret ' 1151 to include all lands held in trust for tribes or their members. See *United States* v. *Roberts*. 185 F.3d 1125 (10th Cir. 1999). Tribal authority to imprison Indian offenders is limited to 1 year per offense by statute (25 U.S.C. § 1302).

Tribal law enforcement agencies act as first responders to both felony and misdemeanor crimes. For most of Indian country, the Federal Government provides felony law enforcement concerning crimes by or against Indians. Certain areas of Indian country are under Public Law 83-280, as amended. P.L. 280 conferred jurisdiction on certain States over "Indian country" and suspended enforcement of the Major Crimes Act (18 U.S.C. § 1153) and the General Crimes Act (18 U.S.C. § 1152) in those areas. Indian tribes retain concurrent jurisdiction to enforce laws in Indian country where P.L. 280 applies.

BJS conducted the Survey of Jails in Indian Country (SJIC) to describe all adult and juvenile jail facilities and detention centers in Indian country. For purposes of this report, Indian country includes reservations, pueblos, rancherias, and other appropriate areas (18 U.S.C. § 1151). The reference date for the survey was June 30, 2000.

The SJIC was initiated in 1998 as a component of the Annual Survey of Jails (ASJ). The ASJ is conducted in each of the 4 to 5 years between the Census of Jails. The 2000 ASJ consisted of a sample survey of 833 local jail jurisdictions, a survey of the Nation's 44 multi-jurisdictional facilities, and a survey of the 69 facilities in Indian country. (For sampling information, see *Prison and Jails Inmates at Midyear 2000*, BJS Bulletin, March 2001, NCJ 185989.)

In 1998 the Office of Law Enforcement Services, Bureau of Indian Affairs (BIA), U.S. Department of the Interior, provided a complete list of 74 Indian country jail facilities. Since 1998, 2 facilities were abandoned, 2 were closed, and 2 were combined into 1 facility, resulting in 69 surveyed facilities. The facilities are in 18 States and are affiliated with 54 Indian tribes.

Each facility is defined as a confinement facility, which can include detention centers, jails, and other correctional facilities, operated by tribal authorities or the BIA. Special jail facilities such as medical, treatment, or release centers; halfway houses; and work farms are also included.

Data were obtained by mailed questionnaires. Through follow-up phone calls and facsimiles, 68 of 69 facilities responded. Data for the Navajo Department of Corrections in Window Rock, Arizona, are from June 30, 1999.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Lawrence A. Greenfeld is acting director.

BJS Bulletins present the first release of findings from permanent data collection programs.

Todd D. Minton collected and processed the data and wrote this report under the supervision of Allen J. Beck. Officials of the Bureau of Indian Affairs, Office of Law Enforcement Services — William McClure, Detention Program Manager, Ed Naranjo, District V Commander, and Walter E. Lamar, Acting Director — assisted in obtaining cooperation from facility administrators. Norena Henry, Director, American Indian and Alaska Native Desk, Office of Justice Programs, and Debra Gee, Deputy Director, Office of Tribal Justice, U.S. Department of Justice, reviewed the report. Laura M. Maruschak provided statistical review and verification. Tom Hester edited the report, and Jayne Robinson provided the final production.

July 2001, NCJ 188156

This report in portable document format and in ASCII, its tables, survey questionnaire, and related statistical data are available at the BJS World Wide Web Internet site: http://www.ojp.usdoj.gov/bjs/

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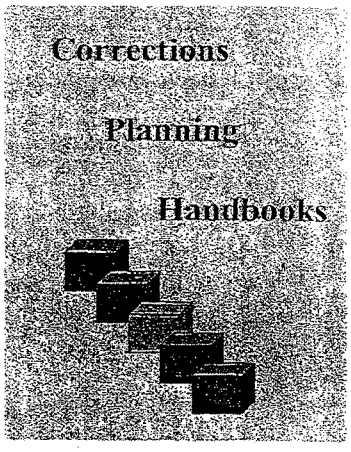

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June 1999

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E. Release Data Form
F. Longitudinal Profile Data Form
G. Offense Groupings of Penal Code Violations
H. Inmate/Minor Needs Survey Form
I. Population Projection Method Two
J. Staffing Analysis Forms

* *Handbooks One, Two and Four do not reference any Appendices. Handbook Three references all 10 Appendices and Handbook Five references Appendix J.*

1.4 Costs of Building and Operating Detention Facilities

Who Will Use This Chapter

Primary Users: Advisory Committee, Planning Team, Board of Supervisors, Sheriff, Chief Probation Officer, Corrections Staff, Project Manager
Secondary Users: Justice Agency Representatives, Task Forces

Introduction

Correctional facilities are very expensive buildings to construct. But construction is only a relatively small percentage of the total cost of keeping people incarcerated/detained. Operating costs, especially staffing, far outstrip construction costs in a very short time. Thus, a county's costs to build and operate a detention facility will be one of the most crucial considerations throughout the planning process. In an ideal world, the county would build and operate the facilities it wants; in the real world, however, the facilities a county builds and operates will be affected by the affordability – and cost-effectiveness – of various options. There are three types of costs associated with constructing and operating a detention facility:

- **First costs**: the costs to construct the facility.
- **Operating costs**: the recurrent costs associated with running the facility.
- **Life cycle costs**: the net result of all costs and benefits measured over the economic life of the detention facility.

Many counties view first costs as prohibitive but resolve to "bite the bullet" and fund a project. Unfortunately, counties often find that they have overlooked the ongoing operating costs, which can be as much as 18 times greater than first costs over the 30-year economic life of a facility. An assessment of life cycle costs gives a truer picture of the financial commitment the county must make to construct, operate and maintain a facility. A county must understand what the **total** costs of building and operating a facility will be before committing to a project.

The next sections discuss each type of cost and its components. Methods for estimating costs – and strategies for limiting them – are discussed in Handbook Four and in "More for Less", a BOC publication.

First Costs

First costs are also referred to as project, construction or initial costs. However, first costs is a more accurate term because it represents the total cost of constructing the building, including land, professional fees, permit fees, and other associated costs of construction. First costs do not include the costs of staff, utilities, on-going plant maintenance, food and medical care services, or other recurrent costs associated with running the facility.

Components of First Costs

The basic components of first costs are shown below in ascending order of their contribution to the total first costs. Note that the cost of the building itself comprises a large part of the first costs (60 percent). Cost per square foot depends on many factors, including security level, types of systems and equipment, and quality of finishes. Per bed costs depend upon the above factors as well as programs, services and overall capacity (two factors which are important in determining operating and life cycle costs). To some extent, limiting first costs can help reduce operating costs if the savings are due to reduced capacity. However, if corners are cut on construction quality, operating costs are likely to increase.

2%	Special equipment systems (fire detection, CCTV, sprinklers)
4%	Site preparation
7%	Architect/engineer fees
7%	Jail equipment, locking systems, etc.
10%	Plumbing and electrical
10%	Heating, ventilation, air conditioning systems
60%	General construction work (basic building)
100%	Total First Costs (not including land acquisition)

Components of First Costs

Range of First Costs for Different Facilities

Although first costs may range from $40,000 to $100,000 per bed for the overall facility, more specific examples may help you understand how these costs vary. The following table, which provides information on first costs for three California jails built in the early 1980s, illustrates that the range of costs varies depending on location, capacity and number of floors. The costs in these examples were adjusted to a July 1981 construction date. By using a multiplier equivalent to the rate of construction inflation (one to one and one-half percent per month) times the elapsed time since July 1981, these costs may be modified to show today's cost. This may be helpful as a reference when estimating the cost of your project.

Capacity	Location	Hi/Low Rise	Area per Bed (GSF)	First Cost	Cost per SF	Cost per Bed
1. 586 beds	Downtown	High	400	$27.2 million	$116.34	$46,535
2. 382 beds	Downtown	Mid	474	$20.9 million	$115.45	$54,730
3. 189 beds	Rural	Low	350	$6.06	$91.61	$32,063

Range of First Costs

Operating Costs

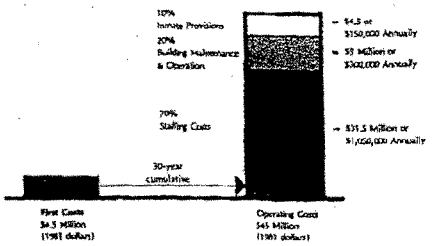
The major component of operating costs is staffing, which accounts for as much as 70 percent of total operating costs. Since the facility operates 24 hours a day, seven days a week, each staff post (e.g., a control center) requires approximately five persons to operate (three shifts daily, time off, training time). Thus, a facility with seven 24-hour posts would need 35 security staff. Fifteen more staff might be required for functions that are not 24-hour posts (e.g., programs, administration, food service,), for a total of 50. In terms of possible savings resulting from design choices, the elimination of one control station could free up five staff for other duties.

The around-the-clock operation of a detention facility is a key factor in its high operating costs. Wear and tear on the building and its mechanical system is accelerated; maintenance costs are increased; and lighting, heating and air conditioning systems require energy for non-stop operation. These recurring costs are estimated to account for about 20 percent of total operating costs.

Provisions for inmate/minor needs are generally the smallest component of operating costs. Inmate/minor provisions are estimated to be about 10 percent of total operating costs and include items like food service, commissary supplies, and telephone usage.

Estimating Operating Costs

Estimates of operating costs can be developed at increasing levels of accuracy as planning and design progress. Until a facility is planned, programmed and designed, it is difficult to accurately estimate the staff required for operating it. On the other hand, since planning and design will have a great impact on operating costs, it is imperative that they be factored into decision-making. Specific methods for estimating staffing and operating costs are presented in subsequent handbooks. A general estimate can be made by comparing the components of operating costs to first costs. The example below applies this general formula to a hypothetical 100-bed jail costing $4.5 million in 1981 dollars to build.



Comparison of First Costs and Operating Costs

Life Cycle Costs

Life cycle costs include all costs and benefits measured over the economic life of the facility. Although the economic life of a facility varies from one building type to another and changes with time and technological progress, detention facilities currently are assumed to have a 30-year economic life. Life cycle costs generally include:

- Initial capital investment costs.
- Financing costs.
- Maintenance and operating costs.
- Repair and replacement costs.
- Alterations and improvement costs.
- Personnel costs.
- Salvage costs.

Some life cycle costs are non-recurring (one-time) while others are recurring (ongoing). Recurring costs should be examined in more detail to determine what factors may cause the costs to change. This issue is discussed in Handbook Four (Chapter 4.5).

Analyzing Life Cycle Costs

Because life cycle costs depend upon a large number of factors, it is not possible to give any "rule of thumb" figures. Instead, counties should consider the use of life cycle costing, a technique for comparing alternatives or assessing the feasibility of an option.

The proper timing of the life cycle cost analysis is very important to its effective use. The technique may be used initially to determine the feasibility of solutions other than construction, such as more efficient management or organization of space. If some type of building modification is necessary, the analysis may be used again to assess such options as building, renovating or renting space. When a decision is made to build a new jail, the life cycle cost analysis deals with issues such as the level of amenities desired, project timing, site constraints, configuration (e.g., location of control or surveillance points), building systems (structural, mechanical and electrical), and the exterior building enclosure.

The value of life cycle costing is that is allows us to "weigh" trade-offs in building construction and operation. For example, the specification of a cheaper material may reduce first costs but require greater maintenance, earlier replacement, and more operating personnel during the facility's life cycle. Life cycle costing can help balance out the long-term economic consequences of immediate decisions.

In corrections planning and design, a life cycle cost analysis should weigh both the economic and the non-economic consequences (e.g., effect upon the community's attitude regarding detention facilities, the need to meet standards, or the desire to maintain a humane environment) of alternatives. The economic consequences of various alternatives are then combined with the non-economic consequences to reach a final decision.

U.S. Department of Justice
Office of Justice Programs

Bureau of Justice Statistics
Bulletin

May 2002, NCJ 193400

Jails in Indian Country, 2001

By Todd D. Minton
BJS Statistician

On June 29, 2001, a total of 68 jails, confinement facilities, detention centers, or other correctional facilities were supervising 2,030 persons in Indian country, an increase of 10% from the previous year. At midyear 2000, 1,853 persons were under the supervision of jails in Indian country.

Indian country facilities held in custody 1,912 inmates at midyear 2001, up from 1,775 at midyear 2000. Jail authorities also supervised 118 offenders under community supervision programs. New admissions to jail increased from 7,151 in June 2000 to 9,697 in June 2001, a 36% increase.

The 68 facilities had a rated capacity to hold 2,101 persons, up 1% since 2000. On June 29, 2001, the jails were operating at 91% of capacity, up from 86% at midyear 2000. On their peak day in June 2001, the 68 jails were operating at 126% of capacity, up from 118% in 2000. The number of inmates in custody on the peak day in June has increased 15% since 1998. Sixteen jails indicated plans that will increase capacity by 623 beds when all changes have been completed.

These data are based on the 2001 Survey of Jails in Indian Country (SJIC). The survey includes all jails, confinement facilities, detention centers, and other correctional facilities located in Indian country and operated by tribal authorities or the Bureau of Indian Affairs (BIA). The survey gathers information on the number of persons in custody, the number under community supervision, offender characteristics, and facility capacity.

Highlights

At midyear 2001 jails in Indian country supervised 2,030 persons

	Number of inmates, midyear 2001	2000	Percent change
Total	2,030	1,853	10%
In custody	1,912	1,775	8%
Adult	1,600	1,498	7
Juvenile	312	277	13
Community supervision	118	78	51%
Admissions, June 1-30	9,697	7,151	36%

• On June 29, 2001, Indian country facilities held 1,600 adults and 312 juveniles. In the 12 months ending June 29, 2001, the number of inmates in custody increased 8%.

• In a 1-month period, June 2001, facilities in Indian country admitted 9,697 inmates, a 36% increase from June 2000.

68 facilities were operating in Indian country, with the capacity to hold 2,101 persons on June 29, 2001

	2001	2000	1999	1998
Number of inmates				
Midyear	1,912	1,775	1,621	1,479
Peak day in June	2,656	2,441	2,289	2,306
Rated capacity	2,101	2,076	2,065	1,945
Percent of capacity occupied*				
Midyear	91%	86%	78%	76%
Peak day in June	126	118	111	119

*Number of inmates in custody divided by rated capacity.

• On June 29, 2001, 68 jails in Indian country were operating at 91% of capacity. On their peak day in June 2001, jails were operating at 126% of capacity, up from 118% at midyear 2000.

• Since 1998, the number of inmates in custody at midyear has increased by 29%, and rated capacity has increased 8%.

16 jails in Indian country funded to undergo expansion, replacement, or renovation

Planned changes and funding status	Facilities	Beds
Funded plans*		
Adult	2	129
Juvenile	9	276
Both	5	390
Net change	16	623
Other plans	17	774

*Includes facilities funded in part under the Correctional Facilities on Tribal Lands Discretionary Grant Program, administered by the Department of Justice, Office of Justice Programs.

• Sixteen facilities have received funding under the Correctional Facilities on Tribal Lands Discretionary Grant Program to expand, renovate, or close an existing facility, or to build a new facility. When completed, the rated capacity of all jails will total 2,724, a net increase of 623 beds.

• Seventeen facilities have final administrative approval for changes in the next 3 years (but funding is pending).

Tribes retain jurisdiction over many crimes by American Indians and Alaska Natives in Indian country

Thirty-three States contain around 300 Indian land areas or reservations. Generally, the local governing authority on Indian lands is a tribal government or council. Jurisdiction over crimes in Indian country depends on several factors, including the identity of the victim and the offender, the severity of the crime, and where the crime was committed. (See box on this page.) Tribal authority to sentence offenders is limited to 1 year of imprisonment and a $5,000 fine or both (25 U.S.C. § 1302(7)).

Locally-operated city or county jails held over 3 times as many American Indians as jails in Indian country. (*American Indians* in this report includes Alaska Natives.) At midyear 2001, local jails held an estimated 6,000 American Indians, some of whom may have been adjudicated by a tribal criminal justice system and housed in jails under contract with tribal governments. Overall, State, Federal, local, and tribal authorities were supervising 49,673 American Indians. Most were under community supervision (28,387).

A total of 21,286, American Indians were in custody at midyear 2001, most of whom were held in State prison (11,419).

On April 1, 2000, 2,475,956 American Indians and Alaska Natives lived in the Unites States (U.S. Census Bureau, 2000 Census of Population and Housing, table DP-1). American Indians account for under 1% of the U.S. resident population and around 1% of those in custody of jails or prisons.

	Number of American Indians and Alaska Natives
Total	49,673
In custody, midyear 2001	21,286
Local jails*	6,000
Jails in Indian country	1,912
State prisons	11,419
Federal prisons	1,955
Under community supervision	28,387
State/Federal, 12/31/00	
Probation	23,889
Parole	4,380
Indian country, midyear 2001	118

*Estimated from the 2001 Annual Survey of Jails.

Criminal jurisdiction in Indian country

Tribal jurisdiction
- Crimes committed by Indians in Indian country. Sentences are limited to 1 year and a $5,000 fine per offense or both. 25 U.S.C. § 1302(7)

Federal jurisdiction
- 14 crimes under the Major Crimes Act of 1885. 18 U.S.C. § 1153

State jurisdiction
- All crimes on tribal lands specified under Public Law 280, 18 U.S.C. § 1162

Note: Criminal jurisdiction in Indian country depends on several factors, including the identity of the defendant, victim, type of offense, and where the crime was committed.

At midyear 2001, the rate of incarceration for American Indians was about 19% higher than the overall national rate. Federal and State prison and jail authorities held 849 American Indians per 100,000 Indians, compared to 690 persons of all races per 100,000 U.S. residents.

Indian country jail population rose 8%

At midyear 2001, jails in Indian country supervised 2,030 persons, up from 1,853 in 2000. Nearly all (1,912) were held in jails, with an additional 118 persons being supervised in the community (table 1). The number of inmates in custody increased 8% from the previous year, when 1,775 inmates were being housed. Persons under community supervision increased 51% (118 in 2001 compared to 78 in 2000). The number of persons required to perform community service rose from 18 in 2000 to 39 in 2001. Persons sentenced to day reporting increased from 3 in 2000 to 21 in 2001.

	Number of persons	
Type of supervision	2001	2000
Total	118	78
Electronic monitoring	1	0
Home detention	0	2
Community service	39	18
Day reporting	21	3
Weekend program	52	54
Other	5	1

On June 29, 2001, jails in Indian country held 1,062 convicted offenders and 836 inmates who were unconvicted or awaiting trial. Fifty-six percent of those jailed in 2001 were convicted, down from 61% at midyear 2000 and 74% in 1999.

91% of confined inmates held for misdemeanors; 10% for DWI/DUI

On June 29, 2001, 1,738 inmates were being held for a misdemeanor (regardless of conviction status), up from 1,560 on June 30, 2000. One hundred-thirteen inmates were in jail for a felony, slightly higher than in 2000 (97). One inmate was being held for the Immigration and Naturalization Service for deportation, and 60 for other reasons, including protective custody, detoxification, intoxication, uncontrollable juvenile behavior, pick-up orders, runaway, and pending charges.

At midyear 2001, 181 inmates were confined for driving while intoxicated or driving under the influence of alcohol, a 34% decrease from 2000 (274). One hundred-thirty inmates were being held for a drug law violation, down from 133 in 2000. Fourteen percent (259) of jail inmates were undergoing drug or alcohol detoxification.

Juveniles account for 16% of inmate population

At midyear 2001, Indian country jails held 1,578 adults, 83% males and 17% females. Juveniles (persons under age 18) accounted for 16% of the total custody population. In 2001, nearly a third of the juveniles were females. At midyear 2001, 22 juveniles were being held as adults, up from 14 at midyear 2000.

Table 1. Indian country jail inmate characteristics, midyear, 2000 and 2001

	Number of persons	
	2001	2000
Total	2,030	1,853
In custody	1,912	1,775
Adult	1,600	1,498
Male	1,366	1,214
Female	234	284
Juvenile	312	277
Male	212	207
Female	100	70
Convicted	1,062	1,072
Unconvicted	836	689
Felony	113	97
Misdemeanor	1,738	1,560
Other	61	71
DWI/DUI	181	274
Drug law violation	130	133
Under community supervision	118	78

Note: Sac and Fox Nation Juvenile Facility did not report conviction status in 2000 and 2001.

New admissions to jails in Indian country increased from 7,151 in June 2000 to 9,697 in June 2001, a 36% increase (table 2).

Jails reported 169 suicide attempts and 2 deaths

Two deaths were reported by jail authorities between July 1, 2000, and June 30, 2001. Both inmates committed suicide. During the 12-month period, 169 inmates attempted suicide, up from 151 in 2000. Since July 1, 1998, the number of inmates attempting suicide (103) each year has increased by 64% (not shown in a table).

Nearly half of inmate population held in 10 jails

On June 29, 2001, the largest 10 jails in Indian country housed 878 inmates (table 3). Combined, the 10 facilities had a rated capacity to hold 617 inmates, or 29% of the total rated capacity of all facilities in Indian country. Sixty-seven percent (584) of the inmates in the 10 largest jails were confined in 7 facilities in Arizona.

Pine Ridge Correctional Facility in South Dakota held 168 inmates, over 7½ times the rated capacity of 22. Three facilities, Hopi Rehabilitation Center, Tohono O'odham Detention Center, and Gila River Department of Corrections and Rehabilitation, each held 100 inmates at midyear 2001.

Table 2. Indian country jail inmate admissions and reported suicides

Time period	Number of persons 2001	2000
June 1-30		
New admissions	9,697	7,151
July 1-June 30		
Deaths	2	2
Suicides	2	1
Other causes	0	1
Attempted suicides	169	151

Table 3. Ten largest jails in Indian country, June 29, 2001

Jail facility	Custody population	Rated capacity	Percent of capacity occupied
Total	878	617	142%
Pine Ridge Correctional Facility (SD)	168	22	764%
Hopi Rehabilitation Center (AZ)	100	96	104
Tohono O'odham Detention Center (AZ)	100	34	294
Gila River Department of Corrections and Rehabilitation (AZ)	100	112	89
Navajo Department of Corrections-Window Rock (AZ)	84	51	165
White Mountain Apache Police Department (AZ)	75	46	163%
Blackfeet Police Department (MT)	73	45	162
Salt River Department of Corrections (AZ)	68	68	100
Gila River Juvenile Detention and Rehabilitation Center (AZ)	57	92	62
Warm Springs Detention Center (OR)	53	51	104

On June 29, 2001, Tohono O'odham Detention Center was running at 3 times its operating capacity. Gila River Department of Corrections and Rehabilitation was operating under its rated capacity (89%).

Thirty-nine jails in Indian country housed fewer than 24 inmates on June 29, 2001. Fourteen facilities reported fewer than 10 inmates. Twenty-five facilities held 10 to 24 inmates, 16 facilities held 25 to 49, and 11 facilities held 50 or more inmates.

Four facilities each held 100 or more inmates (appendix table 2, page 6).

Facility size*	Number of facilities	Percent of all facilities
Total	66	97%
Fewer than 10 inmates	14	21%
10 to 24	25	38
25 to 49	16	24
50 or more	11	17

*Based on the custody population on June 29, 2001. Excludes Laguna Tribal Police Detention facility and the Chemawa Indian School, which were closed on June 29, 2001.

Table 4. Jails in Indian country operating above 150% of capacity on the peak day during June 2001

Facilities operating above capacity	Peak population in June	Rated capacity	Percent of capacity occupied
Total, 21 facilities	1,251	528	237%
Pine Ridge Correctional Facility (SD)	168	22	764%
Medicine Root Detention Center (SD)	80	24	333
Tohono O'odham Detention Center (AZ)	112	34	329
Fort Belknap Police Department (MT)	26	8	325
Fort Berthold Agency (ND)	23	8	288
Crow Police Department (MT)	36	14	257
Navajo Department of Corrections-Kayenta (AZ)	25	10	250
Northern Cheyenne Police Department (MT)	45	19	237%
White Mountain Apache Police Department (AZ)	103	46	224
Navajo Department of Corrections-Crownpoint (NM)	31	14	221
Navajo Department of Corrections-Chinle (AZ)	55	25	220
Taos Tribal Detention Center (NM)	17	8	213
Navajo Department of Corrections-Window Rock (AZ)	102	51	200
Fort Thompson Jail (SD)	24	12	200
San Carlos Jail (AZ)	90	48	188%
Warm Springs Detention Center (OR)	94	51	184
Mescalero Adult Detention Center (NM)	42	24	175
Walter Miner Law Enforcement Center-Juvenile (SD)	17	10	170
Turtle Mountain Law Enforcement Center (ND)	49	30	163
Blackfeet Police Department (MT)	73	45	162
Navajo Department of Corrections-Shiprock (NM)	39	25	156

Indian country jails operated at 126% of capacity on peak day in June 2001, up from 118% in 2000

Combined, the 68 facilities had a rated capacity to hold 2,101 persons. Jails in Indian country were operating at 91% of capacity on June 29, 2001, up from 86% at midyear 2000. On their peak day in June 2001, jails were holding 2,656 inmates, and operating at 126% of capacity. Since 1998, the number of inmates has increased by 15% on their peak day in June, while capacity has increased by 8%.

	2001	2000	1999	1998
Number of inmates				
Midyear	1,912	1,775	1,621	1,479
Peak day in June	2,656	2,441	2,289	2,306
Rated capacity	2,101	2,076	2,065	1,945
Percent of capacity*				
Midyear	91%	86%	78%	76%
Peak day in June	126	118	111	119

*Number of inmates in custody divided by rated capacity.

Forty facilities were operating above 100% of capacity in June 2001, up from 30 the previous year (appendix table 2, page 6). Twenty-one jails were operating at over 150% of capacity on their peak day in June 2001, up from 16 in 2000 (table 4). This represents the largest number of jails (15) operating above 150% of capacity on their most crowded day in June since introducing the survey in 1998. Arizona (6) had the most facilities above 150% of capacity, followed by Montana (4), New Mexico (4), South Dakota (4), North Dakota (2), and Oregon (1).

Pine Ridge Correctional Facility in South Dakota reported the highest occupancy rate on their peak day in June (764%), up from 391% in 2000. It housed 168 inmates on the peak day in day in June 2001, with a rated capacity to hold 22 inmates. Three other facilities reported operating at over 300%: Medicine Root Detention Center in South Dakota (333%), Tohono O'odham Detention Center in Arizona (329%), and Fort Belknap Police Department in Montana (325%).

Small facilities reported the highest occupancy rates

Seven facilities with a rated capacity to hold fewer than 10 inmates reported the highest occupancy rates (173%) on their peak day in June 2001. Occupancy was 168% of rated capacity in jails rated to hold 10 to 24 inmates, 127% in jails rated to hold 25 to 49, and 99% of capacity for those rated to hold 50 or more inmates.

Capacity of facility	Percent of capacity occupied on peak day in June 2001
Total	126%
Fewer than 10 inmates	173
10 to 24	168
25 to 49	127
50 or more	99

Facilities under court order or consent decree highest in 3 years

Thirteen jails were under court order or consent decree to limit the number of inmates they can house, up from 11 in 2000 (table 5). Ten of those facilities were under multiple court orders or consent decrees. Sixteen jails expect to increase capacity by 623 beds when all planned changes have been completed.

Table 5. Court orders, consent decrees, and planned changes for jails in Indian country

	Number of facilities
Under court order/ consent decree	13
Funded construction plans	16
Add new facility	9
Replace facility	5
Expand capacity	1
Expected capacity increase	623 beds
Other plans*	17
Capacity increase, if funded	774 beds

*Contstruction plans within the next 3 years that have received administrative approval, even though necessary funds have not been authorized.

Nine new jails will be added to Indian country, five facilities will be replaced, and one will be expanded.

These plans have been funded under the Correctional Facilities on Tribal Lands Discretionary Grant Program, which is administered by the U.S. Department of Justice, Office of Justice Programs. In addition, 17 jails report plans for facility changes in the next 3 years that have final administrative approval, even though necessary funds have not been authorized (appendix table 6, page 14).

Appendix table 1. Tribal affiliation of jails in Indian country, by State, 2001

State and facility	Tribal affiliation
Alaska	
Metlakatla Police Department	Metlakatla Indian Community
Arizona	
Colorado River Indian Tribes Detention Center	Colorado River Indian Tribes
Fort Mohave Tribal Police Department	Fort Mohave Indian Tribe
Gila River Department of Corrections and Rehabilitation	Gila River Indian Community
Gila River Juvenile Detention and Rehabilitation Center	Gila River Indian Community
Hopi Rehabilitation Center	Hopi Tribe
Navajo Department of Corrections-Chinle	Navajo Nation
Navajo Department of Corrections-Kayenta	Navajo Nation
Navajo Department of Corrections-Tuba City	Navajo Nation
Navajo Department of Corrections-Window Rock	Navajo Nation
Pascua Yaqui Law Enforcement Center	Pascua Yaqui Tribe
Peach Springs Detention Center	Hualapai, Havasupai, Prescott Apache, and Tonto Apache
Salt River Department of Corrections	Salt River Pima-Maricopa Indian Community
San Carlos Jail	San Carlos Apache Tribe
Supai Jail	Supai Tribe
Tohono O'odham Detention Center	Tohono O'odham Nation
Tohono O'odham Judiciary Juvenile Detention Center	Tohono O'odham Nation
Western Navajo Juvenile Services	Navajo Nation
White Mountain Apache Police Department	White Mountain Apache Tribe
Colorado	
Southern Ute Detention Center	Southern Ute Tribe
Ute Mountain Ute Agency	Ute Mountain Ute Tribe
Idaho	
Fort Hall Police Department	Shoshone-Bannock Tribe

Appendix table 1. Continued

State and facility	Tribal affiliation
Minnesota	
Red Lake Law Enforcement Services	Red Lake Chippewa Tribe
Mississippi	
Choctaw Police Department	Mississippi Band of Choctaw Indians
Montana	
Blackfeet Police Department	Blackfeet Tribe
Crow Police Department	Crow Tribe
Flathead Tribal Police Department	Confederated Tribes of Salish and Kootenai
Fort Belknap Police Department	Gros Ventre and Assiniboine Tribe
Fort Peck Indian Youth Services Center	Assiniboine and Sioux Tribes
Fort Peck Police Department	Assiniboine and Sioux Tribes
Northern Cheyenne Police Department	Northern Cheyenne Tribe
Rocky Boy Police Department	Chippewa-Cree Tribe
White Buffalo Youth Detention Center	Blackfeet Tribe
Nebraska	
Omaha Tribal Police Department	Omaha Tribal Police Department
Nevada	
Owyhee Detention Facility	Shoshone-Paiute Tribes
New Mexico	
Jicarilla Police Department	Jicarilla Apache Tribe
Laguna Tribal Detention Facility	Laguna Pueblo
Mescalero Adult Detention Center	Mescalero Apache Tribe
Navajo Department of Corrections-Crownpoint	Navajo Nation
Navajo Department of Corrections-Shiprock	Navajo Nation
Navajo Department of Corrections-Tohatchi Juvenile Center	Navajo Nation
Ramah Navajo Police Department	Ramah Navajo
Taos Tribal Detention Center	Taos Pueblo
Zuni Police Department	Zuni Pueblo
North Dakota	
Fort Berthold Agency	Three Affiliated Tribes of Fort Berthold Reservation
Fort Totten Municipal Center	Spirit Lake Sioux Tribe
Standing Rock Law Enforcement Center	Standing Rock Sioux Tribe
Turtle Mountain Law Enforcement Center	Turtle Mountain Chippewa Tribe
Oklahoma	
Sac and Fox Nation Juvenile Detention Facility	Sac and Fox Nation
Oregon	
Chemawa Indian School	BIA Law Enforcement Services
Warm Springs Detention Center	Warm Springs Confederated Tribes
South Dakota	
Fort Thompson Jail	Crow Creek Sioux Tribe
Klyuska O'Tipi Reintegration Center	Oglala Sioux Tribe
Medicine Root Detention Center	Oglala Sioux Tribe
Pine Ridge Correctional Facility	Oglala Sioux Tribe
Rosebud Sioux Tribe Law Enforcement	Rosebud Sioux Tribe
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	Sisseton-Wahpeton Sioux Tribe
Walter Miner Law Enforcement Center-Juvenile	Cheyenne River Sioux Tribe
Walter Miner Law Enforcement Facility-Adult	Cheyenne River Sioux Tribe
Utah	
Uintah-Ouray Detention Center	Northern Ute Tribe
Washington	
Chehalis Tribal Police Department	Chehalis Indian Tribe
Makah Police Department	Makah Indian Tribe
Puyallup Tribal Detention Facility	Puyallup Tribe
Quinault Police Department	Quinault Tribe
Wellpinit BIA Law Enforcement Center	Spokane Tribe
Yakama Police Department	Confederated Tribes of Yakama Nation
Wisconsin	
Menominee Tribal Jail	Menominee Indian Tribe
Wyoming	
Wind River Police Department	Shoshone and Arapahoe Tribe

Note: The Lower Brule Law Enforcement Services Center in South Dakota closed on May 20, 2001. The Chemawa Indian School in Oregon is closed each year from May to September. The Laguna Tribal Detention Facility in New Mexico was temporarily closed on June 29, 2001.

Appendix table 2. Inmates, rated capacity, and percent of capacity occupied in jails in Indian country, June 2001

State and facility	Inmates in custody[a]	Peak population in June[b]	Rated capacity[c]	Population on June 29 as a percent of capacity[d]	Peak population in June as a percent of capacity
Total	1,912	2,656	2,101	91%	126%
Alaska					
Metlakatla Police Department	0	7	7	0%	100%
Arizona					
Colorado River Indian Tribes Detention Center	18	23	36	50%	64%
Fort Mohave Tribal Police Department	2	4	4	50	100
Gila River Department of Corrections and Rehabilitation	100	109	112	89	97
Gila River Juvenile Detention and Rehabilitation Center	57	71	92	62	77
Hopi Rehabilitation Center	100	122	96	104	127
Navajo Department of Corrections-Chinle	22	55	25	88	220
Navajo Department of Corrections-Kayenta	14	25	10	140	250
Navajo Department of Corrections-Tuba City	19	37	34	56	109
Navajo Department of Corrections-Window Rock	84	102	51	165	200
Pascua Yaqui Law Enforcement Center	1	6	6	17	100
Peach Springs Detention Center	15	32	41	37	78
Salt River Department of Corrections	68	75	68	100	110
San Carlos Jail	51	90	48	106	188
Supai Jail	0	3	10	0	30
Tohono O'odham Detention Center	100	112	34	294	329
Tohono O'odham Judiciary Juvenile Detention Center	22	24	22	100	109
Western Navajo Juvenile Services	25	36	36	69	100
White Mountain Apache Police Department	75	103	46	163	224
Colorado					
Southern Ute Detention Center	28	38	48	58%	79%
Ute Mountain Ute Agency	7	16	76	9	21
Idaho					
Fort Hall Police Department	21	21	25	84%	84%
Minnesota					
Red Lake Law Enforcement Services	21	31	22	96%	141%
Mississippi					
Choctaw Police Department	40	40	40	100%	100%
Montana					
Blackfeet Police Department	73	73	45	162%	162%
Crow Police Department	12	36	14	86	257
Flathead Tribal Police Department	16	22	20	80	110
Fort Belknap Police Department	11	26	8	138	325
Fort Peck Indian Youth Services Center	17	20	16	106	125
Fort Peck Police Department	19	30	22	86	136
Northern Cheyenne Police Department	26	45	19	137	237
Rocky Boy Police Department	10	12	15	67	80
White Buffalo Youth Detention Center	31	31	24	129	129
Nebraska					
Omaha Tribal Police Department	13	25	32	41%	78%
Nevada					
Owyhee Detention Facility	10	17	24	42%	71%

Appendix table 2. Continued

State and facility	Inmates in custody[a]	Peak population in June[b]	Rated capacity[c]	Population on June 29 as a percent of capacity[d]	Peak population in June as a percent of capacity
New Mexico					
Jicarilla Police Department	20	24	46	44%	52%
Laguna Tribal Detention Facility	0	25	22	0	114
Mescalero Adult Detention Center	27	42	24	113	175
Navajo Department of Corrections-Crownpoint	26	31	14	186	221
Navajo Department of Corrections-Shiprock	39	39	25	156	156
Navajo Department of Corrections-Tohatchi Juvenile Center	8	17	14	57	121
Ramah Navajo Police Department	5	12	10	50	120
Taos Tribal Detention Center	17	17	8	213	213
Zuni Police Department	32	49	34	94	144
North Dakota					
Fort Berthold Agency	4	23	8	50%	288%
Fort Totten Municipal Center	30	37	34	88	109
Standing Rock Law Enforcement Center	34	52	50	68	104
Turtle Mountain Law Enforcement Center	30	49	30	100	163
Oklahoma					
Sac and Fox Nation Juvenile Detention Facility	14	30	60	23%	50%
Oregon					
Chemawa Indian School	0	0	8	0%	0%
Warm Springs Detention Center	53	94	51	104	184
South Dakota					
Fort Thompson Jail	24	24	12	200%	200%
Klyuska O'Tipi Reintegration Center	12	14	32	38	44
Medicine Root Detention Center	45	80	24	188	333
Pine Ridge Correctional Facility	168	168	22	764	764
Rosebud Sioux Tribe Law Enforcement	30	60	65	46	92
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	17	21	22	77	96
Walter Miner Law Enforcement Center-Juvenile	4	17	10	40	170
Walter Miner Law Enforcement Facility-Adult	37	48	45	82	107
Utah					
Uintah-Ouray Detention Center	13	17	22	59%	77%
Washington					
Chehalis Tribal Police Department	1	2	8	13%	25%
Makah Police Department	4	4	12	33	33
Puyallup Tribal Detention Facility	4	8	20	20	40
Quinault Police Department	3	12	12	25	100
Wellpinit BIA Law Enforcement Center	9	12	10	90	120
Yakama Police Department	22	35	50	44	70
Wisconsin					
Menominee Tribal Jail	36	41	43	84%	95%
Wyoming					
Wind River Police Department	16	33	26	62%	127%

[a]Adults and juveniles confined in jail facilities.
[b]Peak population is any day in the month of June in which the custody population of a facility was largest.
[c]Rated capacity is the maximum number of beds or inmates assigned by a rating official to a facility. Excludes temporary holding areas.
[d]Population as a percent of capacity occupied is calculated by dividing the population count of a facility by its rated capacity and multiplying by 100.

Appendix table 3. Adults and juveniles in the custody of jails in Indian country, by gender, June 29, 2001

State and facility	Number of inmates in custody					
	Adult			Juvenile (under age 18)		
	Total	Male	Female	Total	Male	Female
Total	1,600	1,366	234	312	212	100
Alaska						
Metlakatla Police Department	0	0	0	0	0	0
Arizona						
Colorado River Indian Tribes Detention Center	13	8	5	5	4	1
Fort Mohave Tribal Police Department	2	2	0	0	0	0
Gila River Department of Corrections and Rehabilitation	99	83	16	1	1	0
Gila River Juvenile Detention and Rehabilitation Center	0	0	0	57	43	14
Hopi Rehabilitation Center	97	86	11	3	2	1
Navajo Department of Corrections-Chinle	22	20	2	0	0	0
Navajo Department of Corrections-Kayenta	14	13	1	0	0	0
Navajo Department of Corrections-Tuba City	19	19	0	0	0	0
Navajo Department of Corrections-Window Rock	84	83	1	0	0	0
Pascua Yaqui Law Enforcement Center	0	0	0	1	1	0
Peach Springs Detention Center	10	8	2	5	5	0
Salt River Department of Corrections	45	39	6	23	19	4
San Carlos Jail	51	42	9	0	0	0
Supai Jail	0	0	0	0	0	0
Tohono O'odham Detention Center	100	85	15	0	0	0
Tohono O'odham Judiciary Juvenile Detention Center	0	0	0	22	19	3
Western Navajo Juvenile Services	0	0	0	25	19	6
White Mountain Apache Police Department	70	49	21	5	3	2
Colorado						
Southern Ute Detention Center	28	23	5	0	0	0
Ute Mountain Ute Agency	7	6	1	0	0	0
Idaho						
Fort Hall Police Department	19	13	6	2	0	2
Minnesota						
Red Lake Law Enforcement Services	18	13	5	3	1	2
Mississippi						
Choctaw Police Department	35	31	4	5	4	1
Montana						
Blackfeet Police Department	73	62	11	0	0	0
Crow Police Department	10	6	4	2	1	1
Flathead Tribal Police Department	16	14	2	0	0	0
Fort Belknap Police Department	7	6	1	4	3	1
Fort Peck Indian Youth Services Center	0	0	0	17	10	7
Fort Peck Police Department	19	16	3	0	0	0
Northern Cheyenne Police Department	25	21	4	1	0	1
Rocky Boy Police Department	8	8	0	2	1	1
White Buffalo Youth Detention Center	0	0	0	31	17	14
Nebraska						
Omaha Tribal Police Department	13	12	1	0	0	0
Nevada						
Owyhee Detention Facility	10	10	0	0	0	0

Appendix table 3. Continued

State and facility	Number of inmates in custody					
	Adult			Juvenile (under age 18)		
	Total	Male	Female	Total	Male	Female
New Mexico						
Jicarilla Police Department	11	8	3	9	4	5
Laguna Tribal Detention Facility	0	0	0	0	0	0
Mescalero Adult Detention Center	27	21	6	0	0	0
Navajo Department of Corrections-Crownpoint	26	21	5	0	0	0
Navajo Department of Corrections-Shiprock	39	35	4	0	0	0
Navajo Department of Corrections-Tohatchi Juvenile Center	0	0	0	8	5	3
Ramah Navajo Police Department	5	5	0	0	0	0
Taos Tribal Detention Center	17	16	1	0	0	0
Zuni Police Department	27	21	6	5	5	0
North Dakota						
Fort Berthold Agency	4	3	1	0	0	0
Fort Totten Municipal Center	27	23	4	3	3	0
Standing Rock Law Enforcement Center	29	22	7	5	2	3
Turtle Mountain Law Enforcement Center	28	24	4	2	0	2
Oklahoma						
Sac and Fox Nation Juvenile Detention Facility	0	0	0	14	8	6
Oregon						
Chemawa Indian School	0	0	0	0	0	0
Warm Springs Detention Center	41	30	11	12	7	5
South Dakota						
Fort Thompson Jail	18	13	5	6	3	3
Kiyuska O'Tipi Reintegration Center	0	0	0	12	10	2
Medicine Root Detention Center	45	41	4	0	0	0
Pine Ridge Correctional Facility	168	157	11	0	0	0
Rosebud Sioux Tribe Law Enforcement	24	15	9	6	4	2
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	16	13	3	1	0	1
Walter Miner Law Enforcement Center-Juvenile	0	0	0	4	4	0
Walter Miner Law Enforcement Facility-Adult	37	30	7	0	0	0
Utah						
Uintah-Ouray Detention Center	13	12	1	0	0	0
Washington						
Chehalis Tribal Police Department	1	1	0	0	0	0
Makah Police Department	4	4	0	0	0	0
Puyallup Tribal Detention Facility	4	4	0	0	0	0
Quinault Police Department	3	2	1	0	0	0
Wellpinit BIA Law Enforcement Center	9	8	1	0	0	0
Yakama Police Department	15	14	1	7	3	4
Wisconsin						
Menominee Tribal Jail	34	31	3	2	1	1
Wyoming						
Wind River Police Department	14	14	0	2	0	2

Appendix table 4. Inmates in jails in Indian country, by conviction status and seriousness of the offense, June 29, 2001

State and facility	Number of inmates in custody				
	Conviction status		Seriousness of offense		
	Convicted[a]	Unconvicted	Felony	Misdemeanor	Other[b]
Total	1,062	836	113	1,738	61
Alaska					
Metlakatla Police Department	0	0	0	0	0
Arizona					
Colorado River Indian Tribes Detention Center	7	11	0	18	0
Fort Mohave Tribal Police Department	1	1	1	1	0
Gila River Department of Corrections and Rehabilitation	91	9	0	100	0
Gila River Juvenile Detention and Rehabilitation Center	56	1	39	18	0
Hopi Rehabilitation Center	92	8	0	100	0
Navajo Department of Corrections-Chinle	0	22	0	22	0
Navajo Department of Corrections-Kayenta	0	14	0	14	0
Navajo Department of Corrections-Tuba City	5	14	0	19	0
Navajo Department of Corrections-Window Rock	28	56	0	84	0
Pascua Yaqui Law Enforcement Center	0	1	0	1	0
Peach Springs Detention Center	5	10	1	14	0
Salt River Department of Corrections	18	50	0	68	0
San Carlos Jail	46	5	20	31	0
Supai Jail	0	0	0	0	0
Tohono O'odham Detention Center	49	51	0	100	0
Tohono O'odham Judiciary Juvenile Detention Center	20	2	0	22	0
Western Navajo Juvenile Services	24	1	3	22	0
White Mountain Apache Police Department	62	13	0	75	0
Colorado					
Southern Ute Detention Center	26	2	0	26	2
Ute Mountain Ute Agency	4	3	0	7	0
Idaho					
Fort Hall Police Department	19	2	0	21	0
Minnesota					
Red Lake Law Enforcement Services	7	14	2	19	0
Mississippi					
Choctaw Police Department	26	14	0	40	0
Montana					
Blackfeet Police Department	27	46	0	73	0
Crow Police Department	7	5	0	12	0
Flathead Tribal Police Department	15	1	0	16	0
Fort Belknap Police Department	0	11	0	11	0
Fort Peck Indian Youth Services Center	7	10	6	11	0
Fort Peck Police Department	13	6	5	14	0
Northern Cheyenne Police Department	16	10	0	26	0
Rocky Boy Police Department	1	9	0	10	0
White Buffalo Youth Detention Center	31	0	0	31	0
Nebraska					
Omaha Tribal Police Department	2	11	0	7	6
Nevada					
Owyhee Detention Facility	9	1	0	10	0

Appendix table 4. Continued

State and facility	Number of inmates in custody				
	Conviction status		Seriousness of offense		
	Convicted*	Unconvicted	Felony	Misdemeanor	Other[b]
New Mexico					
Jicarilla Police Department	17	3	0	20	0
Laguna Tribal Detention Facility	0	0	0	0	0
Mescalero Adult Detention Center	25	2	0	27	0
Navajo Department of Corrections-Crownpoint	6	20	0	26	0
Navajo Department of Corrections-Shiprock	0	39	0	39	0
Navajo Department of Corrections-Tohatchi Juvenile Center	0	8	0	8	0
Ramah Navajo Police Department	1	4	0	5	0
Taos Tribal Detention Center	16	1	1	12	4
Zuni Police Department	25	7	1	31	0
North Dakota					
Fort Berthold Agency	2	2	0	4	0
Fort Totten Municipal Center	12	18	1	25	4
Standing Rock Law Enforcement Center	29	5	3	31	0
Turtle Mountain Law Enforcement Center	28	2	0	28	2
Oklahoma					
Sac and Fox Nation Juvenile Detention Facility	/	/	12	0	2
Oregon					
Chemawa Indian School	0	0	0	0	0
Warm Springs Detention Center	48	5	0	53	0
South Dakota					
Fort Thompson Jail	2	22	0	18	6
Klyuska O'Tipi Reintegration Center	10	2	10	2	0
Medicine Root Detention Center	10	35	1	44	0
Pine Ridge Correctional Facility	15	153	0	168	0
Rosebud Sioux Tribe Law Enforcement	10	20	2	28	0
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	13	4	0	16	1
Walter Miner Law Enforcement Center-Juvenile	4	0	0	4	0
Walter Miner Law Enforcement Facility-Adult	8	29	1	6	30
Utah					
Uintah-Ouray Detention Center	3	10	0	13	0
Washington					
Chehalis Tribal Police Department	0	1	1	0	0
Makah Police Department	0	4	0	4	0
Puyallup Tribal Detention Facility	4	0	0	4	0
Quinault Police Department	2	1	2	1	0
Wellpinit BIA Law Enforcement Center	1	8	0	9	0
Yakama Police Department	22	0	0	22	0
Wisconsin					
Menominee Tribal Jail	27	9	1	32	3
Wyoming					
Wind River Police Department	8	8	0	15	1

/Not reported.
*Includes probation and parole violators with no new sentence.
[b]Other includes one inmate being held for the Immigration and Naturalization Service for deportation, and 60 for other reasons, including, protective custody, detoxification, driving while intoxicated, public intoxication, uncontrollable juvenile behavior, pick-up orders, runaway, and pending charges.

Appendix table 5. Inmates in jails in Indian country with a DWI/DUI offense or a drug violation or in detoxification, June 29, 2001

State and facility	Inmates in custody	Inmates in custody: Number: DWI/DUI[a]	Number: Drug offense	Number: In detoxification[b]	Percent: DWI/DUI[a]	Percent: Drug offense	Percent: In detoxification[b]
Total	1,912	181	130	259	9%	7%	14%
Alaska							
Metlakatla Police Department	0	0	0	...	0%	0%	...
Arizona							
Colorado River Indian Tribes Detention Center	18	1	0	...	6%	0%	...
Fort Mohave Tribal Police Department	2	0	0	...	0	0	...
Gila River Department of Corrections and Rehabilitation	100	0	0	...	0	0	...
Gila River Juvenile Detention and Rehabilitation Center	57	4	5	0	7	9	0
Hopi Rehabilitation Center	100	2	88	...	2	88	...
Navajo Department of Corrections-Chinle	22	4	0	...	18	0	...
Navajo Department of Corrections-Kayenta	14	2	0	...	14	0	...
Navajo Department of Corrections-Tuba City	19	1	0	19	5	0	100
Navajo Department of Corrections-Window Rock	84	3	0	23	4	0	27
Pascua Yaqui Law Enforcement Center	1	0	0	...	0	0	...
Peach Springs Detention Center	15	0	0	0	0	0	0
Salt River Department of Corrections	68	2	/	...	3	0	...
San Carlos Jail	51	13	0	4	25	0	8
Supai Jail	0	0	0	...	0	0	...
Tohono O'odham Detention Center	100	/	/	...	0	0	...
Tohono O'odham Judiciary Juvenile Detention Center	22	0	0	...	0	0	...
Western Navajo Juvenile Services	25	0	1	1	0	4	4
White Mountain Apache Police Department	75	7	3	...	9	4	...
Colorado							
Southern Ute Detention Center	28	26	0	...	93%	0%	...
Ute Mountain Ute Agency	7	1	0	...	14	0	...
Idaho							
Fort Hall Police Department	21	0	0	2	0%	0%	10%
Minnesota							
Red Lake Law Enforcement Services	21	5	0	6	24%	0%	29%
Mississippi							
Choctaw Police Department	40	0	0	0	0%	0%	0%
Montana							
Blackfeet Police Department	73	5	0	...	7%	0%	...
Crow Police Department	12	1	0	...	8	0	...
Flathead Tribal Police Department	16	0	0	...	0	0	...
Fort Belknap Police Department	11	2	3	5	18	27	45
Fort Peck Indian Youth Services Center	17	3	0	...	18	0	...
Fort Peck Police Department	19	1	0	...	5	0	...
Northern Cheyenne Police Department	26	3	1	26	12	4	100
Rocky Boy Police Department	10	1	0	...	10	0	...
White Buffalo Youth Detention Center	31	0	0	6	0	0	19
Nebraska							
Omaha Tribal Police Department	13	0	0	8	0%	0%	62%
Nevada							
Owyhee Detention Facility	10	3	4	...	30%	40%	...

Appendix table 5. Continued

State and facility	Inmates in custody	Inmates in custody: Number: DWI/DUI[a]	Number: Drug offense	Number: In detoxification[b]	Percent: DWI/DUI[a]	Percent: Drug offense	Percent: In detoxification[b]
New Mexico							
Jicarilla Police Department	20	3	0	.	15%	0%	.
Laguna Tribal Detention Facility	0	0	0	0	0	0	0
Mescalero Adult Detention Center	27	4	2	.	15	7	.
Navajo Department of Corrections-Crownpoint	26	2	0	11	8	0	42
Navajo Department of Corrections-Shiprock	39	3	0	...	8	0	..
Navajo Department of Corrections-Tohatchi Juvenile Center	8	1	0	...	13	0	.
Ramah Navajo Police Department	5	0	0	3	0	0	60
Taos Tribal Detention Center	17	4	0	...	24	0	.
Zuni Police Department	32	4	7	1	13	22	3
North Dakota							
Fort Berthold Agency	4	4	0	2	100%	0%	50%
Fort Totten Municipal Center	30	4	0	15	13	0	50
Standing Rock Law Enforcement Center	34	4	1	12	12	3	35
Turtle Mountain Law Enforcement Center	30	2	1	5	7	3	17
Oklahoma							
Sac and Fox Nation Juvenile Detention Facility	14	/	/	...	/	/	.
Oregon							
Chemawa Indian School	0	0	0	...	0%	0%	...
Warm Springs Detention Center	53	0	0	2	0	0	4
South Dakota							
Fort Thompson Jail	24	2	0	6	8%	0%	25%
Klyuska O'Tipi Reintegration Center	12	0	0	...	0	0	...
Medicine Root Detention Center	45	14	4	35	31	9	78
Pine Ridge Correctional Facility	168	5	4	...	3	2	...
Rosebud Sioux Tribe Law Enforcement	30	0	1	25	0	3	83
Sisseton-Wahpeton Sioux Tribal Law Enforcement Center	17	2	0	2	12	0	12
Walter Miner Law Enforcement Center-Juvenile	4	1	0	0	25	0	0
Walter Miner Law Enforcement Facility-Adult	37	15	0	30	41	0	81
Utah							
Uintah-Ouray Detention Center	13	9	0	0	69%	0%	0%
Washington							
Chehalis Tribal Police Department	1	0	1	...	0%	100%	...
Makah Police Department	4	0	0	...	0	0	...
Puyallup Tribal Detention Facility	4	1	0	...	25	0	..
Quinault Police Department	3	1	1	...	33	33	...
Wellpinit BIA Law Enforcement Center	9	0	0	0	0	0	0
Yakama Police Department	22	0	1	1	0	5	5
Wisconsin							
Menominee Tribal Jail	36	5	1	3	14%	3%	8%
Wyoming							
Wind River Police Department	16	1	1	6	6%	6%	38%

...Not applicable, facility does not detoxify confined persons from drugs or alcohol.
/Not reported.
[a]Includes driving while intoxicated and driving while under the influence of drugs or alcohol.
[b]Includes inmates in detoxification for drugs or alcohol.

Appendix table 6. Planned changes to jails in Indian country and projected capacity when completed

State and facility	Rated capacity, 6/29/01	Capacity added, replaced or under renovation: Funded plans[a] Number of beds	Funded plans[a] Type of construction	Other plans[b] Number of beds	Projected capacity when funded plans have been completed
All facilities	2,101	795		774	2,724
Alaska					
Kenai Native Association Adult Detention Center[c]		24	Adult		24
Arizona					
Chinle Youth Corrections[c]		50	Juvenile		50
Gila River Department of Corrections and Rehabilitation	112	105	Adult		217
Peach Springs Detention Center	41			41	
Peach Springs Juvenile Detention Center[c]		30	Juvenile		30
Salt River Department of Corrections	68	120	Mixed		120
San Carlos Jail	48	100	Mixed		100
Tohono O'odham Detention Center	34			25	
Michigan					
Sault Ste. Marie Juvenile Detention Center[c]		24	Juvenile		24
Minnesota					
Red Lake Juvenile Work Camp[c]		24	Juvenile		24
Red Lake Law Enforcement Services	22	68	Mixed		68
Mississippi					
Choctaw Police Department[d]	40			116	
Montana					
Blackfeet Police Department	45			45	
Crow Police Department	14			10	
Fort Peck Indian Youth Services Center	16	20	Juvenile		36
Northern Cheyenne Juvenile Detention Center[c]		36	Juvenile		36
Rocky Boy Police Department	15			15	
Nevada					
Owyhee Detention Facility	24			24	
Owyhee Shoshone Paiute Juvenile Facility[c]		32	Juvenile		32
New Mexico					
Jicarilla Police Department	46			60	
Laguna Tribal Detention Facility	22			100	
Taos Tribal Detention Center	8			8	
Zuni Police Department	34	38	Mixed		38
North Dakota					
Fort Berthold Juvenile Detention Facility[c]		24	Juvenile		24
Standing Rock Law Enforcement Center	50			50	
Oregon					
Chemawa Indian School	8			16	
South Dakota					
Lower Brule Law Enforcement Services Center[d]				60	
Oglala Sioux Tribe Adult Correctional Center[c,e]				140	
Rosebud Sioux Tribe Law Enforcement-Juvenile[c]		36	Juvenile		36
Washington					
Colville Adult/Juvenile Justice Center[c]		64	Mixed		64
Makah Police Department	12			16	
Puyallup Tribal Detention Facility	20			30	
Quinault Police Department	12			18	

Note: Lower Brule Law Enforcement Services Center was closed but is expected to be replaced. Other facilities funded by DOJ or in process of DOJ review include Gila River Juvenile Detention and Rehabilitation Center (42 completed beds), Barrow Juvenile Correctional Facility (14 juvenile beds, funded but jurisdictional issues pending), Kotzebue Regional Jail Facility (proposal expected for 28 adult beds), and Nisqually Adult Detention Unit (8 beds for temporary holding).
[a]Construction funded, in part, under the Correctional Facilities on Tribal Lands Discretionary Grant Program, which is administered by the U.S. Department of Justice, Office of Justice Programs, Corrections Program Office.
[b]Based on facility plans within the next 3 years that have received final administrative approval, even though necessary funds may not have been authorized.
[c]Facilities in italics will be added to the survey when fully operational.
[d]Proposal under review by the Corrections Program Office.
[e]Approved for design only, other funds pending.

Appendix table 7. Jails in Indian country under court order or consent decree to limit population or for other reasons, June 29, 2001

State and facility	Tribal, State, or Federal court order or consent decree: Maximum capacity set by consent decree	Other conditions specified
Total	386	
Arizona		
Navajo Department of Corrections-Chinle	25	(1) Detain in a humane condition (2) 36-hour holding only
Navajo Department of Corrections-Tuba City	34	(1) Detain in a humane condition (2) One hour of exercise for inmates
Navajo Department of Corrections-Window Rock	95	(1) Detain in a humane condition (2) Overcrowding
Pascua Yaqui Law Enforcement Center	4	Separate adults and juveniles by sight and sound
Minnesota		
Red Lake Law Enforcement Services	22	
Nebraska		
Omaha Tribal Police Department	32	
New Mexico		
Navajo Department of Corrections-Crownpoint	14	Detain in a humane condition
Navajo Department of Corrections-Shiprock	32	Detain in a humane condition
North Dakota		
Fort Berthold Agency	9	Overcrowding
Standing Rock Law Enforcement Center	50	
South Dakota		
Medicine Root Detention Center	33	(1) Overcrowding (2) Public detoxification inmates must be released after 8 hours
Washington		
Wellpinit BIA Law Enforcement Center	10	Overcrowding
Wyoming		
Wind River Police Department	26	Detain in a humane condition

Methodology

"Indian country" is a statutory term that includes the following: all lands within an Indian reservation; dependent Indian communities; and Indian trust allotments (18 U.S.C. § 1151). Courts interpret § 1151 to include all lands held in trust for tribes or their members. See United States v. Roberts. 185 F.3d 1125 (10th Cir. 1999). Tribal authority to imprison Indian offenders is limited to 1 year per offense by statute (25 U.S.C. § 1302).

Tribal law enforcement agencies act as first responders to both felony and misdemeanor crimes. For most of Indian country, the Federal Government provides felony law enforcement concerning crimes by or against Indians. Certain areas of Indian country are under Public Law 83-280, as amended. P.L. 280 conferred jurisdiction on certain States over "Indian country" and suspended enforcement of the Major Crimes Act (18 U.S.C. § 1153) and the General Crimes Act (18 U.S.C. § 1152) in those areas. Indian tribes retain concurrent jurisdiction to enforce laws in Indian country where P.L. 280 applies.

The Bureau of Justice Statistics (BJS) conducted the Survey of Jails in Indian Country (SJIC) to describe all adult and juvenile jail facilities and detention centers in Indian country. For purposes of this report, Indian country includes reservations, pueblos, rancherias, and other appropriate areas (18 U.S.C. § 1151). The reference date for the survey was June 29, 2001.

The SJIC was initiated in 1998 as a component of the Annual Survey of Jails (ASJ). The ASJ is conducted in each of the years between the Census of Jails. The 2001 ASJ consisted of a sample survey of 878 local jail jurisdictions, a survey of the Nation's 47 multi-jurisdictional facilities, and a survey of the 68 facilities in Indian country. (For sampling information, see *Prison and Jails Inmates at Midyear 2001*, BJS Bulletin, April 2002, NCJ 191702.)

In 1998 the Office of Law Enforcement Services, Bureau of Indian Affairs (BIA), U.S. Department of the Interior, provided a complete list of 74 Indian country jail facilities. The list included detention centers, jails, and other correctional facilities, operated by tribal authorities or the BIA. Since 1998, 2 facilities were abandoned, 3 were closed, and 2 were combined into 1 facility, resulting in 68 surveyed facilities. The facilities are in 18 States and are affiliated with 53 tribes.

Data were obtained by mailed questionnaires. Through follow-up phone calls and facsimiles, the survey achieved a 100% response rate. In addition, construction plans for facilities funded under the Correctional Facilities on Tribal Lands Discretionary Grant Program were obtained from the Corrections Program Office, Office of Justice Programs.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Lawrence A. Greenfeld is acting director.

BJS Bulletins present the first release of findings from permanent data collection programs.

Todd D. Minton collected and processed the data and wrote this report under the supervision of Allen J. Beck.

Michael Dever, Corrections Program Office, Norena Henry, Director, American Indian and Alaska Native Desk, Office of Justice Programs, and Tracy Toulou, Director, Office of Tribal Justice, U.S. Department of Justice, reviewed the report. Jennifer C. Karberg provided statistical review and verification. Tom Hester and Tina Dorsey edited the report, and Jayne Robinson provided the final production.

May 2002, NCJ 193400

This report in portable document format and in ASCII, its tables, survey questionnaire, and related statistical data are available at the BJS World Wide Web Internet site: http://www.ojp.usdoj.gov/bjs/

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FISCAL YEAR 2003 BUDGET

THURSDAY, MARCH 7, 2002

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

The committee met, pursuant to notice, at 10:02 a.m. in room 485, Senate Russell Building, Hon. Daniel K. Inouye (chairman of the committee) presiding.

Present: Senators Inouye, Campbell, and Domenici.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. The committee meets this morning to receive testimony on the President's budget request for fiscal year 2003 for Indian programs administered by the Indian Health Service and the Department of Housing and Urban Development.

The Bureau of Indian Affairs [BIA] reports that as of 1999, 43 percent of all adults living on or near Indian reservations were unemployed, and 33 percent of those who are employed were still living in poverty.

The Indian Health Service [IHS] data indicates that compared to the general U.S. population, American Indians and Alaskan Natives have a mortality rate that is six times higher for alcoholism; four times higher for tuberculosis; three times higher for diabetes, and twice as high for unintentional injuries.

Most Indian Health Service hospitals are more than 32 years old, and in the area of housing, recent studies indicate that the highest rate of overcrowding and inadequate housing in the United States can be found in Indian country.

These are just some of the statistics that we must keep in mind as we examine the President's budget for Indian programs, and as we call upon Federal agencies to help us understand whether we will be able to adequately address the overwhelming needs in Indian country with the funding that is proposed for fiscal year 2003.

In exchange for the cession of more than 500 million acres of land by the Indian nations, the United States has assumed a trust responsibility for Indian lands and resources, as well for the provision of health care, education, and housing.

These legal responsibilities have their origins in treaties and the United States' course of dealings with tribal governments and their citizens. So we must examine the initiatives outlined in the President's budget with these legal responsibilities in mind.

Today, we will ask the agencies to advise us whether we are falling further behind in carrying out our responsibilities, and inquire what resources are needed to fulfill our commitments as a Nation to the sovereign governments of Indian country and the people they serve.

With that, may I call upon my vice chairman.

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

Senator CAMPBELL. Thank you, Mr. Chairman.

Twenty-six years after the Indian Health Care Improvement Act was enacted, the health of Indian people is still the worst in the Nation in many respects. Diabetes, amputations, tuberculosis, heart disease, substance abuse, and so on are many times the national average, and you have mentioned the figures.

I can tell you that this is not an abstract number for most Indian people, because every Native American person I know has someone in his family who suffers one of those things that we have spoken about.

Just last month, Secretary Thompson released a study by the CDC's National Center for Health Statistics, showing that in the categories such as breast cancer, stroke, lung cancer and suicide, Native Americans are also doing worse than most other Americans.

Mr. Chairman, when we had our last hearing, I did reference a recent article that was in the "Wall Street Journal," which referred to the funeral home business as the most successful business on the Oglala Sioux Reservation in Pine Ridge, SD.

I think that is really an unacceptable commentary, when in a community where over 90 percent of the inhabitants are Indian people, that the most active enterprise is burying Indians. We have got to do a lot better than that.

With your permission, I would like to introduce that article in the record.

The CHAIRMAN. Without objection.

[Referenced document appears in appendix.]

Senator CAMPBELL. I do commend the President for his request of some $2.514 billion, which is about a 2.6-percent increase over enacted levels, and a $72-million increase for health facilities; although it will still fall short of providing the Indian health care funds needed to bring Native American people in parity with non–Indians in the health sector.

I am particularly interested in working to improve key areas of Indian health that I believe are disproportionately responsible, that bring misery and ruin to many Native American families: Diabetes prevention and care, alcohol and drug abuse, and mental health problems, as well as substance abuse.

As the urban Indian population steadily but surely increases, we must do more to refocus attention on the needs of urban Indian people, too. For Indian housing and community development, the request includes some $650 million for NAHASDA block grants, and additional funds for the CDBG grants, as well.

I look forward to hearing the testimony of our witnesses today, Mr. Chairman; thank you.

The CHAIRMAN. I thank you very much.

Our first witness is the director of the Indian Health Service, Department of Health and Human Services, Dr. Michael Trujillo.

The Doctor will be accompanied by Michel Lincoln, deputy director, Indian Health; and Gary Hartz, acting director, Office of Public Health.

Dr. Trujillo, it is always good to see you, sir.

STATEMENT OF MICHAEL TRUJILLO, DIRECTOR, INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, ACCOMPANIED BY MICHEL LINCOLN, DEPUTY DIRECTOR, INDIAN HEALTH SERVICE AND GARY HARTZ, ACTING DIRECTOR, OFFICE OF PUBLIC HEALTH

Dr. TRUJILLO. Good morning, Senator, it is good to see you, too. I am very honored to be before you and Senator Campbell this morning in regards to the Indian Health Service budget and programs. To my right is Mike Lincoln, and to my left, Gary Hartz.

We are honored to come here this morning and discuss with you the President's fiscal year 2003 budget for the Indian Health Service.

For the 5th year now, the development of the health and budget priorities supporting the agency's request originated at the service delivery level, and with tribal leadership and urban program involvement. We participate in formulating the budget request and the annual performance plan of the agency.

Further, I would like to add that the department held two tribal budget consultation sessions in June. One was hosted by the deputy secretary, and covered all HHS agencies. The other focused solely on the needs and programs of Indian health care systems. Both these sessions were detailed and were very productive, and a very constructive dialog with tribal leadership.

These budget consultation sessions are only one effort of many that Secretary Thompson has made to consult with tribal leadership. He and Deputy Secretary Claude Allen have already visited Indian country, and have also planned additional visits.

Secretary Thompson has spoken of his commitment to the Indian Health Service, and his support of our services and resources. He is committed to consultation and collaboration, and to continue to have American Indians and Alaska Native leadership involved in policy and have their input.

I believe the Secretary's efforts of increasing the amount of collaboration across all agencies within the department, as well as the incentives and initiatives for the department will benefit all American Indians and Alaska Native health care and social service programs.

All programs within the department will have an increasing role to assist American Indians and Alaska Natives in their programs, in their resources, and also program infrastructure development.

As I enter my 8th year as director of the Indian Health Service, I have had the honor to work closely in a collaborative and open manner with tribal leadership and urban program directors from across the Nation. Together, we have overcome difficulties and impediments, and I truly believe we have made significant strides to

improve the agency's effectiveness, efficiency, and responsiveness to those we all serve.

Those very important improvements and positive changes, unfortunately, get lost in the negative events, sometimes the negative data, and the inaccurate stories that are sometimes portrayed.

At this time, I do wish to thank tribal leadership and the urban program directors for their commitment, their dedication, and certainly their sincere professionalism and guidance. I believe together, Congress, the Administration, the Department, and tribes, will continue to make positive strides in health care for all American Indians and Alaska Natives.

I also wish to thank this committee and staff for keeping in mind the long-term goals to improve American Indians and Alaska Native health care, and to strengthening the special government-to-government relationship.

Tragically, on September 11, many things changed. The history of our country is being written on how the country has responded to the terrorist attacks, and the responses of many of us, directly or indirectly. Lives and priorities were changed. Now we must all play our part in those changed priorities of the Administration, of Congress, and of the Nation.

We must assess our respective roles and responsibilities in light of the aftermath of September 11, and in the wider national priorities. In this it is our respective roles to improve health care services for American Indians and Alaska Natives across the country, and address the growing needs together.

I want to thank you sincerely and personally for all that you have done and what the committee has done to improve that health care. Now I will discuss questions you may have regarding the President's budget of an overall increase of $6.1 million, a 2-percent increase.

The budget not only reflects needs increases for American Indians and Alaska Native health care, but also the Administration's and the Nation's emphasis on national security, the war on terrorism, and the management efficiency and effectiveness and accountability initiatives of the President.

Thank you. We have submitted a written statement for the record.

[Prepared statement of Dr. Trujillo appears in appendix.]

The CHAIRMAN. I thank you very much, Dr. Trujillo. As you know, Doctor, there are three major Federal agencies that provide health care services. The largest is the Department of Defense, and then the Department of Veteran's Affairs, and the Indian Health Service. Doctors graduate from the same medical schools. They provide the same medical care.

How does your doctor compare with the doctor at Walter Reed?

Dr. TRUJILLO. In regards to the physicians that enter the Federal service, and more specifically the Indian Health Service, we have graduates from all universities, medical schools, and academic medical centers, from all categories from the United States.

Physicians enter the Indian Health Service in two primary employment systems. One is a civil service clinician, or through the USPHS Commissioned Corps, such as myself.

In both of those, in order to enter as a clinician to practice and provide clinical care, one has to go through the initial appointment process of review on the civil service employment system, or the Commissioned Corps.

Secondarily, one has to also verify and have documentation for undergraduate and graduate work in medical education; must all have references and documentation from the appropriate residencies or internship that that individual has completed; and also have a full and unrestricted license from a State, if one is in the Commissioned Corps.

If one is in the civil service, the individual has to have a license from the State that he she has duty in or has been assigned to for clinical care.

All our hospitals and clinics, including tribal programs, also have to meet the JCHO, or the Ambulatory Care Accreditation Committee's program for verification, medical staff bylaws, privileging, and re-credentialling by the medical staff.

Approximately 3 or 4 years ago, the Office of Inspector General also did a review of the agency's credentialling and medical staff bylaws and privileging. At that time, the review found that the policies and procedures were appropriate.

There were some concerns in regards to some oversight and to strengthen our interaction with tribal programs, so that we all had and were working from the same database to verify individual past histories of individual clinicians.

That has been incorporated and, in fact, just in recent discussions with the Office of Inspector General, we are also enlarging the other new databases that have also become available this recent year.

The CHAIRMAN. What is the pay differential?

Dr. TRUJILLO. The pay differential varies in localities. If one enters the Commissioned Corps, there is a specific pay scale.

The CHAIRMAN. Well, let us just put it this way. A person of equal education, both of them thoracic surgeons, what is the difference in pay?

Dr. TRUJILLO. I wish we had a thoracic surgeon in the service. Unfortunately, we do not. But let us say in orthopedics.

The CHAIRMAN. An orthopedic surgeon.

Dr. TRUJILLO. We do have those individuals. They can come in, in two ways: one, as a Commissioned Corps Officer, at the level of their full training, in which they have completed their residency and surgery residency, and placed in a hospital setting.

The CHAIRMAN. What is the pay?

Dr. TRUJILLO. They would be paid a Commissioned Corps salary and special pays, because of their specialty and locality. Because of that, they can most likely attain a salary of around $140,000/$120,000, plus special pays in their category in the Commissioned Corps.

The CHAIRMAN. That is the highest you can get?

Dr. TRUJILLO. In the civil service system, we also have availability of some additional special pay categories, such as Title 38, which is also available for the VA program.

The CHAIRMAN. What I want to get, Doctor, is who gets better pay: VA, Defense, or Indian Health Service?

Dr. TRUJILLO. In the initial phase of an individual coming into the program, with the special pays that are available to the civil service employee, a civil service new clinician, in a specialty area such as orthopedic surgeon, would receive the higher pay; versus the Commissioned Corps physician, with the same training, the same level, and the same location.

We have to, however, compete with the private sector, in many metropolitan areas, where an orthopedic surgeon may be located. In that case, an individual coming out of training, residency, and then going into the private sector, may earn two to three times or four times more than in the IHS. This may also include bonuses to sign on for that particular health care organization.

The CHAIRMAN. I just want a simple answer. On the whole, who gets better pay: Indian Health Service, VA Hospital, or Defense?

Dr. TRUJILLO. The Department of Defense and the Indian Health Service Commissioned Corps officers receive the same respective pay. The VA has availability of the title 38 in their specialty care, as well as the Indian Health Service.

However, I would have to look at this a little bit more closely. I would think the VA program may have more options for increased pay and benefits for the individual. We can also send you some written information regarding the pay scales on respective agencies and programs.

The CHAIRMAN. Dr. Trujillo, you are well aware that the elderly population in Indian country is growing in size, and nursing homes are required to be licensed if they are to be eligible for reimbursement from Medicare and Medicaid programs. Tribal governments have repeatedly expressed frustration in securing adequate long-term care in their communities.

Does the Indian Health Service currently provide health care to elderly Indians and Alaska Natives?

Dr. TRUJILLO. Senator, yes, we do provide medical care and services, and contract health service to individuals who are eligible for services. Because we do not have funding nor authority to manage and administer skilled nursing home care facilities, we have to rely on outside sources. Tribes also have to rely on that availability. However, some tribes have built their own skilled nursing home care centers.

The emphasis of the agency, as well as with tribes, has been, how do you keep an elderly individual at home? So a lot of our concentration is on the aspects of out-patient, out-sourcing in regards to making sure that they have availability of resources, and the availability of support services, such as meals, so that the individual can be at home.

The CHAIRMAN. Would it be feasible for your health service to maintain nursing home care facilities?

Dr. TRUJILLO. We have discussed this at various periods of time within the agency and also with the involvement of tribes. The difficulty of instituting skilled nursing home care services, is that it is terribly expensive and labor intensive.

The CHAIRMAN. How much?

Dr. TRUJILLO. It is much more expensive than we would be able to run, let us say, in a locality such as Pine Ridge. Such a facility would require staffing and equipment that is quite enormous as

well as the large amount of resources that are needed for skilled nursing home care.

The CHAIRMAN. Can you share those numbers with us?

Dr. TRUJILLO. We will be able to share those. We also have to work with State licensure and accreditation procedures and building capabilities for such nursing home care.

One of the efforts of the department is looking at elderly care. In fact, in about 2 weeks, I have a meeting with the Director of the Office of Aging, so we can discuss some of the specifics of how we can better coordinate the department's effort on elderly health care programs.

The CHAIRMAN. Can you provide for the record the size of the population you serve, and the number of physicians and staffers serving them, as compared to the population that is served by the Department of Denfense and their doctors and staffs; and the same thing with VA?

Dr. TRUJILLO. Yes; we will.

The CHAIRMAN. I have a few more questions; but Mr. Vice Chairman, please proceed.

Senator CAMPBELL. Thank you, Mr. Chairman, and let me ask a few, too, and then I will pass to Senator Domenici.

First, Dr. Trujillo, you know, I understand you have really made a commitment to recruitment and retention for Indian people in the medical profession, and I certainly appreciate that.

Can you tell the committee how many Indian doctors there are in the IHS, and perhaps how many Indian medical students there are in training?

Dr. TRUJILLO. I do not know exactly how many Indian medical students are in training at the present time. I know there has been a tremendous increase in the number of Indian physicians over the past several years.

Senator CAMPBELL. Well, give me a ball park figure. Does "tremendous increase" mean 2 or 10 or 100, or what?

Dr. TRUJILLO. The figure I am more familiar with regarding Indian students and medical school approaches around about 200.

Senator CAMPBELL. Could you try to find out that number; not only of the doctors, but of the ones in training?

Dr. TRUJILLO. Yes.

Senator CAMPBELL. I think the committee would be interested in knowing that.

Dr. TRUJILLO. It changes up and down, but we have seen a trend across the Nation.

Senator CAMPBELL. I thank you.

Let me ask you a couple of medical questions about dialysis machines. How many people can use a machine in a day? I do not know a single thing about them, other than they are mighty expensive and mighty necessary.

Dr. TRUJILLO. The dialysis machines that corporations and health facilities now maintain have a little faster rate of dialysis than in the past. However, an individual still must be on the machine at least 2 to 4 hours, depending upon the blood chemistries that they have and the intensity of care. Most individuals are on, I would say, an average of 3 to 4 hours.

Senator CAMPBELL. If you ran that day and night, you would get maybe six people.

Dr. TRUJILLO. Yes; on one machine.

Senator CAMPBELL. On one machine?

Dr. TRUJILLO. And that individual also has to be dialyzed, on the average, three times a week.

Senator CAMPBELL. Yes, I knew that; thank you.

A couple of years ago, the Northern Cheyenne built a new clinic.

Dr. TRUJILLO. Right.

Senator CAMPBELL. It was opened, I think, about 1 year or 1½ years ago. In fact, I went up and visited it. It was a very, very nice facility.

At that time, I asked you if they could get a dialysis machine up there, and you will remember me asking that.

The problem was, the machine stayed awhile, and then it was moved out, from what I understand, from the tribe, due to lack of operational funds. I tried to track that down a little bit, and found out they had the machine, but they did not have anybody that could run it, and so they moved the machine.

Well, there are people up there, and I mean dozens, not one or two, but dozens have to make a 180-mile round trip, three times a week in the wintertime over black ice, and even in the summertime through often congested traffic, to get dialysis in Billings.

It takes 8 or 10 hours to do that for them, or more. So staying alive has become a full-time job for the people that have to go all the way to Billings and back, three times a week.

It just seems to me that it would have been a lot easier and maybe a lot less expensive to train somebody to run that machine, when you think in terms of manpower to drive people over there, the cost of gasoline and renting a van three times a week, or probably every day. The people have to go three times a week, so they probably do it every day.

Why do we not put that machine back? In fact, that is what I want you to do. Get that machine back up there, and get somebody up here to train on it.

The community colleges came in to see me, and I am sure they visited with other members on the committee, too, not long ago. Some of them feel that they could do some of the training for the people to operate the machines.

So first, can I get your commitment to get that machine back up there, and get somebody to operate it? Second, would you give me your opinion on having community colleges train some of the dialysis operators?

Dr. TRUJILLO. In regards to dialysis, the Indian Health Service does not maintain any dialysis programs. The tribes, or Indian Health Service, contracts with a dialysis program. In this particular case, I believe the dialysis program for Lame Deer was contracted from Deaconess Hospital out of Billings.

The difficulty we had in regards to maintain dialysis, in this particular case, was having to have a nephrologist, having to have the certification for the program to maintain and run and administer the dialysis program, and also having to have trained nursing care and dialysis technicians, including the maintenance of the dialysis machines at that location.

Senator CAMPBELL. Let me see if I understand this then. IHS provides the machines, but you do not even provide the machines?

Dr. TRUJILLO. We do not provide the machines. In fact, the corporations that tribes and Indian Health Service contract with provide all that, including the certification, the nephrologists, the technicians, the nursing care, and all the operational programs for the dialysis center.

Perhaps, some tribal colleges may be able to train individuals as dialysis technicians; but the complexity and the technology is usually very specialized training program, after having some basic training at a medical center or in a dialysis program.

One must have a certified nephrologist, who is trained in dialysis, to be the administrator and medical director, and must be able to have certification as a dialysis program; and, in that case, receive reimbursement from Medicare.

Senator CAMPBELL. This is getting too complicated for me. Give me a simple answer, if you can. What can you do to get a machine back up here, and to get somebody trained to operate it up here?

Dr. TRUJILLO. We have been working with the Billings area office and Lame Deer, and well as with Crow, because Crow does have machines, and some patients from Lame Deer do go down to Crow, which is approximately halfway in between Billings and Lame Deer.

We will commit to work with you and get you some respective answers of our plans, and also the followup and some options of how we might be able to provide services there. I would provide that to you within the next 2 weeks.

Senator CAMPBELL. Would you do that?

Dr. TRUJILLO. Yes.

Senator CAMPBELL. Okay, thank you, I appreciate that.

Maybe I have one other question, and then I will come back for another round, Mr. Chairman. That question concerns something that I think was really distressing. Perhaps you are not aware, or maybe you are, Doctor, but I would like your view on this.

In December 2001, an incident occurred on the Cheyenne River Sioux Tribe, where an IHS doctor by the name of Reid apparently, because there are several stories, including the ambulance driver, but the doctor told the ambulance driver to deliver the body of a deceased Lakota man by the name of Leonard Fiddler, to the IHS Hospital.

It is reported that Dr. Reid told the ambulance driver:

> Whatever you do, do not bring the body to the IHS. I do not care if you take it back or throw it on the side of the road; just do not bring it here.

Are you familiar with that at all?

Dr. TRUJILLO. Yes, I am, Senator, unfortunately.

Senator CAMPBELL. Could you tell the committee what you did about that, or what policies you have in place; or if it is true, if Dr. Reid is still working there?

Dr. TRUJILLO. First of all, the incident occurred with Mr. Fiddler, who also was an elder tribal leader in the Cheyenne River Tribe.

Senator CAMPBELL. I know his family well, by the way.

Dr. TRUJILLO. Yes; and he went to bed early in the evening. He was a diabetic. His wife was unable to wake him up several hours

later. Because of the circumstances, the wife called the police and an ambulance service was requested from the locality.

The ambulance arrived. The technicians detected no life signs, including pulse or responsiveness or eye reflexes, and then called the Indian Health Service local facility at Eagle Butte Hospital.

The nurses responded and called the on-call physician, who was a contract temporary physician, not an Indian Health Service physician, who was contracted to work in the evenings and on weekends.

Because of policy that was developed locally, in which deceased individuals were to be transported to the local mortuary or the morgue that the family designated, the clinicians said that that was supposed to be the route of the deceased individual on the ambulance.

There was confusion as to why not just take the individual to the hospital, because the family had not made up their mind as to where to go. Because of the location of Eagle Butte, and having encountered the death very quickly and unexpectedly, they did not have that in place.

Unfortunately, and this is very tragic, my understanding of the situation was, the clinician made some very uncalled for remarks.

Senator CAMPBELL. Where is he now?

Dr. TRUJILLO. The physician was terminated, and we no longer have that individual on contract any place within Indian Health Service. We also contacted the organization that we work with to hire the temporary physicians in, and told them the circumstances, and the necessity not to have clinicians in our service such as this.

When I found out about this, I also called on two of our clinical clinicians, who have expertise in emergency care, and one was a former medical examiner, and they had national experience. They did an immediate review of the situation.

I also called the Office of Inspector General, so that we could have an independent review. They did an independent review of the situation and forwarded me the results.

Just recently, I also met with Chairman Greg Borland and his health care committee. We went through the circumstances of the death policies, and how we will be working together, to not only overcome this particular situation, but also look at some of the other concerns that we both have regarding the delivery of services and the possibility of looking at and developing the plans for a future hospital at Eagle View.

We have agreed and will work positively and constructively on this particular issue. In addition, because of the circumstances that I felt were unwarranted by this temporary clinician, I personally sent a letter of regrets and apology to the chairman and the tribal council.

I also contacted the family, and also wrote a personal letter to them.

Senator CAMPBELL. Well, thank you for doing that. Any doctor that has that kind of a calloused attitude toward anyone that is deceased and their family I think needs to get a different profession. That is just my personal view. But I know the Fiddler family well. I know Greg Bourland well, as the Chairman does, and we do thank you for that.

I will ask some further questions when it is my turn, again, Mr. Chairman.

Dr. TRUJILLO. Thank you, very much.

The CHAIRMAN. Senator Domenici.

Senator DOMENICI. Mr. Chairman, let me just take a few minutes. Might I first ask, do we have on record how much the President's budget is for IHS? Has that already been inquired?

Dr. TRUJILLO. Yes, Senator Domenici; I also submitted a written statement for the committee, as well as outlining in that discussion the budgets proposed for fiscal year 2003.

Senator DOMENICI. Let me then move to some specifics within your operation. I understand that reports and analysis from you indicate that there is 13 percent vacancy rate among professionals in the Indian Health Service.

I know there are vacancies in every health delivery service in the country, and their shortages of different professionals in different regions; nursing being one that is getting very close to being everywhere.

But might I ask, are you doing something exceptional to try to fill these vacancies? It seems to me, you are going to have to work very hard, with some innovative ways, some ways of attracting people that are new and exciting or different. Are you doing those kinds of things in an effort to get some professionals to fill these vacancies?

Dr. TRUJILLO. Yes, Senator; unfortunately, as you have mentioned, the health care systems across the country are facing some shortages, especially in some professions. We are seeing that happening in the Indian Health Care System and tribal programs.

In nursing, for example, across the country, you have about an 11-percent vacancy rate. In our dental category, in regards to dentists, we see a high vacancy rate in tribal urban programs, and that is around about 20 or 22 percent, in all cases.

In pharmacy, we also see this in and outside the Federal services and Federal programs. The pharmacy vacancy rates are running about 14 to 15 percent nationwide, within the Indian Health Service.

In comparison to that, the physician vacancy rate is around about 8 or 9 percent. We are feeling the crunch in nursing, pharmacy, and dentists. Not only have we attempted at enhancing our program for recruitment and retention of individuals in those categories, we have also had recent authority for special pay in dentistry, and also special pay for oncoming pharmacists. We also have obtained some special pay for the nursing staff.

Unfortunately, within the Indian Health Service, we are seeing a number of our nurses are eligible for retirement. So not only are we planning for new people coming in, but also for replacement, because we see that.

We are also working in concert with the department, with some of the Secretary's initiatives on recruitment retention, so that we are going across the department as a whole, not only developing plans for recruitment and retention, but also seeing where we can strengthen each other.

Since ours are very diverse localities in our situation, with tribes and urban programs and Indian Health Service, we are also getting assistance from the department as a whole.

We have also received additional dollars in the budget to recruit individuals from the military and the VA, in which cases there has been some downsizing in their medical facilities. That will help in the recruitment, retention, loan repayment, and special pay category.

Senator DOMENICI. Well, thank you very much, and I hope your efforts are successful.

I have two parochial New Mexico questions. But let me first talk about two illnesses: Severe mental illnesses, schizophrenia, manic depression, and the like. Currently, the medical practice in the United States, are the beneficiaries of some new medicines that are stabilizing, or the first time, for schizophrenics and even manic depressants, and certainly those who have depression.

I just want to ask whether or not, in your pharmacy delivery system for Indian Health, are you providing the most modern drugs and medications for the mentally ill; or are you unable to pay for some, thereby denying them the same good new kinds of drugs that they might get, if they were not at an Indian treatment facility?

Dr. TRUJILLO. In regards to the medications that we have for mental health illnesses, and the new medications that you are referencing, a number of those, unfortunately, are very high cost drugs. We also see this in the medications that treat diabetes.

We attempt, as well as the tribal programs attempt, to have appropriate pharmaceuticals and medications on board; or, if necessary, having to order them particularly for a particular patient.

Unfortunately, as we look across the country, in tribal programs, Indian Health Services, as well as the urban programs, one of the highest rising cost areas in all of our budgets, delivery systems, have been the pharmaceuticals. In some cases, we have seen a 31-percent rise in the cost of providing the same medications.

So when we take a look at how we provided the formularies that we can specify within our facilities, and ordering special medications, we also encounter the rising costs of drugs.

We are working with the department at the present time on the overall cost of pharmaceuticals. We are also hopeful that we will be able to get some relief from other resources that will flow into the Indian Health Service, because of the overall department's plans.

Senator DOMENICI. Mr. Chairman, what I would like to do, with your permission, I would like to submit, as part of this record, a list of the kind of medication that is currently being used to treat the severely mentally ill in the non-arena; and to ask them to inform us whether they are making that available to our Indian people or not.

I do not have the names today, but frankly, there are some people whose family members are going from a catatonic state, with schizophrenia, to being an able-bodied citizen and a relative who has almost come back to life, so to speak. But you have to have medicines to do that.

You and I had to intervene one time, because they were not giving the medicine to the young man who had been very sick for 8

or 10 years. I think I told you, once they gave him the medicine, the young man was well.

In fact, his mother greeted me at an event, and I did not even know why she was there to thank me. The medicine was too expensive for their pharmaceutical acquisition list. I think we ought to help the severely mentally ill in a very special way, and make sure they are getting as good a medicine as non–Indians. That is why I want to do this exchange, if you would permit it.

The CHAIRMAN. Most certainly, you may do that, sir.

Without objection, so ordered.

Senator DOMENICI. I have two New Mexico questions.

Dr. TRUJILLO. Yes.

Senator DOMENICI. I want to give them to you, and ask my staff to get answers for them. I have on the Hickory and one on the Albuquerque health care facility.

Now I want to close by telling you that the Indian people are the beneficiaries of a very, very major effort in diabetes. We started this program when we put together the balanced budget of 1979, with $30 million for a special fund for diabetes among the Indian people. It is now $100 million per year.

I think it is time that some results show from such a major effort. I wonder if you might supply us, for the record, with some kind of analysis of how far you have come with diabetes treatment, and where you plan to go, now that there is going to be $100 million a year.

I think we do not need to burden this record with the facts, again. But if there is a population of Americans that are in serious jeopardy because of an illness, it is the Indian people and diabetes.

Frankly, we had one expert tell us, if we did not rectify the situation, that there would be no Navajo Indians left, demographically speaking, in a period of 30 to 40 years, because diabetes is such a killer, in terms of Indian people.

Are you satisfied with the way the program is being conducted, and could you supply us with information which might indicate to us whether the program is doing well or not, Doctor?

Dr. TRUJILLO. Senator, I also want to personally thank you, and also for the agency, for your efforts in regards to obtaining and assisting with the special diabetes funding. That has been of great help, not only to the Indian Health Service, but tribal programs.

Yes, we would be very willing and able to provide the committee and others with appropriate information, followup and also examples of what has been done with these special diabetes dollars, including a lot of concentration on the preventive aspect and the educational aspect.

Unfortunately, for American Indian individuals, this is the scourge and the epidemic that we see before us, because it also goes into cardiovascular disease and, as you know, dialysis and problems down the road.

We also are aware that the special diabetes funding, I believe, has one more year for the Indian Health Care Programs. The department, tribes, and Indian Health Service, will be working with the Congress on how we might be able to address the continuation of such funding, because it has been of such great help in Indian country.

Senator DOMENICI. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

The President's budget request has an increase of about $64 million for fiscal year 2002. While at the same time, health care for the American citizen was about $3,800 per year. Indian Health Service will $1,300 per year for the patients they serve. Will the $64 million increase bring expenditures closer parity, with that expended an all other all other Americans?

Dr. TRUJILLO. Senator, as you well know, the Indian Health Service, for many, many years, has had very challenging work always laid out before us. The issues of available resources, the increasing inflation for health care costs, the population growth of American Indian/Alaska Natives we see across the Nation, continues to be very challenging for us.

I believe that our programs, tribal programs and urban programs, have been quite creative, and have created some programs that despite always the needed resources that we could use, have developed good programs.

We have conducted work groups with tribal leadership to identify direct service costs for patients, in which we serve. It is called the level of need funding for direct services, where we compare programs and their respective costs, to that of the Federal employee benefits package. The cost that we have identified for direct services from that particular work group has been around about $4 billion or $5 billion.

The direct services that we can identify with Indian health service amounts to about $2 billion. We are looking at the preventive, the public health, the facilities, what we call the wrap-around services. We are also identifying those costs, too.

The budget, I believe, for this year, while it is constrained, will go toward some specific components of high need, in the services, as well as facilities, construction, and directly to tribes.

Mr. Lincoln, would you like to expand a little bit on our level of need and our cost per patient?

Mr. LINCOLN. Mr. Chairman and members of the committee, the increase in this budget cannot make up the difference between what this Nation pays for in personal medical services, which is in excess of $3,000 per individual, and what the Indian Health Service has available to it for those same personal medical services, $1,300. This budget will not make up that difference.

The CHAIRMAN. How much more would we need?

Mr. LINCOLN. Based upon this level of funded need study that Dr. Trujillo referred to, if you look at the number of users, Indian people that use the system, whether it is Federally operated, tribally operated programs, there are approximately 1.4 million to 1.5 million Indian people who use the system.

If the average, just in terms of round numbers, is $3,000 per individual, therefore, there would be a need of about $4.5 billion, in order to meet this need.

The CHAIRMAN. So the President's budget is short $4.5 billion?

Mr. LINCOLN. We currently have approximately $2 billion for personal medical services. So if we were to meet the difference be-

tween $4.5 billion and $2 billion, there would be a need of $2.5 billion.

The CHAIRMAN. The 2000 Census indicates that 57 percent of American Indians and Alaska Natives now reside in urban areas.

However, the President's budget request includes only a $581,000 increase in funding for urban Indians. Is that amount proportionate to the increase in the urban Indian populations?

Dr. TRUJILLO. There has and continues to be a shifting of the Native American population into more metropolitan areas. We have been working with the urban programs, as well as with tribes, to identify some of the high priority issues.

Over the past several years, we have developed a program for epidemiology, to obtain statistics, resources, and health care data, so that we can verify and assist the tribal programs in resources.

We have also attempted to build the infrastructure for administration training, as well as data programs, among all the urban programs over the past years, including this particular year.

The other areas that we are working on, with the department as a whole, especially through SAMSA, HRSA, and CDC, are availability of funds from their particular programs, that can flow into local governments, city governments, community health centers, migrant health centers, the cooperation between those respective agencies, and working with them, with the urban health care programs.

So what you see in the budget in the Indian Health Service is not all the dollars that go to urban programs. We also are able to hopefully access now, and in the future even more, resources from especially the community health center programs.

We also have collaborative efforts in the increased amount of dollars that are going to build back the national health service core and the clinicians that come out of that. Those individuals will then also be coming not only to tribal programs, but also urban programs.

We also have the diabetes funding, that has gone into urban programs and are part of the overall effort for education and direct services and prevention.

The CHAIRMAN. These funds are available, but are they being used?

Dr. TRUJILLO. Yes; they are being used. They are also being leveraged by many of the urban programs. The Indian Health Service, in some programs, is not the only source of dollars. They have also been very fruitful in their collaborative efforts, being able to obtain outside grants; being able to obtain programs that are available for them, either through Federal or State programs, university or other health care corporations. So our Indian Health Service dollars are also leveraged with that facility.

The CHAIRMAN. The budget request submitted by the President involves a restructuring proposal.

For example, it proposes a consolidation of public affairs, legislative, human resources, staff functions, and funding from the departmental agencies where they are currently located, to the Office of the Secretary.

In addition, the budget request proposes further consolidation of facilities construction, and that is hospitals, management and

maintenance staff, functions and funding, in fiscal year 2004, to the Secretary.

Now with that type of consolidation, do you believe that the United States' trust responsibility for the health care of American Indians and Alaska Natives will be hurt? Put another way, in a much plainer way, if a hospital building in Indian country comes up in contest with a building in NIH, which will be accorded the higher priority?

Dr. TRUJILLO. Senator, the question is very thoughtful, and I believe it is an issue that the department, the Secretary, and the agency, and tribes are now working on.

I do believe that the initiatives of the Secretary and his efforts in a one department collaboration, with collaborative support, will bring about additional resources to Indian country from other agencies within the department. I believe they also will have an increased responsibility for delivery of that care, and that the Indian Health Service is not the sole responsible party; but other agencies are.

At the present time, we are studying the efforts for consolidation, especially when you mentioned facilities. The department is now gathering information, the data specifics of how this consolidation might occur, if it were to occur in the future.

I believe that if we have a priority system, and I would have to say here, the department continues to be very impressed with the priority system of the Indian Health Service, and have also us to explain that in more detail as we go through the consolidation.

I believe, given the special relationship of the government-to-government belief in the Secretary and his concern of consultation and involvement, that certainly the highest need of Indian health care facilities will be right there on the desk for the priorities of the department.

The CHAIRMAN. That is your personal view?

Dr. TRUJILLO. That is my personal view.

The CHAIRMAN. And your priorities will be consolidated or merged with those of the Department?

Dr. TRUJILLO. I believe the Indian Health Service will also have a primary role to perhaps access additional dollars from other resources.

This particular effort is now being steadied by the department right now. We have also involved tribal leadership in a restructuring committee, to look at the options and look at the recommendations that have come from the department, so that they too will have an input directly not only to the agency, but also to the department.

In addition, the Office of General Counsel is also looking at some of the specifics, as it relates to the special relationship between tribes and the Federal Government, and the department, as well as the new legislation regarding title 5 and title 6.

The CHAIRMAN. My interpretation of history would suggest that whenever functions are consolidated, the priorities of Indian country always seems to fall to the bottom of the list. Otherwise, how can we continually have situations where the average American health care expenditure is $3,800, and the average Indian health

care expenditure is $1,300 or less than a one-third of the average expenditure for all other Americans?

I mean, this is not parity, and I am afraid that this consolidation will further exacerbate the situation. I know that you have great faith in the Secretary, but Secretaries come and go. We have no idea who the next Secretary will be, but we know what the law will be.

The attitude of the people of the United States, history shows this. We have enacted all kinds of laws, hoping that we could correct this.

The President's budget request, for example, has an increase of 83 full-time equivalents to staff new facilities, when you know that you need 183. Now how have they done this? They gave you 83 full-time, and they take away 100 Fte's from other areas. Is that not correct?

Dr. TRUJILLO. When we construct new facilities, staffing is usually at the level of 80 percent, and we do not staff, unfortunately, facilities at the 100 percent level. The funding that we have in the budget at the present time is for the completion of hospitals that are now ongoing, that is, at Winnebego, NE, Parker, CO, and Fort Defiance, AZ.

The initiatives, I believe, with the involvement of tribal leadership, and I believe the department and the Secretary, as well as this agency, certainly has brought tribal leadership in the consultation and the development of policy, and the options available.

As long as I certainly am the Director, I will commit to the involvement of tribal leadership in the development of policy, changes, and structure for the agency, because I know it directly affects the patients we care for, and it affects the people that I will go home to.

The CHAIRMAN. Well, I personally feel it is rather tragic, when you announce with great flair that we are going to have 83 new full-time equivalent positions to staff facilities, and then in fine print elsewhere, you will find that we have reduced 100 in other areas.

Dr. TRUJILLO. In regards to the reduction, there are efforts by the department, the agencies across the department, as well as the President's initiative, to assure that there is increased effectiveness and efficiency. We will not be decreasing service.

The CHAIRMAN. I would like to see this efficiency exercise carried out in all other agencies. Apparently, the only one who gets the efficiency exercise is Indian Health Service. I am trying to defend you, you know. I am not fighting you. [Laughter.]

Dr. TRUJILLO. In fact, we will become more efficient across all the agencies.

The CHAIRMAN. So you will be much more efficient with less people?

Dr. TRUJILLO. Senator, there are pluses and minuses in any restructuring effort. However, I do believe that changes are always necessary in a re-examination of any Federal agency or program, to make sure that the dollars are there, that the effectiveness is there, that the changing conditions that we deal with, including the changes in the needs of people that we serve are reflected in our we do business.

I believe we can always do better. But it is also necessary to make sure that the people we serve and the communities we serve have input into that process.

The CHAIRMAN. I have one final question, sir, and I would like to submit the rest to you. There seems to be a trend, if one looks at the budget request, where the Government of the United States is very deliberately transferring activities that they were responsible for, to private agencies such as education. It would appear that this may go into health care, also.

Does this mean that the U.S. Government is slowly washing its hands of the United States' trust responsibility?

Dr. TRUJILLO. Again, I believe that is a very thoughtful question, and a very excellent question. I do not believe, in this particular case, that we are devolving the Federal responsibility of health care programs.

In fact, at the present time, we have many localities in particular situations, where we do outsource or contract with private programs to provide services, radiology, laboratory. It depends upon the circumstances.

We also have divulged the Federal direct responsibilities in one respect, and transferred them to tribal nations, in which they now administer and manage Federal programs. Over 52 percent of the Indian Health Service budget is now managed and administered by tribal programs. That also is reflective, in part, of the budget proposals, and we will continue to have emphasis upon that self-determination.

There are some localities where tribes and Indian Health Service do not find it effective and cost effective to contract out particular services. However, there are some cases and some services where it may prove to be more cost effective and beneficial in particular localities.

The CHAIRMAN. At this moment how many men and women are under your command?

Dr. TRUJILLO. We have approximately 14,000, plus or minus.

The CHAIRMAN. With the new President's budget, how many men and women will be under your command?

Dr. TRUJILLO. It will remain approximately the same. The shift has been in our restructuring, a downsizing of our headquarters and area offices, to such an extent, when I first came in as the Director, there were headquarters personnel of over 900. We now have a little over 300. Those positions have shifted out to the field, especially to service units, to provide increased services.

The CHAIRMAN. Thank you very much, Dr. Trujillo.

Senator CAMPBELL. I have maybe a couple more questions, Mr. Chairman, and thank you.

I have been listening very intently. I think when you talk about reducing your FTEs, that causes some alarm; but on the other hand, I understand that some of it is because of the tribes picking up the responsibilities underIndian Self-Determination Act agreements, and the manpower goes up there, as it goes down at the Federal level. I assume that is where the disparity comes in.

Dr. TRUJILLO. Yes.

Senator CAMPBELL. My big concern is to obviously make sure that the services are provided, and that the Indian people are not being denied.

Let me just reflect for a minute on the comments of Senator Domenici and Senator Inouye, too. When the question of the census came up, you know, I tell you, raw numbers are always kind of suspect to me.

Because as I understand it, between 1990 and the year 2000, literally every American Indian woman in the country would have had to had about five children per year, to make up the difference in what the 2000 Census said of the number of Indian people in the country, over what 1990 said. Somehow, I do not think that happened.

I think more likely, it was what I sometimes refer to as the "Dances with Wolves Syndrome." It got awfully popular after Dances with Wolves to be an Indian. So a lot of people in the census, since they do not have to prove anything, they just can say they are. I think we get this hugely inflated number, but probably a lot of it is not really valid.

Let me just maybe mention something along the lines of what Senator Domenici said. You know, I never heard Indian people who say, 200 year ago or 150 years ago, I never read of it in any historical documents, where they suffered high diabetes.

Dr. TRUJILLO. That is right.

Senator CAMPBELL. They had a very simple food source. It was natural foods, right from the earth. Now they have probably the highest diabetes of any ethnic group in the Nation, or at least that is my understanding. That means it has got to be something to do with lifestyle and diet, that has changed over the last 100 to 150 years, or something of that nature.

If you asked the average guy in the street if he knows what the word "commodity" means, they would go blank. But I see the expression on your face. You know what it means, and I know what it means, and every Indian person knows what it means. It means starchy processed foods that come often from Government surplus stores, in cans without labels or just white labels that say, "beans," or something of that nature.

So I am convinced, and I am sure medical science would testify to it, that it has to do with diet and lifestyle. It is not just genetic. It has to do with the changes.

So I guess when I think of what we are trying to do to improve the health of Indian people, my gosh, there has got to be a limit of how many dialysis machines we can buy. It does not get to the root problem.

I guess my question to you, Doctor, is what are we doing about the root problem? Are we trying, through the IHS, to I do not know, have seminars or something about better diets? I know some of that is our problem, too, as appropriators. Senator Inouye is aware of this, and I am too. I mean, sometimes we are not providing the amount of funds we need.

But it seems to me we ought to be looking a lot more at prevention, rather than just more and more machines, and more and more doctors, and more and more hospitals and all that. It does not get to the root of what health is all about, to my way of thinking.

Would you reflect on that, just for 1 moment?

Dr. TRUJILLO. I fully agree with the emphasis on the commitment and the necessity of personal health care and responsibility.

One of the areas that the special diabetes funds have been utilized in, is in that particular area of health education, early detection, and awareness. We have grants to communities, tribal programs, and urban centers, which a lot of those dollars have been utilized in that particular effort, especially working with the youth or those individuals who are high risk individuals, to make them aware of what their consequences and their choices may lead to.

In addition, we have also been working with other outside agencies. For example, just recently, a contingent of teenage individuals came into Washington, DC from Ft. Peck. At the end of last year, they boycotted the school lunch program, because there were fats, there were sweets. Because of that, they were able to change the diet of that particular school.

They met with the director of the Department of Agriculture, and we asked questions of how to do this, what they can do. We have also been working with youth in other areas.

You mentioned that you and I are familiar with commodities. Unfortunately, I still have pangs for a craving for Spam, every once in awhile. [Laughter.]

Senator CAMPBELL. Yes; that is what happens when you are raised on it. I know.

Dr. TRUJILLO. But on a recent occasion, I happened to visit a community in the Southwest. I will not mention where. A small school bus came up that had Headstart kids in it.

They came into the restaurant, which was a fast food restaurant. Some of the children were overweight, and some of the sponsors were overweight. They lined up. They got large cokes. They got fatty foods with the Egg McMuffins, or other things similar to that. They got the fried potatoes, and all of them sat to eat that for their breakfast meal.

When we do that, or our teachers do that, what types of messages are being sent to the children? That is where we are attempting to make the inroads, such as these kids that came from Ft. Peck.

Senator CAMPBELL. Oh, I understand that. I mean, I like fried bread probably as much as the next guy. It is probably the worst thing in the world you can eat, from the standpoint of health.

May I recommend, when you have time, the next time you are in the Southwest, that you visit the Southern Ute facility that was just built. That happens to be my hometown, and that is why I know about it.

They built a really marvelous kind of health complex. It has a gymnasium and it has a swimming pool. But in addition to that, they offer healthy living classes and even offer cooking classes. They just opened it a couple of months ago. One-third of the whole tribe has already signed up to use that facility.

They have the same problems as every tribe, with diabetes, and being overweight, and so on. I think that things like that could be a role model of what we ought to be doing; not just from the standpoint of weights and cardiovascular machines and treadmills and

all that; but with the emphasis put on healthy living and diet and cooking. So I would recommend you visit that, if you can.

Just let me ask you one last little question, and that is this. I understand that when young Indian physicians graduate, that current policy prevents them from serving in their own tribal community.

I find that kind of strange, because if there is anything that Indian kids need, it is role models of people that have been successful, that happen to be their uncles or their cousins, or somebody that they know.

Do you know if that policy is in effect or not?

Dr. TRUJILLO. No; I am not aware of that policy. In fact, when I finished my medical residency training, I went back home in the Public Health Service and the Indian Health Service.

The CHAIRMAN. You did?

Dr. TRUJILLO. I was expecting to stay 2 years for my commitment. However, I have now stayed over 20 years.

No, if there are available positions; if a tribe or that clinic is available, and if they do have open vacancies, yes, they can be hired at that facilities.

I also believe that strong role models are essential, and the necessity for young Indian physicians to be out in the field, to go to schools, to be there, and to live there, is critical.

I just came from the University of Seattle, where I gave a lecture to young Indian clinicians, medical students. In the room were practicing clinicians in the Northwest, who are of Indian heritage.

They had come to the University of Washington Indian Program early on. They went to the medical school. They went to the residency, and now they were sitting in the chairs on the other side, as practicing clinicians, and they were practicing in Tribal and Indian Health Service programs. What better model and mentoring can they do?

Senator CAMPBELL. Well, we are in agreement on that.

Dr. TRUJILLO. And I hope we can provide that support.

Senator CAMPBELL. Thank you, Mr. Chairman. I would like to submit the rest of my questions in writing to Dr. Trujillo.

The CHAIRMAN. Thank you very much, Dr. Trujillo. As indicated, we would like to submit to your office several questions to be answered.

Dr. TRUJILLO. Yes; thank you, sir.

Senator can I just interrupt? Senator Campbell asked a question about mentoring of Indian students. In fact, in the audience we have here a young Indian physician, who is a public health service co-step, Mike Bartholomew, who is in medical school at Dartmouth.

Senator CAMPBELL. He is in medical school now?

Dr. TRUJILLO. In Dartmouth.

Senator CAMPBELL. And where is he?

Dr. TRUJILLO. Stand up, Mike.

Senator CAMPBELL. Good, great, thank you.

Dr. TRUJILLO. He is one of many.

The CHAIRMAN. Thank you very much.

Dr. TRUJILLO. Thank you.

The CHAIRMAN. Our next witness is the assistant secretary of the Office of Public and Indian Housing, United States Department of Housing and Urban Development, Michael Liu.

Secretary Liu, it is always good to have with us.

STATEMENT OF MICHAEL LIU, ASSISTANT SECRETARY, OFFICE OF PUBLIC AND INDIAN HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. LIU. Thank you, Mr. Chairman and members of the committee. Thank you for inviting me to provide comments on President Bush's budget for HUD's Indian Housing and Community Development programs for fiscal year 2003.

My name is Michael Liu, and I am the Assistant Secretary for Public and Indian Housing. I am responsible for the management, operation, and oversight of HUD's Native American programs. These programs are available to over 550 federally-recognized and a limited number of State-recognized Indian tribes.

We serve these tribes directly, or through Tribally Designated Housing Entities, by providing grants and loan guarantees designed to support affordable housing and viable community and economic development.

Our clientele in diverse. They are located on Indian reservations, in Alaska Native villages, and in other traditional Indian areas. More recently, this list has grown to include Native Hawaiians.

It is a pleasure to again appear before you, and I would like to express my appreciation for your continuing efforts to improve the housing conditions of American Indian and Alaska Native peoples.

As you have heard in the tribal testimony at the recently held NAHASDA hearing, much progress is being made, and tribes are taking advantage of the improvements to the law in housing conditions of the Native American families residing on Indian reservations, on trust or restricted Indian lands, and in Alaska Native villages, and are moving ahead in the right direction.

This momentum needs to be sustained, as we continue to work together toward creating a better living environment across Indian country.

At the outset, let me reaffirm the Department of Housing and Urban Development's support for the principle of government-to-government relations with Indian tribes. HUD is committed to honoring this fundamental precept in our work with American Indians and Alaska Natives.

You may recall that when I testified before you last month, I confirmed that the department was searching for a deputy assistant secretary for Native American programs. Tribal representatives and members of this committee spoke in support of setting the level for that position to Senior Executive Service.

In the spirit of cooperation, Secretary Martinez has agreed to readvertise for the position as an SES. All approvals have been received and granted, and I am looking toward having that advertisement on the web toward the later part of next week, sir.

For fiscal year 2003, the President's budget proposes a total of $740.5 million, specifically for Native Americans and Native Hawaiian housing, community and economic development, and education programs.

Of that amount, approximately $639 million is for direct, formula allocations under the Native American Housing Assistance and Self-Determination Acts Indian Housing Block Grant Program; $71 million is for grants under the Indian Community Development Block Grant Program; and $7 million is for the Native American Section 184 and Title VI loan guarantees. That loan authority will leverage $214 million in loan guarantees.

The Native Hawaiian community will receive, through the Department of Hawaiian Home Lands, $10 million for the Native Hawaiian Housing Block Grant Program, and $1 million for the Section 184A, Native Hawaiian Loan Guarantee Fund, which will leverage approximately $40 million in loan guarantees. There is $5.6 million available for training and technical assistance to support these programs.

Finally, the department requests $5.4 million to support American Indian, Alaska Native, and Native Hawaiian-oriented higher education institutions.

Next I will address the Indian Housing Block Grant Program. Adjustments to the IHBG program have been made to allow for more funds to be available for tribal use. The fiscal year 2003 budget includes $646.6 million for the IHBG program. Although this is a decrease of $2 million from fiscal year 2002, by reducing set-asides, there will actually be allowed $6.4 million more in grant dollars available to the tribes. The decreases in set-asides are from the training and technical assistance category, Title VI Program, and Working Capital Fund.

The training and technical assistance component of this program has been reduced to $3 million, down from $5 million in the previous year. This action was taken in recognition that several years have passed since implementation of this program, and most tribes have been provided with the initial and in depth training and technical assistance necessary to implement most of the new and sweeping changes in the way in which we now do business.

Training and technical assistance remains a critical component of the program, and we propose that a portion of it be accomplished in partnership with the National American Indian Housing Council. The President's budget includes a $2.2 million set-aside from the IHBG program, to continue the same level of support as provided in last year's budget to the NAIHC.

These funds, as in the past, will be made available under a contract to the organization, in return for their training and technical assistance services to NAHASDA grantees.

I would encourage the HAIHC to work with the department to ensure that these funds are obligated expeditiously, and that the training and technical assistance occur as soon as is feasible.

In fiscal year 2000, HUD executed a $2-million training and technical assistance contract with NAIHC. As of December 2001, less than $500,000 of those funds had been expended.

The Title VI Loan Guarantee Fund is also a set-aside under the IHBG Program. This budget recognizes that until the program is more fully subscribed, it is more effective to use available funds in the IHBG program, and allocate it by formula directly to IHBG grantees.

There is sufficient carryover of unused guarantee authority which, when combined with this year's budget request, will support anticipated future program needs. This allows $4 million to be added back to the IHBG formula.

As for the working capital fund in the department's fiscal year 2002 IHBG appropriation, not less than $3 million was allocated.

In attempt to better prorate the amount required from each program, it was determined that the amount allocated from the fiscal year 2003 IHBG account could be reduced by $600,000. This $2.4 million reduction from the fiscal year 2002 appropriation is included in a direct appropriation to the working capital fund.

Last year, the Section 184 Indian Housing Loan Guarantee Fund received its first annual credit subsidy re-estimate, as required by the Credit Reform Act. The re-estimate resulted in a reduced subsidy rate, which tripled loan amounts available for guarantee when holding budget authority constant during fiscal year 2002.

The subsidy rate declined due in part to the low number of defaults. The $1 million reduction in the fiscal year 2003 budget request reflects the impact of that recalculation, adjusted by anticipated utilization, so that, in fact, the $5 million in fiscal year 2003 will provide $197.24 million in loan guarantee authority.

The President's fiscal year 2003 budget request for the Indian Community Development Block Grant Program is $72.5 million. This budget will provide an increase of $2.5 million over the amount appropriated in fiscal year 2002, and $1.5 million was allocated to the operation of the Native American Economic Development Access Center, Native Edge.

Native Edge, which began as a pilot project within the department, is now an inter-agency initiative, linking 18 Federal agencies, through a single economic development access center, so that tribes, Native Americans, lending institutions, non-profit foundations, and private businesses can collaborate to promote economic growth and find innovative solutions to chronic economic development problems in Indian country.

The President's budget requests that $1.5 million be set aside from the ICDBG allocation to continue support of this award-winning and much needed initiative.

For fiscal year 2003, the department is requesting $10 million for the Native Hawaiian Housing Block Grant Program. This budget recognizes the unique housing needs of Native Hawaiian families, eligible to reside on Hawaiian homelands, and the department is now beginning to meet those needs.

A further acknowledgment is the establishment of a separate program account for the Native Hawaiian Housing Block Grant Program. It is anticipated that an interim regulation implementing the new Native Hawaiian Housing Block Grant Program will be published in the Federal Register within the next 2 months.

This action will facilitate immediate distribution of funds and implementation of the program, while public comments are being received toward publication of final regulations.

The budget also requests that $1 million be allocated to the Section 184(a) Native Hawaiian Housing Loan Guarantee Fund. At that level of funding, this new loan guarantee program, modeled after the section 184 program, will provide up to $40 million in

loan guarantee authority, to guarantee market rate mortgage loans to income eligible Native Hawaiian families, who choose to reside on Hawaiian Homelands.

The Department of Hawaiian Homelands, a State agency, is the programs partner. DHHL is the agency responsible for allocation of leasehold interests on the Hawaiian Homelands. Program procedures will mirror the section 184 program as closely as is appropriate.

Until direct endorsement lenders are approved, ONAP will work closely with DHHL and individual borrowers to review, underwrite, and issue guarantee certificates for all loans.

The President's budget also requests, under the Community Development Fund, $3 million for competitive grants to tribal colleges and universities, to provide resources to build, expand, renovate and equip their facilities; and $2.4 million to assist Alaska Native and Native Hawaiian-serving institutions, as they are defined under the Higher Education Act, as amended.

In conclusion, let me state for the record that the President's budget request for HUD's Indian housing, community development, and education programs supports the progress being made by tribes in providing housing and housing-related endeavors in Indian country.

This concludes my remarks, Mr. Chairman, and I would be happy to answer any questions you may have.

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

The CHAIRMAN. Thank you very much, Mr. Secretary.

Mr. LIU. Thank you.

The CHAIRMAN. First, I would like to commend you for responding to and resolving the so-called downgrading problem that we discussed 3 weeks ago.

Mr. LIU. Yes, sir.

The CHAIRMAN. I can assure you that the tribal leaders are most pleased with the responsiveness of your agency. I hope that this will be a hallmark for future consultation with tribes.

I am certain you are aware that tribal leaders have requested the establishment of a 58 member negotiated rulemaking committee. What is the status of that now?

Mr. LIU. We have had at least two meetings with tribal leaders to discuss the issue of consultation, negotiated rulemaking, Mr. Chairman.

I believe that it will take a number of other meetings for us to define further the issues of concern, to look at the size of the committees that are being discussed, to consider what type of processes we have involved, as I mentioned last time, so that we can balance the need to respect the request for government-to-government relationships and consultation, as well as to be able to get the job done and making our programs workable.

I think they have been very fruitful, and I am very hopeful that before the summer, we can get this issue resolved in a manner which is satisfactory, both to them and to us.

The CHAIRMAN. I thank you very much, and I hope it will be settled.

Mr. LIU. Yes, sir.

The CHAIRMAN. The committee is advised that the level of need for Indian housing is $1,075,000. Does this estimate jive with yours?

Mr. LIU. Well, we have some questions about the assumptions and the analysis involved in that report, Mr. Chairman. We do not argue with the fact that there is need. From that, we are all on the same page.

Without getting into the specifics of where there may be some differences about the $1.75 billion, we believe that the $646 million or $647 million in our budget will adequately take care of the needs in fiscal year 2003.

We look at the hold-over budget authority under the 184 program and the Title 6 programs, both of which approximate about $246 million. We added that to the actual request within our budget.

In addition, when you look at the resources being provided to the rural housing services and USDA, the new tax credit programs, the new market venture tax credits, renewal community tax credit programs, and new private sector endorsements and commitments from the GSEs to even do more on Indian lands, we think that for fiscal year 2003, that there are adequate resources to deal with the housing needs.

The CHAIRMAN. Would the department support or oppose an attempt by the Congress to increase the $646 million?

Mr. LIU. Mr. Chairman, the department will, of course, work with Congress in developing our budget as a whole, as well as it deals with Indian country. Whatever obviously is put into law by the end of this fall, we will work very closely with the committee and others to implement in the manner which, of course, would be intended.

The CHAIRMAN. As you know, Indian country has been concerned about staffing of field offices. Are you satisfied that is moving along?

Mr. LIU. I think I am satisfied. That is something that I am personally taking a very active role in, in making sure they are going forward as the department, as a whole, goes through some realignment, and that our Office of Native American Programs is a net gainer in that process. We are, so far, and I would like to see that occur even more.

The CHAIRMAN. I am certain you are aware that Indian country is concerned about black mold in their housing. Is your organization doing anything about this?

Mr. LIU. Well, as you know, sir, we have moved ahead to implement the set-aside, which was provided for last year. I also understand there has been some additional moneys accessed through our CDBG program, to work in that arena.

This is to confirm this question, at the last hearing, in regards to the availability of our lead-based paint program, a healthy homes program, that might address some of the black mould issues, also. The answer is definitely, yes. There is the chance for tribes to access those funds through the grant process.

The CHAIRMAN. Would your agency oppose an increase by line item for lead paint?

Mr. LIU. Mr. Chairman, I think, again, as per the whole issue of increased allocations we, of course, will work with the tribes, with the agencies, to address the needs with resources available.

I think one of the issues that would have to be looked at would be how targeted are the dollars; will it go to a wider array of tribes than was done last year? I think on those issues, certainly, we are open to discuss this with the Chairman.

The CHAIRMAN. On Native Hawaiian housing, have you selected a staff to serve in Hawaii?

Mr. LIU. We have started to jump start the process. Yes, I have selected an individual who would be there before the end of the month, who will start on an interim basis, at least up to 6 months, because then we are going to have to go through the advertisement process for a permanent person. So, yes, a person has been identified.

The CHAIRMAN. When do you think the first block grant will be issued?

Mr. LIU. Two months; but I am hoping we can shave a few weeks off of that. I have been personally involved in the finalization of the interim regulation, and I am hopeful that we can shorten up that timeframe a lot. But I think, at this point, 2 months is a safe guess.

I have been in touch with the director of the Department of Hawaiian Homelands. I have met with him twice within the last 2 weeks. I have been very pleased with the cooperation that we have had with the State.

The CHAIRMAN. It is my understanding that when the Drug Elimination Program was discontinued from the department's budget in 2001, the public housing operating fund was increased by $150 million, to be used for anti-drug activities.

But as you know, the tribes do not qualify for such public housing operating subsidies, so they have no replacement funding for their drug elimination activities.

Is something going to be done about this?

Mr. LIU. Well, Mr. Chairman, the position of the Administration in the elimination of the Drug Elimination Program was based on the premise that the program, as designed, had a lot of flaws. We saw an array of dollars being utilized for purposes that were tenuous, at best, in terms of their connection to drug elimination.

Our increase in request for the operating subsidy was based on our continued concern for the need to deal with public safety issues as a whole. To the extent that the tribes can utilize their block grant dollars for public safety issues, we certainly will encourage that, if those public safety programs make sense.

To the extent that we can bring to the table other Federal resources, and work with the Department of Justice in linking them with the tribes, we are working to do that.

Finally, we will be aggressively working with local leaders, whose jurisdictions, counties, towns, cities, and villages, might incorporate at least part of the regions where Native Americans reside; if not on tribal lands themselves, but to emphasize that Native Americans are citizens of their communities also, and deserve the same type of public services that other residents do.

The CHAIRMAN. As you know, in certain areas, the problem of drugs may be worse than in the city.

Mr. LIU. Yes.

The CHAIRMAN. I most respectfully suggest that your office sit down with tribal leaders to work out some sort of effective program to combat drugs, because it is a very, very serious problem.

The President's budget cuts Rural Housing and Economic Development Programs. As you know, there were tribes who were using the Rural Housing and Economic Development Program funds for capacity building, which is essential for self-governance.

Now the Administration has said that they support Indian self-determination and tribal self-governance. If that is the case, what is the justification for eliminating this program?

Mr. LIU. The primary justification, sir, was that we thought that we saw duplication, with services being provided by the Department of Agriculture, through its rural development agency; specifically, its rural housing services, as well as its business and cooperative services arena.

With the long history, and much of it is successful, under USDA, we felt that they would be the more effective entity to develop the type of capacity building, the type of housing assistance, which we were attempting to get involved in.

So primarily, to avoid duplication and leave it to the agency which is doing an effective job, that was the motivation and the underlying policy reason for the elimination of the program here at HUD.

The CHAIRMAN. Did you discuss this and explain it to the tribal leaders involved?

Mr. LIU. The position and the policy decision was discussed at meetings, I understand, by staff, and not by myself, personally. To the extent, if there is need to do more and to better explain that issue, we can do that.

I have been asked by the Secretary, as well as by Secretary Veneman, to act as the liaison between the two departments on housing issues, and I can certainly work in that role to do a better job.

The CHAIRMAN. It is my understanding that the department maintains a Public Housing Disaster Fund to address unexpected emergencies. How much was allocated to this emergency fund in fiscal year 2002?

Mr. LIU. There is, in Indian housing, apart from public housing, a $2-million set-aside, operationally, that we have had for a number of years that is available to tribes, at $350,000 maximum per incident, per application, that has been available.

This is separate from what we do in public housing, where out of its capital fund program, there is a special set-aside for the public housing authorities.

The CHAIRMAN. But it will not reduce the Block Grant Program?

Mr. LIU. No.

The CHAIRMAN. Well, Mr. Secretary, I thank you once again for your participation in this hearing. We appreciate your wisdom and your testimony, and we look forward to continue our working with you. Just keep up the consultation with the tribes. They appreciate it.

Mr. LIU. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much.

[Whereupon, at 11:45 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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

Mr. Chairman, I would like to thank you for holding this hearing today with the Indian Health Service [IHS] and the Department of Housing and Urban Development [HUD], which provide key services to Indian Nations.

I know that the Indian Health Care system continues to face competing priorities, escalating costs, and an increase in patient demand for not only more services in acute and urgent care treatment, but for better access to basic health services.

We all know that the Nation is facing a nursing shortage. Well, IHS has an even greater burden of filling professional vacancies. In fact, IHS reports an overall vacancy rate for health professionals of approximately 13 percent. IHS is attempting to address this issue by recruiting former military health professionals to work for IHS. But more help in this area is needed. Not only for recruitment, but we must address how to retain the qualified personnel. Even qualified American Indians are leaving IHS facilities, because they are afforded better working conditions, the latest medical equipment and let's face it, higher salaries than what IHS has to offer.

In my State of New Mexico there are numerous funding issues with tribal, Federal and urban Indian health care. In order for IHS to maximize their alternate resource dollars, estimated at $508.8 million dollars, there must be a commitment toward providing and improving information systems that will assist in efficient billing and collection.

The age-adjusted death rates are alarming. American Indians and Alaska Natives score higher in almost all health categories: alcoholism, diabetes, tuberculosis, cancer, obesity and sadly, the number of young people impacted are escalating as well.

I am proud to see a number of diabetes prevention activities and diabetes care programs now taking place within Indian Country. Hopefully, the prevention efforts will start revealing lower numbers in the cases of diabetes for the American Indian/Alaska Native populations.

The Department of Housing and Development administers important housing programs such as: The Indian Community Block Grant, The Native American Housing Block Grant, The Indian Housing Loan Guarantee Fund.

Further, the Native American Housing and Self-Determination Act (NAHASDA) is scheduled to be re-authorized this year. NAHASDA is one of the more successful pieces of legislation in Indian Country. This legislation is very important to Indian country resulting in placing thousands of needy Indian families into new homes. Yet, there is more work to be done. I look forward to working with the Administration, other Members of Congress, and Indian Nations in getting NAHASDA re-authorized.

With regards to the fiscal year 2003 budget request, I commend the President for: The $3 million increase in the Indian Community Block Grant program. The $55 million for the Resident Opportunity and Self-Sufficiency [ROSS] program. The $5.4 million for tribal colleges and Alaska Native and Native Hawaiian-oriented higher education institutions.

With that, I do have several concerns regarding the budget request. Chief among my concerns is that there is no request for the Rural and Economic Development Grant program. The program provides much needed economic development assistance in Indian country.

Mr. Chairman, I look forward to hearing from the witnesses today and I have several questions to submit.

PREPARED STATEMENT OF MICHAEL LIU, ASSISTANT SECRETARY PUBLIC AND INDIAN HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. Chairman, Mr. Vice Chairman, and members of the committee, thank you for inviting me to provide comments on President Bush's budget for HUD's Indian Housing and Community Development programs for fiscal year 2003.

My name is Michael Liu, and I am the Assistant Secretary for Public and Indian Housing. I am responsible for the management, operation and oversight of HUD's Native American programs. These programs are available to over 550 federally recognized and a limited number of state-recognized Indian tribes. We serve these tribes directly, or through tribally designated housing entities (TDHE), by providing grants and loan guarantees designed to support affordable housing activities and viable community and economic development. Our clientele is diverse; they are located on Indian reservations, in Alaska Native Villages, and in other traditional Indian areas.

In addition to those duties, my jurisdiction encompasses the public housing program, which aids the nation's 3,000-plus public housing agencies in providing housing and housing-related assistance to low-income families.

It is a pleasure to again appear before you, and I would like to express my appreciation for your continuing efforts to improve the housing conditions of American Indian and Alaska Native peoples. As you have heard in the tribal testimony at the recent NAHASDA hearing, much progress is being made and tribes are taking advantage of new opportunities to improve the housing conditions of the Native American families residing on Indian reservations, on trust or restricted Indian lands and in Alaska Native Villages. This momentum needs to be sustained as we continue to work together toward creating a better living environment across Indian country.

At the outset, let me reaffirm the Department of Housing and Urban Development's support for the principle of government-to-government relations with Indian tribes. HUD is committed to honoring this fundamental precept in our work with American Indians and Alaska Natives.

You may recall that when I testified before you last month, I confirmed that the Department was searching for a Deputy Assistant Secretary for Native American Programs. Tribal representatives and Members of this Committee spoke in support of setting the level for that position to Senior Executive Service (SES). In the spirit of cooperation, Secretary Martinez has agreed to re-advertise for the position as an SES.

For fiscal year 2003, the President's budget proposes a total of $740.5 million, specifically for Native American and Native Hawaiian housing, community and economic development, and education programs. Of that amount, approximately $639 million is for direct, formula allocations under the Native American Housing Assistance and Self-Determination Act's (NAHASDA) Indian Housing Block Grant Program, $71 million is for grants under the Indian Community Development Block Grant Program, and $7 million is for the Native American Section 184 and Title VI loan guarantees. That loan authority will leverage $214 million in loan guarantees.

The Native Hawaiian community will receive, through the Department of Hawaiian Home Lands, $10 million for the Native Hawaiian Housing Block Grant Program and $1 million for the Section 184A Native Hawaiian Home Loan Guarantee Fund, which will leverage approximately $40 million in loan guarantees.

There is $5.6 million available for training and technical assistance to support these programs.

Finally, the Department requests $5.4 million to support American Indian, Alaska Native, and Native Hawaiian-oriented higher education institutions.

Adjustments in the Indian Housing Block Grant (IHBG) program have been made to allow for more funds to be available for tribal use. The fiscal year 2003 budget includes $646.6 million for the IHBG program. Although this is a decrease of $2 million from fiscal year 2002, reducing set-asides will actually allow for a $6.4 million increase in grant dollars available to tribes.

The decreases in set-asides are from the Training and Technical Assistance category, Title VI Program, and Working Capital Fund.

The Training and Technical Assistance component of this program has been reduced to $3 million, down from $5 million the previous year. This action was taken in recognition that several years have passed since implementation of this program, and most tribes have been provided with the initial and in-depth training and technical assistance necessary to implement such a new and sweeping change in the way we do business. Training and Technical Assistance remains a critical component of the program, and we propose that a portion of it be accomplished in partnership with the National American Indian Housing Council.

The President's Budget includes a $2.2-million set-aside from the IHBG Program to continue the same level of support as provided in last year's budget to the National American Indian Housing Council. These funds, as in the past, will be made available under a contract to the organization in return for their training and technical assistance services to NAHASDA grantees. I would encourage the NAIHC to work with the Department to ensure that these funds are obligated expeditiously, and that the training and technical assistance activities occur as soon as is feasible. In fiscal year 2000, HUD executed a $2-million training and technical assistance contract with NAIHC. As of December, 2001, less than $500,000 of those funds had been expended.

The Title VI Tribal Housing Activities Loan Guarantee Fund (Title VI) is also a set-aside under the IHBG Program. This budget recognizes that until the program is more fully subscribed, it is more effective to use available funds in the IHBG Program and allocate it by formula directly to IHBG grantees. There is sufficient carryover of unused guarantee authority which, when combined with this year's budget request, will support anticipated future program needs. This allows $4 million to be added back into the IHBG formula.

In the Department's fiscal year 2002 IHBG appropriation, not less than $3 million was allocated to the Working Capital Fund for internal information technology improvements. In an attempt to better prorate the amount required from each program it was determined that the amount allocated from the fiscal year 2003 IHBG account should be reduced to $600,000. This $2.4 million reduction from the fiscal year 2002 appropriation is included in a direct appropriation to the Working Capital Fund.

Last year, the Section 184 Indian Housing Loan Guarantee Fund received its first annual credit subsidy re-estimate, as required by the Credit Reform Act. The re-estimate resulted in a reduced subsidy rate, which tripled loan amounts available for guarantee when holding Budget Authority constant during fiscal year 2002. The subsidy rate declined due in part to the low number of defaults. The $1 million reduction in the fiscal year 2003 budget request reflects the impact of that recalculation adjusted by anticipated utilization. The $5 million in fiscal year 2003 provides to $197.24 million in loan guarantee authority.

The President's fiscal year 2003 Budget request for the Indian Community Development Block Grant (ICDBG) Program is $72.5 million. This budget will provide an increase of $2.5 million over the amount appropriated in fiscal year 2002. $1.5 million is allocated to the operation of the Native American Economic Development Access Center (Native eDGE).

Native eDGE, which began as a pilot project within the Department, is now an interagency initiative linking 18 Federal agencies through a single economic development access center so that tribes, Native Americans, lending institutions, nonprofits, foundations and private businesses can collaborate to promote economic growth and find innovative solutions to chronic economic development problems in Indian country. The President's Budget requests that $1.5 million be set-aside from the ICDBG allocation to continue support of this award winning and much needed initiative.

For fiscal year 2003, the Department is requesting $10 million. This budget recognizes the unique housing needs of Native Hawaiian families eligible to reside on the Hawaiian Home Lands, and the Department is now beginning to meet those needs. A further acknowledgement is the establishment of a separate program account for the Native Hawaiian Housing Block Grant Program. It is anticipated that an Interim Regulation implementing the new Native Hawaiian Housing Block Grant Program will be published in the Federal Register within the next 2 months. This action will facilitate immediate distribution of funds and implementation of the program while public comments are being received toward publication of final regulations.

The Budget requests that $1 million be allocated to the Section 184A Native Hawaiian Housing Loan Guarantee Fund. At that level of funding, this new loan guarantee program, modeled after the Section 184 Program, will provide up to $40 million in loan guarantee authority to guarantee market-rate mortgage loans to income-eligible Native Hawaiian families who choose to reside on the Hawaiian Home

Lands. The Department of Hawaiian Home Lands (DHHL), a State agency, is the primary program partner. DHHL is the agency responsible for allocation of leasehold interests on the Hawaiian Home Lands. Program procedures and activities will mirror the Section 184 Program as closely as is appropriate. Until direct-endorsement lenders are approved, the ONAP National Programs Office will work closely with DHHL and individual borrowers to review, underwrite and issue guarantee certificates for all loans.

The President's budget request includes, under the Community Development Fund, $3 million for competitive grants to tribal colleges and universities to provide resources to build, expand, renovate and equip their facilities, and $2.4 million to assist Alaska Native and Native Hawaiian serving institutions, as they are defined under the Higher Education Act, as amended.

Finally, let me state for the record that the President's budget request for HUD's Indian housing, community development and education programs supports the progress being made by tribes in providing housing and housing-related activities in Indian country.

This concludes my prepared remarks. I would be happy to answer any questions you may have.

Questions From Senator Ben Nighthorse Campbell

Title VI Tribal Housing Activities Loan Guarantee Fund

"The fiscal year 2003 budget request does not include funds for the title VI loan guarantee program, but I understand that the reason for this is that there is $15 million in unused funds from past years that have been carried over."

Question 1: There seems to be a lack of understanding by the tribes and the financial community on how to make the most of the guarantee. How can we increase the desire to use the loan guarantee?

NOTE: The fiscal year 2003 budget request does contain a $2-million set-aside from the Indian Housing Block Grant allocation for the Title VI Loan Guarantee Fund. This amount, divided by the credit subsidy factor of 11.07 percent set by the Office of Management and Budget, will provide $18 million in loan guarantee authority in fiscal year 2003. Cumulative unused set asides through fiscal year 2002 amount to $27.2 million, resulting in cumulative unused loan guarantee authority of $246 million. Thus, the $18 million in guarantee authority, when added to cumulative carryover guarantee authority, results in $264 million of available Title VI loan guarantee authority.

Answer 1: The staff of the Office of Native American Programs (ONAP), Office of Loan Guarantee is partnering with Federal Home Loan Banks, Federal Reserve Banks and State Housing Finance Agencies to increase awareness of the program among lenders. Presentations are also being made to tribal advocates at regional housing authority and other Native American informational meetings. Our website now features "success stories" regarding affordable tribal housing projects assisted with title VI loan guarantees. As tribes become more familiar with the program, we expect to see increased usage. Currently, tribes have made HUD aware of potential loan guarantee transactions that would use $54 million in guarantee authority.

Training and Technical Assistance

Question 2: The HUD training and technical assistance budget is proposed for a reduction to $3 million, and while I understand that many tribes have already received technical assistance, are we seeing an increase in tribal capacity that makes "Training and Technical Assistance funding" unnecessary?

Answer 2: From the inception of the Indian Housing Block Grant (IHBG) program in fiscal year 1998 through fiscal year 2002, a total of $28 million in training and technical assistance funding has been as appropriated directly to HUD as follows: fiscal year 1998—$5 million, fiscal year 1999—$6 million, fiscal year 2000—$6 million, fiscal year 2001—$6 million, fiscal year 2002—$5 million. In addition, the National American Indian Housing Council (NAIHC) has received, through either the Indian Housing Block Grant or the Community Development Fund, $14.9 million to provide training and technical assistance during that time period. The total amount of funding available for training and technical assistance through fiscal year 2002 is $42.9 million.

In fiscal year 2000, HUD executed a $2 million training and technical assistance contract with NAIHC. As of December 2001, less than $500,000 of these funds had been expended by NAIHC. The Department has emphasized to NAIHC the need for timely performance under this contract.

The President's fiscal year 2003 budget requests $7.4 million ($3 million to HUD and $4.4 million to NAIHC) for these purposes. If enacted at the request level, total

funding for training and technical assistance since the inception of the Indian Housing Block Grant Program will be $50.3 million.

There is a significant, long-term commitment by the Congress, the Department and the National American Indian Housing Council to improve each grant recipient's technical capacity to operate its IHBG program. While many tribes have reached the point where they no longer need regular technical assistance, this is not universal.

Regulatory Reform Commission "In 2000 we enacted 'Regulatory Reform and Business Development on Indian Lands Authority' headquartered in the commerce department. I would very much like you to work with the Commerce Department and the Interior Department to see that this commission gets off the ground and can begin to study ways to peel back unproductive regulations."

Question 3: Will you work with us to make that happen?

Answer 3: The Department will be pleased to work with the committee and other Federal agencies on this effort.

Questions from Senator Pete V. Domenici

Rural Housing and Economic Development

Question 1: There is no funding requested for the Rural Housing and Economic Development Grant program, which has previously been funded at $25 million per year. Why is the program not being funded this year?

Answer 1: The President's budget request for Fiscal Year 2002, as well as for fiscal year 2003, did not contain funding for the Rural Housing and Economic Development Program. While there have been some beneficial initiatives funded with these grants, it is the Administration's position that this program duplicates numerous Department of Agriculture rural development programs that have been in existence for years covering housing, infrastructure and economic development.

Training and Technical Assistance

Question 2: Under the Public and Indian Housing Technical Assistance program, there is a decrease of $2 million. Are there other opportunities in HUD that Indian Nations can take advantage of to offset this decrease in funding?

Answer 2: In the 5 years that the Indian Housing Block Grant Program has been in effect, the Office of Native American Programs has used training and technical assistance funds to develop long-term solutions to the challenges of providing training and technical assistance to Indian tribes and their tribally designated housing entities. One example is the number of training courses that are regularly scheduled in locations throughout Indian country. These courses include NAHASDA Basics, Indian Housing Plan/Annual Performance Reports, Board and Tribal Roles and Responsibilities, Environmental Review, Self-Monitoring, Construction Contract Management, Financial Management, and Basic and Advanced Financial Leveraging. Course locations include Oklahoma City, Portland, OR, Phoenix, Seattle, Boise, ID, Minneapolis and Anchorage. The cost to repeat these courses, as necessary, is significantly lower after initial development.

In addition, advanced technology now allows for the presentation of training without the burden of travel costs. Using pre-prepared and distributed slides and other visual aids at training sites with telephone connectivity, the trainer no longer has to be onsite to provide quality training. Conferencing allows multiple locations to receive training in this manner without incurring travel costs for either the trainer or the tribal housing staff.

T2Section 184 Program

Question 3: Why is there a decrease of $1 million in the Indian Housing Loan Guarantee fund?

Answer 3: There is a substantial amount of unused carryover appropriations from previous fiscal years. This results in cumulative current uncommitted loan guarantee authority of over $ 506 million. A decrease in the subsidy factor (which is set by OMB) in fiscal year 2002 and again applicable in fiscal year 2003 tripled the dollar amount of loans that can be guaranteed in each of those years. A $5 million appropriation appears adequate for near-term budget cycles given the amount of carryover loan guarantee authority available.

Question 4: Regarding the NATIVE eDGE initiative, how is the money spent? What are some of the successes of NATIVE eDGE?

Answer 4:

How is the money spent?

Native eDGE began as a Federal interagency initiative to develop a one-stop-shop for economic development assistance to American Indian and Alaska Native organizations and individuals. To date, Native eDGE has not received any funding from Congress or the other 17 Federal agency partners. The initiative was started as a pilot project with minimal use of HUD funds. Since launch, the cost of HUD staff has been HUD's contribution to the interagency partnership.

Native eDGE can be a true catalyst for the creation of sustainable economic development in Indian country.

Approximately $1 million of the fiscal year 2003 appropriation is needed for web site improvements so that clients can be served more efficiently and effectively. Approximately $500,000 of the fiscal year 2003 appropriation is needed for training to provide regional workshops for tribes and individuals on how to create businesses; start tribal career, educational, and economic development programs; and create opportunities for youth using Native eDGE as a tool.

T2How successful is Native eDGE?

Since Native eDGE began in April of 2000, over 40,000 individuals have visited the web site, over 7,000 publications have been ordered, and over 2,000 requests for assistance have come in through the Technical Assistance Call Center. Over 800 Indian economic development projects are registered in the Native eDGE eLab portion of the web site. These projects continue to receive ongoing technical assistance from the Native eDGE staff.

Institutional Successes

Overall, Native eDGE improves the effective and efficient delivery of Federal services through coordination with 170 Federal program offices, approximately 60 educational organizations, and over 50 grassroots entities. A major objective of Native eDGE is the promotion of collaborative efforts between Federal agencies, lenders, foundations, and the private sector. Through these collaborative approaches the limited resources of all Federal entities can be combined for maximum impact for Native Americans and Alaska Natives. This is a unique service provided by Native eDGE that is not available from any other Federal or non-governmental organization.

Native eDGE improves the effectiveness of outreach to client populations through the provision of one-stop access to information on Federal, NGO, and private sector resources. Native eDGE provides efficient service to client populations through an electronic medium 24 hours per day, 7 days per week. Finally, Native eDGE provides full customer service through regular follow-up and on-going technical assistance.

Individual Successes

This program has enabled Native Americans to more efficiently navigate through the complexity of Federal Government programs by providing a single access point for economic development support. Instead of having to invest significant amounts of time searching through numerous agencies, Native eDGE provides a single access point to explore an extremely wide range of options and opportunities that cross multiple organizations. Native eDGE provides this access point through a call center, web site, and publications clearinghouse.

Native eDGE provides Native American businesses with one-stop access to economic development resources, which saves search time and energy. It also enables businesses or individuals to collaborate with economic development experts in a virtual workspace environment. For example, Native eDGE's economic development specialists review and comment on the projects registered by Native Americans using a web-based internet tool as a means of helping clients improve their projects.

Examples of how the project has benefited a specific individual, enterprise or organization

"Personally I have recommended Native eDGE to others. If I did not have access to the Native eDGE program, I would have had to contact multiple resources for information, and would not have known about other possible funding sources."—Larry Rodgers, Chairman, Four Corners Enterprise Community Board of Directors.

"I was interested in opening up a Subway sandwich shop—Native eDGE pointed me in the right direction for applying for small business loans for Native Americans. Although, in the end, I received funding from the private sector, rather than through a small business loan, Native eDGE was extremely helpful in providing information about different sources of funding. I'm glad that kind of resource for Native Americans exists. "—Meredith Long, Subway Owner in Kansas City, Missouri.

"Through using the Native eDGE web site, I found out about resources for potential funding on business and economic development projects that I would not have

thought of otherwise. What I liked best about Native eDGE was the ease of use, and not having to make time-consuming phone calls or searches through pages of potential opportunities. The time saved in finding potential grants is invaluable. Even when some of the auto-generated responses were not directly relevant to my particular needs, they gave me ideas for other resources and options to explore."—Kelly Lammon, Central Council of Tlingit and Haida Indian Tribes of Alaska

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PREPARED STATEMENT OF GREG SARRIS, CHAIRPERSON, FEDERATED INDIANS OF GRATON RANCHERIA

Chairman Inouye, Vice Chairman Campbell and members of the committee, my name is Greg Sarris, tribal chairperson of the Federated Indians of Graton Rancheria. Federal recognition was restored to Graton Rancheria by Title XIV of Public Law 106–568, the Omnibus Indian Advancement Act, an important piece of legislation enacted with your help on December 27, 2000. In fiscal year 2002, the Department of the Interior budget contained zero, I repeat zero, funds for Graton Rancheria under the New Tribes Program, despite repeated letters from Graton Rancheria to the Secretary of the Interior and Assistant Secretary-Indian Affairs sent before the fiscal year 2002 budget was enacted.

While we have not yet seen the detailed line items for the fiscal year 2003 Indian Affairs budget, we are very concerned about the potential for the same thing to happen in this budget cycle and want to be proactive. The Tribe also received zero funds in response to its request for one-time capital startup costs (separate from New Tribes Program) and did not even receive a written reply to its formal resolution to the Bureau. The lack of funding is a major obstacle to developing effective governmental systems for the tribe. We have opened a tribal office primarily with non-Federal funds that come from other tribes in California and with donated, used furniture. We have no ability to hire an administrator and only limited ability to respond to the needs of tribal members. We cannot even plan basic next steps because of the uncertainty about future funding.

The tribe is certainly grateful to have its Federal recognition back and wishes to warmly thank the committee members who made that possible. However, at the same time, we need to look forward and would appreciate the Committee's support in resolving this funding dilemma. If funding is provided in fiscal year 2003, it should be considered the Tribe's first year of the 3-year period for new tribes in the New Tribes Program. We will continue to monitor closely the situation and voice our concerns as necessary.

A separate funding issue relates to Indian Health Service funding and preparation of the Tribe's base roll, as required under P.L. 106–568. The Tribe to date has had to expend an enormous amount of time on enrollment issues because the Bureau denied 330 of 772 individual applicants for the base roll and would not accept the tribe's roll of documented members at the outset. Many persons have unfortunately not been able to file appeals and the Tribe has minimal resources to help. The number of members on the base roll is critical for Indian Health Service funding.

While the tribe does not have the resources to personally attend the hearing, we would be happy to respond quickly to any questions or requests for additional information. Thank you for your consideration of this testimony. Any assistance you can provide would be greatly appreciated.

PREPARED STATEMENT OF MICHAEL H. TRUJILLO, M.D., DIRECTOR OF THE INDIAN HEALTH SERVICE

Mr. Chairman and members of the committee.

Good morning. I am, Dr. Michael H. Trujillo, Director of the Indian Health Service [IHS]. Today I am accompanied by Michel E. Lincoln, deputy and Gary Hartz, acting director of Office of Public Health. We are pleased to have this opportunity to testify on the fiscal year 2003 President's budget request for the Indian Health Service.

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. In carrying out our statutory responsibility to provide health care services to Indian tribes in accordance with Federal statutes or treaties, we have taken it as our mission to raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives to the highest level, in partnership with the population we serve. The agency goal is to assure that com-

prehensive, culturally acceptable personal and public health services are available and accessible to the service population. The mission and goal are addressed through four agency strategic objectives, which are to: No. 1, improve health status; No. 2, provide health services; No. 3, assure partnerships and consultation with IHS, tribal, and urban programs; and No. 4, perform core functions and advocacy.

For the 5th year now, development of the health and budget priorities supporting the IHS budget request originated at the health services delivery level and with tribal leadership. As partners with the IHS in delivering needed health care to AI/AN's, tribal and urban Indian health programs participate in formulating the budget request and annual performance plan. The combined expertise of the IHS, tribal, and urban Indian health program health providers, administrators, technicians, and elected officials, as well as the public health professionals at the area and headquarters offices, has defined health care funding needs for AI/AN people. Improving the health of the AI/AN population overall, and providing health care to individuals in that population, are important and challenging IHS goals. Comparing the 1996–98 Indian [IHS Service Area] age adjusted death rates with the U.S All Races population in 1997, the death rates in the AI/AN population is 6 times greater for alcoholism, 4 times greater for tuberculosis, times greater for diabetes, and 2 times greater for unintentional injuries.

3 The fiscal year 2003 President's Budget request and performance plan represents a critical investment in improving the delivery of health care to the American Indian and Alaska Native population.

The President proposes an increase of $60.027 million to the IHS budget in fiscal year 2003 above the fiscal year 2002 appropriation. This request provides an additional $65.807 million for current service items including staffing for newly completed health care facilities, $16.351 million in program increases for Services, and $1 million in program increases for Facilities and Environmental Health. In addition, the increases include an offset of $23.131 million for administrative and management reforms and one-time facilities projects and construction funds. These proposals result in an overall net increase of $60.027 million.

In support of the President's Management Agenda and the Secretary's Workforce Restructuring Plan, the IHS will streamline its general administrative and management staff at all organizational levels and institute cost controls on administrative support systems. Along with other DHHS agencies to increase administrative effectiveness, the IHS will transfer its public affairs, legislative, and human resources staff, functions, and funding to the Office of the Secretary in fiscal year 2003. During fiscal year 2003, the IHS will prepare to move facilities 4 construction, management and maintenance staff, functions, and funding to the Office of the Secretary in fiscal year 2004.

Further, the President's fiscal year 2003 budget reflects the IHS's full share of the accruing cost of retirement benefits for current civil service and Public Health Service commissioned personnel. These cost amounts for fiscal year 2003 are shown as $60,671 million in services, $7.904 million in facilities, and $8.873 million in collections for a total accrual cost of $77.448 million. These costs are also shown comparably for fiscal year 2001 and fiscal year 2002.

These investments will continue to improve the IHS, tribal, and Urban Indian Health Programs' capacity and infrastructure to provide access to high quality primary and secondary medical services, and begin to slow down recent declines in certain health status indicators.

From a policy perspective, this budget 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:

- HHS' effort to ensure the best health, and best health care services possible, without regard to race, ethnicity or other invidiously discriminatory criteria,
- proposed Healthy People 2010 and its goal of achieving equivalent and improved health status for all Americans over the next decade,
- 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.

The Indian Health Care Improvement Act and other Federal statutes make clear that the U.S. Government's obligation under Federal statutes and treaties includes providing health care services efficiently and effectively to Indians and Indian tribes.

The primary policy basis for this budget request is to deliver efficiently and effectively health care services to the AI/AN population to substantially improve the health of members of that population. Consistent effort will be required over the long 6 term to improve the health of members of the AI/AN population, and such long-term consistent effort should lead us to the day when the health statistics of the AI/AN population do not differ from those of the U.S. population as a whole. The Administration takes seriously and is fully committed to honoring its obligations to American Indians and Alaska Natives under statutes and treaties to provide effective health care services.

A major priority in the budget proposal is to restore access to basic health services. The IHS has demonstrated the ability to maximize and utilize available resources to provide services to improve the health status of AI/AN people. However, the Indian Health Care system continues to face competing priorities, escalating costs, and an increase in patient demand for more acute and urgent care treatment. Thus, to address continuing access to essential individual and community health services, the Area IHS, Tribal, and urban Indian programs identified funding of personnel-related costs and increases associated with current services items as their first priority for budget increases for fiscal year 2003. In an effort to maintain the current level of services, the budget request includes $26.812 million for Federal pay cost increases and $19.758 million for tribal pay costs increases; $16.737 million to fund the staffing and operative costs of those facilities that will open in fiscal year 2003 or have recently opened; and $2.5 million increase for Contract Support Costs.

The ongoing replacement of outdated clinics and hospitals is an essential component of supporting access to services and improving health status. In the long run, this assures there are functional facilities, medical equipment, and staff for the effective and efficient provision of health services. As you know, the average age of IHS facilities is 32 years. The fiscal year 2003 budget includes $72 million for health care facility construction to be used for replacement of existing health care facilities. This amount will fully fund construction of the quarters at Fort Defiance, Arizona; the final phase construction of the hospital at Winnebago, Nebraska; and the final phase of the construction of health centers at Pawnee, Oklahoma, and St. Paul, Alaska; the continued construction of health centers at Pinon, Arizona, and Red Mesa, Arizona.

Also critical is the provision of adequate contract support costs necessary to support the health services provided by 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 fiscal year 2003 budget includes an increase of $2.5 million over the fiscal year 2002 enacted level for contract support costs (CSC). The increase is necessary to provide CSC funding for new and expanded tribal programs to be contracted in fiscal year 2003. The $2.5 million increase will first be used to provide CSC for new assumptions of IHS programs under self-determination agreements. To the extent the $2.5 million is not needed for new assumptions, it will be used to increase contract support cost funding for existing contracts.

The requests that I have just described provide a continued investment required to maintain and support 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. The following proposals are intended to strengthen health improvements among the Indian health care components.

Proposed increases of $7.351 million for contract health services, $1.5 million for the tribal epidemiology centers, $4.150 million for health care professions, $3.0 million for information technology, $1.0 million for maintenance and improvement, and $850,000 for HIPAA privacy regulations are also included in the funding request.

The health status that the I/T/Us must address is formidable, particularly in terms of death rates. Comparing the 1996–98 Indian age-adjusted death rates with the U.S. all races population in 1997 reveals greater death rates in the AI/AN population for alcoholism, tuberculosis, diabetes, unintentional injuries, suicide, pneumonia and influenza, homicide, gastrointestinal disease, infant mortality, and heart disease. Even more alarming is recent data that indicates the mortality disparities for AI/AN people are actually worsening.

Given these formidable challenges, the IHS is pleased to present this budget request for fiscal year 2003 as one that will improve access to basic health services

and address the multiple health issues affecting AI/AN people. The request and associated performance plan represent a cost-effective public health approach to assure improvements in the health of AI/AN people. The request reflects the continued Federal commitment to enhance the IHS, tribal, and urban Indian health system so that we can continue to make significant improvements in the health status of American Indian and Alaska Native people.

Thank you for this opportunity to discuss the fiscal year 2003 President's budget request for the IHS. We are pleased to answer any questions that you may have.

PREPARED STATEMENT OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

On behalf of NCAI's more than 200 member tribal nations, we are pleased to have the opportunity to present written testimony on the President's fiscal year 2003 budget request for Indian programs.

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 sprit of resolve that Indian Nations come before Congress to talk about honoring the Federal Government's treaty obligations and trust responsibilities throughout the fiscal year 2003 budget process.

On February 4, President Bush proposed a $2.13-trillion budget for fiscal year 2003 that included largely level funding for Indian programs, continuing the trend of consistent declines in Federal per capita spending for Indians compared to per capita expenditures for the population at large. This trend demonstrates the abject failure of the Federal Government to commit the serious resources needed to fully honor its trust commitment to Indian tribes.

As you know, the Federal trust responsibility represents the legal obligation made by the U.S. Government to Indian tribes when our 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 Congress must make difficult budget choices this year. As elected officials, tribal leaders certainly understand the competing priorities that you 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 climate. We at NCAI urge you to make a strong, across-the-board 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 clarify the government-to-government relationship, truly will make a difference in helping us to create stable, diversified, and healthy economies in Indian country.

NCAI's written statement focuses on the key areas of concern surrounding the President's budget request of course, there are numerous other Federal programs and initiatives that are important to American Indians and Alaska Natives. Attached is an agency-by-agency breakdown and NCAI resolutions detailing key programs that benefit Indian Nations. NCAI urges Congress to support each of these programs at the highest possible funding level as the budget and appropriations process moves forward.

Bureau of Indian Affairs/Office of Special Trustee

The President has requested a $22.9-million increase for the Bureau of Indian Affairs, from $2.25 billion to $2.27 billion. The funding increase is primarily dedicated to trust management activities. Other key areas of the BIA budget, such as Tribal Priority Allocations, public safety, and economic development, remain deeply underfunded.

Tribal Priority Allocations provide tribes with the resources for governmental services at the local level. Because we are able to prioritize TPA funds according to our unique needs and circumstances, providing adequate TPA resources is one of the most important things the Federal Government can do to further the goals of tribal self-governance in a practical way. Unfortunately, the budget requests only a $23.4-million increase to this account, with nearly $18 million of that going toward trust-related activities.

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. Simply put, tribal governments simply

cannot continue to provide essential government services to our growing—and disproportionately poor—population without a substantial increase in our TPA funds.

As stated earlier, the budget request includes a significant initiative to increase funding for trust management within the BIA and the Office of Special Trustee. Within the BIA, $153 million—a $35-million increase is included for trust operations and services at the headquarters, regional, and tribal levels. The Office of Special Trustee would receive a 44-percent increase—to $160.6 million—which is partially offset by a $3-million cut to the Indian Land Consolidation Account.

NCAI is concerned that a large portion of the requested increase for trust management likely would go toward implementing the new Bureau of Indian Trust Assets Management that is strongly opposed by tribes. NCAI believes that a large funding increase is key to reversing the hundreds of years of gross mismanagement that continues to plague tribal and Indian trust accounts. As Secretary Norton herself has pointed out, it will cost "hundreds of millions" of dollars to remedy the problem. However, any such increases must be targeted Testimony of NCAI

President's Budget Request for fiscal year 2002 March 7, 2002 Page 4 of 8 for workable, well-planned reform initiatives developed in close consultation with tribes and individual beneficiaries.

Finally, one other area of the BIA budget—education—deserves special mention. The budget request includes an extremely troublesome proposal that would authorize the privatization of the 64 schools directly operated by the Bureau of Indian Affairs, unless tribes decide to operate these schools under contracts or grants. Of course, tribal operation of schools is a fundamental principal of self-determination, and NCAI firmly supports the right of tribes to privatize schools if they so desire.

However, the budget request fails to provide adequate funding to cover the costs of tribal administration of BIA-funded schools, especially for the lowest-performing ones slated for transfer. The small increase in funding proposed for Administrative Cost Grants does not come close to addressing the drastic shortfalls in this account, which is currently funded at less than 80 percent of the level required under Federal law. Additional school conversions to tribal operation would decrease the slice of the already too-small pie going to each school even more. Likewise, the $2 million increase proposed for student transportation is completely inadequate compared to the $21.5 million needed just to bring tribally operated schools up to a funding level that equals the national average of 5 years ago.

Indian Health Service

The budget request includes $2.9 billion for the Indian Health Service, a $60-million increase over the current funding level, but a de facto decrease given the absorption requirements proposed under the President's request. Of this total, $2.5 billion is proposed for Indian health services. For facilities, $370.5 million is proposed—an increase of less than $1 million.

Because most of the increases are targeted for mandatory pay-cost adjustments and staffing at new facilities, the budget request falls short of allowing the IHS to break even with fiscal year 2002 funding levels once the new absorption requirements under the President's budget are accounted for. When measured in constant dollars, per capita spending for health care in the IHS service population is actually lower today than it was in 1977. Since 1993, funding has dropped below the rate of inflation and the 27 percent hike in the IHS service population in the 1990's.

Indian country is all-too-familiar with the disproportionate impact that diseases such as diabetes, heart disease, and cancer have in American Indian and Alaska Native communities. In January, the Centers for Disease Control released a study[1] that found that, between 1990 and 1998, the lung cancer death rate for American Indians and Alaska Natives increased by 28 percent and the percent of low birthweight infants increased by 11 percent. The study also found that American Indians and Alaska Natives do not appear to have experienced the same improvements in the suicide, breast cancer, and stroke death rates as other racial/ethnic groups.

To help address these health disparities in a meaningful way, the IHS Level-of-Need Funding Workgroup has identified an $18-billion needs-based budget for the IHS, including a non-recurring $8.7 billion facilities request and $10 billion to fully fund the health needs of American Indians and Alaska Natives.

A 10-year phase-in of the $18 billion needs-based budget can be achieved through a several years of appropriations increases. If a first year increase of $2.6 billion were appropriated [a 112-percent increase], the following years' increases would decline to 20 percent in year 5 and 10 percent in year 10. The first year increase

[1] Department of Health and Human Services, Centers for Disease Control, *Trends in Racial and Ethnic-Specific Rates for the Health Status Indicators: United States, 1990–98,* January, 2002.

would be substantially more to help offset the more than $2 billion lost to inflation over the past 8 years.

This type of major investment would account for the real revenue losses due to inflation and population growth, create long-term savings to taxpayers, and eliminate the vast health disparities that exist between American Indians and Alaska Natives and the general U.S. population.

Other Key Issues

Public Safety

More than 200 police departments, ranging from tiny departments with only two or three officers to those with more than 200 officers, help to maintain public safety in Indian Country. According to a recent Justice Department[2] study, the typical Indian country police department has no more than three and as few as one officer patrolling an area the size of Delaware.

The same study found that inadequate funding is "an important obstacle to good policing in Indian country." According to DOJ, the appropriate police coverage comparison may be between tribal departments and communities with similar crime problems. Because the violent crime rate in Indian country is more than double the national average, we should compare our police coverage with large urban areas with high violent crime rates. According to the Bureau of Justice Statistics, cities like Baltimore, Detroit, and Washington have high police-to-citizen ratios of 3.9 to 6.6 officers per 1,000 residents. On the other hand, virtually no tribal police department has more than 2 officers per 1,000 residents.

Given that the Justice Department itself just published a study that justifies the need to increase resources for Indian country law enforcement, it is astounding to see that our law enforcement programs actually took a $40-million direct hit in the fiscal year 2003 budget request. The budget would eliminate all $35 million in tribal jail construction funding and would cut $5 million in tribal law enforcement personnel funds. We strongly oppose these cuts, and request an increase to the FY 2002 funding levels for Indian country law enforcement programs.

Housing

According to statistics provided the by the National American Indian Housing Council, 40 percent of the homes in tribal communities are overcrowded and have serious physical deficiencies. The comparable national average is 5.9 percent, almost six times lower.

These types of conditions have a very real and detrimental impact. Respiratory illness, skin conditions, head lice, sleep deprivation that affects schooling, and a lack of privacy that sometimes leads to child physical and sexual abuse can all be traced back to the housing crisis that plagues some of our reservations.

In the face of the widely reported housing deficiencies in Indian country, I am sure that you were as surprised as us to see that the fiscal year 2003 budget request actually cuts several programs authorized under the Native American Housing Assistance and Self-Determination Act [NAHASDA]. The President's proposal reduces the Indian Housing Block Grant Program by $2 million, to $647 million, and slashes the title VI loan guarantee program by two-thirds.

The FY 2003 request is far below the $1.1 billion base funding determined by the National American Indian Housing Council [NAIHC] as a minimum to begin addressing the housing shortage in American Indian communities. NCAI supports the NAIHC-recommended funding level and calls upon Congress to reject the cuts proposed by the Administration.

Transportation Indian Reservation Roads [IRR] make up 2.63 percent of all existing roads in the Federal-aid highway system, but historically they have received less than 1 percent of all Federal highway dollars. On average, only $500 per mile—and in some cases, as little as $80 per mile—is available for maintenance. In comparison, an average of $2,200 per mile is spent maintaining other Federal roads, and an average of $2,500 to $4,000 per mile is spent by States.

Recognizing the urgent need to improve the road conditions in Indian country, Congress last year approved a fiscal year 2002 Transportation Appropriations bill that provided funds to offset the obligation limitation on the IRR and thus resulted in a final funding level of approximately $275 million, the full authorization level.

The budget request for the Department of Transportation eliminates the additional IRR funding contained in the fiscal year 2002 appropriation, which means that we would see a funding level of approximately $240 million.

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[2] U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, *Policing on American Indian Reservations,* September 2001.

Indian Reservation Roads are among the worst maintained in the United States and often must be shut down during the winter months or in rainy weather. This type of unreliable transportation infrastructure hurts our ability to attract businesses, provide emergency services, and bus our children safely to school. The IRR program needs an increase, not a decrease, and we urge you to support an appropriation to offset any negative effect of the obligation limitation on its authorized level of $275 million.

Community and Economic Development Programs Members of the Senate Indian Affairs Committee know the critical need to promote community development and economic diversification in our tribal communities.

Many economic development programs that assist tribes would be cut or eliminated in the budget. The request for the Small Business Administration would eliminate One Stop Capital Shops, Micro-Loan Technical Assistance, New Markets Venture Capital, and BusinessLINC. The Administration also failed to request any funding whatsoever to establish the Office of Native American Business Development, as authorized in the Native American Business Development, Trade Promotion, and Tourism Act of 2000.

Furthermore, programs designed to help tribes close the "dial-tone divide" and improve the telecommunications infrastructures in their communities are eliminated outright or severely reduced in the President's budget. For example, the request for the Commerce Department would eliminate the Technology Opportunities Program—TOP—which in fiscal year 2001 provided over $4 million in competitive grants to tribes and tribal organizations for the purpose of expanding technology in their communities.

Reducing or eliminating economic development tools for Indian country is unthinkable in the face of the compelling needs that exist. NCAI has approved numerous resolutions calling for increased support of economic development programs within the Small Business Administration and Department of Commerce, and we urge that these programs and others that are designed to promote tribal community development be fully funded.

Conclusion

Thank you for this opportunity to present written testimony regarding the President's fiscal year 2003 budget request for Indian programs. 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 the Congress to maintain this solemn obligation to Indian Country and continue to assist tribal governments as we build strong, diverse, and healthy nations for our people.

THE NATIONAL NATIVE AMERICAN AIDS PREVENTION CENTER

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STATEMENT OF
MICHAEL BIRD
EXECUTIVE DIRECTOR
NATIONAL NATIVE AMERICAN AIDS PREVENTION CENTER

ON THE PRESIDENT'S BUDGET REQUEST FOR INDIAN PROGRAMS
FOR FISCAL YEAR 2003

TO THE
SENATE COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC

March 7, 2002

I. INTRODUCTION

Senators Inouye and Campbell, and distinguished members of the Senate Committee on Indian Affairs. My name is Michael Bird. I am Executive Director of National Native American AIDS Prevention Center (NNAAPC) located in Oakland, California. For the past 13 years, NNAAPC has provided capacity building, training, and technical assistance services to American Indian, Alaska Native, and Native Hawaiian organizations, agencies, and communities, as well as culturally responsive HIV-case management services and HIV education to those who serve these populations. NNAAPC also provides training which focuses on HIV prevention among gay and bisexual Native American men. We appreciate this opportunity to submit this statement for the March 7, 2002, hearing record on the President's FY2003 Budget request for Indian programs and we seek the support of the Committee in addressing the HIV/AIDS epidemic now affecting tribal and urban Indian communities.

II. HIV/AIDS IN INDIAN COUNTRY

There are many people in Indian Country and within the federal and state bureaucracies who believe that HIV/AIDS is not a pressing problem in the American Indian and Alaska Native (AI/AN) populations. The AI/AN population is relatively small

compared to the total U.S. population, and Indian people are often mis-classified as other races. As a result, those infected with HIV/AIDS are often overlooked when the subject of AIDS treatment and prevention is addressed. In fact, HIV infection and AIDS are serious threats to the health and well-being of tribal and urban Indian communities. Indeed, during the 57th Annual Session of the National Congress of American Indians (NCAI), Surgeon General David Satcher stated that HIV/AIDS poses an explosive and serious threat to AI/AN communities and, if left unchecked, could devastate these communities in the United States. From 1995 through 1999, the Centers for Disease Control and Prevention (CDC) reported that the AIDS rate for AI/AN was 11.3 cases per 100,000 population, compared to 9 cases per 100,000 for whites.

The President's FY2003 Budget recommends level funding for federal HIV/AIDS prevention services, care and treatment programs. This request in unfortunate because the CDC has recently reported that the number of new AIDS cases in the United States increased by 8 percent in 2001. For AI/AN HIV prevention programs, this means not only an effective reduction in AIDS funding, but one that will become progressively more acute as those Indian people who might otherwise have avoided infection fall victim to this epidemic. It is axiomatic that prevention is less expensive than treatment; by pro-actively and aggressively funding prevention programs today, we can ultimately save money that would otherwise be necessary for actual treatment. Therefore, NNAAPC request the support of the Committee is seeking adequate resources that would address the needs and concerns defined in this statement.

III. HIV/AIDS SURVEILLANCE IN INDIAN COUNTRY

The CDC reported an increase in new HIV cases from 2000 to 2001 among American Indians and Alaska Natives. As of June 2001, 34 areas reporting HIV cases report 2,433 cases of AI/AN with HIV or AIDS. Since the beginning of the epidemic, a total of 3338 AI/AN have been infected with HIV/AIDS. The estimated number of AI/AN living with AIDS in 2000 was 1185. Please note that, as will be discussed further below, these numbers are the only data available because of numerous surveillance and reporting problems and are certainly incomplete. The actual occurrence of HIV/AIDS in the Native American community is likely to be much higher than these statistics would indicate.

CDC
HIV/AIDS SURVEILLANCE REPORT

NEW AIDS CASES (JULY 00 - JUNE 01)

	New	Cumulative
Male adult/adolescent AIDS cases	141	1,955
Female adult/adolescent AIDS cases	49	447
Pediatric AIDS cases	0	31

Totals	**190**	**2433**
NEW HIV CASES IN 34 AREAS (JULY 00- JUNE 01)		
Male adult/adolescent HIV cases	86	659
Female adult/adolescent HIV cases	36	235
Pediatric HIV cases	0	11
Totals	**173**	**905**

Source: CDC, HIV/AIDS Surveillance Report, 2001; Vol. 13 (No. 1)

Although HIV infection incidence and prevalence data is more helpful to understand where the epidemic is going, the fact is that HIV reporting is not universal throughout the country. Therefore, the surveillance data we have is only partial, and thus does not reflect the true extent of the problem.

There is another fact that is critical to the consideration of the available data: the disease surveillance for Native Americans is broken. The restructuring and downsizing of the Indian Health Service (IHS) and the tribal compacting have ended HIV/AIDS surveillance for all practical purposes in the IHS and for many tribal health systems. Thus, patients who test positive in a tribal or IHS facility are not necessarily reported to state departments of health. There is ample evidence of ongoing and still unaddressed problems of racial/ethnic mis-classification on surveillance forms for AIDS as well as for all other reportable diseases.

A 1988 study, entitled "National Native HIV/AIDS Prevention Needs Assessment," prepared by the Intertribal Council of Arizona with the Northwest Portland Area Indian Health Board and the National Native American AIDS Prevention Center, confirms that IHS Service Units are not reporting AIDS case data to state health departments. The finding of that study were:

- The majority of state health department respondents do not actively collect HIV/AIDS prevalence statistics from the IHS;
- The majority of IHS Service Units indicate they do not share HIV/AIDS statistics with AI/AN governments;
- The majority of tribal health departments responding indicate they are not reporting HIV/AIDS cases to any of the agencies or organizations (IHS, state, county, or CDC) that collect epidemiological surveillance information;
- Several states reported that the a racial/ethnic categories for AI/AN was not listed as options on their reporting forms;
- Nearly all IHS Service Unit respondents reported that tribes within their

jurisdictions did not report HIV/AIDS data to the Service Unit; and,

- CDC and IHS staff examined reported sexually-transmitted disease cases in the IHS and compared that information with state health department data. Here too, the research concluded that a serious under-reporting of actual levels of STD cases.

This failure of the surveillance system cripples tribal governments in their ability to track infectious diseases in their populations. Over the last several years, NCAI has supported the efforts of NNAAPC and has called upon the Native American community, through consultation with the Department of Health and Human Services, the IHS, and the CDC to make the improvement of the national disease surveillance system for Native America a top priority (see attached NCAI Resolution #SPO-01-120) and have urged the Surgeon General, tribes, IHS, federal and state agencies to develop a formal plan to respond to the HIV/AIDS surveillance needs of AI/AN's (see attached NCAI Resolution #SPO-01-118).

The U.S. Congress has also expressed concern about the failure to adequately track infectious diseases in Indian Country over the last several years. Most recently, in the FY2002 Appropriations Report for the Departments of Labor, Health and Human Services (Senate Rpt. 107-84), the Senate Appropriations Committee stated that it "is concerned regarding the lack of adequate surveillance of HIV-STD among American Indian, Alaska Native, and native Hawaiian populations, and encourages CDC to work in consultation with tribes, urban programs, and the Indian Health Service to develop a more effective surveillance strategy."

NNAAPC appreciates the concerns and recommendations of the Senate. However, in order to improve surveillance, a defined process that involves reservation and urban Indian representatives must be implemented. NCAI has called upon tribal leaders to start and augment a dialogue with the Department of Health and Human Services, including CDC and IHS on how to develop infrastructure to deliver HIV prevention services in their communities (see attached NCAI Resolution #SPO-01-141). CDC is committed to work with tribal governments and Native American organizations to develop a more comprehensive system of data collection, including HIV reporting in order to better meet the needs of community planning and ensure that resources are being distributed accurately. However, to further this commitment, formal consultation is necessary to bring all 562 federally recognized tribes into these discussions. NNAAPC request the Committee to take a closer look at the surveillance and reporting problems found in Indian Country and to seek adequate funding for CDC and IHS to better understand the extent of the HIV epidemic in the Native American population.

IV. THE INDIAN HEALTH SERVICE

Mr. Chaiman, Indian youth are the posterity of Indian Country; only they can perpetuate

our sovereign tribal nations. They represent the continuation of Indian traditions and the strength and survival of Indian people. But today, more and more young Indian people are needlessly dying from AIDS and HIV. The IHS Trends Report for 1997 reports that among Indian youth 15 to 24 years of age, deaths due to HIV infection ranked as the eighth (8th) leading cause of death. For Indian adults 25 to 44 years of age, deaths due to HIV infection ranked as the seventh (7th) leading cause of death.

Unfortunately, the response of tribal governments to the threat of HIV has been slow, in part due to the historic under-funding of the IHS that has made tribal leaders reluctant to devote limited resources to HIV/AIDS efforts. IHS is an essential source of care for many AI/AN's and, for those who live on or near reservations, it is the provider of last resort. Begun in 1989, the IHS AIDS program has played only a minor role in funding HIV/AIDS projects for Native Americans, and many Native Americans with HIV/AIDS will not use IHS services due to concerns over confidentiality. In addition, inadequate HIV/AIDS surveillance, the political invisibility of Native Americans within the AIDS community, and the complexities of jurisdictional issues often place Native Americans at a disadvantage for funding. Moreover, a lack of coordination among federal, state, and tribal governments greatly hinders efforts to deal with the HIV epidemic in Native American communities.

In FY2002, the IHS HIV/AIDS program received $4.08 million to implement programs of risk assessment, education, and prevention to health care workers and AI/AN communities, and treatment for those persons infected with HIV/AIDS. The IHS has informed NNAAPC that all of the allocated moneys for FY2001 and FY2002 went directly to tribal shares. NNAAPC was also informed that there are no clear reporting requirements or criteria directing tribes to report the actual disposition of these funds. For FY2003, the President has requested $4.16 million for the IHS HIV/AIDS program. Since this money will continue to be funneled directly to the tribes, and since we know that CDC surveillance and reporting data regarding the scope of the epidemic in Native American communities is incomplete, we feel that $4.16 million is insufficient to adequately address the increasingly critical problem of HIV/AIDS in these communities. NNAAPC believes that $10 million is a more appropriate sum to deal with the issues raised by HIV/AIDS in AI/AN communities. Further, some consideration should be given to the establishment of criteria for the reporting of the actual disposition of these IHS funds. Without such information, actual need cannot be accurately assessed. Cooperation and communication between federal, state and tribal governments and agencies are key to the development of an effective HIV/AIDS strategy. NNAAPC requests the support of the Committee for increase funding to the IHS HIV/AIDS program.

V. THE MINORITY AIDS INITIATIVE IN INDIAN COUNTRY

Along with a disintegrated surveillance system, recent diminished federal resources have greatly limited HIV/AIDS prevention and care programs in tribal communities. This is

especially true given CDC's recent decision to apply its prevention resources based upon the number of AIDS cases in a given population. In FY2002, the AI/AN/NH portion of the CDC HIV prevention capacity-building assistance program was reduced by 16 percent. NNAAPC's national infrastructure-development work was in turn reduced by over 40 percent. CDC claimed that, based upon available AIDS case data, this was a "generous" level of funding for AI/AN/NH HIV prevention efforts, despite the fact that they recognize the inadequacy of the surveillance data upon which they relied.

Through the Minority AIDS Initiative, IHS, along with 5 other DHHS agencies, is to provide grants to community-based organizations and others, for programs dealing with HIV/AIDS prevention and education. For FY2003, $841,000 has been requested under the Special Minority Initiative for the IHS HIV/AIDS program. This request is an $16,000 increase from the FY2002 level and a $50,000 increase from the FY2001 level. NNAAPC supports this request; however, we request the support of the Committee is seeking additional funds for this important program which provides needed resources for prevention programs and capacity development targeted at minority community-based organizations. NNAAPC is also interested to hear from IHS on the services provided to tribal and urban Indian communities by these funds.

VI. AIDS DRUGS FOR NATIVE AMERICANS LIVING WITH HIV/AIDS

The cost of providing highly active anti-retroviral therapy (HAART) for individuals living with HIV is approximately $12,000 to $13,000 per year, just for the drugs. For most AI/AN living with HIV/AIDS, this cost is out of their reach and it represents a very serious burden on tribal and urban health budgets. Congress recognized the burden of cost on states and passed the AIDS Drug Assistance Program (ADAP) to assist state health departments with underwriting the cost of the drugs, especially for those people dependent upon Medicaid and Medicare. Unfortunately, Congress did not consider the burden of cost on the Indian health care system. The IHS does not as a matter of national practice ensure the availability and accessibility of protease inhibitors and other drugs in the AIDS formulary to Indian people with HIV/AIDS in the system. It is a matter left to local service units, who must juggle already unrealistic pharmaceutical budgets. For example, tribes that have compacted for IHS funds face an unacceptable choice of whether to provide drugs for several elders with diabetes, or to provide protease inhibitors to one tribal member. Unfortunately, the IHS has been unwilling to seek or to support requests by others for additional funds for AIDS drugs from Congress.

In the FY2002 Appropriations Report for the Departments of Labor, Health and Human Services (Senate Rpt. 107-84), the Senate Appropriations Committee stated that "the Committee is concerned that American Indians and Alaska Natives are not participating in ADAP to the extent that these services are needed. The burden of covering costs for AIDS-related drugs often falls on local Indian Health Service Units, tribal or urban program providers, or on the families of American Indians or Alaska Natives with AIDS. The Committee requests that HRSA and IHS work together to ensure American Indians

and Alaska Natives are participating proportionately in each State, and there are not barriers to American Indians accessing the ADAP drugs due solely to their status as American Indians."

It is critical that IHS become more involved than it has been with its own resources to treat IHS-eligible Indian people with HIV/AIDS. NNAAPC requests the assistance of the Committee in adding the Indian health care system into the ADAP program and in setting the New York AIDS drug formulary as the IHS standard. NNAAPC also requests the support of the Committee in seeking funds to purchase drugs for people dependent upon IHS, tribal health systems, or urban Indian clinics. We agree that both the ADAP program and the IHS must begin to assume responsibility for supplying needed drugs to Native people with HIV/AIDS. Finally, NNAAPC request the Committee to ask for a GAO report on the extent of need for this program in Indian Country.

VII. CONCLUSION

NNAAPC seeks the support of the Committee for the following requests needed to meet the HIV/AIDS needs in Indian Country and to address the detrimental impact that the lack of IHS involvement is having on the tribes whose members are infected with this disease:

- Seek resources and provide direction to IHS and CDC that would insure the integrity of the infectious disease surveillance system for Native Americans on reservations and in the cities;
- Ensure a formal consultation process that involves tribal and urban Indian representatives;
- Seek resources to allow IHS to establish an AIDS drug formulary for the IHS system that meets the standards of the State of New York formulary; and,
- Acknowledge that HIV/AIDS continues to grow in Native America and ensure that resources are available for the prevention work that is critical to slowing the epidemic.

Lastly, In order to meet these needs, NNAAPC request the Committee to seek meaningful FY2003 budget increases to tribal governments and community-based organizations who are working to prevent HIV/AIDS and are providing care to those tribal members living with the disease.

Thank you.

03/21/2002 18:13 FAX 202 466 7797 NCAI WASH DC 002

NATIONAL CONGRESS OF AMERICAN INDIANS

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THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SPO-01-118

Title: Recommendation to the Surgeon General for the Development and Implementation of a Comprehensive and Accurate HIV/AIDS Surveillance System in Native American Communities

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 the inherent sovereign rights of our Indian nations, 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 health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the allocation of resources for HIV/AIDS prevention and treatment programs are determined by race/ethnic-based HIV/AIDS surveillance data; and

WHEREAS, surveillance data for Native Americas have been shown to under-report those infected with HIV due to racial misclassification and incomplete reporting to surveillance data from tribally run health facilities and Indian Health Service facilities; and

WHEREAS, the Surgeon General and the Centers for Disease Control and Prevention have acknowledged these issues and continue to work internally and with Tribal, Federal, and State agencies to rectify this crisis; and

WHEREAS, the National Native American AIDS Prevention Center continues to advocated for, organize and facilitate discussions on the issues surrounding HIV/AIDS surveillance in Native America.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby urge the Surgeon General, Tribes, the Indian Health Service, the Centers for Disease Control, Council of State and

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Territorial Epidemiologists, Federal and States, and the National Native American AIDS Prevention Center, National Congress of America Indians, National Indian Health Board, Tribal Epidemiology Centers and other tribal health resources to continue collaboration in meaningful dialogue between Tribal leadership and representatives from IHS, CDC, and Federal and States agencies to reach mutual understanding on how to address HIV/AIDS surveillance issues among American Indians and Alaska Natives; and

BE IT FURTHER RESOLVED, that NCAI does hereby urge the Surgeon General, Tribes, IHS, CDC, Federal and State agencies to develop a formal plan to respond to HIV/AIDS surveillance needs of American Indians and Alaska Natives; and

BE IT FURTHER RESOLVED, that NCAI does hereby urge the Surgeon General, Tribes, IHS, CDC, Federal and State agencies to place the highest priority on the implementation of and HIV/AIDS surveillance systems that accurately reflects the impact of the HIV/AIDS epidemic within the American Indian and Alaska Native communities, and to disseminate summary information, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001 with a quorum present.

Tex Hall, President

ATTEST:

Colleen Cawston, Recording Secretary

Adopted by the General Assembly during the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001.

03/21/2002 18:14 FAX 202 466 7797 NCAI WASH DC 004

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TREASURER
Alma Ransom
St. Regis Mohawk Tribe

THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SPO-01-120

Title: Improving the National Infectious Disease Surveillance System for Native America

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 the inherent sovereign rights of our Indian nations, 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 health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, there have been at least seven studies published in the past twenty years in professional literature documenting the effects of mis-classification of race/ethnicity for American Indians and Alaska Natives on infectious disease rates in our population; and

WHEREAS, a 1998 National Tribal and IHS needs assessment survey conducted by the Inter-Tribal Council of Arizona, Northwest Portland Area Indian Health Board, and the National Native American AIDS Prevention Center indicated that a majority of tribes were not participating in the disease reporting system; and

WHEREAS, accurate and timely infectious disease reporting is critical for the control of such diseases and the results determine the availability and level of resources to apply to disease control and prevention; and

WHEREAS, there are many Native people at-risk of HIV infection do not choose to be tested; and

WHEREAS, the combined effects of mis-classification of race/ethnicity, a lack of disease reporting by the Tribal/IHS/Urban health care system, and the reluctance of Native people at-risk

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to be tested, have led to declining resources for HIV prevention and care, community apathy, a false sense of security, and a break down of tribal ability to control infectious diseases.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby call upon the Native American community, through consultation with the Secretary of Health and Human Services, the Indian Health Service, and the Centers for Disease Control and Prevention to make the improvement of the national disease surveillance system for Native America a top priority; and

BE IT FURTHER RESOLVED, that NCAI does hereby respectfully request all tribal and state health departments, IHS service units, and CDC work together to insure timely and accurate disease reporting for Native America, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001 with a quorum present.

Tex Hall, President

ATTEST:

Colleen Cawston, Recording Secretary

Adopted by the General Assembly during the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001.

03/21/2002 18:15 FAX 202 466 7797 NCAI WASH DC 006

NATIONAL CONGRESS OF AMERICAN INDIANS

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TREASURER
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St. Regis Mohawk Tribe

THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #SPO-01-141

Title: Development of Tribal Infrastructure to Deliver HIV Prevention 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 the inherent sovereign rights of our Indian nations, 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 health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, HIV/AIDS is now spreading most rapidly among communities of color and the AIDS rate for America Indians and Alaska Natives is 11.3 per 100,000, compared with 9 per 100,000 for whites; and

WHEREAS, a total of 3,208 American Indian/Alaska Natives have been reported to be infected with HIV from the beginning of the epidemic through December 2000; of these, 2,337 have been reported to have HIV diseases, or AIDS, and 871 were reported with HIV infection, but not AIDS; and

WHEREAS, it is important to note that the HIV statistics available now do not show the complete picture because many American Indian/Alaska Natives have not been tested, and furthermore, these statistics on how many American Indian/Alaska Natives have HIV are difficult to gather because not all states collect HIV data, and in states that do collect the data, many time American Indians/Alaska Natives are mis-classified as other races; and

WHEREAS, tribal leaders can have a great influence in establishing effective AIDS prevention education within their communities, and encouraging testing for all those who are at risk; and

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WHEREAS, there are many government agencies and tribal organizations who stand ready to help tribal leaders in their efforts to effectively educate their people against the dangers of HIV/AIDS.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby call upon tribal leaders to start and augment a dialogue with the Department of Health and Human Services, including the Centers for Disease Control and Prevention and Indian Health Services on how to develop infrastructure to deliver HIV prevention services in their communities; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001 with a quorum present.

Tex Hall, President

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National Congress of American Indians

NCAI News

Summary of the President's FY 2003 Budget Request For Indian Programs

Highlights

- **BIA** budget receives $22.9 million increase, from $2.25 billion to $2.27 billion, with the largest boost going to trust activities and Indian education programs.
- **Office of Special Trustee** budget climbs 44 percent, from $110.2 million to $160.6 million.
- **Indian Health Service** budget is $3.5 billion, a $61 million net increase over current funding, with most additional funding going to pay cost increases and staff at new facilities.
- **Indian Housing Block Grant** program cut by $2 million, to $647 million, with the Title VI loan guarantee program reduced by two-thirds.
- **Justice Department tribal law enforcement** slashed by $40 million, including elimination of all jail construction funding and a $5 million cut to tribal law enforcement personnel.
- **Indian Reservation Roads** reduced from $310.6 million to $275 million.

Important Dates

March 5 and March 7 – Senate Indian Affairs Committee hearing on FY 2003 budget request

March 14 – House Interior Appropriations Subcommittee oversight hearing on BIA and OST

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Agriculture

The FY 2003 USDA budget request is $74.4 billion, $2.2 billion less than the current estimate of FY 2002 expenditures, including $146 million for food safety-related homeland security and an increase in nutrition program spending. Among the decreases is funding for telecommunications access grants. In most instances, funding for Indian-specific programs remains frozen at current levels.

USDA ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Rural and Economic Development			
Rural Community Advancement Program Indian Set-Aside[1]	24.0	24.0	24.0
Water/Sewer Grants for Alaska Rural and Native Villages	20.0	24.0	20.0
Enterprise Zone/Empowerment Community Grants	15.0	11.7	7.1
Circuit Rider Program	9.5	11.0	9.5
Distance Learning and Telemedicine Grants and Loans[2]	26.9	49.4	31.1
Rural Development Loan Fund Indian Set-Aside	2.0	1.7	1.7
Indian Tribal Land Acquisition Loans	2.0	2.0	2.0
Extension Services			
Tribal Colleges Extension Services	3.3	3.3	3.3
Indian Reservation Agents	2.0	2.0	2.0
Food Programs			
Food Stamps (incl. Food Distribution Program on Indian Reservations)[3]	20,100.0	22,922.0	26,250.0
WIC	4,000.0	4,348.0	4,751.0
Tribal Colleges			
Endowment Fund	7.1	7.1	7.1
1994 Institutions Equity Grants	1.5	1.5	1.5
Agriculture Research Initiative	1.0	1.0	1.0
Alaska Native and Native Hawaiian-Serving Institutions	3.0	3.0	3.0

Bureau of Indian Affairs and Other Interior Department Programs

The President has requested essentially level funding for the Department of Interior at $10.6 billion. A new $100 million Cooperative Conservation Initiative and increase for the Park Service are offset by cuts to several other agencies. Within the BIA, increases include those targeted for trust reform activities, tribal priority allocations, and Indian education programs. The BIA budget includes a troublesome proposal to allow the privatization of the 64 schools directly operated by the BIA (beginning with the lowest-performing schools) unless tribes decided to run these schools through

[1] Within the FY 2002 set-aside and FY 2003 request for the Rural Community Advancement Program, $4 million is provided for community facilities grants to tribal colleges. This funding may be used for water and waste disposal grants and loans to tribes, as well as for rural business opportunity grants and rural business enterprise grants to tribes.

[2] In FY 2002, $22 million was set aside for broadband transmission and local dial-up Internet service in rural areas, including $12.5 million in grants. The FY 2003 request cuts this level to $6.1 million. The remainder of the Distance Learning and Telemedicine funds in both FY 2002 and the FY 2003 request will finance an estimated loan program level of $80 million for broadband and Internet access and $300 million for distance learning and telemedicine.

[3] In FY 2002, up to $3 million is reserved to purchase bison for the Food Distribution Program on Indian Reservations from Native American producers and cooperatives.

compacts, with the BIA no longer directly operating schools by FY2006.

BIA/Interior ($ in thousands)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
BIA Operation of Indian Programs			
Tribal Priority Allocations	733,025	752,156	775,534
Other Recurring Programs	566,855	586,968	596,192
Non-Recurring Programs	71,193	72,798	67,510
Central Office Operations	57,736	58,106	72,490
Regional Office Operations	55,312	62,679	64,223
Special Programs/Pooled Overhead	254,454	268,281	261,161
Pension System/Employee Health Benefits	0	0	21,876
Total – Operation of Indian Programs	1,738,575	1,799,809	1,858,986
BIA Construction			
Education	292,341	292,503	292,717
Public Safety and Justice	5,529	5,541	5,046
Resources Management	50,534	50,645	39,173
Construction Management	6,048	6,264	6,134
General Administration	2,166	2,179	2,182
Pension System/Employee Health Benefits	0	0	1,053
Total – BIA Construction	356,618	357,132	346,305
Indian Land and Water Claims Settlements			
Miscellaneous Payments To Indians	37,443	60,949	57,949
Indian Guaranteed Loan Program	4,500	4,500	5,000
Office of Special Trustee	118,965	99,224	152,590
Indian Land Consolidation	8,900	10,980	7,980
National Park Service			
Recreation and Preservation (incl. NAGPRA activities)	59.8	66.2	46.7
Historic Preservation Fund ($5.6 million to tribes in FY 2001)	94.2	74.5	67.0
Conservation Funding – Tribal Grants	0	5.0	5.0

NCAI Resolution #SPO-01-025 – Supports $100 million to support BIA economic development activities, as follows: $70 million increase to the Indian Guaranteed Loan Program; $20 million for tribal business plans, feasibility studies, marketing, and training and technical assistance; and $10 million for business grants.

NCAI Resolution #SPO-01-048 – Supports increases in BIA education programs (Student Transportation, Administrative Cost Grants, Facilities Operations and Maintenance) to meet 100 percent of need.

NCAI Resolution #SPO-01-097 – Supports $33 million in FY 2003 for the BIA Housing Improvement Program.

Commerce

The budget request for the Commerce Department is approximately $5.2 billion, $14 million less than the estimate for the current year. Like last year, the Administration has proposed elimination of the Technology Opportunities Program, which in FY 2001 provided $4.2 million in competitive grants to tribes and tribal organizations for the purpose of expanding telecommunications and technology in their communities. No funds were requested to establish the Office of Native American Business Development, as authorized in the Native American Business Development, Trade Promotion, and Tourism Act of 2000.

Commerce ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Economic Development Administration	412.0	335.0	317.2
Minority Business Development Agency	27.0	28.4	29.8
Public Telecommunications Facilities	43.5	43.5	43.6
Technology Opportunities Program	43.5	15.5	0

NCAI Resolution #SPO-01-020 – Supports a $300 million increase to the Economic Development Administration in FY 2003 to support increased financial assistance to tribal economic and development and planning projects, including tribal manufacturing.

NCAI Resolution #SPO-01-022 – Supports funding for the Office of Native American Business Development.

Defense

The President's budget would increase DoD spending by more than 14 percent to $379.3 billion, the biggest percentage increase since 1981. Most of the increases are used to offset higher pay for troops and improved housing and medical benefits. Another $27 billion is earmarked for the administration's war on terrorism, including $10 billion for contingency operations and $8 billion to protect U.S. troops abroad and at home. While the request would not expand the number of active-duty troops, procurement would increase from $61 billion to approximately $70 billion. The President's budget does not include funding for 1) assessment, mitigation, and cleanup of Department of Defense activities on and near Indian lands and, 2) Office of Small and Disadvantaged Business Utilization. FY03 funding for the tribal environmental mitigation program and OSDBU should be restored.

DoD ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Operation & Maintenance Mitigation of Environmental Impacts – Tribes	$10.0	10.0	0
Office of Small and Disadvantaged Business Utilization – Indian Incentive Program	$8.0	$8.0	0

Education

The FY 2002 budget request is $50.3 billion, a 3.7 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 and Territories	73.9	71.7	71.7
Concentration Grants – BIA Schools and Territories	13.6	13.6	13.6
School Reform – BIA Schools and Territories	1.7	2.4	2.4
Education Financial Incentives – BIA Schools and Territories	0	7.9	7.9

Education ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Even Start – BIA Schools and 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, and 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[4]	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			
Basic State Grants – Tribes and Tribal Organanizations	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

Energy

The budget request for the Energy Department is $21.9 billion, $570 million more than current funding. Most of the increase is focused on improving security for nuclear weapons, strengthening nonproliferation programs, developing nuclear power plants for Navy vessels. The budget also proposes $527 million to develop the Yucca Mountain national nuclear waste dump in Nevada.

Energy ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Renewable Indian Energy Resources Grants	6.6	2.9	8.3
Nuclear Energy Plant Optimization	4.9	6.5	0
Nuclear Energy Research Initiative	33.9	32.0	25.0
Solar Energy (inc. $3 million for Navajo electrification in FY 2002)	91.7	89.4	87.6

Environmental Protection Agency

The President's budget would cut EPA spending from $7.9 billion in FY 2002 to $7.6 billion in FY 2003, primarily by eliminating $300 million in Congressional earmarks and projects that were not requested in the Administration's FY 2002 budget. The budget includes $4.1 billion for general operations, the highest funding level ever for regulatory, enforcement and state grants, but would

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

freeze hiring to fill vacancies in the enforcement division while shifting $15 million to the states for increased enforcement activities.

EPA ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Environmental Programs and Management	2,083	2,055	2,048
Water and Wastewater Grants for Alaska Natives and Rural Areas	35	40	40
Clean Water State Revolving Fund – Tribal	20.2	20.2	18.2
Safe Drinking Water State Revolving Fund	823	850	850
Superfund	1,267	1,270	1,000
Leaking Underground Storage Tank Facilities	71	73	72
State and Tribal Assistance Grants	3,621	3,733	3,464
Tribal General Assistance Grants	52.5	52.5	52.5
American Indian Tribal Environmental Office	n/a	9.9	10.2

NCAI recommends that the 2003 budget include permanent authorization for tribal cooperative agreements; $25 million increase for the tribal General Assistance Program (GAP) to provide minimum coverage to all federally recognized tribes; $10 million for Section 106 Clean Water Act grants; a $20 million earmark for tribes under the new watershed management grants to states; increased funding for tribal air quality programs; and a permanent increase in the tribal set-aside from 1.5% to 2% for both the Clean Water Act State Revolving Fund and the Safe Drinking Water Act program.

Federal Emergency Management Agency

The President has requested $6.4 billion for FEMA, including $3.5 billion for emergency personnel training, equipment, and preparation and $300 million for a new pre-disaster mitigation program that will provide competitive grants for projects that reduce future disaster risks. This new mitigation program is designed to replace the formula-based Hazard Mitigation Grant Program, currently funded through the Disaster Relief Fund. But the program does not include a tribal set-aside, nor does it define a process for tribes to apply for funds. Currently, FEMA anticipates allowing states to administer this new fund. FEMA should be directed to consult with tribal governments in developing criteria for this program and other emergency management programs.

FEMA ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Disaster Relief Fund (Discretionary and Emergency Response)	3,597	6,470	1,821
Emergency Management Planning and Assistance	372	431	3,750
Emergency Food and Shelter Program[5]	140	140	153
Flood Map Modernization Fund	18	32	300

[5] FY 2002 funding for Disaster Relief makes $25 million available for transfer to pre-disaster mitigation activities and $25 million available for transfer to the Flood Map Modernization Fund.

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)[6]	2,560.0	2,710.0	2,710.0
Head Start[7]	6,200.0	6,540.0	6,667.0
Promoting Safe and Stable Families (Title IV-B, Subpart 2)[8]	305.0	375.0	505.0
Child Welfare (Title IV-B, Subpart 1)[9]	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
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

Housing and Urban Development

The President has requested $31.4 billion for HUD, a $2 billion increase in budget authority, including $204 million for 34,000 new housing vouchers to subsidize rental housing for the poor and a $238 million increase to the HOME investment partnerships program for housing rehabilitation and to encourage home ownership among low- and moderate-income households. The budget cuts

[6] 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.)

[7] 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.

[8] 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.

[9] Tribes received $4.6 million out of the FY 2001 Child Welfare appropriation.

several NAHASDA programs, but provides a $3 million increase for the Indian Community Development Block Grant.

HUD ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Indian Housing Block Grant	650.0	648.6	647.0
Title VI Loans[10]	6.0	6.0	2.0
Section 194 Indian Housing Loan Guarantee Program[11]	6.0	6.0	5.0
Indian Community Development Block Grant[12]	71.0	70.0	73.0
Rural Housing and Economic Development (small amt to tribes)	25.0	25.0	0
Empowerment Zones Round II	200.0	45.0	0

NCAI Resolution #SPO-01-094 – Supports $1.075 billion for the Indian Housing Block Grant.

Indian Health Service

The budget request includes $2.9 billion for the Indian Health Service, a $60 million increase over the current funding level. Of this total, $2.5 billion is proposed for Indian health services, a $124 million increase, and $370.5 million is proposed for facilities, an increase of slightly less than $1 million.

IHS ($ in thousands)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Indian Health Services			
Hospitals and Clinics	1,084,173	1,153,711	1,230,147
Dental Health	91,018	95,305	104,901
Mental Health	45,018	47,142	52,499
Alcohol and Substance Abuse	130,254	135,005	138,800
Contract Health Services	445,773	460,776	468,130
Public Health Nursing	36,114	37,781	41,639
Health Education	10,063	10,628	11,283
Community Health Representatives	48,061	49,789	50,774
Immunization (Alaska)	1,471	1,526	1,556
Urban Health	29,843	30,947	31,620
Indian Health Professions	30,486	31,165	35,483
Tribal Management	2,406	2,406	2,406
Direct Operations	52,946	55,323	62,658
Self-Governance	9,803	9,876	10,138

[10] According to HUD's budget documentation, the Title VI program was cut by $4 million because grantees have not applied for all of the funds that were appropriated in previous fiscal years. In FY 2001 and FY 2002, the loan guarantee limit was $55 million. Under the FY 2003 request, it will drop to $17 million.

[11] FY 2002 funding for the Section 184 Loan Guarantee Program will subsidize a loan principal of not more than $234.3 million. The FY 2003 request will support a loan principal of not more than $197 million.

[12] The $4.3 billion appropriated for the Community Block Grant Development program in FY 2002 includes the following additional set-asides for Indian programs: $4 million for Alaska Native and Native Hawaiian-Serving Institutions; $2.6 million for the National American Indian Housing Council; and $3 million for competitive facilities grants for tribal colleges and universities. The FY 2003 request of $4.4 billion for CDBG includes level funding for tribal colleges, $2 million for Alaska Native and Native Hawaiian-Serving Institutions, and $2 million for the NAIHC.

IHS ($ in thousands)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Contract Support Costs	248,234	268,234	270,734
Total – Indian Health Services	2,265,663	2,389,614	2,513,868
Health Facilities			
Maintenance and Improvement	46,331	46,331	47,331
Sanitation Facilities	93,617	93,827	95,185
Facilities Construction	85,525	86,260	72,000
Facilities and Environmental Health Support	121,336	126,775	139,665
Equipment	16,294	16,294	16,294
Total – Health Facilities	363,103	369,487	370,475

NCAI Resolution #SPO-01-070 – Supports $18.24 billion needs-based budget for FY 2003, as submitted by the ITU Budget Formulation Team to DHHS on June 13, 2001.

NCAI Resolution #SPO-01-096 – Requests that that current appropriations act language (since 1982) be amended to allow IHS to fund water and wastewater treatment systems for new housing construction funded under the Indian Housing Block Grant Program.

Justice

The Justice Department request of $23.1 billion in discretionary spending authority includes a $2 billion increase for counter-terrorism activities, including $412 million for the FBI to improve intelligence-gathering, information technology and background investigations, and $734 million for the Immigration and Naturalization Service to strengthen border patrols. Indian Country law enforcement programs took a hit in the FY 2003 request, with the Administration proposing to eliminate all $35 million in tribal jail construction funding and to cut $5 million in tribal law enforcement personnel funds.

DOJ ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
U.S. Attorneys	5.00	0	0
Jail Construction	33.93	35.19	0
Tribal Courts	7.98	7.98	7.98
Alcohol and Substance Abuse	4.99	4.99	4.99
Juvenile Justice[13]	12.47	12.47	12.47
Law Enforcement Personnel (COPS Grants)[14]	40.00	35.00	30.0

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.

[13] FY 2002 Juvenile Justice Funds also can be used for prevention activities focusing on alcohol and drugs.

[14] As in previous years, FY 2002 law enforcement personnel funds can be used for equipment and training.

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

Small Business Administration

The FY 2003 request for the SBA is $798 million, down from $1.1 billion in FY 2002 spending. While funding for Small Business Development Centers would rise under the President's proposal, many other programs that assist tribes would be eliminated.

SBA ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Small Business Development Centers	88	88	161
One Stop Capital Shops	3	0	0
Micro-Loan Technical Assistance	20	18	0
New Markets Venture Capital	37	0	0
BusinessLINC	7	2	0

NCAI Resolution #SPO-01-019 – Support $25 million for SBA Office of Native American Affairs in FY 2003 to provide training and technical assistance and to develop and expand Tribal Business Information Centers.

NCAI Resolution #SPO-01-024 – Supports $750,000 in FY 2003 to the SBA Office of Women-Owned Businesses to establish an American Indian, Alaska Native, and Native Hawaiian Women Entrepreneur Outreach and Technical Assistance Pilot Project.

Transportation Department

The budget request of $59.3 billion for the Department of Transportation cuts highway spending by $9 billion as the result of a formula established by the Transportation Equity Act for the 21st Century tying federal funds to the amount of gas taxes and other fees paid by highway travelers.

DOT ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Indian Reservation Roads[15]	$300.0	$310.6	275.0

[15] The FY 2002 appropriation for the Indian Reservation Roads program includes the authorized level of $275 million for the Indian Reservation Roads (IRR) program and allocates an additional $35.6 million to offset the "obligation limitation" under Section 1102 of the Transportation Equity for the 21st Century Act. The obligation limitation reduces IRR and other Federal Highway Administration program funds by an automatic percentage each year. Funds derived from this reduction are then redistributed to certain federal programs and the states, but not to the IRR program. Under the FY 2003 request, actual IRR funding would be closer to $240 million.

Treasury Department

The President has requested a five percent increase for the Treasury Department, from $15.8 billion to $16.7 billion. About $900 million of the increase would be directed to the Internal Revenue Service and the Customs Service.

Treasury ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Community Development Financial Institutions Fund – Indian	5.0	5.0	5.0

Veterans Affairs Department

The President's budget increases the VA's discretionary budget authority from $24.7 billion to $26.4 billion, with much of the increase going toward health care for veterans.

VA ($ in millions)	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request
Native American Veterans Housing Loan Program	.54	.54	.56

Sadly, Sioux Funeral Home Thrives On Chronic Ills of Local Reservation

By JONATHAN EIG Staff Reporter
THE WALL STREET JOURNAL
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PINE RIDGE, S.D. -- For undertaker Charlie Rooks, December was a typically busy month. There was Minorvine One Horn, five months old, killed by a sudden illness. Then came 10-year-old Jaylynn Marie Sitting Up, dead after a long struggle with pneumonia. Soon after that, D.J. Big Crow, 25, was killed in a car accident. Then heart failure felled Cliff Twiss. He was 31.

"Too much grief," says Mr. Rooks, owner of Sioux Funeral Home.

Grief is a constant presence for the 15,000 Oglala Sioux on Pine Ridge Indian Reservation, and it has produced something rarely seen here: a business that lasts. Now in its 15th year, Sioux Funeral Home is one of the oldest privately owned enterprises on the Pine Ridge Indian Reservation. Last year, it handled 175 funerals -- about 40% more than the average for a community of this size.

Death haunts Pine Ridge. The community has the shortest life expectancy of anywhere in the Western Hemisphere outside Haiti: 48 years old for men and 52 for women. The infant mortality rate is the nation's highest, at about three times the national average. The rate of alcoholism, too, is matched nowhere else in the U.S.

Nearly half the tribe's population is destitute. The unemployment rate is about 75%. There is no bank, no motel, no movie theater. Restaurants open and close down before anyone notices. For an area the size of Rhode Island, the local chamber of commerce lists 30 members. Outsiders rarely wander into this remote landscape

of vast plains and small brown buttes where occasional clusters of white trailer homes glint in the sun.

All of which helps explain why Mr. Rooks, 46 years old with thick graying hair, feels the ambivalence of his success. "When a person who's 70 or 80 dies, there's a sense of completion, a sense of peace," he says. "The circumstances in our community are different. The sense of loss is more poignant."

Until Mr. Rooks opened Sioux Funeral Home in 1987, locals had to travel at least 25 miles, sometimes much farther, often across unpaved roads, to an off-reservation undertaker. Even then, some white-owned funeral homes were uncomfortable with the Oglala Sioux habit of wanting to see and touch the bodies of friends and relatives.

Locals still recall being impressed early on with how Mr. Rooks handled the death of SueAnne Big Crow, a high-school basketball star killed in a car wreck off the reservation. When her body arrived back at Pine Ridge, well past midnight, hundreds of people drove to Sioux Funeral Home. Mr. Rooks had turned on the lights, turned up the heat and made coffee.

"Instead of wheeling SueAnne into some room and telling us to go home, he let the people come through and touch her," says Yvonne DeCory, Miss Big Crow's aunt and a regular visitor to Sioux Funeral Home. In the past five months, the funeral home has helped bury five of Ms. DeCory's relatives, none older than 38.

Mr. Rooks is one-quarter Sioux, but he wasn't born on the reservation. His parents, Eugene and Willie Mae Rooks, raised their seven children in Arizona. Charlie was 11 when his father decided to return to Pine Ridge in 1966. President Johnson's war on poverty was in full swing at the time. "Government was heavy into everything," says the elder Mr. Rooks. "I was the one guy

shouting, 'Hey, that ain't good.' I wanted to get away from federal programs and get into businesses."

'A Third World Country'

His wife opened a taco stand. Together, the couple bought a Western Auto hardware store. As their children got older, the couple pushed them to start their own businesses. Charlie's brother James had a windshield-repair business for a while. Their sister Kim Rooks sold flowers.

"This is a Third World country," Eugene Rooks told his children over and over. "You name it, they need it."

Charlie Rooks started out in insurance, where he first confronted directly the reservation's high mortality rate. That led him to apprentice himself to another funeral director in the region, and then to enroll in mortuary college. While he was away, his mother and father had a funeral home built for him.

Sioux Funeral Home, a sky-blue, single-story building, sits down the block from tribal headquarters in the main settlement of Pine Ridge. Nearby is the hub of Pine Ridge: several government office buildings, two gas stations, a small grocery, a Catholic church, a Pizza Hut and a Taco John's.

The tribal government finances the funerals of its members, but the process of securing that payment proved too bureaucratic for off-reservation undertakers. Much of the Pine Ridge funeral business used to go to the Chamberlain family. Jeff Chamberlain, co-owner of the Cicmanek-Chamberlain-Pier Funeral Home in Rushville, Neb., 25 miles away, says Native American burials didn't pay much, but "there's enough numbers up there to make it worth your while." In the early 1980s, when the tribe fell behind on its payments, the Chamberlains stopped doing business on the

reservation.

Mr. Rooks, with a Sioux heritage and proximity to tribal headquarters, was able to smooth the payment process. He also was able to increase the fees. Though Indian reservations are considered sovereign states, their funding comes from the federal government. Federal law in the 1980s required that Indian tribes pay no more than the local county government paid for indigent burials. In Shannon County, which encompasses most of the Pine Ridge reservation, that rate was $890 per funeral.

Shannon County's population is 95% Sioux, but its county board of commissioners was composed entirely of whites in 1989, when Mr. Rooks first asked for an increase in the amount. His request was denied. Beginning in 1993, he persuaded members of the tribe, including his sister, to run for seats on the county commission. After tribal members took control of the commission, they raised the burial rate for indigents, which allowed the tribe to pay as much as $3,000 per funeral. The federal Bureau of Indian Affairs, which funds the tribe, recently set a flat nationwide burial rate of $2,500. The average price of a U.S. funeral is about $5,800.

Mr. Rooks says Sioux Funeral Home's profit margin last year was between 10% and 15%, on revenue of $450,000. That compares, he says, with an average margin of 30% at the three newer funeral homes he has opened off the reservation in recent years, in partnership with the Chamberlain family.

He says he hopes his example will inspire others on the reservation to start their own businesses and thus go some way toward alleviating the reservation's poverty. For himself, the practice of mortuary science provides some armor against the sadness. His customers tend to prefer open caskets, Mr. Rooks says, and he has become an expert at restoring mutilated faces and

hiding the jaundiced skin tone of the alcoholic.

"When I'm done," he says, "I've created an illusion of peace and serenity."

Strange Visitations

Mr. Rooks and his brother James often work together at the funeral home. Sometimes, they say, when a life ends abruptly and unexpectedly, they sense the angry presence of the dead. "Spooks," James says. "Sometimes I hear them banging on the wall or arguing in Lakota, not English. Best thing to do is go outside and smoke a cigarette."

One recent day, while Charlie Rooks was preparing the body of Henry Black Feet, 61, he dispatched brother James to the cemetery to check on the progress of Mr. Black Feet's grave.

It is customary on the reservation for friends and family members to dig the grave in the days between a relative's death and burial. The tribe's budget, as set by the federal government, doesn't include money to hire gravediggers. Charlie Rooks knows that if the grave isn't dug in time for the arrival of the funeral party, Sioux Funeral Home will be blamed. So it's a job that he must see gets done.

The Holy Rosary Mission Cemetery is perched atop a small, grassless butte. Graves are packed tightly together, some marked with granite headstones, others with handmade white crosses. There, James found three friends of Mr. Black Feet clawing weakly at the ground with shovels. Beer cans piled up at their feet almost as quickly as the dirt.

"Six feet deep, fellas," James reminded them, shaking his head. Back at the funeral home, he told his brother, "They're never going

to get that grave dug." So the Rookses sent one of their own part-time workers to help with the job, paying him $50, for which Sioux Funeral Home wasn't reimbursed.

The Oglala Sioux at Pine Ridge were forced to settle here in the late 19th century. They and other bands of Sioux resisted the European invasion so fiercely that they eventually forced their enemies to the bargaining table. But after they secured a huge portion of land, the U.S. government reneged, cut their property into small, scattered parcels, and suppressed nonviolent protest with guns.

Today, few question why death comes early for so many. Alcohol is an obvious cause, contributing to many illnesses, car wrecks and acts of violence. Charlie Rooks and other members of his family are self-described recovering alcoholics, and they all say that if they hadn't quit, they wouldn't be where they are.

"Death, man," says James Rooks, bouncing across rough roads on a drive to a cemetery at Wounded Knee, where U.S. troops in 1890 slaughtered dozens of unarmed Indian men, women and children. "You're around death all the time here. And a lot of them are bad deaths. Young people dying of cirrhosis, things like that."

At the Wounded Knee cemetery, he walks past the grave of Amanda M. Cook, whom Sioux Funeral Home buried in 1996. She was three months old.

The One Horn family doesn't know what killed five-month-old Minorvine in December. The boy fell ill, his 16-year-old mother took him to the reservation medical clinic, and he didn't return. The clinic never explained the cause of death. "I guess you got to expect that in a poverty-stricken area," says Minorvine's grandfather, Bill One Horn.

The role of history in the cycle of death is something Pat Janis thinks about a lot. He is director of the tribe's Burial Assistance Program. Mr. Janis, 44 years old, takes calls from Charlie Rooks and others about the paperwork surrounding death. Mostly, he helps determine who qualifies for a tribal burial and how much of their expenses will be covered. The dozen or so times his phone rings in a day, his answer is always the same: "Uh, burials."

He also works as a medicine man. And in that job, he is concerned more with the mystery of why so many die so young.

"I think it goes back to the loss of our spirituality, when we were forced to move to the reservation and change our ways," he says. "We've had so many tragedies that people have never had time to grieve and mourn. You can see a family that has a car crash, a suicide, a cancer -- and they never catch up to the death."

Some trace the woes of the present to a treaty signed 125 years ago that divided the tribe into two camps: those who followed peace-seeking Chief Red Cloud onto the reservation, and those who cast their lot with the rebel Crazy Horse, vowing never to sign a treaty. To this day, the tribe has remained divided between descendants of the two leaders.

The Concept of Profit

But tribal leaders say the moribund local economy and persistent poverty spring from a more general conflict between traditional Sioux values and modern America. The Sioux, they say, aren't accustomed to thinking in terms of putting profit first. New restaurants and other businesses often fail because owners don't ask friends and relatives to pay their tabs.

"When an Indian becomes successful, they call him a white man," says Chuck Jacobs, 46, the tribe's former treasurer and winner of a

MacArthur Foundation genius award in 1987. "Maybe it's resentment or maybe it's how the tribe keeps people in check. The communal values here are very contrary to the values of the American society. We're embedded in the world's most successful market economy and we're still poor."

Mr. Jacobs says Charlie Rooks, who employs relatives and provides an important service to his people, shows that the two cultures can be wedded. And Mr. Rooks, for his part, says he hasn't encountered much resentment against him for his success.

On a wall of the funeral home's reposing room, where tribe members are laid out in modern American fashion, hangs a painting of a traditional Sioux burial: a warrior's body laid on a scaffold on the prairie, his horse buried beneath him.

The painting is the work of local artist Loren Two Bulls. Mr. Two Bulls isn't painting anymore. Two years ago, Sioux Funeral Home handled his burial. He was 38.

HEALTHY PEOPLE 2000 Statistical Notes

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Trends in Racial and Ethnic-Specific Rates for the Health Status Indicators: United States, 1990–98

Kenneth G. Keppel, Ph.D.; Jeffrey N. Pearcy, M.S.; and Diane K. Wagener, Ph.D.

Abstract

The Health Status Indicators (HSIs) were developed as part of the Healthy People 2000 process to facilitate the comparison of health status measures at national, State, and local levels (1). In this report national trends in racial and ethnic-specific rates for 17 HSIs are examined for the period from 1990–98. One of three overarching goals of Healthy People 2000 was to reduce health disparities (2). Examination of trends in the HSIs indicates that rates for most racial/ethnic groups improved. Rates for American Indian or Alaska Natives did not improve for six of the HSIs. An index of disparity, a summary measure of disparity among race/ethnic-specific rates, was used to measure changes in disparity between 1990 and 1998. The index of disparity decreased for 12 of the HSIs. Based on this index, racial/ethnic disparity in the percent of low birthweight infants declined by 19 percent, disparity in the percent of children under 18 years of age in poverty and in the syphilis case rate declined by 13 percent, and disparity in the stroke death rate declined by 11 percent. The index declined by less than 10 percent for eight other indicators. The index of disparity increased between 1990 and 1998 for the other five HSIs examined here. The index of disparity increased by more than 10 percent for work-related injury death rates, motor vehicle crash death rates, and suicide death rates. While rates for the HSIs have improved, not all groups have benefited equally and substantial differences among racial/ethnic groups persist.

Introduction

Healthy People 2000 National Health Promotion and Disease Prevention Objectives, Objective 22.1 called for the development of a set of Health Status Indicators (HSIs) appropriate for use by Federal, State, and local health agencies (2). Under the auspices of the Centers for Disease Control and Prevention, a group of public health professionals, known as Committee 22.1, was convened to identify a set of HSIs. Through a rigorous consensus process, a list of 18 HSIs was developed and published in 1991 (1). Originally Committee 22.1 recommended that only one indicator, infant mortality, be examined by race and Hispanic origin. However, experience with the indicators soon revealed that it was essential to account for differences in the racial and ethnic composition of geographic areas when making comparisons. Committee 22.1 subsequently recommended that whenever data were available to provide reliable estimates, the HSIs be examined for specific groups (3). The first report on racial differentials in the HSIs at the national level was published in 1995 (4) and subsequent national data on the HSIs have been published in each *Healthy People 2000 Review* (5).

This report examines trends in the rates for 17 indicators associated with the original list of 18 HSIs. The original HSI for cardiovascular disease deaths was subdivided into two indicators, one for heart disease deaths and one for stroke deaths. Reported cases of Acquired Immunodeficiency Syndrome (AIDS) were excluded from this report because the case definition of AIDS changed in 1993 and because the transition from HIV infection to AIDS has been altered

substantially, making AIDS cases an inappropriate indicator of HIV infection. Reported cases of measles were excluded from this report because race was poorly reported during the earlier part of the period and the number of cases is now too small to make it practical to calculate rates by race/ethnicity. Rates or percents are shown for five racial/ethnic groups (white non-Hispanic, black non-Hispanic, Hispanic, American Indian or Alaska Native, and Asian or Pacific Islander) from 1990 to 1998. Where appropriate, the data for the HSIs are age adjusted to control for differences in age composition among the racial/ethnic groups. Differences in race/ethnic-specific rates are affected by the quality of race and ethnic information reported in vital registration and case reporting systems as well as in the census. The quality of racial and ethnic data is known to vary (6), however, the effect on the findings presented here cannot be specified.

When the HSIs were developed, no target rates or percents were specified for the year 2000. However, many of the HSIs correspond to Healthy People 2000 objectives for which targets for the year 2000 were set. These targets were set to encourage significant improvement in rates for the total population by the year 2000. For some objectives, targets were also set for special population subgroups when it was known that these groups had higher rates than the total population. These targets called for a greater percent change for the minority population, with the aim of reducing the relative difference between rates for these racial/ethnic groups and the rate for the total population. Special population targets were established for Healthy People 2000 objectives that correspond closely to 10 of the HSIs, including the following:

- Stroke death rates among blacks
- Lung cancer death rates among black males
- Breast cancer death rates among black females
- Suicide death rates among American Indian or Alaska Native males and for white males 65 years of age and over
- Homicide death rates among black males 15–34 years of age, among Hispanic males 15–34, among black females 15–34, and among American Indian or Alaska Natives of all ages
- Tuberculosis case rates among blacks, Hispanics, American Indian or Alaska Natives, and Asian or Pacific Islanders
- Syphilis case rates among blacks
- Infant mortality rates among black, American Indian or Alaska Native, and Puerto Rican women
- Percent of low birthweight infants among black and Puerto Rican women
- Percent of women not beginning prenatal care in the first trimester among black, American Indian or Alaska Native, and Hispanic women

There were no corresponding special population targets for the following HSIs: Total death rates, heart disease death rates, motor vehicle crash death rates, work-related injury death rates, live birth rates for women age 15–17 years, percent of children under age 18 years living in poverty, and the percent of persons in counties with poor air quality.

The figures showing trends in the HSIs in this report are based on annual rates or percents for each of the five racial/ethnic groups. The vertical axis for the rate or percent in each figure is shown on a log scale. The log scale makes it possible to determine visually whether the rates are changing proportionally (parallel lines) or disproportionally over time. The trends in race/ethnic-specific rates are also discussed in terms of the relative change in rates from the beginning to the end of the period. The percent change in the rate for each specific group is calculated by subtracting the rate in 1998 from the rate in 1990, dividing by the rate in 1990 and expressing the result as a percent. Changes from 1990 to 1998 for the five racial/ethnic groups were compared in this way. These comparisons indicate whether the five groups are changing in the same direction and to the same extent. The ratios of highest to lowest race/ethnic-specific rates at the beginning and end of the period are also compared. These ratio comparisons indicate whether the proportional difference between the highest and lowest rates in 1998 was smaller or larger than the difference in 1990.

The special population targets were set to achieve relatively greater reductions in rates for specific populations compared to the total population. In order to determine whether or not greater reductions had occurred, the percent change from 1990 to 1998 for the special population (or a group representing the special population) was compared with the change for the total population. In order to be consistent with the intent of the special population target, the change in the special population should be greater than the change for the total population.

Finally, the index of disparity was employed as a summary measure of racial and ethnic disparity for each HSI in 1990 and 1998. The index of disparity was used to compare the degree of disparity in each indicator in 1990 with the degree of disparity in 1998. The index of disparity was also employed to compare the degree of disparity among HSIs in 1998. For additional information about the HSIs and the techniques employed in this report see the section on "Methods."

Findings

Infant mortality rate

Infant mortality rates from the linked files of live births and infant deaths are shown in figure 1. These rates are based on the race and origin of the mother recorded on the birth certificate. Linked files were not created for the years 1992–94. Infants of Asian or Pacific Islander women had the lowest infant mortality rates and infants of black non-Hispanic women had the highest infant mortality rates for the years shown. Between 1990 and 1998 the infant mortality rate for infants of American Indian or Alaska Native women declined by 29 percent, for infants of Hispanic women by 23 percent, for infants of black non-Hispanic women by 18 percent, and for infants of white

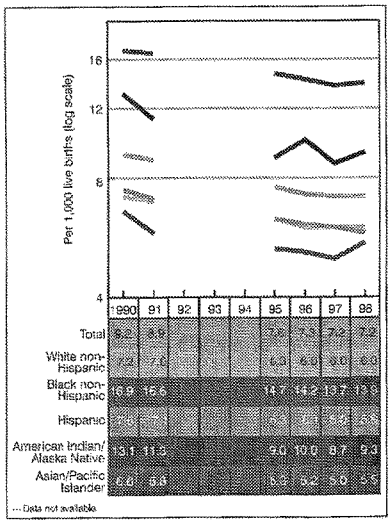

Figure 1. Infant mortality rates by race and Hispanic origin of mother: United States, 1990–91 and 1995–98

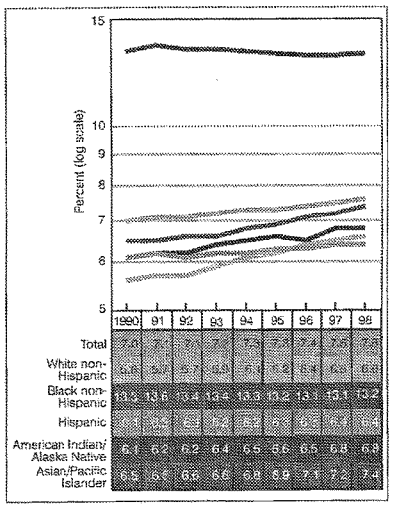

Figure 2. Percent low birthweight by race and Hispanic origin of mother: United States, 1990–98

non-Hispanic and Asian or Pacific Islander women by 17 percent.

In 1990 the infant mortality rate for infants of black non-Hispanic women was 2.6 times the rate for infants of Asian or Pacific Islanders. In 1998 the rate for infants of black non-Hispanic women was 2.5 times the rate for infants of Asian or Pacific Islanders.

The infant mortality rate for the total population declined by 22 percent from 9.2 per 1,000 live births in 1990 to 7.2 in 1998. Greater declines among infants of American Indian or Alaska Native women and among infants of Hispanic women compared with the total population were consistent with the special population target for Objective 14.1 for infants of American Indian or Alaska Native women and for infants of Puerto Rican women. A smaller decline of 18 percent for infants of black non-Hispanic women was inconsistent with the intent of the special population target for infants of black women.

Percent low birthweight

The percent of low birthweight infants among black non-Hispanic women was 13.3 in 1990 and 13.2 in 1998 (figure 2). The rates for the other four racial/ethnic groups increased, by 18 percent for white non-Hispanics, by 5 percent for Hispanics, by 11 percent for American Indian or Alaska Natives, and by 14 percent for Asian or Pacific Islanders. The differences between the black non-Hispanic group and the other groups decreased due to increases in rates for the other groups. In this instance, a reduction in racial/ethnic differences occurred despite the fact that the indicator was not declining to meet the Healthy People 2000 target for Objective 14.5 of 5 percent.

The ratio of the percent low birthweight for the highest group in 1990 (13.3 percent) to the percent for the lowest group (5.6 percent) was 2.4. In 1998 the ratio was 2.1. The relative difference between the highest and lowest rates was, therefore, reduced during the period.

The fact that the percent of low birthweight infants did not decline for Hispanic women and declined by less than 1 percent for black non-Hispanic women is not consistent with special population targets for Puerto Rican and black women.

Women with no prenatal care in the first trimester

In 1990 the proportion of women with no prenatal care in the first trimester ranged from 16.7 percent for white non-Hispanic women to 42.1 percent for American Indian or Alaska Native women (figure 3). In 1998 the range was from 12.1 percent for white non-Hispanic women to 31.2 percent for American Indian or Alaska Native women. The percent of women with no prenatal care in the first trimester decreased for all five groups from 26 to 35 percent

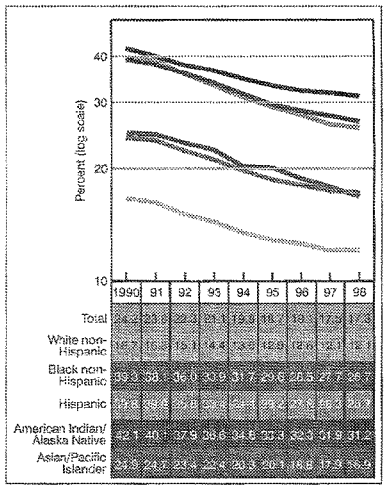

Figure 3. Percent of women with no prenatal care in the first trimester by race and Hispanic origin of mother: United States, 1990–98

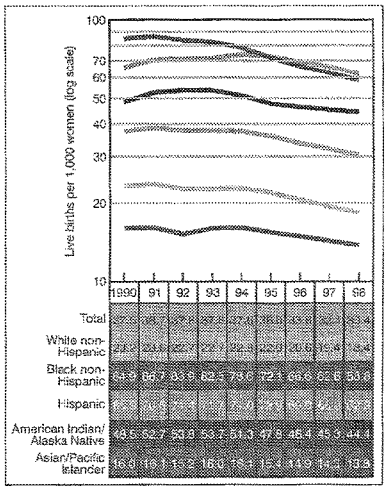

Figure 4. Live birth rates for women age 15–17 years by race and Hispanic origin of mother: United States, 1990–98

during the period. American Indian or Alaska Native women, the group with the highest percent of women with no care in the first trimester, had the least decline (26 percent). Little convergence in rates is evident in figure 3.

The percent of women without prenatal care in the first trimester for American Indian or Alaska Natives was 2.5 times the percent for white non-Hispanics in 1990. In 1998 the percent for American Indian or Alaska Native women was 2.6 times the rate for white non-Hispanics. The relative difference between the groups with the highest and lowest percents was essentially unchanged.

The percent of women with no prenatal care in the first trimester for the total population decreased by 29 percent from 24.2 percent in 1990 to 17.2 percent in 1998. The rates for black non-Hispanics, Hispanics, and Asian or Pacific Islanders declined by greater margins (32 percent, 35 percent, and 32 percent, respectively). These declines are consistent with special population targets for blacks and Hispanics in Objective 14.11. The percent of women not beginning prenatal care in the first trimester declined by 26 percent for American Indian or Alaska Native women, which was inconsistent with the intent of the special population target for this group.

Live birth rates for females age 15–17 years

The live birth rate for females age 15–17 years is based on the number of live births to females age 15–17 in the numerator and the estimated number of females age 15–17 in the denominator based on the 1990 census and intercensal estimates. The fact that the numerator and denominator of the rate are based on different data systems increases the potential effect of errors in racial and ethnic classification. There are no routine estimates of the net effect of these errors for this population (see the section on Race and Hispanic origin under "Methods").

Among black non-Hispanic women 15–17 years of age, a decline in live birth rates began after 1991 (figure 4). Among American Indian or Alaska Natives, declines in live birth rates began after 1992. Among white non-Hispanics, Hispanics, and Asian or Pacific Islanders, declines in live birth rates for females age 15–17 years began after 1994. As a result of the delay in the start of the decline for young Hispanic women, their live birth rates surpassed those of black non-Hispanic women after 1994. Between 1990 and 1998, live birth rates for females age 15–17 years declined by 31 percent for black non-Hispanics, by 21 percent for white non-Hispanics, by 14 percent for Asian or Pacific Islanders, by 8 percent for American Indian or Alaska Natives, and by 5 percent for Hispanics.

The highest race/ethnic-specific group rate in 1990 was 5.3 times the lowest group rate, whereas the highest group rate in 1998 was 4.5 times the lowest rate. Some convergence in rates is evident in figure 4.

Total death rate

The HSIs include the age-adjusted total death rate and age-adjusted death rates for seven specific causes of death. Race/ethnic-specific death rates are subject to misclassification of race and ethnicity among deaths and misclassification of individuals in the census and consequent errors in intercensal estimates. Estimates of the approximate effect of the combined bias due to race misclassification on death certificates and under enumeration on the 1990 census are as follows: white, −1.0 percent; black, −5.0 percent; American Indian, +20.6 percent; and Asian or Pacific Islander, +10.7 percent. The findings presented here should be interpreted with the limitations of the data in mind. For additional discussion of classification issues see the section on Race and Hispanic origin under "Methods" below.

Age-adjusted death rates for the HSIs are shown in table 1 for 1990 and for 1998. The percent change in each race/ethnic-specific rate between 1990 and 1998 is shown along with the ratio of the highest race/ethnic-specific rate to the lowest race/ethnic-specific rate for each year. In 1990 Asian or Pacific Islanders had the lowest total age-adjusted death rate, 295.5 deaths per 100,000 population. The rates for Hispanics, American Indian or Alaska Natives, and white non-Hispanics ranged from 395.2 to 483.7 per 100,000. Non-Hispanic blacks had the highest rate (785.2 per 100,000). The rates for all groups except American Indian or Alaska Natives were lower in 1998 than they were in 1990. The two groups with the lowest rates declined by the greatest proportions; the rates for Asian or Pacific Islanders declined by 10 percent and the rates for Hispanics declined by 13 percent. During the same period, the groups with the

Table 1. Age-adjusted death rates for selected causes of death by race and Hispanic origin, 1990, 1998, and percent change from 1990 to 1998: United States

	Total	Non-Hispanic White	Non-Hispanic Black	Hispanic	American Indian or Alaska Native	Asian or Pacific Islander	Ratio highest/lowest[2]
Total deaths							
1990[1]	518.0	483.7	785.2	395.2	441.7	295.5	2.7
1998	471.7	452.7	710.7	342.8	458.1	264.6	2.7
Percent change, 1990–98	−8.9	−6.4	−9.5	−13.3	3.7	−10.5	
Heart disease							
1990[1]	151.3	145.3	211.8	101.5	106.0	78.0	2.7
1998	126.6	123.6	188.0	84.2	97.1	67.4	2.8
Percent change, 1990–98	−16.3	−14.9	−11.2	−17.0	−8.4	−13.6	
Stroke							
1990[1]	27.5	25.1	47.8	20.7	19.1	24.7	2.5
1998	25.1	23.3	42.5	19.0	19.5	22.7	2.2
Percent change, 1990–98	−9.0	−7.2	−11.1	−8.2	2.6	−8.1	
Lung cancer							
1990[1]	39.8	39.8	50.9	15.7	19.5	17.6	3.2
1998	37.0	33.3	46.0	13.6	25.1	17.2	3.4
Percent change, 1990–98	−7.0	−3.8	−9.6	−13.4	28.1	−2.3	
Female breast cancer							
1990[1]	23.0	23.0	27.3	14.0	9.9	9.9	2.8
1998	18.8	18.7	26.1	12.1	10.3	9.8	2.7
Percent change, 1990–98	−18.3	−18.7	−4.4	−13.6	4.0	−1.0	
Motor vehicle crash							
1990[1]	16.4	18.1	18.3	19.2	33.0	12.5	2.6
1998	15.6	15.7	17.2	14.9	31.5	8.6	3.7
Percent change, 1990–98	−15.2	−13.3	−6.0	−22.4	−3.5	−31.2	
Suicide							
1990[1]	11.5	12.5	7.0	7.2	12.4	6.0	2.1
1998	10.4	11.8	6.1	6.0	13.4	5.9	2.3
Percent change, 1990–98	−9.6	−5.6	−12.9	−16.7	8.1	−1.7	
Homicide							
1990[1]	10.2	4.1	39.6	17.5	11.1	5.2	9.7
1998	7.3	3.2	26.1	9.9	9.9	3.7	8.2
Percent change, 1990–98	−28.4	−22.0	−34.1	−43.4	−10.5	−28.8	

[1] Age-adjusted death rates for 1990 were calculated based on population estimates for July 1, 1990. Rates published elsewhere for 1990 are based on the enumerated population on April 1, 1990, for the year in which the decennial census was taken. Rates for noncensus years are based on July 1 (midyear) populations. In order to measure changes over time, rates based on the July 1 populations are used.

[2] Ratio of the highest race/ethnic-specific rate to the lowest race/ethnic-specific rate for each year.

highest rates (white non-Hispanics and black non-Hispanics) declined by 6 percent and 9 percent, respectively. The rates for American Indian or Alaska Natives increased by 4 percent from 1990 to 1998.

In 1990 the highest group rate (black non-Hispanic, 785.2 per 100,000) was 2.7 times the lowest group rate (Asian or Pacific Islander, 295.5 per 100,000) and in 1998 the highest group rate (black non-Hispanic, 710.7 per 100,000) was again 2.7 times the lowest group rate (Asian or Pacific Islander, 264.6 per 100,000). Although the absolute difference between the highest and lowest group rates in 1998 was smaller than the difference in 1990 (446.1 versus 489.7), the proportional difference between the highest and lowest rates was unchanged.

Heart disease death rate

Between 1990 and 1998 all five racial/ethnic groups experienced declines in age-adjusted heart disease death rates (table 1). Rates declined by 17 percent for Hispanics, by 15 percent for white non-Hispanics, by 14 percent for Asian or Pacific Islanders, by 11 percent for black non-Hispanics, and by 8 percent for American Indian or Alaska Natives.

In 1990 the age-adjusted heart disease death rate for black non-Hispanics (211.8 per 100,000) was 2.7 times the rate for Asian or Pacific Islanders (78.0 per 100,000). In 1998 the rate for black non-Hispanics (188.0 per 100,000) was 2.8 times the rate for Asian or Pacific Islanders (67.4 per 100,000). The ratios of heart disease death rates for the groups with the highest and lowest rates at the beginning and end of the period were essentially the same. All five groups experienced reductions in heart disease death rates ranging from 8 to 17 percent. Therefore, there was little reduction in the relative differences among racial/ethnic groups.

Stroke death rate

The age-adjusted stroke death rate was substantially higher for black non-Hispanics compared with the other racial/ethnic groups (table 1). Between 1990 and 1998 the rate for American Indian or Alaska Natives increased by 3 percent; however, this difference was not statistically significant. The rates for the other four racial/ethnic groups declined by 7 to 11 percent.

In 1990 American Indian or Alaska Natives had the lowest age-adjusted death rate due to stroke (19.1 per 100,000) while the rate for black non-Hispanics was 2.5 times as high (47.8 per 100,000). In 1998 Hispanics had the lowest age-adjusted death rate due to stroke (19.0 per 100,000). In 1998 the rate for black non-Hispanics was 2.2 times the rate for Hispanics. The relative difference between the highest and lowest rates had, therefore, decreased.

The Healthy People 2000 target for Objective 15.2 called for a 34 percent reduction in the age-adjusted stroke death rate for the total population and a 49 percent reduction in the rate for blacks from the baseline in 1987 to the year 2000 target. Between 1990 and 1998 the stroke death rates for black non-Hispanics decreased by 11 percent. During the same period the age-adjusted stroke death rate for the total population decreased by 9 percent from 27.5 to 25.1 per 100,000. The actual reduction for blacks was slightly greater than that for the total population.

Lung cancer death rate

Hispanics had the lowest age-adjusted death rate due to lung cancer in 1990 (table 1). Asian or Pacific Islanders, American Indian or Alaska Natives, white non-Hispanics, and black non-Hispanics had successively higher rates. The same rank order was evident in 1998. The rate for American Indian or Alaska Natives increased by 28 percent from 19.6 to 25.1 per 100,000. The lung cancer death rate for Hispanics declined by 13 percent, the rate for black non-Hispanics declined by 10 percent, the rate for white non-Hispanics declined by 4 percent, and the rate for Asian or Pacific Islanders declined by 2 percent. The decline for Asian or Pacific Islanders was not statistically significant.

In 1990 the highest rate (50.9 per 100,000 for black non-Hispanics) was 3.2 times the lowest rate (15.7 per 100,000 for Hispanics). In 1998 the highest rate (46 per 100,000 for black non-Hispanics) was 3.4 times the lowest rate (13.6 per 100,000 for Hispanics). The relative difference between highest and lowest rates had increased slightly.

From 1990 to 1998 the age-adjusted lung cancer death rate for the total population declined by 7 percent from 39.8 to 37.0 per 100,000. The lung cancer death rate for black non-Hispanics declined by 10 percent, which is consistent with the aim of the special population target for black males in Objective 3.2.

Female breast cancer death rate

Between 1990 and 1998, the age-adjusted female breast cancer death rate for white non-Hispanics declined by 19 percent, the rate for Hispanics declined by 14 percent, and the rate for black non-Hispanics declined by 4 percent (table 1). Despite intervening fluctuations, the rate for Asian or Pacific Islanders was nearly unchanged and the rate for American Indian or Alaska Natives increased by 4 percent. Neither of these changes was statistically significant.

The age-adjusted female breast cancer death rate for black non-Hispanics was 2.8 times the rate for Asian or Pacific Islanders in 1990. The rate for black non-Hispanics declined by 4 percent and the rate for Asian or Pacific Islanders declined by 1 percent. In 1998 the ratio of the rates for these two groups was 2.7.

Despite the fact that there was a special population target for breast cancer death rates among black females, the rate for non-Hispanic black females declined by only 4 percent while the rate for the total population declined by 18 percent from 23.0 per 100,000 in 1990 to 18.8 per 100,000 in 1998.

Motor vehicle crash death rate

The age-adjusted motor vehicle crash death rate for Asian or Pacific Islanders declined by 31 percent from 1990 to 1998, the rates for Hispanics declined by 22 percent, and the rates for white non-Hispanics declined by 13 percent (table 1). The rates for black non-Hispanics declined by 6 percent and the rates for American Indian or Alaska Natives declined by 4 percent; the latter decline was not statistically significant. The group with the highest rate in 1990 (American Indian or Alaska Native) declined the least; the group with the lowest rate in 1990 (Asian or Pacific Islander) declined the most.

In 1990 the ratio of the rate for the highest group (American Indian or Alaska Native) to the rate for the lowest group (Asian or Pacific Islander) was 2.6. In 1998 the ratio of the rate for the highest group to the lowest group was 3.7. The relative difference between the highest and lowest groups increased during this period.

Suicide death rate

During the first half of the decade there were increases in age-adjusted suicide death rates for all groups except for white non-Hispanics (data not shown). Comparing rates in 1990 with those in 1998, rates declined by 17 percent for Hispanics, by 13 percent for black non-Hispanics, by 6 percent for white non-Hispanics, and by 2 percent for Asian or Pacific Islanders (table 1). The decline in suicide rates for Asian or Pacific Islanders was not statistically significant. The age-adjusted suicide death rate for American Indian or Alaska Natives increased by 8 percent from 1990 to 1998; however, this increase was not statistically significant. While black non-Hispanics, Hispanics, and Asian or Pacific Islanders had nearly the same rate in 1998, substantial differences in rates remain between these groups and the white non-Hispanic and American Indian or Alaska Native groups.

In 1990 white non-Hispanics had the highest age-adjusted suicide death rate, which was 2.1 times the lowest rate. In 1998 American Indian or Alaska Natives had the highest rate, which was 2.3 times the lowest rate.

Despite the fact that there was a special population target for American Indian or Alaska Native males, the age-adjusted suicide death rate for American Indian or Alaska Natives increased by 8 percent while the rate for the total population decreased by 10 percent.

Homicide death rate

During the period from 1990 to 1998 the age-adjusted homicide death rate declined by 43 percent for Hispanics, by 34 percent for black non-Hispanics, by 29 percent for Asian or Pacific Islanders, by 22 percent for white non-Hispanics, and by 11 percent for American Indian or Alaska Natives (table 1). The decline for American Indian or Alaska Natives was not statistically significant.

In 1990 the age-adjusted homicide death rate for black non-Hispanics was 9.7 times the rate for white non-Hispanics. In 1998 the rate for black non-Hispanics was 8.2 times the rate for white non-Hispanics.

The homicide death rate for the total population declined by 28 percent from 10.2 per 100,000 in 1990 to 7.3 per 100,000 in 1998. Greater percent declines for Hispanics and for black non-Hispanics are consistent with special population targets for these groups; however, the smaller decline in rates for American Indian or Alaska Natives was contrary to the intent of the special population target for this group in Objective 7.1.

Work-related injury death rate

Work-related injury deaths are relatively rare events, occurring on the order of about 3 per 100,000 persons 16 years of age and over. The rates by race/ethnicity are shown in figure 5. In these data whites and blacks include persons of Hispanic origin. In 1992, the first year for which data from the Census of Fatal Occupational Injuries (CFOI) is available, rates ranged from 2.7 for blacks and Asian or Pacific Islanders to 3.1 for whites and Hispanics. Data for American Indians or Alaska Natives are not available for 1992. Between 1993 and 1998, rates declined by 47 percent for American Indian or Alaska Natives, by 34 percent for Asian or Pacific Islanders, by 17 percent for blacks, by

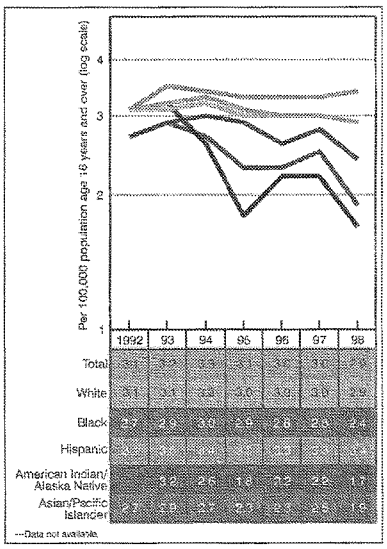

Figure 5. Work-related injury death rates by race and Hispanic origin: United States, 1992–98

6 percent for whites, and by 3 percent for Hispanics. The statistical significance of changes in work-related injury death rates was not assessed.

The ratio of the highest race/ethnic-specific rate to the lowest race/ethnic-specific rate was 1.1 in 1992 and 2 in 1998. A distinct divergence in rates is evident in figure 5.

Tuberculosis case rate

Tuberculosis case rates for Asian or Pacific Islanders declined more slowly than case rates for the other groups as indicated by the slope of the lines in figure 6. The tuberculosis case rate for Asian or Pacific Islanders declined by 15 percent from 1990 to 1998. The rate for white non-Hispanics, the group with the lowest rate in 1990, declined by 45 percent. The rates for black non-Hispanics declined by 46 percent; and the rates for Hispanics and for American Indian or Alaska Natives declined by 37 percent. The statistical significance of changes in tuberculosis case rates was not assessed.

The tuberculosis case rate for Asian or Pacific Islanders in 1990 was more than 10 times the rate for white non-Hispanics. In 1998 the rate for Asian or Pacific Islanders was more than 15 times the rate for white non-Hispanics. A widening of the gap between the highest and lowest rates is evident in figure 6.

The tuberculosis case rate for the total population declined by 34 percent from 10.3 to 6.8 per 100,000. The tuberculosis case rates for black non-Hispanics, American Indian or Alaska Natives, and for Hispanics declined by greater percents (46 percent, 37 percent, and 37 percent, respectively) consistent with special population targets for these groups. The tuberculosis case rate for Asian or Pacific Islanders, the group with the highest rates, declined the least (15 percent). This decline was inconsistent with the intent of the special population target for Asian or Pacific Islanders in Objective 20.4.

Primary and secondary syphilis case rate

The two groups with the highest rates of syphilis in 1990, black non-Hispanics and Hispanics, had the greatest declines (88 percent and 90 percent, respectively) (figure 7). The two groups with the lowest rates of syphilis in 1990, white non-Hispanics and Asian or Pacific Islanders, declined by smaller proportions (81 percent and 73 percent, respectively). The syphilis case rates declined the least for American Indian or Alaska Natives (49 percent). The statistical significance of changes in primary and secondary syphilis case rates was not assessed.

In 1990 the primary and secondary syphilis case rate for black non-Hispanics (141.9 per 100,000) was 95 times the rate for Asian or Pacific Islanders (1.5). In 1998 the rate for black non-Hispanics (16.9) was 42 times the rate for Asian or Pacific Islanders (0.4).

The Healthy People 2000 target for Objective 19.3 for the total population (4.0 per 100,000) was attained in 1997 (3.2 per 100,000) and the special population target for blacks (30.0 per 100,000) was attained in 1996. Between 1990 and

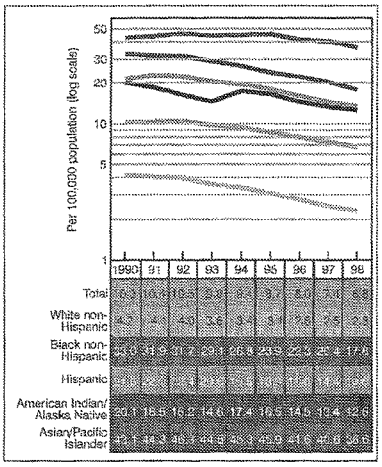

Figure 6. Tuberculosis case rates by race and Hispanic origin: United States, 1990–98

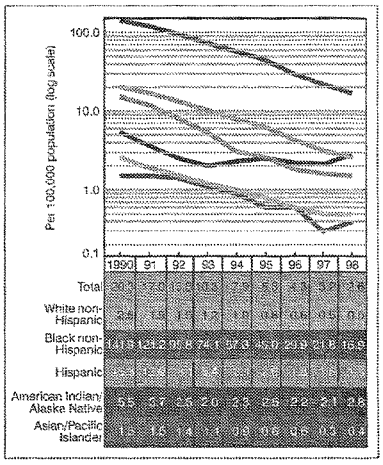

Figure 7. Primary and secondary syphilis case rates by race and Hispanic origin: United States, 1990–98

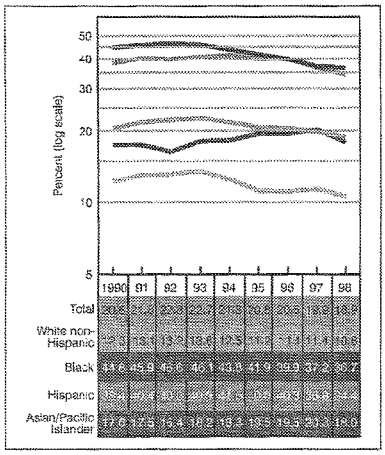

Figure 8. Percent of children under 18 years old in poverty by race and Hispanic origin: United States, 1990–98

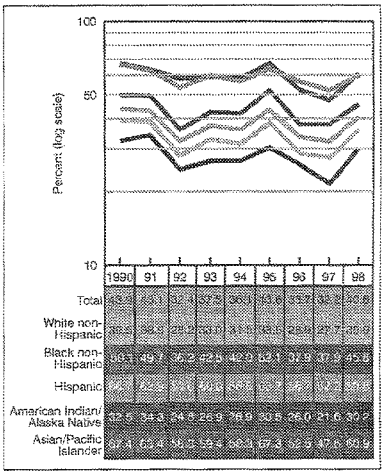

Figure 9. Percent of persons in counties exceeding EPA standards for air quality by race and Hispanic origin: United States, 1990–98

1998 the primary and secondary syphilis case rate declined by 87 percent for the total population, from 20.3 per 100,000 in 1990 to 2.6 per 100,000 in 1998, while the rate for black non-Hispanics declined by 88 percent. The percent change for the special population was, therefore, greater than the percent change for the total population.

Percent of children under 18 years old in poverty

After 1990 the percent of children under age 18 years living in poverty increased among white non-Hispanics until 1993, among blacks until 1992, among Hispanics until 1994 and among Asian or Pacific Islanders until 1997 (figure 8). Subsequent declines were evident for all racial/ethnic groups. Between 1990 and 1998 the percent of children under 18 in poverty declined by 18 percent for blacks, by 14 percent for white non-Hispanics, and by 10 percent for Hispanics. Between 1990 and 1998 the percent of children under age 18 years in poverty increased by 2 percent for Asian or Pacific Islanders. The increase for Asian or Pacific Islanders was not statistically significant.

In 1990 the poverty rate for black children under 18 years of age, the highest group, was 3.6 times the rate for white non-Hispanic children. In 1998 the rate for black children was 3.5 times the rate for white non-Hispanic children.

Percent of persons in counties exceeding EPA air quality standards

Weather patterns have a substantial impact on air quality and the cyclical nature of these patterns is evident in figure 9 (7). The percent of persons in counties exceeding EPA standards for air quality declined for all racial/ethnic groups from 1990 to 1992, then increased for all groups from 1992 to 1995. The percent of persons in counties exceeding EPA air quality standards declined again from 1995 to 1997, and increased again between 1997 and 1998. Either Hispanics or Asian or Pacific Islanders had the highest percent of persons in counties exceeding EPA air quality standards each year between 1990 and 1998. The other three racial/ethnic groups maintained their same relative positions throughout the period. American Indian or Alaska Natives had the lowest percent of persons in counties exceeding EPA air quality standards, followed by white non-Hispanics and black non-Hispanics. Given the cyclic nature of this indicator, comparisons between 1990 and 1998 are not very meaningful.

The ratio between the group with the highest percent of persons in counties exceeding EPA air quality standards and the group with the lowest percent of persons in such counties was 2.1 in 1990, 1.8 in 1991, 2.4 in 1992 and 1997, 2.2 in 1993–96, and 2.0 in 1998. The relative difference between the group with the highest percent and the group with the lowest percent was rather consistent during this period.

Comparing a summary measure of disparity for 1990 and 1998

The index of disparity summarizes the differences among group rates. This statistic provides a basis for

Table 2. Index of disparity among five racial/ethnic groups for the Health Status Indicators: United States, 1990, 1998, and percent change

	Index of disparity		Percent change 1990–98	
	1990	1998	Decrease	Increase
Infant mortality rates	38.9	36.4	–6.4	
Low birthweight (percent)	26.4	23.0	–19.0**	
No prenatal care in first trimester (percent)	46.9	43.5	–7.2**	
Live birth rates for women age 15–17 years	65.4	67.7		3.5**
Total death rates	27.9	25.8	–7.5**	
Heart disease death rates	31.1	30.9	–0.6	
Stroke death rates	29.6	26.4	–10.8**	
Lung cancer death rates	39.0	35.4	–9.2**	
Female breast cancer death rates	34.3	33.6	–2.0	
Motor vehicle crash death rates	23.6	32.8		39.0**
Suicide death rates	28.2	33.8		19.9**
Homicide death rates	95.5	86.8	–9.1**	
Work-related injury death rates (1993–98)[1]	6.3	22.1		250.8[a]
Tuberculosis case rates	160.4	170.3		6.2[a]
Primary and secondary syphilis case rates	175.3	153.1	–12.7[a]	
Children under age 18 years in poverty (percent)[2]	64.7	56.2	–13.1	
Percent with poor air quality (1992–1998)	31.1	29.5	–5.1[a]	

**The difference in the index of disparity is statistically significant at the 0.05 level.
[a]The statistical significance of the difference in the index of disparity was not tested. Methods for assessing the reliability of the underlying rates are not available.
[1]The index of disparity for work-related injury deaths is not strictly comparable with the index of disparity for the other indicators because the data are available for the following groups: white, black, Hispanic, American Indian, Aleut and Eskimo, and Asian or Pacific Islanders. Persons of Hispanic origin may be of any race.
[2]The index of disparity for the percent of children in poverty is not strictly comparable with the index of disparity for the other indicators because the data are available for the following groups: white non-Hispanic, black, Hispanic, and Asian or Pacific Islander.

comparing the degree of difference (disparity) in race/ethnic specific rates in 1990 with the disparity in race/ethnic rates in 1998. The index of disparity was calculated for each of the HSIs in 1990 and in 1998 and the percent change in the index of disparity between 1990 and 1998 was calculated (table 2). The index of disparity for infant mortality rates by race and Hispanic origin was 38.9 percent in 1990. This statistic indicates that the disparity among racial/ethnic groups was equal to 38.9 percent of the total infant mortality rate. In 1998 the disparity among racial/ethnic groups was equal to 36.4 percent. A decline in the index of disparity indicates that the disparity in race/ethnic specific rates declined relative to the total rate. The index of disparity for the infant mortality rate declined by 6.4 percent between 1990 and 1998; this difference was not statistically significant.

The index of disparity declined for 12 of the 17 HSIs. Declines in the index of disparity were statistically significant for six of the HSIs: Percent of low birthweight infants (–19 percent), percent of women with no prenatal care in the first trimester (–7.2 percent), total death rate (–7.5 percent), stroke death rate (–10.8 percent), lung cancer death rate (–9.2 percent), and the homicide death rate (–9.1 percent). Declines in the index of disparity were not statistically significant for the infant mortality rate, heart disease death rate, female breast cancer death rate, and percent of children under age 18 in poverty. The significance of changes in the index of disparity for the syphilis case rate and for the percent of persons with poor air quality could not be assessed.

The index of disparity increased for the other five HSIs. Increases in the index of disparity were statistically significant for three HSIs: The live birth rate for women age 15–17 years (+3.5 percent), motor vehicle crash death rate (+39.0 percent), and the suicide death rate (+19.9 percent). The statistical significance of increases in the index of disparity for the work-related injury death rate (+250.8) and the tuberculosis case rate (+6.2) could not be assessed. An increase in the index of disparity can be interpreted as an increase in the racial/ethnic disparity among rates.

Comparing racial and ethnic disparity among the HSIs

The index of disparity also provides a basis for comparing the degree of racial/ethnic disparity among indicators (table 3). Tuberculosis case rates had the highest index of disparity in 1998 (170.3 percent). Primary and secondary syphilis case rates had the second highest index of disparity (153.1 percent) followed by homicide death rates (86.8 percent), and live birth rates to women age 15–17 years (67.7 percent). These four indicators also had the greatest ratios of highest to lowest race/ethnic-specific rates in 1998 (42 for syphilis, 16 for tuberculosis, 8 for homicide, and 4.5 for live birth rates to women age 15–17). The magnitude of the index value for primary and secondary syphilis case rates is primarily a function of the extraordinarily high rate for black non-Hispanics (figure 7). The magnitude of the index values for tuberculosis case rates, homicide death rates, and live birth rates for women age 15–17 are a function of substantial differences between the overall population rate (dominated by the white non-Hispanic group) and the other four racial/ethnic groups (figure 6, table 1, and figure 4, respectively).

Table 3. Index of disparity among five racial/ethnic groups for the Health Status Indicators: United States, 1998

	Index of disparity 1998
Tuberculosis case rates	170.3
Primary and secondary syphilis case rates	153.1
Homicide death rates	86.8
Live birth rates for women age 15–17 years	67.7
Children under age 18 years in poverty (percent)[1]	56.2
No prenatal care in first trimester (percent)	43.5
Infant mortality rates	36.4
Lung cancer death rates	35.4
Suicide death rates	33.8
Female breast cancer death rates	33.6
Motor vehicle crash death rates	32.5
Heart disease death rates	30.9
Percent with poor air quality (1992–98)	29.5
Stroke death rates	26.4
Total death rates	25.8
Low birthweight (percent)	23.0
Work-related injury death rates (1993–98)[2]	22.1

[1]The index of disparity for the percent of children in poverty is not strictly comparable with the index of disparity for the other indicators because the data are available for the following groups: white non-Hispanic, black, Hispanic, and Asian or Pacific Islander.
[2]The index of disparity for work-related injury deaths is not strictly comparable with the index of disparity for the other indicators because the data are available for the following groups: white, black, Hispanic, American Indian, Aleut and Eskimo, and Asian or Pacific Islanders. Persons of Hispanic origin may be of any race.

Despite the fact that the index of disparity for work-related injury deaths increased by 250.8 percent between 1990 and 1998, work-related injury deaths had the smallest index of disparity in 1998 (22.1 percent). While differences in work-related injury death rates have increased since the data first became available, the relative size of differences remains small. The ratio of highest to lowest race/ethnic-specific work-related injury death rates was 2 in 1998. The remaining indicators had indexes of disparity ranging from 23 to 56 percent.

Conclusions

Trends in the HSIs

An earlier report noted that substantial improvements were made in the HSIs for the total population (8). National targets for the Healthy People 2000 objectives that correspond to the HSIs have been attained for six of the indicators and the United States had significantly improving trends for 14 indicators. No significant improvement was evident for lung cancer deaths, work-related injury deaths, and homicide deaths; and the percent of low birthweight infants was increasing significantly instead of decreasing.

Trends in race/ethnic-specific rates were examined in this report for 17 HSIs. All five racial/ethnic groups experienced at least nominal reductions in rates for 10 of the HSIs between 1990 and 1998: heart disease death rates, motor vehicle crash death rates, work-related injury death rates (between 1993 and 1998), homicide death rates, tuberculosis case rates, primary and secondary syphilis case rates, infant mortality rates, percent of women with no prenatal care in the first trimester, live birth rates for women age 15–17 years, and percent of persons in counties exceeding EPA air quality standards.

For four additional HSIs, there was at least nominal improvement between 1990 and 1998 in rates for all groups except American Indian or Alaska Natives: total death rates, stroke death rates, lung cancer death rates, and suicide death rates. Female breast cancer death rates declined at least nominally for white non-Hispanics, black non-Hispanics, and Hispanics; increased for American Indian or Alaska Natives; and were unchanged for Asian or Pacific Islanders. The percent of low birthweight increased for all racial/ethnic groups except for black non-Hispanics. The percent of children under 18 years old in poverty increased only for Asian or Pacific Islanders.

The findings concerning American Indian and Alaska Natives stood out for six of the HSIs. Between 1990 and 1998, the lung cancer death rate for American Indian or Alaska Natives increased by 28 percent, the percent of low birthweight infants increased by 11 percent, the suicide death rate increased by 8 percent, the total death rate and the breast cancer death rate each increased by 4 percent, and the stroke death rate increased by 3 percent. While the changes in the suicide, breast cancer, and stroke death rates were not statistically significant, American Indian or Alaska Natives do not appear to have experienced the same improvements in these indicators as the other racial/ethnic groups experienced. While there may be alternative explanations for these findings, such as improvement in the identification of native peoples during this period, further investigation is needed.

Special population targets

Ten of the HSIs correspond to Healthy People 2000 objectives with special population targets intended to reduce differences in rates between a specific racial/ethnic group and the total population. The special population target for syphilis case rates among blacks was attained. Declines in stroke death rates, lung cancer death rates, homicide death rates, tuberculosis case rates, and in the percent of women with no prenatal care during the first trimester were greater for black non-Hispanics than they were for the total population. These reductions were consistent with the goal of reducing disparities. Declines for black non-Hispanics were not greater than declines for the total population in female breast cancer death rates or in infant mortality rates despite special population targets. There was no decline in the percent of low birthweight infants for black non-Hispanics despite a special population target for blacks.

Compared with changes for the total population, Hispanics experienced greater declines in homicide death rates and tuberculosis case rates. These changes were consistent with special population targets intended to produce greater improvements for Hispanics.

Among American Indian or Alaska Natives, changes in suicide and homicide death rates were in the opposite direction of that intended by special population targets for Objectives 6.1 and 7.1. On the other hand, tuberculosis case

rates and infant mortality rates declined by greater percents for American Indian or Alaska Natives compared with the total population. These changes were consistent with the intent of special population targets for these objectives.

The tuberculosis case rate for Asian and Pacific Islanders was the highest of the five racial/ethnic groups and declined the least, despite the fact that there was a special population target for tuberculosis case rates for this group (Objective 20.4).

The index of disparity

Examination of the race/ethnic-specific rates for the HSIs indicates that substantial disparities in rates persist. The comparison of percent changes in rates over time provides a good indication of which groups are not improving and which groups are improving by greater margins. The ratio comparisons are indicative of relative changes between groups with the highest and lowest rates but they do not provide information about how the rates for the groups in between are changing. These comparisons do not lend themselves to a summary conclusion about how differences among all five groups are changing for a particular indicator. In order to draw such conclusions, an index of disparity was employed as a summary measure of differences in race/ethnic specific rates. The index of disparity is employed to measure changes in disparity over time and to compare the degree of disparity among indicators.

The index of disparity provides a measure of variability in race/ethnic specific rates relative to the rate for the total population. The index of disparity decreased for 12 HSIs. The index of disparity for the percent of low birthweight infants decreased by 19 percent; however, this decrease was the result of increases in rates for the four racial/ethnic groups with the lowest rates at the beginning of the period. The index of disparity decreased by less than 10 percent for nine of the HSIs.

Increases in the index of disparity for motor vehicle crash death rates, work-related injury death rates, suicide death rates, and tuberculosis case rates were due to the divergence in racial/ethnic rates. In each of these instances, the racial/ethnic group with the highest rate in 1990 had little or no decline from 1990 to 1998 (see table 1 and figures 5 and 6).

The index of disparity also provides a basis for comparing the disparity in rates among indicators. The HSIs with the highest index values are tuberculosis case rates, syphilis case rates, homicide death rates, live birth rates for women age 15–17 years, and percent of children under age 18 in poverty.

Implications of this study

While the validity of the findings presented here depends upon the accuracy of the reporting of race and ethnicity, it is not likely that all of the differences observed here are the result of errors in reporting or changes in reporting of race and ethnicity over time.

One of the overarching goals of Healthy People 2000 was to reduce—and finally eliminate—disparities among population groups of Americans (2). In pursuit of this goal special population targets were established where specific sex, race, ethnic, age, income, or education groups were known to have less favorable rates. In Healthy People 2010 the overarching goal is to "eliminate health disparities among different segments of the population"(9). These include differences that occur by gender, race or ethnicity, education or income, disability, living in rural localities, or sexual orientation. In Healthy People 2010, the objectives will be monitored for as many of these characteristics as possible. Based on this analysis relatively little progress was made toward the goal of eliminating racial/ethnic disparities among the HSIs during the last 10 years. Progress toward the goal of eliminating health disparities will require more concerted efforts during the next 10 years.

Methods

The Health Status Indicators (HSIs)

Committee 22.1 designated 18 HSIs (1). The HSIs are based on established data collection systems with standardized definitions and collection procedures (10). The indicator for cardiovascular disease deaths included two subcategories, heart disease and stroke. Because the trends in these subcategories are distinguishable, the findings are presented for the two subcategories. Reported cases of AIDS were included as one of the original HSIs. Since the case definition for AIDS changed in 1993 and because the transition from HIV infection to AIDS has been altered substantially by the introduction of drug therapies, the original measure is not a reliable indicator of trends during the 1990s or a valid indicator of HIV infection. Therefore, reported cases of AIDS are not examined here. Reported cases of measles were also one of the original HSIs. Until recently the proportion of measles cases with race "not stated" was too large to permit valid calculation of race-specific case rates and the number of measles cases is now small enough to make the calculation of race/ethnic specific rates impractical. As a result, reported cases of measles are also not examined in this report.

The proportion of live births to adolescents (ages 10–17) was one of the original HSIs. This indicator is easily measured from birth certificate data; however, the proportion of births to adolescents is not an adequate basis for comparing teenage fertility among different populations. The proportion of all births to adolescents is also a function of the fertility of older women. The live birth rate for teenagers 15–17 years is a much better measure of teenage fertility for comparative purposes. The birth rate is calculated by dividing the number of live births to women age 15–17 years in a calendar year by the population of females age 15–17 at the midpoint of that calendar year. The result is multiplied by 1,000 and the result is expressed as a birth rate per 1,000 females age 15–17 years of age. Omitting AIDS

and measles and subdividing cardiovascular disease into two indicators, this report presents findings for 17 indicators.

Race and Hispanic origin

The HSIs are based on a variety of data collection systems with different data collection procedures. Generally these data systems record the subject's race in terms of white, black, American Indian or Alaska Native, and Asian or Pacific Islander; and the subject's origin in terms of Hispanic or non-Hispanic. These two measures of race and ethnicity are combined to form five groups (white non-Hispanic, black non-Hispanic, Hispanic, American Indian or Alaska Native, and Asian or Pacific Islander). Persons of Hispanic origin can be of any race. While the categories white non-Hispanic and black non-Hispanic exclude persons reported as Hispanic, small numbers of Hispanics are included among the American Indian or Alaska Native and Asian or Pacific Islander groups. Whenever possible, the rates and percents for the HSIs were calculated for each of these five groups. Work-related injury deaths are tabulated according to white, black, Hispanic, American Indian or Alaska Native, and Asian or Pacific Islander (11). Since Hispanics may be of any race, they are also included among the other four groups. The percent of children under 18 years old in poverty is tabulated for the following four categories: white non-Hispanic, black, Hispanic, and Asian or Pacific Islander. Hispanics are included among the black and Asian or Pacific Islander groups.

The validity of the findings in this report depends upon the accuracy of race and ethnic data. A number of studies have been conducted on the reliability of race reported on the death certificate by comparing race on the death certificate with that reported on another data collection instrument, such as the census or a survey. Differences may arise because of differences in who provides race information on the compared records. Race information on the death certificate is reported by the funeral director as provided by an informant or, in the absence of an informant, on the basis of observation. In contrast, race on the census is obtained while the individual is alive and is self-reported or reported by another member of the household. Studies (12, 13) show that a person self-reported as American Indian or Asian on census or survey records was sometimes reported as white on the death certificate. The net effect of misclassification is an underestimation of deaths and death rates for races other than white and black. In addition, undercoverage of minority groups in the census and resultant population estimates introduces biases into death rates by race (6). Estimates of the approximate effect of the combined bias due to race misclassification on death certificates and under enumeration on the 1990 census are as follows: white, -1.0 percent; black, -5.0 percent; American Indian, +20.6 percent; and Asian or Pacific Islander, +10.7 percent. Death rates for the Hispanic population are also affected by undercoverage of this population group in the census and resultant population estimates; the estimated net correction, taking into account both sources of bias is +1.6 percent. The extent to which racial and ethnic misclassification may have changed from 1990 to 1998 is unknown.

Misclassification is less of a problem for information from birth certificates to the extent that information is supplied by an informant and proportions or rates are calculated based solely on information from the birth certificate. In the linked birth-infant death file, the mother's race on the birth certificate is used for purposes of computing infant mortality rates. The effects of misclassification on the comparisons made here cannot be estimated.

Rates and percents

The HSIs are based on rates or percents that permit comparisons among populations or geographic areas with populations of different size. The death rates are age adjusted to the 1940 standard population to eliminate the effects of differences in age composition from comparisons among populations (14). These rates represent the number of deaths that would occur per 100,000 persons if the standard population had the age-specific death rates of the population of interest. It should be remembered that these age-adjusted rates are appropriate for comparison purposes and that they have no inherent meaning for most other purposes.

Age-specific population data for the calculation of rates by race and ethnicity were extracted from Census Bureau estimates for the year 1998 along with corresponding adjustments in estimates going back to 1990: U.S. Census Bureau; http://www.census.gov/population/www/estimates/expectancyat_sasrh.html (revised September 15, 1999).

The trends in race/ethnic-specific rates and percents for each HSI are shown in tables and graphs. When graphs are shown, the vertical axis for the rates and percents is shown on a log scale. The log scale provides for a visual comparison of the proportional change in rates over time. In this case the change for each of the five racial/ethnic groups can be compared directly. The log scale compensates for differences in the level of an indicator among groups. On the normal scale, a change from 50 percent to 45 percent (a reduction of 10 percent) appears to be as great as a change from 10 percent to 5 percent (a reduction of 50 percent). On the log scale a change from 50 percent to 25 percent (a 50 percent reduction) would appear as great as a change from 10 percent to 5 percent. When rates of change for two groups are compared on the log scale, proportional changes are indicated by parallel lines. Disproportional change between two groups is evident when the slopes of their trend lines are different. More steeply sloping lines are indicative of greater proportional changes.

The percent change in rates from the beginning of the period (usually 1990) to the end of the period (1998) are compared for the five race/ethnic specific groups. Unless otherwise noted, changes between 1990 and 1998 are statistically significant at the 0.05 level. Tests of significance were not conducted for tuberculosis case rates, syphilis case

rates, work-related injury death rates, and the percent of persons in counties exceeding EPA standards for air quality. The reporting of notifiable diseases, work-related injuries, and air quality are subject to errors in coverage that cannot be estimated routinely. The focus of the analysis is on the relative degree of change over time rather than on the statistical significance of the difference between initial and final rates. When the rates for two groups change by similar percents, there is no reduction in the relative difference between the rates for the two groups. When the rates for two groups change by different percents, the relative difference between the rates for the two groups is either increasing or decreasing.

The index of disparity

The discussion of differences in rates among groups becomes complicated when there are more than two groups. The index of disparity was developed as a summary measure of the differences between rates for subgroups in a population. The numerator of the index, the mean deviation, is obtained by first calculating the difference between each group rate and the rate for the total population. The absolute values of these differences are added and the sum is divided by the number of groups. The subgroup rates are not weighted according to the number of individuals in each group. The mean deviation would be suitable for comparisons among different sets of subgroups within a single population or between different populations with the same overall rate. The mean deviation is indicative of the degree of difference from the overall rate. It would not be appropriate to compare the mean deviation for a single indicator at two points in time when rates are changing or to compare the mean deviation between two indicators with different overall rates.

In order to make additional comparisons, the mean deviation is divided by the rate for the total population and multiplied by 100. Dividing by the total population rate standardizes the index. The degree of difference in the subgroup rates is expressed relative to the rate in the total population. Multiplying by 100 converts the ratio to a percent for convenience in making comparisons. The differences between the rates for the subgroups are, therefore, expressed as a percent of the total population rate. The resulting index of disparity can be used to compare differences in rates over time even if the overall rate in the population is changing. It can also be used to make comparisons among indicators with different means and to make comparisons among indicators with different metrics (i.e., percent; per 1,000; per 100,000, etc.).

The index of disparity also has certain limitations. It is a statistic that summarizes the differences between subgroup rates and the rate for the total population. It does not specify which group has the highest or lowest rate. It does not indicate how many groups are different from the total population or whether the differences in rates are statistically significant. Similar index values could be obtained when the rate for one group is very different from the total or when the rates for two groups are only moderately different from the total. When used to monitor changes in disparity over time, it does not tell us whether the overall rate in the population is increasing or decreasing. A decrease in the statistic does not necessarily indicate that the rate in the population is improving; it simply means that there is proportionally less difference in subgroup rates relative to the overall rate in the population. The index of disparity should be interpreted in conjunction with the race/ethnic-specific rates on which it is based.

A bootstrap procedure was employed to estimate a standard error for the index of disparity based on the underlying rates and their standard errors. The standard errors for the rates based on vital statistics data are estimates of nonsampling error since no sampling is involved in the collection of the data. The standard errors for the percents of children under 18 years old in poverty include both sampling and nonsampling error since they are estimates based on the Current Population Survey. The bootstrap procedure uses the rate and standard error for each group to produce 25,000 random numbers assuming a normal distribution. An estimate of the index of disparity is calculated from the generated rates. The distribution of the simulated index of disparity is used to derive an estimate of the standard error for the index. A z-test for the difference between two rates was used to determine whether changes in the index of disparity between 1990 and 1998 were statistically significant at the 0.05 level (15). A description of the methodology for calculating confidence limits for the index of disparity is available from the authors.

Sources of Data

Death rates (except work-related injury)

Numbers of deaths by race, Hispanic origin, cause of death, age, and in the case of breast cancer—for females only—were extracted from annual mortality files from the National Vital Statistics System. The cause-of-death categories were based on the following *International Classification of Diseases Ninth Revision* codes: total deaths (ICD–9 codes, all causes of death combined); heart disease deaths (ICD–9 codes 390–398, 402, and 404–429); stroke deaths (ICD–9 codes 430–438); lung cancer deaths (ICD–9 code 162.0); female breast cancer deaths (ICD–9 code 174); motor vehicle crash deaths (ICD–9 codes E810–E825); suicide deaths (ICD–9 codes E950–E959); and homicide deaths (ICD–9 codes E960–E978). In 1990, data for Louisiana, New Hampshire, and Oklahoma were excluded from this analysis of race/ethnic specific trends because Hispanic origin was not reported on the death certificate. Data for New Hampshire and Oklahoma were excluded in 1991 and 1992, and data for Oklahoma were excluded in 1993–96. In 1997 all States and the District of Columbia reported Hispanic origin on the death certificate. The data for each racial/ethnic group were extracted for 11 age groups so that age-adjusted rates could be computed. Age and race/ethnic-specific population denominator data were

extracted from Census Bureau estimates for the year 1998 along with corresponding adjustments in estimates going back to 1990: U.S. Census Bureau; http://www.census.gov/population/www/estimates/st_sasrh.html (revised September 15, 1999).

Work-related injury death rates

Data on injury-related deaths to workers 16 years of age and over for the years 1992–98 were drawn from the Census of Fatal Occupational Injuries (CFOI) database maintained by the Bureau of Labor Statistics. These data are reported for the following racial/ethnic categories: white, black, Hispanic, American Indian or Alaska Native, and Asian or Pacific Islander. The sources of annual population data cited previously were also employed as denominators here. The denominator was limited to the population 16 years of age and over.

Tuberculosis case rates

Tuberculosis case rates per 100,000 population by race/ethnicity from 1990 to 1998 were extracted from the following publications: Centers for Disease Control and Prevention, Reported Tuberculosis in the United States, 1998 (July 1999), 1997 (July 1998), 1996 (July 1997), 1995 (July 1996), 1994 (July 1995), 1993 (July 1994); and Tuberculosis Statistics in the United States 1990–92 (1994).

Syphilis case rates

Syphilis case rates per 100,000 population by race/ethnicity from 1990 to 1998 were provided by Emmett Swint, Centers for Disease Control and Prevention, National Center for HIV, STD, and TB Prevention.

Infant mortality rates

Numbers of live births and infant deaths according to the mother's race/ethnicity on the birth certificate were drawn from the annual linked birth/infant death data sets for the years 1990–92 and 1995–98. National linked files were not created for the years 1992–94.

Low birthweight and prenatal care

The percent of low birthweight infants was based on the number of live-born infants weighing less than 2,500 grams, divided by the total number of live-born infants according to the mother's race/ethnicity. Infants with no birthweight recorded were excluded from both the numerator and the denominator. The percent of women who did not begin prenatal care in the first trimester was based on the number of live births where the woman did not begin prenatal care during the first 3 months of pregnancy—including women who did not have any prenatal care. Live births for which the month care began was not stated were excluded from both the numerator and denominator. These frequencies were extracted from the annual natality files from the National Vital Statistics System.

Live birth rates for females age 15–17 years

These rates were based on the numbers of live births to women 15–17 years old by race/ethnicity extracted from the annual natality files from the National Vital Statistics System. The numbers of females 15–17 years old by State were supplied by Stephanie Ventura, Division of Vital Statistics, National Center for Health Statistics, based on previously published reports on birth rates for teenagers (16).

Percent of children under 18 years old in poverty

Data on the percent of children under 18 years old living in poverty by race/ethnicity were extracted from the following publication: U.S. Census Bureau, Poverty in the United States, 1998; Current Population Reports P60–207, September 1999. These data are reported for the following racial/ethnic categories: white non-Hispanic, black, Hispanic, and Asian and Pacific Islander.

Percent of persons in counties exceeding EPA standards for air quality

The Environmental Protection Agency (EPA) monitors the occurrence of air pollutants (carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide) during the previous 12 months. Counties that did not meet EPA National Ambient Air Quality Standards (NAAQS) are identified in a database maintained by the Office of Air Quality Planning & Standards, Information Transfer & Program Integration Division, which can be found at: http://www.epa.gov/aqspub11/select.html.

Counties where one or more of the six criteria pollutants exceeded NAAQS were tabulated by State and year. So-called "secondary exceedences" were used such that a county had to have at least two recorded values in excess of the NAAQS to be in exceedence. Any county with one or more secondary exceedences was considered in exceedence of the standards. Annual population estimates (as described above) for the counties that exceeded any standard were used to calculate the percent of persons living in counties exceeding EPA air quality standards for each racial/ethnic group. These methods differ from those used to monitor Healthy People 2000 Objective 11.5 and generally produce estimates of the percent of persons in counties exceeding EPA air quality standards higher than those for Objective 11.5.

When interpreting the results it is important to remember that the national network of air quality monitors is not uniformly distributed among counties and that many counties have no monitors at all. Also not accounted for in the data are effects of weather and climate on the concentration and distribution of pollutants in counties where monitors are located or adjacent counties which have no monitors.

References

1. Freedman MA. Health Status Indicators for the year 2000. Healthy people statistical notes, vol 1 no 1. Hyattsville, Maryland: National Center for Health Statistics. 1991.
2. U.S. Department of Health and Human Services. Healthy people 2000: National health promotion and disease prevention objectives. Washington: Public Health Service. 1991.
3. National Center for Health Statistics. Recommendations from Committee 22.1. Healthy people statistics and surveillance, no 4. Hyattsville, Maryland: Public Health Service. 1995.
4. Plepys C, Klein R. Health Status Indicators: Differentials by race and Hispanic origin. Healthy people statistical notes, no 10. Hyattsville, Maryland: National Center for Health Statistics. 1995.
5. National Center for Health Statistics. Healthy people 2000 final review. Hyattsville, Maryland: Public Health Service. 2001.
6. Rosenberg HM, Maurer JD, Sorlie PD, Johnson NJ, et al. Quality of death rates by race and Hispanic origin: A summary of current research, 1999. National Center for Health Statistics. Vital Health Stat 2(128). 1999.
7. U.S. Environmental Protection Agency. Latest Findings on National Air Quality: 1999 Status and Trends. EPA-454/F-00-002. Washington, DC: EPA, Office of Air Quality Planning and Standards. August 2000.
8. Keppel KG, Pearcy JN. Healthy People 2000: An assessment based on the Health Status Indicators for the United States and each State. Healthy people statistical notes, no 19. Hyattsville, Maryland: National Center for Health Statistics. 2000.
9. U.S. Department of Health and Human Services. Healthy people 2010. 2nd ed. With understanding and improving health and objectives for improving health. 2 vols. Washington, DC: U.S. Government Printing Office. November 2000.
10. Klein RJ, Hawk SA. Health Status Indicators: Definitions and national data. Healthy people statistical notes, vol 1 no 3. Hyattsville, Maryland: National Center for Health Statistics. 1992.
11. U.S. Department of Labor, Bureau of Labor Statistics. National Census of Fatal Occupational Injuries. 1999. http://stats.bls.gov/iif/
12. Sorlie PD, Rogot E, Johnson NJ. Validity of demographic characteristics on the death certificate. Epidemiology 3(2):181–4. 1992.
13. Poe GS, Powell-Griner E, McLaughlin JK, et al. Comparability of the death certificate and the 1986 national mortality followback survey. National Center for Health Statistics. Vital Health Stat 2(118). 1993.
14. Curtin LR, Klein RJ. Direct standardization (Age-adjusted death rates). Healthy people statistical notes, no 6 revised. Hyattsville, Maryland: National Center for Health Statistics. March 1995.
15. Murphy SL. Deaths: Final Data for 1998. National vital statistics reports; vol 48 no 11. Hyattsville, Maryland: National Center for Health Statistics. 1998.
16. Ventura SJ, Curtin SC, Mathews TJ. Variations in teenage birth rates, 1991–98: National and State trends. National vital statistics reports; vol 48 no 6. Hyattsville, Maryland: National Center for Health Statistics. 2000.

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INDIAN HEALTH SERVICE

BASE PAY TABLE

CIVIL SERVICE

SALARY TABLE 2002-RUS

INCORPORATING THE 3.60% GENERAL SCHEDULE INCREASE AND A LOCALITY PAYMENT OF 8.64%
FOR THE LOCALITY PAY AREA OF REST OF U.S.
(Net Increase: 4.52%)

Effective January 2002

Annual Rates by Grade and Step

	1	2	3	4	5	6	7	8	9	10
GS-1	$16,032	$16,567	$17,100	$17,630	$18,165	$18,479	$19,003	$19,535	$19,556	$20,051
2	$18,026	$18,453	$19,050	$19,556	$19,774	$20,355	$20,936	$21,517	$22,098	$22,680
3	$19,667	$20,322	$20,977	$21,632	$22,287	$22,943	$23,598	$24,253	$24,908	$25,563
4	$22,078	$22,813	$23,549	$24,284	$25,020	$25,755	$26,491	$27,226	$27,962	$28,697
5	$24,701	$25,525	$26,348	$27,172	$27,995	$28,819	$29,642	$30,466	$31,289	$32,113
6	$27,534	$28,452	$29,370	$30,288	$31,206	$32,124	$33,042	$33,960	$34,878	$35,796
7	$30,597	$31,617	$32,638	$33,658	$34,678	$35,698	$36,718	$37,738	$38,758	$39,779
8	$33,886	$35,016	$36,146	$37,275	$38,405	$39,535	$40,665	$41,795	$42,925	$44,055
9	$37,428	$38,675	$39,922	$41,169	$42,416	$43,664	$44,911	$46,158	$47,405	$48,652
10	$41,217	$42,591	$43,966	$45,340	$46,714	$48,088	$49,463	$50,837	$52,211	$53,586
11	$45,285	$46,795	$48,304	$49,813	$51,322	$52,831	$54,340	$55,849	$57,358	$58,867
12	$54,275	$56,084	$57,893	$59,702	$61,511	$63,320	$65,129	$66,937	$68,746	$70,555
13	$64,542	$66,693	$68,844	$70,995	$73,146	$75,297	$77,448	$79,599	$81,751	$83,902
14	$76,271	$78,813	$81,355	$83,897	$86,439	$88,982	$91,524	$94,066	$96,608	$99,150
15	$89,715	$92,706	$95,697	$98,687	$101,678	$104,669	$107,660	$110,651	$113,642	$116,633

NOTE: Locality rates of pay are basic pay only for certain purposes--see "Salary Tables for 2002" cover sheet.

INDIAN HEALTH SERVICE

SPECIAL SALARY RATES

TITLE 5

Title 5 Special Salary Rate Table

TABLE NUMBER: 0372

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
5	29559	30317	31075	31833	32591	33349	34107	34865	35623	36381	758
7	34737	35676	36615	37554	38493	39432	40371	41310	42249	43188	939
9	41339	42487	43635	44783	45931	47079	48227	49375	50523	51671	1148
10	44264	45529	46794	48059	49324	50589	51854	53119	54384	55649	1265
11	48629	50018	51407	52796	54185	55574	56963	58352	59741	61130	1389
12	54954	56619	58284	59949	61614	63279	64944	66609	68274	69939	1665

OCCUPATION(S): 0644 MEDICAL TECHNOLOGIST

AGENCIES/SUBELEMENTS: HE37 INDIAN HEALTH SERVICE

GEOGRAPHIC LOCATIONS: STATE CITY COUNTY LOCATION NAME STATE
NATIONWIDE

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0487

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
4	26415	27092	27769	28446	29123	29800	30477	31154	31831	32508	677
5	28801	29559	30317	31075	31833	32591	33349	34107	34865	35623	758
6	31259	32104	32949	33794	34639	35484	36329	37174	38019	38864	845
7	33798	34737	35676	36615	37554	38493	39432	40371	41310	42249	939
8	37431	38471	39511	40551	41591	42631	43671	44711	45751	46791	1040
9	40191	41339	42487	43635	44783	45931	47079	48227	49375	50523	1148
10	44264	45529	46794	48059	49324	50589	51854	53119	54384	55649	1265
11	47240	48629	50018	51407	52796	54185	55574	56963	58352	59741	1389

OCCUPATION(S): 0647 DIAGNOSTIC RADIOLOGIC TECHNOLO 0649 MEDICAL INSTRUMENT TECHNICIAN
SERIES GS-0649 IS LIMITED TO DIAGNOSTIC ULTRASOUND ONLY.

AGENCIES/SUBELEMENTS: HE37 INDIAN HEALTH SERVICE

GEOGRAPHIC LOCATIONS: STATE CITY COUNTY LOCATION NAME STATE
NATIONWIDE

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0531

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
4	29123	29800	30477	31154	31831	32508	33185	33862	34539	35216	677
5	37139	37897	38655	39413	40171	40929	41687	42445	43203	43961	758
7	40371	41310	42249	43188	44127	45066	46005	46944	47883	48822	939
9	45931	47079	48227	49375	50523	51671	52819	53967	55115	56263	1148
10	48059	49324	50589	51854	53119	54384	55649	56914	58179	59444	1265
11	51407	52796	54185	55574	56963	58352	59741	61130	62519	63908	1389
12	61614	63279	64944	66609	68274	69939	71604	73269	74934	76599	1665
13	67329	69309	71289	73269	75249	77229	79209	81189	83169	85149	1980

OCCUPATION(S): 0610 NURSE

AGENCIES/SUBELEMENTS: HE37 INDIAN HEALTH SERVICE HE39 CENTERS FOR DISEASE CONTROL &

GEOGRAPHIC LOCATIONS: STATE CITY COUNTY LOCATION NAME STATE
NATIONWIDE

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002
ALASKA ONLY IS ALSO COVERED BY THIS AUTHORIZATION.

Title 5 Special Salary Rate Table

TABLE NUMBER: 0467

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL VARIES
2	18001	18201	18736	19271	19806	20341	20876	21411	21946	22481	
3	20515	21118	21721	22324	22927	23530	24133	24736	25339	25942	603
4	22353	23030	23707	24384	25061	25738	26415	27092	27769	28446	677

OCCUPATION(S): 0621 NURSING ASSISTANT

AGENCIES/SUBELEMENTS: HE37 INDIAN HEALTH SERVICE

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
02	0000	000	ALASKA	AK

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0473

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
2	16985	17535	18001	18201	18736	19271	19806	20341	20876	21411	VARIES
3	21118	21721	22324	22927	23530	24133	24736	25339	25942	26545	603
4	23030	23707	24384	25061	25738	26415	27092	27769	28446	29123	677
5	24253	25011	25769	26527	27285	28043	28801	29559	30317	31075	758

OCCUPATION(S): 0681 DENTAL ASSISTANT

AGENCIES/SUBELEMENTS: HE37 INDIAN HEALTH SERVICE

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
02	0000	000	ALASKA	AK

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

INDIAN HEALTH SERVICE

SPECIAL SALARY RATES

TITLE 38

INDIAN HEALTH SERVICE

TABLE ID#

TITLE 38 SPECIAL SALARY RATES FOR DENTAL OFFICERS, GS-680

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
11	59,130	60,388	61,646	62,904	64,162	65,420	66,678	67,936	69,194	70,452
12	66,348	67,856	69,364	70,872	72,380	73,888	75,396	76,904	78,412	79,920
13	75,309	77,102	78,875	80,688	82,481	84,274	86,067	87,860	89,653	91,446

GEOGRAPHIC COVERAGE: NATIONWIDE

Approved: Lauren L. Fox Date: 8/30/99

Indian Health Service

Pharmacist GS-660 Special Salary Rate Table #I-03

Title 38

Coverage: Nationwide

	Steps 1	2	3	4	5	6	7	8	9	10
GS-9	**48,768**	**49,876**	**50,984**	**52,092**	**53,200**	**54,308**	**55,416**	**56,524**	**57,632**	**58,740**
GS-11	**53,648**	**54,990**	**56,332**	**57,674**	**59,016**	**60,358**	**61,700**	**63,042**	**64,384**	**65,726**
GS-12	**61,081**	**62,688**	**64,295**	**65,902**	**67,509**	**69,116**	**70,723**	**72,330**	**73,937**	**75,544**

Note: Advanced entry rate is bolded for pharmacists who meet the following IHS criteria;
Pharm D plus one year post graduate experience in institutional pharmacy practice and/or ambulatory care OR;
Pharm D plus completion of ASHP or APHA pharmacy residency program OR;
Pharm D plus BPS Specialty Board Certification

Effective Date: 14 January 2001

INDIAN HEALTH SERVICE

BASE PAY TABLE

COMMISSIONED CORPS

DEPARTMENT OF HEALTH AND HUMAN SERVICES
PAY AND ALLOWANCES OF PUBLIC HEALTH SERVICE
COMMISSIONED CORPS OFFICERS
EFFECTIVE JANUARY 1, 2002

MONTHLY RATES OF BASIC PAY
CUMULATIVE YEARS OF SERVICE

PAY GRADE	*2 OR LESS*	*OVER 2*	*OVER 3*	*OVER 4*	*OVER 6*	*OVER 8*	*OVER 10*	*OVER 12*	*OVER 14*	*OVER 16*	*OVER 18*	*OVER 20*	*OVER 22*	*OVER 24*	*OVER 26*
O-10												11601.90	11659.20	11901.30	12324.00
O-9												10147.50	10293.60	10504.80	10873.80
O-8	7180.20	7415.40	7571.10	7614.90	7809.30	8135.10	8210.70	8519.70	8608.50	8874.30	9259.50	9614.70	9852.00	9852.00	9852.00
O-7	5966.40	6371.70	6371.70	6418.20	6657.90	6840.30	7051.20	7261.80	7472.70	8135.10	8694.90	8694.90	8694.90	8694.90	8738.70
O-6	4422.00	4857.90	5176.80	5176.80	5196.60	5418.90	5448.60	5448.60	5628.60	6305.70	6627.00	6948.30	7131.00	7316.10	7675.20
O-5	3537.00	4152.60	4440.30	4494.30	4673.10	4673.10	4813.50	5073.30	5413.50	5755.80	5919.00	6079.80	6262.80	6262.80	6262.80
O-4	3023.70	3681.90	3927.60	3982.50	4210.50	4395.90	4696.20	4930.20	5092.50	5255.70	5310.60	5310.60	5310.60	5310.60	5310.60
O-3	2796.60	3170.40	3421.80	3698.70	3875.70	4070.10	4232.40	4441.20	4549.50	4549.50	4549.50	4549.50	4549.50	4549.50	4549.50
O-2	2416.20	2751.90	3169.50	3276.30	3344.10	3344.10	3344.10	3344.10	3344.10	3344.10	3344.10	3344.10	3344.10	3344.10	3344.10
O-1	2097.60	2183.10	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS ACTIVE SERVICE AS AN ENLISTED MEMBER

PAY GRADE	*OVER 4*	*OVER 6*	*OVER 8*	*OVER 10*	*OVER 12*	*OVER 14*	*OVER 16*	*OVER 18*	*OVER 20*	*OVER 22*	*OVER 24*	*OVER 26*
O-3E	3698.70	3875.70	4070.10	4232.40	4441.20	4617.00	4717.50	4855.20	4855.20	4855.20	4855.20	4855.20
O-2E	3276.30	3344.10	3450.30	3630.00	3768.90	3872.40	3872.40	3872.40	3872.40	3872.40	3872.40	3872.40
O-1E	2638.50	2818.20	2922.30	3028.50	3133.20	3276.30	3276.30	3276.30	3276.30	3276.30	3276.30	3276.30

Basic Allowance for Subsistence is $166.37 (Estimated amount; final amount not yet determined by the Department of Defense.)
Basic Pay for O-7 to O-10 is limited to Level III of the Executive Schedule
Basic Pay for O-6 and below is limited to Level V of the Executive Schedule

ATTACHMENT B

DEPARTMENT OF DEFENSE[1,2]

PAY TABLES

VARIOUS HEALTH PROFESSIONS

[1] The Department of Defense uses the same base pay tables as the IHS and the commissioned corps.
[2] The enclosed pay tables are for special salary rates shared by the Army, Navy, and Air Force. There are many others specific to the various services and specific locales.

Title 5 Special Salary Rate Table

TABLE NUMBER: 0039

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
9	44783	45931	47079	48227	49375	50523	51671	52819	53967	55115	1148
11	54185	55574	56963	58352	59741	61130	62519	63908	65297	66686	1389
12	59949	61614	63279	64944	66609	68274	69939	71604	73269	74934	1665

OCCUPATION(S): 0660 PHARMACIST

AGENCIES/SUBELEMENTS:

AF	DEPARTMENT OF THE AIR FORCE	AR	DEPARTMENT OF THE ARMY
HE	DEPARTMENT OF HEALTH AND HUMAN	NV	DEPARTMENT OF THE NAVY
RH02	U.S. SOLDIERS' AND AIRMEN'S HO	SZ	SOCIAL SECURITY ADMINISTRATION

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
11	0000	001	DISTRICT OF COLUMBIA	DC
24	0000	009	CALVERT	MD
24	0000	017	CHARLES	MD
24	0000	021	FREDERICK	MD
24	0000	031	MONTGOMERY	MD
24	0000	033	PRINCE GEORGE'S	MD
24	0575	003	FORT MEADE	MD
51	0000	013	ARLINGTON	VA
51	0000	059	FAIRFAX	VA
51	0000	107	LOUDOUN	VA
51	0000	153	PRINCE WILLIAM	VA
51	0000	179	STAFFORD	VA
51	0040	510	ALEXANDRIA	VA
51	0900	600	FAIRFAX	VA
51	0930	610	FALLS CHURCH	VA
51	1549	685	MANASSAS PARK	VA
51	1550	683	MANASSAS	VA

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0103

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
9	44783	45931	47079	48227	49375	50523	51671	52819	53967	55115	1148
11	54185	55574	56963	58352	59741	61130	62519	63908	65297	66686	1389
12	58284	59949	61614	63279	64944	66609	68274	69939	71604	73269	1665

OCCUPATION(S): 0660 PHARMACIST

AGENCIES/SUBELEMENTS: AF DEPARTMENT OF THE AIR FORCE AR DEPARTMENT OF THE ARMY
NV DEPARTMENT OF THE NAVY

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
51	1180	650	HAMPTON	VA
51	1404	650	LANGLEY AFB	VA
51	1720	700	NEWPORT NEWS	VA
51	1760	710	NORFOLK	VA
51	1970	740	PORTSMOUTH	VA

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0156

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
4	26415	27092	27769	28446	29123	29800	30477	31154	31831	32508	677
5	32591	33349	34107	34865	35623	36381	37139	37897	38655	39413	758
6	32949	33794	34639	35484	36329	37174	38019	38864	39709	40554	845
7	36615	37554	38493	39432	40371	41310	42249	43188	44127	45066	939
8	40551	41591	42631	43671	44711	45751	46791	47831	48871	49911	1040
9	43635	44783	45931	47079	48227	49375	50523	51671	52819	53967	1148
10	48059	49324	50589	51854	53119	54384	55649	56914	58179	59444	1265

OCCUPATION(S): 0647 DIAGNOSTIC RADIOLOGIC TECHNOLO

AGENCIES/SUBELEMENTS:

AF	DEPARTMENT OF THE AIR FORCE	AR	DEPARTMENT OF THE ARMY
DD	DEPARTMENT OF DEFENSE (EXCL MI	NV	DEPARTMENT OF THE NAVY
RH02	U.S. SOLDIERS' AND AIRMEN'S HO	ST	DEPARTMENT OF STATE

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
11	0000	001	DISTRICT OF COLUMBIA	DC
24	0000	009	CALVERT	MD
24	0000	017	CHARLES	MD
24	0000	021	FREDERICK	MD
24	0000	031	MONTGOMERY	MD
24	0000	033	PRINCE GEORGE'S	MD
24	0575	003	FORT MEADE	MD
51	0000	013	ARLINGTON	VA
51	0000	059	FAIRFAX	VA
51	0000	107	LOUDOUN	VA
51	0000	153	PRINCE WILLIAM	VA
51	0000	179	STAFFORD	VA
51	0040	510	ALEXANDRIA	VA
51	0900	600	FAIRFAX	VA
51	0930	610	FALLS CHURCH	VA
51	1549	685	MANASSAS PARK	VA
51	1550	683	MANASSAS	VA

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0230

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
5	27285	28043	28801	29559	30317	31075	31833	32591	33349	34107	758
7	33798	34737	35676	36615	37554	38493	39432	40371	41310	42249	939
9	41339	42487	43635	44783	45931	47079	48227	49375	50523	51671	1148
10	45529	46794	48059	49324	50589	51854	53119	54384	55649	56914	1265
11	50018	51407	52796	54185	55574	56963	58352	59741	61130	62519	1389
12	53289	54954	56619	58284	59949	61614	63279	64944	66609	68274	1665

OCCUPATION(S): 0610 NURSE

AGENCIES/SUBELEMENTS: AF DEPARTMENT OF THE AIR FORCE
AR DEPARTMENT OF THE ARMY
NV DEPARTMENT OF THE NAVY

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
15	0000	003	HONOLULU	HI

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0238

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
5	28043	28801	29559	30317	31075	31833	32591	33349	34107	34865	758
7	32859	33798	34737	35676	36615	37554	38493	39432	40371	41310	939
8	36391	37431	38471	39511	40551	41591	42631	43671	44711	45751	1040
9	40191	41339	42487	43635	44783	45931	47079	48227	49375	50523	1148
10	44264	45529	46794	48059	49324	50589	51854	53119	54384	55649	1265
11	48629	50018	51407	52796	54185	55574	56963	58352	59741	61130	1389

OCCUPATION(S): 0610 NURSE

AGENCIES/SUBELEMENTS: AF DEPARTMENT OF THE AIR FORCE AR DEPARTMENT OF THE ARMY
NV DEPARTMENT OF THE NAVY

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
51	1180	650	HAMPTON	VA
51	1720	700	NEWPORT NEWS	VA
51	1760	710	NORFOLK	VA
51	1970	740	PORTSMOUTH	VA
51	2540	810	VIRGINIA BEACH	VA
51	2690	199	YORKTOWN	VA

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0252

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
5	29559	30317	31075	31833	32591	33349	34107	34865	35623	36381	758
7	36615	37554	38493	39432	40371	41310	42249	43188	44127	45066	939
9	43635	44783	45931	47079	48227	49375	50523	51671	52819	53967	1148
11	51407	52796	54185	55574	56963	58352	59741	61130	62519	63908	1389

OCCUPATION(S): 0601 GENERAL HEALTH SCIENCE
LIMITED TO CYTOTECHNOLOGISTS

AGENCIES/SUBELEMENTS: AF DEPARTMENT OF THE AIR FORCE
AR DEPARTMENT OF THE ARMY
NV DEPARTMENT OF THE NAVY

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
11	0000	001	DISTRICT OF COLUMBIA	DC
24	0000	009	CALVERT	MD
24	0000	017	CHARLES	MD
24	0000	021	FREDERICK	MD
24	0000	031	MONTGOMERY	MD
24	0000	033	PRINCE GEORGE'S	MD
51	0000	013	ARLINGTON	VA
51	0000	059	FAIRFAX	VA
51	0000	107	LOUDOUN	VA
51	0000	153	PRINCE WILLIAM	VA
51	0000	179	STAFFORD	VA
51	0040	510	ALEXANDRIA	VA
51	0900	600	FAIRFAX	VA
51	0930	610	FALLS CHURCH	VA
51	1549	685	MANASSAS PARK	VA
51	1550	683	MANASSAS	VA

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0290

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
11	52796	54185	55574	56963	58352	59741	61130	62519	63908	65297	1389
12	63279	64944	66609	68274	69939	71604	73269	74934	76599	78264	1665
13	75249	77229	79209	81189	83169	85149	87129	89109	91089	93069	1980
14	86585	88925	91265	93605	95945	98285	100625	102965	105305	107645	2340
15	93592	96345	99098	101851	104604	107357	110110	112863	115616	118369	2753

OCCUPATION(S): 0602 MEDICAL OFFICER
LIMITED TO CLINICAL ONLY

AGENCIES/SUBELEMENTS:

AF	DEPARTMENT OF THE AIR FORCE	AR	DEPARTMENT OF THE ARMY
DJ	DEPARTMENT OF JUSTICE	DN	DEPARTMENT OF ENERGY
HE	DEPARTMENT OF HEALTH AND HUMAN	NN	NATIONAL AERONAUTICS AND SPACE
NV	DEPARTMENT OF THE NAVY	RH02	U.S. SOLDIERS' AND AIRMEN'S HO
ST	DEPARTMENT OF STATE	TD	DEPARTMENT OF TRANSPORTATION
TR	DEPARTMENT OF THE TREASURY		

GEOGRAPHIC LOCATIONS: STATE CITY COUNTY LOCATION NAME STATE
WORLDWIDE

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0302

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
5	29559	30317	31075	31833	32591	33349	34107	34865	35623	36381	758
7	36615	37554	38493	39432	40371	41310	42249	43188	44127	45066	939
8	40551	41591	42631	43671	44711	45751	46791	47831	48871	49911	1040
9	43635	44783	45931	47079	48227	49375	50523	51671	52819	53967	1148
10	46794	48059	49324	50589	51854	53119	54384	55649	56914	58179	1265
11	51407	52796	54185	55574	56963	58352	59741	61130	62519	63908	1389
12	56619	58284	59949	61614	63279	64944	66609	68274	69939	71604	1665

OCCUPATION(S): 0644 MEDICAL TECHNOLOGIST

AGENCIES/SUBELEMENTS:

AF	DEPARTMENT OF THE AIR FORCE	AR	DEPARTMENT OF THE ARMY
DD	DEPARTMENT OF DEFENSE (EXCL MI	NV	DEPARTMENT OF THE NAVY
SM	SMITHSONIAN INSTITUTION	ST	DEPARTMENT OF STATE

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
11	0000	001	DISTRICT OF COLUMBIA	DC
24	0000	009	CALVERT	MD
24	0000	017	CHARLES	MD
24	0000	021	FREDERICK	MD
24	0000	031	MONTGOMERY	MD
24	0000	033	PRINCE GEORGE'S	MD
24	0575	003	FORT MEADE	MD
51	0000	013	ARLINGTON	VA
51	0000	059	FAIRFAX	VA
51	0000	107	LOUDOUN	VA
51	0000	153	PRINCE WILLIAM	VA
51	0000	179	STAFFORD	VA
51	0040	510	ALEXANDRIA	VA
51	0900	600	FAIRFAX	VA
51	0930	610	FALLS CHURCH	VA
51	1549	685	MANASSAS PARK	VA
51	1550	683	MANASSAS	VA

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0304

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
4	24384	25061	25738	26415	27092	27769	28446	29123	29800	30477	677
5	29559	30317	31075	31833	32591	33349	34107	34865	35623	36381	758
7	31920	32859	33798	34737	35676	36615	37554	38493	39432	40371	939
9	42487	43635	44783	45931	47079	48227	49375	50523	51671	52819	1148
10	45529	46794	48059	49324	50589	51854	53119	54384	55649	56914	1265
11	48629	50018	51407	52796	54185	55574	56963	58352	59741	61130	1389
12	56619	58284	59949	61614	63279	64944	66609	68274	69939	71604	1665

OCCUPATION(S): 0610 NURSE

AGENCIES/SUBELEMENTS:

AF	DEPARTMENT OF THE AIR FORCE	AG	DEPARTMENT OF AGRICULTURE
AR	DEPARTMENT OF THE ARMY	CM	DEPARTMENT OF COMMERCE
DD	DEPARTMENT OF DEFENSE (EXCL MI	DJ	DEPARTMENT OF JUSTICE
DL	DEPARTMENT OF LABOR	DN	DEPARTMENT OF ENERGY
FC	FEDERAL COMMUNICATIONS COMMISS	HE	DEPARTMENT OF HEALTH AND HUMAN
IN	DEPARTMENT OF THE INTERIOR	LA	ARCHITECT OF THE CAPITOL
LC	LIBRARY OF CONGRESS	NV	DEPARTMENT OF THE NAVY
OM	OFFICE OF PERSONNEL MANAGEMENT	RH02	U.S. SOLDIERS' AND AIRMEN'S HO
SM	SMITHSONIAN INSTITUTION	ST	DEPARTMENT OF STATE
SZ	SOCIAL SECURITY ADMINISTRATION	TD	DEPARTMENT OF TRANSPORTATION
TR	DEPARTMENT OF THE TREASURY		

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
11	0000	001	DISTRICT OF COLUMBIA	DC
24	0000	009	CALVERT	MD
24	0000	017	CHARLES	MD
24	0000	021	FREDERICK	MD
24	0000	031	MONTGOMERY	MD
24	0000	033	PRINCE GEORGE'S	MD
24	0575	003	FORT MEADE	MD
51	0000	013	ARLINGTON	VA
51	0000	059	FAIRFAX	VA
51	0000	107	LOUDOUN	VA
51	0000	153	PRINCE WILLIAM	VA
51	0000	179	STAFFORD	VA
51	0040	510	ALEXANDRIA	VA

Title 5 Special Salary Rate Table

TABLE NUMBER: 0316

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
7	34737	35676	36615	37554	38493	39432	40371	41310	42249	43188	939
9	41339	42487	43635	44783	45931	47079	48227	49375	50523	51671	1148
11	50018	51407	52796	54185	55574	56963	58352	59741	61130	62519	1389

OCCUPATION(S): 0603 PHYSICIAN'S ASSISTANT

AGENCIES/SUBELEMENTS:

AF DEPARTMENT OF THE AIR FORCE
DJ DEPARTMENT OF JUSTICE
NV DEPARTMENT OF THE NAVY
TD DEPARTMENT OF TRANSPORTATION
AR DEPARTMENT OF THE ARMY
HE37 INDIAN HEALTH SERVICE
RH02 U.S. SOLDIERS' AND AIRMEN'S HO

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
			NATIONWIDE	

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002
THIS AUTHORIZATION ALSO INCLUDES ALL HHS COMPONENTS IN MIAMI FLORIDA, ONLY. THIS AUTHORIZATIONS EXCLUDES EMPLOYEES COVERED BY TABLE 0541.

Title 5 Special Salary Rate Table

TABLE NUMBER: 0328

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
4	26415	27092	27769	28446	29123	29800	30477	31154	31831	32508	677
5	29559	30317	31075	31833	32591	33349	34107	34865	35623	36381	758
6	32949	33794	34639	35484	36329	37174	38019	38864	39709	40554	845
7	36615	37554	38493	39432	40371	41310	42249	43188	44127	45066	939

OCCUPATION(S): 0682 DENTAL HYGIENIST

AGENCIES/SUBELEMENTS: AF DEPARTMENT OF THE AIR FORCE
AR DEPARTMENT OF THE ARMY
NV DEPARTMENT OF THE NAVY

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
06	0000	000	CALIFORNIA	CA

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0334

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
5	29559	30317	31075	31833	32591	33349	34107	34865	35623	36381	758
6	32949	33794	34639	35484	36329	37174	38019	38864	39709	40554	845
7	35676	36615	37554	38493	39432	40371	41310	42249	43188	44127	939
8	39511	40551	41591	42631	43671	44711	45751	46791	47831	48871	1040

OCCUPATION(S): 0682 DENTAL HYGIENIST

AGENCIES/SUBELEMENTS:
AF DEPARTMENT OF THE AIR FORCE
NV DEPARTMENT OF THE NAVY
TD DEPARTMENT OF TRANSPORTATION
AR DEPARTMENT OF THE ARMY
RH02 U.S. SOLDIERS' AND AIRMEN'S HO

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
11	0000	001	DISTRICT OF COLUMBIA	DC
24	0000	009	CALVERT	MD
24	0000	017	CHARLES	MD
24	0000	021	FREDERICK	MD
24	0000	031	MONTGOMERY	MD
24	0000	033	PRINCE GEORGE'S	MD
24	0575	003	FORT MEADE	MD
51	0000	013	ARLINGTON	VA
51	0000	059	FAIRFAX	VA
51	0000	107	LOUDOUN	VA
51	0000	153	PRINCE WILLIAM	VA
51	0000	179	STAFFORD	VA
51	0040	510	ALEXANDRIA	VA
51	0900	600	FAIRFAX	VA
51	0930	610	FALLS CHURCH	VA
51	1549	685	MANASSAS PARK	VA
51	1550	683	MANASSAS	VA

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0352

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
5	29559	30317	31075	31833	32591	33349	34107	34865	35623	36381	758
7	36615	37554	38493	39432	40371	41310	42249	43188	44127	45066	939
9	44783	45931	47079	48227	49375	50523	51671	52819	53967	55115	1148
10	48059	49324	50589	51854	53119	54384	55649	56914	58179	59444	1265
11	51407	52796	54185	55574	56963	58352	59741	61130	62519	63908	1389

OCCUPATION(S): 0610 NURSE

AGENCIES/SUBELEMENTS:

AF	DEPARTMENT OF THE AIR FORCE	AR	DEPARTMENT OF THE ARMY
DJ	DEPARTMENT OF JUSTICE	DL	DEPARTMENT OF LABOR
HE	DEPARTMENT OF HEALTH AND HUMAN	NV	DEPARTMENT OF THE NAVY
SZ	SOCIAL SECURITY ADMINISTRATION		

GEOGRAPHIC LOCATIONS:

STATE	CITY	COUNTY	LOCATION NAME	STATE
06	0000	001	ALAMEDA	CA
06	0000	013	CONTRA COSTA	CA
06	0000	041	MARIN	CA
06	0000	075	SAN FRANCISCO	CA
06	0000	081	SAN MATEO	CA
06	1260	095	FAIRFIELD	CA
06	3883	095	TRAVIS AFB	CA
06	4020	095	VALLEJO	CA

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

Title 5 Special Salary Rate Table

TABLE NUMBER: 0499

SALARIES

GRADE	STEP1	STEP2	STEP3	STEP4	STEP5	STEP6	STEP7	STEP8	STEP9	STEP10	STEP INTERVAL
12	56619	58284	59949	61614	63279	64944	66609	68274	69939	71604	1665
13	71289	73269	75249	77229	79209	81189	83169	85149	87129	89109	1980
14	79565	81905	84245	86585	88925	91265	93605	95945	98285	100625	2340
15	88086	90839	93592	96345	99098	101851	104604	107357	110110	112863	2753

OCCUPATION(S): 0602 MEDICAL OFF OTHER — 0602 MEDICAL OFFICER
LIMITED TO MEDICAL OFFICERS IN THE OTHER CATEGORY

AGENCIES/SUBELEMENTS:

AF	DEPARTMENT OF THE AIR FORCE	AG	DEPARTMENT OF AGRICULTURE
AM	AGENCY FOR INTERNATIONAL DEVEL	AR	DEPARTMENT OF THE ARMY
DL	DEPARTMENT OF LABOR	DN	DEPARTMENT OF ENERGY
HE	DEPARTMENT OF HEALTH AND HUMAN	NN	NATIONAL AERONAUTICS AND SPACE
NV	DEPARTMENT OF THE NAVY	SM	SMITHSONIAN INSTITUTION
SZ	SOCIAL SECURITY ADMINISTRATION	TB	NATIONAL TRANSPORTATION SAFETY
VA	DEPARTMENT OF VETERANS AFFAIRS		

GEOGRAPHIC LOCATIONS: STATE CITY COUNTY LOCATION NAME — STATE
WORLDWIDE

EFFECTIVE DATE: FIRST DAY OF FIRST PAY PERIOD BEGINNING ON OR AFTER: 01/01/2002

ATTACHMENT C

DEPARTMENT OF VETERANS AFFAIRS

BASE PAY TABLES

VARIOUS HEALTH PROFESSIONS

DEPARTMENT OF VETERANS AFFAIRS
Veterans Health Administration
Title 38, U.S.C. Sec. 7404 Salary Table
RATES OF BASIC PAY

PHYSICIANS AND DENTIST	1	2	3	4	5	6	7	8	9	10	Amoun of Step Increase
ASSOCIATE	$41,684	$43,073	$44,462	$45,851	$47,240	$48,629	$50,018	$51,407	$52,796	$54,185	$1,389
FULL	49,959	51,624	53,289	54,954	56,619	58,284	59,949	61,614	63,279	64,944	$1,665
INTERMEDIATE	59,409	61,389	63,369	65,349	67,329	69,309	71,289	73,269	75,249	77,229	$1,980
SENIOR	70,205	72,545	74,885	77,225	79,565	81,905	84,245	86,585	88,925	91,265	$2,340
CHIEF	82,580	85,333	88,086	90,839	93,592	96,345	99,098	101,851	104,604	107,357	$2,753
EXECUTIVE	89,432	92,413	95,393	98,372	101,353	104,336	107,315	109,041	111,056	113,978	
DIRECTOR	96,851	100,084	103,311	106,539	109,041	110,782	113,949	117,118	120,282		

Office of Human Resources Management - Effective January 13, 2002

BALTIMORE - BT
PERRY POINT - PP

Nurse Pay Schedule **REGISTERED NURSE** *Effective Date*

BT

Station	*Schedule*	*OCC*
512	N001	0610

Grade 01 1/13/2002
Level 2 03 *Level 3* 06

Grade 01	*S1*	*S2*	*S3*	*S4*	*S5*	*S6*	*S7*	*S8*	*S9*	*S10*	*S11*	*S12*	*S13*
	37545	38671	39797	40923	42049	43175	44301	45427	46553	47679	48805	49931	51057
	S14	*S15*	*S16*	*S17*	*S18*	*S19*	*S20*	*S21*	*S22*	*S23*	*S24*	*S25*	*S26*
	52183	53309	54435	55561	56687	57813	58939	60065	0	0	0	0	0
Grade 02	*S1*	*S2*	*S3*	*S4*	*S5*	*S6*	*S7*	*S8*	*S9*	*S10*	*S11*	*S12*	*S13*
	48445	49898	51351	52804	54257	55710	57163	58616	60069	61522	62975	64428	0
	S14	*S15*	*S16*	*S17*	*S18*	*S19*	*S20*	*S21*	*S22*	*S23*	*S24*	*S25*	*S26*
	0	0	0	0	0	0	0	0	0	0	0	0	0
Grade 03	*S1*	*S2*	*S3*	*S4*	*S5*	*S6*	*S7*	*S8*	*S9*	*S10*	*S11*	*S12*	*S13*
	56969	58678	60387	62096	63805	65514	67223	68932	70641	72350	74059	75768	0
	S14	*S15*	*S16*	*S17*	*S18*	*S19*	*S20*	*S21*	*S22*	*S23*	*S24*	*S25*	*S26*
	0	0	0	0	0	0	0	0	0	0	0	0	0
Grade 04	*S1*	*S2*	*S3*	*S4*	*S5*	*S6*	*S7*	*S8*	*S9*	*S10*	*S11*	*S12*	*S13*
	75080	77332	79584	81836	84088	86340	88592	90844	93096	95348	97600	99852	0
	S14	*S15*	*S16*	*S17*	*S18*	*S19*	*S20*	*S21*	*S22*	*S23*	*S24*	*S25*	*S26*
	0	0	0	0	0	0	0	0	0	0	0	0	0
Grade 05	*S1*	*S2*	*S3*	*S4*	*S5*	*S6*	*S7*	*S8*	*S9*	*S10*	*S11*	*S12*	*S13*
	103177	106272	109367	112462	115557	118652	121600	121600	121600	121600	121600	121600	121600
	S14	*S15*	*S16*	*S17*	*S18*	*S19*	*S20*	*S21*	*S22*	*S23*	*S24*	*S25*	*S26*
	121600	0	0	0	0	0	0	0	0	0	0	0	0

Nurse Pay Schedule **NURSE PRACTITIONER** *Effective Date*

Station	*Schedule*	*OCC*
512	N004	0610

Grade 01 1/13/2002

Level 2 03 *Level 3* 05

	S1	S2	S3	S4	S5	S6	S7	S8	S9	S10	S11	S12	S13
Grade 01	49066	50537	52008	53479	54950	56421	57892	59363	60834	62305	63776	65247	0
	S14	S15	S16	S17	S18	S19	S20	S21	S22	S23	S24	S25	S26
	0	0	0	0	0	0	0	0	0	0	0	0	0
	S1	S2	S3	S4	S5	S6	S7	S8	S9	S10	S11	S12	S13
Grade 02	57442	59165	60888	62611	64334	66057	67780	69503	71226	72949	74672	76395	0
	S14	S15	S16	S17	S18	S19	S20	S21	S22	S23	S24	S25	S26
	0	0	0	0	0	0	0	0	0	0	0	0	0
	S1	S2	S3	S4	S5	S6	S7	S8	S9	S10	S11	S12	S13
Grade 03	65182	67137	69092	71047	73002	74957	76912	78867	80822	82777	84732	86687	0
	S14	S15	S16	S17	S18	S19	S20	S21	S22	S23	S24	S25	S26
	0	0	0	0	0	0	0	0	0	0	0	0	0
	S1	S2	S3	S4	S5	S6	S7	S8	S9	S10	S11	S12	S13
Grade 04	71047	73178	75309	77440	79571	81702	83833	85964	88095	90226	92357	94488	0
	S14	S15	S16	S17	S18	S19	S20	S21	S22	S23	S24	S25	S26
	0	0	0	0	0	0	0	0	0	0	0	0	0

Nurse Pay Schedule **ADMINISTRATIVE NURSE** *Effective Date*

Station	*Schedule*	*OCC*
512	N005	0610

Grade 01 1/13/2002

Level 2	*Level 3*
00	00

BT

Grade 04	*S1*	*S2*	*S3*	*S4*	*S5*	*S6*	*S7*	*S8*	*S9*	*S10*	*S11*	*S12*	*S13*
	68845	70910	72975	75040	77105	79170	81235	83300	85365	87430	89495	91560	0
	S14	*S15*	*S16*	*S17*	*S18*	*S19*	*S20*	*S21*	*S22*	*S23*	*S24*	*S25*	*S26*
	0	0	0	0	0	0	0	0	0	0	0	0	0
Grade 05	*S1*	*S2*	*S3*	*S4*	*S5*	*S6*	*S7*	*S8*	*S9*	*S10*	*S11*	*S12*	*S13*
	98479	101433	104387	107341	110295	113249	116203	119157	121600	121600	121600	121600	0
	S14	*S15*	*S16*	*S17*	*S18*	*S19*	*S20*	*S21*	*S22*	*S23*	*S24*	*S25*	*S26*
	0	0	0	0	0	0	0	0	0	0	0	0	0

DEPARTMENT OF VETERANS AFFAIRS
Veterans Health Administration
Title 38, U.S.C. Sec. 7404 Salary Table

Washington - 11.48 %

CLINICAL PODIATRIST & OPTOMETRIST	1	2	3	4	5	6	7	8	9	10
ASSOCIATE	$46,469	$48,018	$49,566	$51,115	$52,663	$54,212	$55,760	$57,309	$58,857	$60,405
FULL	55,694	57,550	59,407	61,263	63,119	64,975	66,831	68,687	70,543	72,400
INTERMEDIATE	66,229	68,436	70,644	72,851	75,058	77,266	79,473	81,680	83,888	86,095
SENIOR	78,265	80,873	83,482	86,090	88,699	91,308	93,916	96,525	99,134	101,742
CHIEF	92,060	95,129	98,198	101,267	104,336	107,405	110,474	113,543	116,613	119,682

Office of Human Resources Management

Effective January 13, 2002

NOTE: The adjusted annual rates of pay shown on this schedule are applicable to employees in the Metropolitan Statistical Area (MSA) or Metropolitan Statistical Area (CMSA) indicated below. These adjusted rates are considered basic pay for retirement, life insurance, premium pay, and severance pay. They are not considered basic pay for pay administration purposes.

Coverage Area: Washington-Baltimore, DC-MD-VA-WV (which includes St. Mary's County, MD) (CMSA)

Station 512

Duty Sta	Occupation	0631-00													
D	Grade	VA Sch	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Min	OPM Sch	Eff Date
	07	630	36615	37554	38493	39432	40371	41310	42249	43188	44127	45066	05	V630	1/13/2002
	09	630	42487	43635	44783	45931	47079	48227	49375	50523	51671	52819		V630	1/13/2002
	10	630	45529	46794	48059	49324	50589	51854	53119	54384	55649	56914		V630	1/13/2002
	11	630	48629	50018	51407	52796	54185	55574	56963	58352	59741	61130		V630	1/13/2002

BT

Duty Sta	Occupation	0633-00 PHYSICAL THERAPIST													
	Grade	VA Sch	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Min	OPM Sch	Eff Date
	07	B63	45066	46005	46944	47883	48822	49761	50700	51639	52578	53517		VB63	1/13/2002
	09	B63	47079	48227	49375	50523	51671	52819	53967	55115	56263	57411		VB63	1/13/2002
	10	B63	50589	51854	53119	54384	55649	56914	58179	59444	60709	61974		VB63	1/13/2002
	11	B63	54185	55574	56963	58352	59741	61130	62519	63908	65297	66686		VB63	1/13/2002
	12	B63	58284	59949	61614	63279	64944	66609	68274	69939	71604	73269		VB63	1/13/2002

PP

Duty Sta	Occupation	0633-00													
D	Grade	VA Sch	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Min	OPM Sch	Eff Date
	07	434	36615	37554	38493	39432	40371	41310	42249	43188	44127	45066	07	V434	1/13/2002
	09	434	44783	45931	47079	48227	49375	50523	51671	52819	53967	55115		V434	1/13/2002
	10	434	48059	49324	50589	51854	53119	54384	55649	56914	58179	59444		V434	1/13/2002
	11	434	51407	52796	54185	55574	56963	58352	59741	61130	62519	63908		V434	1/13/2002

Duty Sta	Occupation	0640-75													
	Grade	VA Sch	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Min	OPM Sch	Eff Date
	05	Z59	24253	25011	25769	26527	27285	28043	28801	29559	30317	31075		VZ59	1/13/2002
	06	Z59	27034	27879	28724	29569	30414	31259	32104	32949	33794	34639		VZ59	1/13/2002
	07	Z59	30042	30981	31920	32859	33798	34737	35676	36615	37554	38493		VZ59	1/13/2002

Duty Sta	Occupation	0642-00													
D	Grade	VA Sch	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Min	OPM Sch	Eff Date
	04	A27	22278	22898	23518	24138	24758	25378	25998	26618	27238	27858		PA27	1/13/2002
	05	A27	24232	24925	25618	26311	27004	27697	28390	29083	29776	30469		PA27	1/13/2002
	06	A27	27006	27778	28550	29322	30094	30866	31638	32410	33182	33954		PA27	1/13/2002
	07	A27	30013	30871	31729	32587	33445	34303	35161	36019	36877	37735		PA27	1/13/2002

Station 512

BT

(Because reg. Salary Schedule is above this sched, we use the reg. Sched.)

Duty Sta	Occupation	0644-00 MEDICAL TECHNOLOGIST													
	Grade	VA Sch	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Min	OPM Sch	Eff Date
	05	839	29559	30317	31075	31833	32591	33349	34107	34865	35623	36381		P839	1/13/2002
	07	839	32859	33798	34737	35676	36615	37554	38493	39432	40371	41310		P839	1/13/2002
	09	839	35599	36747	37895	39043	40191	41339	42487	43635	44783	45931		P839	1/13/2002
	10	839	39204	40469	41734	42999	44264	45529	46794	48059	49324	50589		P839	1/13/2002
	11	839	43073	44462	45851	47240	48629	50018	51407	52796	54185	55574		P839	1/13/2002

BT

Duty Sta	Occupation	0647-00 DIAGNOSTIC RADIOLOGIC TECHNOLOGIST													
	Grade	VA Sch	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Min	OPM Sch	Eff Date
	04	521	26415	27092	27769	28446	29123	29800	30477	31154	31831	32508	03	P521	1/13/2002
	05	521	29559	30317	31075	31833	32591	33349	34107	34865	35623	36381		P521	1/13/2002
	06	521	31259	32104	32949	33794	34639	35484	36329	37174	38019	38864		P521	1/13/2002
	07	521	33798	34737	35676	36615	37554	38493	39432	40371	41310	42249		P521	1/13/2002
	08	521	36391	37431	38471	39511	40551	41591	42631	43671	44711	45751		P521	1/13/2002
	09	521	39043	40191	41339	42487	43635	44783	45931	47079	48227	49375		P521	1/13/2002
	10	521	41734	42999	44264	45529	46794	48059	49324	50589	51854	53119		P521	1/13/2002

PP

Duty Sta D	Occupation	0647-00													
	Grade	VA Sch	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Min	OPM Sch	Eff Date
	05	B05	28043	28801	29559	30317	31075	31833	32591	33349	34107	34865		PB05	1/13/2002
	06	B05	29569	30414	31259	32104	32949	33794	34639	35484	36329	37174		PB05	1/13/2002
	07	B05	31920	32859	33798	34737	35676	36615	37554	38493	39432	40371		PB05	1/13/2002
	08	B05	34311	35351	36391	37431	38471	39511	40551	41591	42631	43671		PB05	1/13/2002
	09	B05	36747	37895	39043	40191	41339	42487	43635	44783	45931	47079		PB05	1/13/2002

Duty Sta	Occupation	0649-23													
	Grade	VA Sch	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Min	OPM Sch	Eff Date
	07	F55	28941	29845	30749	31653	32557	33461	34365	35269	36173	37077		PF55	1/13/2002
	08	F55	32051	33052	34053	35054	36055	37056	38057	39058	40059	41060		PF55	1/13/2002

BT

(we use reg schedule because of higher rate there)

Duty Sta	Occupation	0660-00 PHARMACIST													
	Grade	VA Sch	Step1	Step2	Step3	Step4	Step5	Step6	Step7	Step8	Step9	Step10	Min	OPM Sch	Eff Date
	11	258	62519	63908	65297	66686	68075	69464	70853	72242	73631	75020		V258	1/13/2002
	12	258	68274	69939	71604	73269	74934	76599	78264	79929	81594	83259		V258	1/13/2002
	13	258	73269	75249	77229	79209	81189	83169	85149	87129	89109	91089		V258	1/13/2002

FISCAL YEAR 2003 BUDGET

THURSDAY, MARCH 14, 2002

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

The committee met, pursuant to notice, at 10 a.m. in room 485, Russell Senate Office Building, Hon. Daniel Inouye (chairman of the committee) presiding.

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

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. The committee meets this morning for the third in the series of hearings on the President's budget request for Indian programs for fiscal year 2003. Today, we will examine the budget requests for the Bureau of Indian Affairs and the Department of the Interior for the National Indian Gaming Commission and for the Environmental Protection Agency.

One of the proposals set forth in the President's budget is for the privatization of schools that are currently administered by BIA. Under that proposal, the operation of BIA schools would be offered to the respective tribal governments; and if they opted not to assume the responsibility, the Bureau would enter into a contract with a private organization to run these schools.

Naturally, when one considers the fact that we are talking about placing our most precious resource of all, our children, in the hands of private educational organizations for whom there is no rating system or accrediting body, there will be questions.

There are some cost considerations driving this proposal; or put another way, will it cost the Government less to contract with private organizations, to operate Indian schools? Has there been such a comparative assessment of costs? Has there been any assessment of the performance of those schools that are now tribally operated, as compared to the schools administered by the Bureau?

How can we assure parents that the quality of education that is provided by private organizations will be the same or better than that which currently exists? What role will parents and school boards play, and what relationship will they have with these private entities?

What accountability will there be to parents and school boards, or will the private organizations only accountable to a contracting officer in Washington?

We are told that these educational organizations expect performance bonuses and incentives. Are such bonuses or incentives going to be provided to tribal governments that elect to take over the operation of the schools?

These are just a few of the questions that Indian country is asking about this proposal. So we welcome the witnesses today, and look forward to an ongoing dialog on these and other matters.

Now it is my pleasure to call upon the vice chairman of the committee.

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

Senator CAMPBELL. Thank you, Mr. Chairman.

Good morning and thank you for holding this hearing. It is nice to see our friends Neal McCaleb, Montie Deer, and Diane Regas from the EPA. I welcome you to the committee.

It certainly must be noted that the fiscal year 2003 budget request must be viewed against the backdrop of the war on terror and homeland security. Clearly, that is where a lot of the focus of the Congress has been the last few months, as everyone knows. Nevertheless, the needs are great in Indian communities.

The request includes a $20-million overall increase for BIA programs. I am very happy to see more attention on education and economic development for the bureau. Increases are proposed of $70 million for trust activities. We do not have the Task Force recommendations yet, so I am not quite sure how that amount of money is going to fit in with what we may have to do to help straighten out the Trust Fund problem.

I know, in the past, we have put a lot of money in that, and I want to make sure that we are careful that we do not just throw more good money after bad.

The TPA will see a $24-million increase, I think that we have to have an ongoing dialogue about that, because I know that some of tribes in real need do not get the amount that they would like. Meanwhile, some of the few very wealthy tribes that are out there seem to get a bigger percentage.

There will be a $4-million increase for tribal courts. It is probably not enough, but certainly I approve of that. There is also $2.1 million for energy development. I think as we move our energy bill, and we are dealing with that now on the floor of the U.S. Senate, as we go into future years, the energy crunch is going to put more and more interest, I think, on developing energy on Indian lands. You mentioned the contract support costs increase of $3 million expansion, and I certainly support that, too.

In January, the President signed the No Child Left Behind Act, which included the Native American Education Improvement Act that I and the Chairman had worked on. I certainly thank the President for his request of nearly $293 million for school construction, but note that it is probably still short of the needs.

I believe there are other ways to help get more schools built, like school bonding, and I hope the Administration considers supporting that idea. I know I have talked to Neal McCaleb about it, and I know he thinks it has some real merit.

On September 28, the GAO reported that in many categories, BIA schools failed to produce the kind of education that Indian children need so badly. Let me quote from that report.

The academic performance of many BIA students, as measured by their performance on standardized tests and others measures, is far below the performance of students in public schools. BIA students also score considerably below the national average on college admission tests.

We can do better than that.

Of all the 185 BIA schools, Indian tribes already operate 121 of them through grants. The Bureau operates the remaining 64. The budget request includes a proposal to bring competition to these schools by way of a privatization initiative.

I think this may have some merit because all these youngsters are going to have to go out to the big world and compete, and I do not think it is ever too early to start learning how do to that. I believe in competition, and I think we need to look at it very carefully.

We also need to ask some questions. Can we provide incentives so that tribes assume control of the remaining schools at a more rapid rate? What role would tribal government play in a selection of private contractors? What experience do the current contractors have with Indian culture and traditional beliefs of Indian people?

With that, Mr. Chairman, I would ask unanimous consent to put the rest of my statement in the record, because I know Neal McCaleb has a very tight schedule. He is going to be over on the House side very shortly, and thank you.

The CHAIRMAN. Without objection, so ordered.

[Prepared statement of Senator Campbell appears in appendix.]

The CHAIRMAN. Our first witness is Neal A. McCaleb, Assistant Secretary, Bureau of Indian Affairs, Department of the Interior.

Mr. Secretary, it is always good to have you here, sir.

STATEMENT OF NEAL A. MCCALEB, ASSISTANT SECRETARY, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. MCCALEB. Mr. Chairman, Mr. Vice Chairman, I am delighted to be here and have the opportunity to visit with you about our budget request for fiscal year 2003.

You are very aware of the sphere of services of the Bureau of Indian Affairs, which services 1.4 million Native Americans in 31 different States, composing 559 tribes. We provide a wide range of Governmental services that are usually provided by local government such as education, law enforcement and detention, social services, roads; and peculiarly to the Bureau of Indian Affairs, but certainly in focus now, is the trust asset resource management activities.

On the roads, I want to point out that that is an off-budget item, funded through the Federal Highway Trust Funds, which total about $264 million in fiscal year 2002; but that we maintain 25,000 miles of BIA on-system roads, and an additional 25,000 miles of Indian roads that constitute a total of a little over 50,000 in the Indian reservation road system.

The allocation of our funds is, I think, noteworthy; 90-percent of all the funds that are appropriated to the Bureau of Indian Affairs

are directed to the local level, either for school operations, to the agencies, or the regional offices.

Fifty-four percent of our entire budget is directed straight to the tribal organizations themselves, either through Public Law 93–638 or self-governance contracts and compacts, pursuant to the policy of self-determination contained in Public Law 93–638 and the subsequent titles for that. In terms of actual direct administration, about 8 percent bureau-wide goes for administrative dollars.

The needs and the demand for services are well known to us all. With poverty in the 33 percent level and unemployment at 40 percent, they engender a variety of social problems, including alcoholism and violent crime, and other behavioral health problems in the reservation environment.

Our proposed budget for fiscal year 2003 is $2.3 billion, which is an incremental increase of approximately $46 million. Of that $46 million, $21.9 million is the congressionally-mandated Civil Service Retirement System, that is applied directly now to the agency. There is about $23.1 million in actual accumulative programmatic increases.

As I indicated, there are other off-budget items, such as the roads at $264 million; the Wildlands Fire Management System, which last year was about $20 million; and notably, the Office of Indian Education Programs, which last year was about $132 million.

The emphasis, as has been indicated in this year's 2003 proposed budget, is education, which is funded at $562 million. In addition, that is an incremental increase of about $18 million. Of that, about $11.9 million is designated in the budget for the privatization initiative. There is an additional $3 million in new money to fund seven new FACE schools for early childhood education.

Our construction budget remains high, at $292.7 million. I would point out that over the last 4 years, or if you go back to fiscal year 1999, the entire construction budget was only $64 million. In fiscal year 2000, it jumped to $130 million.

For the last 2 fiscal years of 2001 and 2002, it has been in the $292 million range, and this year, the request is for $292 million, which is an increase of over 200 percent over the 2000 budget. This budget remains committed to eliminating the backlog of school replacements that are necessary, and that includes both the school replacement and the facilities improvements that are necessary; about $125 million for school replacements, and $164 million for facility improvements and repairs.

As indicated, the tribal priority allocations are emphasized. It is the next largest aspect of our budget, which is $523 million, or an incremental increase of about $17 million.

The Trust Enhancement Program has an incremental increase exclusively for the Bureau of Indian Affairs of about $34 million. The other additional increase to bring it up to over $70 million is in the Office of the Special Trustee, but about $34 million is directly in the Bureau of Indian Affairs.

For the first time, we are including an element specifically for energy development, a little over $2 million. This is the initial funding for this, and we are requesting it so that we can assist the

tribes in developing their under-developed and undeveloped energy resources.

With that, Mr. Chairman and members, I think I will refer the rest of my written testimony to you for your perusal at your convenience, and answer any questions that you might have.

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

The CHAIRMAN. I thank you very much.

Before I go to questions, Senator Conrad, do you have anything you would like to say?

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

Senator CONRAD. Thank you very much, Mr. Chairman.

I have just a couple of brief comments.

First of all, I was extraordinarily disappointed that the Administration has cut funding for the tribal colleges. In my experience, tribal colleges are one of the most positive institutions in Indian Country. I have seen them change people's lives.

I do not know how the Administration justifies coming in and cutting tribal colleges by $2 million from what was provided last year. Now I know, as Budget Committee Chairman, we face tough choices. But honestly, I cannot think of a worse choice than deciding to cut tribal colleges.

Perhaps even worse, the United Tribes Technical College in my own State, after being funded by every Administration for the last 20 years, had its funding completely eliminated in this budget. I really am amazed that the Administration would yank the rug out from under this school and the more than 500 students that attend it.

This school does not receive assistance under the tribally-controlled college or the University Assistance Act. Therefore, it is dependent on these BIA funds.

I would love to hear what the explanation is for eliminating the funding for this institution that is the only inter-tribally controlled, post-secondary vocational institution in the country. It is the only one, and you submit a budget that eliminates the funding for it entirely. I await, with great interest, the explanation.

The CHAIRMAN. Senator Dorgan.

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

Senator DORGAN. Mr. Chairman, I cannot say it better, but I can say it again. My colleague has talked about the United Tribes Technical College. I was on the campus of the United Tribes Technical College about 2 weeks ago, following the Administration's recommendation that it not be funded. That is a huge mistake.

As Senator Conrad indicated, Republican and Democratic Administrations for 2 decades have recommended funding for this unique institution. It is unique in the country in the way it serves Native Americans from virtually all over America.

I cannot believe that anyone who went to United Tribes and looked at that curriculum and looked at the results and said, by the way, this is unworthy. I cannot believe anybody did that. I be-

lieve that someone who knew the cost of everything, but the value of nothing, as the old saying goes, decided just to zero this out.

But I have asked the Administration to send someone there now, go to the campus, meet with the teachers, meet with the students, review the curriculum, review what that institution has done for Native Americans for many years, and then tell us that it is unworthy.

I do not think that will be the case. I think that if someone takes a look at this and does due diligence, and does what should have been done before the budget came out, I believe that there will be a conclusion that this is a very important and worthy institution to fund.

I am also concerned about the proposed decrease in tribal community colleges. This has been a ray of hope. It allows people with the connections to their home area for child care and other things, to be able to access college. Our per-student support is miserably low even now, but to propose a decrease is just wrong.

If I might, Mr. Chairman, have 1 more minute. I spoke at a tribal college graduation ceremony 1 day. The person with the broadest smile that day was a woman named Velma, who was getting her degree.

She had been a janitor, a single mother with four children, cleaning the hallways and cleaning the bathrooms of this college. She decided she wanted to do something more than that.

The day I showed up, because of our investment and our support, and because of this tribal college, Velma was able to be a college graduate that day. That is something no one will ever take away from her. She did it herself with our help.

It describes the value of tribal colleges, because she was able to do it in her community, with the support of family, for child care and other things.

So I want to just implore the Administration to take a new look at the tribal college recommendation. Cutting that is wrong. It is just wrong, and especially with respect to United Tribes.

It is inconceivable to me, and I will ask, Mr. Chairman, whether anyone from the Administration went to United Tribes, and took a look at that curriculum; and if so, did they find it wanting, and if so, where and how? My guess is that somebody just took a pencil and just zeroed it out, and I think that is unforgivable.

The CHAIRMAN. Thank you very much.

Senator Domenici.

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

Senator DOMENICI. Thank you very much, Mr. Chairman.

I have a series of questions when it comes my turn, but I would like to make a couple of comments.

Mr. Secretary, first, I want to commend the Administration for including in the budget this year $292,700,000 for the construction of new Indian schools.

For years, instead of catching up, we were going backwards in terms of schools that needed replacement or significant rehabilitation. It was a rather deplorable situation, when the President arrived on the scene here in the White House, to find the condition

of the BIA schools. He made a commitment, and I thank you very much for encouraging him to live up to it.

This means eight Indian schools in the United States, three in Arizona, two in South Dakota; and South Dakota will have two schools, the total of which will be over $27 million; one Indian school in New Mexico, and one major Navajo school, a boarding school, which has a very, very expensive price tag, but it is going to be constructed also, at $33 million.

Now all of us on this committee, including as I look around, every single one, has been on the Floor of the Senate from time to time, extremely critical of the deplorable condition, the physical plant-wise condition, of the Indian schools.

I think we had something to do with making the change; but nonetheless, we have to give the President and you credit for living up to it. It will make a big difference, and we will soon catch up. It will take a few more years, but we will.

There are many other things we could talk about that are positive in this budget, and some are negative. Some the President found that he could not fund, if he was going to live within the budget that he has come up with.

We will have our turn at those in the processes up here. If we find them extremely wanting, his decisions, we will make up for it as we go through the appropriation process.

So if I was the college that has been spoken about by our two distinguished Senators, I would not be too worried. The Senate has its opportunity to work its will. From what I can see, some of these issues will be taken care of, and it will not be terribly expensive.

Thank you very much, Mr. Chairman.

The CHAIRMAN. I thank you very much, Senator.

Mr. Secretary, what is the Bureau's legal authority to privatize Bureau-operated schools?

Mr. MCCALEB. Well, I think the Bureau, as the trustee to Native Americans, has the authority and the obligation to seek the most effective ways to provide for quality education.

As was pointed out earlier, the BIA has been criticized in the recent General Accounting Office report for the achievement and proficiency levels of BIA-educated students. So the motivation for exploring privatization is to try to expand the kinds of choices that are available to the local school boards for enhancing the quality of education and the proficiency of the students.

Privatization has shown some demonstrable success in other areas that are characterized by poverty and high unemployment. The objective is to work with the students in the BIA-operated schools and use privatization on a demonstration project basis, to measure its effectiveness and success in some of our least high performing; or let me say it another way, our worst low performing schools, to see if we can, in fact, through their experience, effect meaningful change.

The CHAIRMAN. The Indian Child Protection and Family Violence Prevention Act was enacted, as you know, to prevent child molesters and pedophiles from working in BIA schools; because it is common knowledge that these people seem to gravitate to places where they can have access to children without having to undergo background checks.

This act only applies to tribal and Federal employees. Would it apply to private contractors?

Mr. MCCALEB. We are currently expanding our security measures in a variety of areas within the Bureau of Indian Affairs, to include not only BIA employees, but also tribal employees in any privatized contracts.

The CHAIRMAN. Well, under the present law, BIA employees and tribal members must undergo a background check. My question is, would the employees of these private institutions be required to undergo background checks?

Mr. MCCALEB. Yes.

The CHAIRMAN. That would be in the contract?

Mr. MCCALEB. Yes.

The CHAIRMAN. This privatization, although it in one glance would appear to give the Indian tribe a choice, to me, it seems to present the tribe with an ultimatum. You either contract or grant the schools, or the Bureau will hire a private entity.

Mr. MCCALEB. I do not think, Mr. Chairman, that it is a mandate in any form or fashion. It does present an additional choice. I can assure you that no tribal school board will be forced to privatize, if they choose not to; certainly, until there is some demonstration over a period of some years.

The CHAIRMAN. Can they choose to stay with the BIA-operated school?

Mr. MCCALEB. Yes.

The CHAIRMAN. So you have that choice; it is either contract or tribe? I thought that was your proposal.

Mr. MCCALEB. Right now, we give the tribes the choices to contract the schools, either through Public Law 93–638 or a grant basis. That is their choice.

The CHAIRMAN. Under your proposal, the tribe is given a choice. You either privatize or you do it yourself.

Mr. MCCALEB. Mr. Chairman, I do not think that decision has been made yet, because we have not gone through the consultation process with the tribes, which is supposed to begin this next month. Those are the kinds of things that will be sorted out in the consultation process with the tribes.

The CHAIRMAN. I am glad you brought up consultation. Have you consulted the Indian tribes before making this proposal to this committee?

Mr. MCCALEB. Not in a formal way; no, sir.

The CHAIRMAN. When do you intend to sit with tribal leaders on this matter?

Mr. MCCALEB. Beginning in the middle of this coming month; we have organized and scheduled about seven different regional consultation sessions.

The CHAIRMAN. So when the President released his budget request, no Indian Nation had received some notification of consultation.

Mr. MCCALEB. No formal consultation; no, sir.

The CHAIRMAN. Well, I would like to know what the Indian Nations have to say about this before this committee acts upon it. I think that is the proper way.

In coming to your decision to privatize schools, was this based upon some recommendation made by a report, or by a panel of scholars or something like that; or was it a matter of the budget, the bottomline?

Mr. MCCALEB. I do not think that the bottomline objective, the driving objective, is to reduce the cost. We are, of course, hopeful that that will be a by-product. But the objective is to increase the proficiency and the performance of our Indian students academically.

We have seen, in some demonstrations right here in Washington, DC, as an example, where some schools have been privatized, and had a marked enhancement in their achievement test scores.

The CHAIRMAN. Do you have copies of those reports?

Mr. MCCALEB. I am sure Mr. Mehojah has those reports. Bill Mehojah, who is the Director of our Office of Indian Education Programs, is here with me today.

The CHAIRMAN. Mr. Mehojah, can you tell us on what document the Department based its decision to privatize? Is it just the Washington, DC schools?

Mr. MEHOJAH. No, sir; we took a look at the 1999 and 2000 school achievement levels of our schools. There were 106 of those schools that were 50 percent or more partially proficient. That means that there are three levels. There is partially proficient, proficient, and advanced.

The CHAIRMAN. There were BIA-operated schools?

Mr. MEHOJAH. These were BIA-funded schools. In that, of course, were included the BIA-operated schools; the 64 BIA-operated schools that we still have.

To answer your question, yes, we do have documentation to show how some of these private companies are influencing the achievement levels of the schools that they have contracted with.

The CHAIRMAN. And based upon that, you recommended this.

Mr. MEHOJAH. Based on that, we decided that we needed to look at all options to improve achievement levels in our school.

The CHAIRMAN. But in the process, you did not discuss this matter with the tribal school teachers or tribal parents?

Mr. MEHOJAH. No; we did not discuss it with them.

The CHAIRMAN. I have many other questions, but now may I call on the vice chairman.

Senator CAMPBELL. Thank you, Mr. Chairman.

It sounds like kind of the same old deal. The decision is made in Washington, and then the tribes are brought in after the deal has already been made. To me, that is not consultation.

I have got about 40 questions that I want to ask, too, but I want to also share the time we have with Senator Dorgan and Domenici. So let me ask you just a couple.

First, let me say one thing about education and the President, and that is this. When Senator Domenici and I met with the President and 28, as I remember, tribal leaders in Las Cruces when he was a candidate, he made a commitment then to improve Indian education, and told us then of his commitment to put more money into school construction.

I think he has kept his word; maybe not up to the level he would have wanted, or we would have wanted, but he was kept his word in that respect.

I was rather surprised to hear Senator Conrad's statement about the United Tribes Technical College funding. I am concerned about that, too, because I do not think all young Indian people that go to school want to, or maybe are not meant to be white collar workers. We have got a need for vocational instruction, too.

But as Senator Domenici alluded to, the budget request is just that—it is a request. Congress is a separate branch and we have some input on where we are going to put the money. I just wanted to make a commitment to Senators Dorgan and Conrad that I, for one, am going to do everything I can to make sure that there is money put back in the budget for that vocational school.

Let me ask a couple of questions about the schools, since Senator Inouye talked about the demonstration project. As I understand the demonstration project, there are 121 schools already run by the tribes, either under contract or with a grant agreement with the Bureau, and that leaves 64. But if the tribe does not want to operate the school, it is automatically turned over to a private corporation.

That is not a demonstration project. It sounds like some sort of a mandate, and I am not sure if we should not launch a pilot where we tried it with two or three schools before we just made kind of a blanket decision about it.

But can you describe how a contractor is chosen to run a school; what degree of involvement do they have with the tribe before they get that contract?

Mr. MCCALEB. I think a number of those questions will be answered as a product of the planned consultation process.

My opinion about how they would be chosen would be that the proposers would have their credentials evaluated based upon their achievements in other schools and what they have accomplished; and that the local school board, along with the BIA, would look at the similarities between the school service areas, to determine if their experience appeared useful in terms of the local school board's objectives.

I think they would evaluate some things like their financial stability, because this demonstration is not going to be done in a year. I think they have proposed the five year contracts with walking privileges for either party.

Senator CAMPBELL. Well, I am concerned, not only as a member of this committee, but also as a person who taught public schools for a good number of years, about the comparative data between these contract groups and other schools, Bureau schools, educational private schools, and so on.

Could you provide for the committee some kind of a report card on comparative data between the people that may be getting these contracts and the schools that are in place now?

Mr. MCCALEB. Yes; I think we can.

Senator CAMPBELL. Let me go on to another subject. The budget request proposes a reduction in land consolidation money of some $3 million, because there are unexpected amounts carried over from previous years.

That is a concern, because we identified that problem some years ago, as you remember, Neal, and we provided the funds to fix it, to remedy it. But now how are we going to carry it out, if we are going to cut the funds to that program?

Mr. MCCALEB. That is a concern to me, as well, Senator. We should have fully utilized all the funds that were available in the fiscal years in which those funds were made available. It was a disappointment to me that that has not been done, as you indicated it is to you.

However, the reality is that we do have some carry-over funds. Given the environment of the budget, we felt like we would utilize those carry-over funds, and demonstrate our ability to spend those funds now in the coming fiscal year, and hopefully come back and ask for additional funds for this purpose.

In fact, when we started the process, I was asking why do we not ask for additional funds for land consolidation? It is one of the things that everybody agrees that we ought to be doing more of.

The answer was, well, we have not spent the funds we have, which was a very unsatisfactory answer, but that is the reason why the funds were reduced in this fiscal year. I hope that we spend those funds down rapidly, and that we come back in the 2004 budget, having demonstrated that ability, and ask for more money for that.

Senator CAMPBELL. This program has met with, I think, a great success for those tribes who have tribes who have tried it, and I would encourage you to expand the pilot.

Mr. MCCALEB. It is popular with everybody. It is popular with the Congress. It is popular with the Administration and, most importantly, it is popular with the service beneficiaries.

Senator CAMPBELL. I do not have to tell you the unemployment figures on reservations. I am sure you already know them. It seems that the success rate in employment training of the job placement program's success rate for Indians is rather good.

But I would like to ask, what efforts is the Bureau taking to expand that program? How is the Bureau working to ensure that individual tribes can take advantage of that employment training program and job placement; or how do you bring the job placement program directly to the reservations?

Mr. MCCALEB. Senator Campbell, one of the things that we are proposing this calendar year, probably in the early Fall, is to have an economic development summit, in which we bring both tribal leadership, industry and investors to a common meeting in which we demonstrate not just the need, but the opportunities on reservation lands and in Indian country for an economically viable enterprise, and attract them to bring the jobs to the reservation areas.

In other words, we want to try to focus on reservation-based jobs. That is the general mechanism that we would propose.

Senator CAMPBELL. All right, I will submit the rest of my questions in writing. Just let me encourage you once more to consult with the tribes before you make the decisions, not after.

Mr. MCCALEB. Yes, sir.

Senator CAMPBELL. Thank you.

The CHAIRMAN. Thank you very much.

Senator Dorgan.

Senator DORGAN. Thank you very much.

I neglected to and should have thanked you for the budget submission on Indian school construction. Senator Domenici did that, and all of us who have been working on that see a ray of hope here. I think that is a very positive piece in the President's budget, so thank you for that.

But let me go to the areas that are troublesome for me, as well. Let me talk about United Tribes Technical College, and ask you, how did it come about that the Administration's budget recommended zeroing out that college in the budget; do you know?

Mr. MCCALEB. I think the focus of this Administration's budget is in the primary and secondary school years. That has been historically the mission of the Bureau of Indian Affairs in education. It is clearly the area where our dollars would yield the highest rate of return, in terms of student proficiency.

In fact, we are shifting some of our influence to preschool activities through the FACE Program, the Family and Child Education Program, to try to reduce our dropout rate, enhance our proficiency rate, and to graduate students from high school who are better prepared to go on to some post-secondary activity, whether it be a baccalaureate program or a technical training program.

Senator DORGAN. But let me ask again, is there any particular reason that the Administration de-funded this? I mean, did someone visit the college, review the curriculum and find it wanting?

Mr. MCCALEB. I am not aware that that happened, Senator.

Senator DORGAN. Can you tell me what you are aware of then, with respect to United Tribes?

Mr. MCCALEB. Well, I am aware that we reduced, as I indicated, a lot of our post-secondary funding, including some tribal colleges, a reduction of $2 million in tribal colleges, and the elimination, in some cases, of funding of the technical training.

Senator DORGAN. So to your knowledge, no one visited United Tribes, or made an affirmative judgment that there is something wanting at that school.

Mr. MCCALEB. No; I do not think that happened.

Senator DORGAN. All right, do you think it would be advisable to have someone visit that college, and evaluate that curriculum? As Senator Domenici indicated, we are going to consider this. I am on the Appropriations Committee.

But if, in fact, the decision was made without visiting the college, would you be willing to send someone to that school, and give us an evaluation of what you think that school is contributing to those students?

Mr. MCCALEB. I will have that done, Senator.

Senator DORGAN. Would you do that within the next 30 or 45 days, so that we have that available, both to this committee and to the Appropriations Committee?

Mr. MCCALEB. Before the end of April, that will be done.

Senator DORGAN. All right, that is very helpful, and I appreciate that.

Let me just say, if I can, I think you will find what I have found and others have found. This is a unique, remarkable institution that contributes substantially to the lives of people who want to better themselves and, who in many cases, have a pretty tough

road, but who have found the way and found this as an opportunity; and I look forward to that visit.

Now let me ask about the Chairman's line of questioning, because I do not think I got the answer. If you would please ask your staff, and I regret that I have forgotten the gentleman's name.

Mr. MCCALEB. Mr. William Mehojah.

Senator DORGAN. Thank you for being with us.

The Chairman asked you if you had some evidence of the improvement in student's achievement with respect to privatizing schools. I think Mr. McCaleb indicated that some of that came from the District of Columbia.

There have been experiments and actual programs to privatize certain kinds of public education throughout the country. Some of it has been successful; some has not been successful, as you know. Can you tell us more specifically on what basis you recommend privatization?

Mr. MEHOJAH. I think the one thing that we took a look at, as Mr. McCaleb mentioned, was various options that we could provide to schools and to tribes.

One of them, of course, like you mentioned, are the private companies, education management companies. There are approximately seven of those companies that are out there in the country, the largest of which is the Edison Schools, headquartered out of New York City. They have about 75,000 kids in their system.

We have taken a look at their track record, to see how they performed over the years, in some of the many similar populations, with unemployment, poverty, under-education, those kinds of factors.

We have also looked at a couple of the others, to see what they do, and we visited some of the schools, to take a look at how they operate, how they structure their days, et cetera.

I think we have done a cursory review of them, and have collected some data, both from them, as well as from outside sources, to see how they have fared.

Senator DORGAN. And I think the Chairman was asking the questions that would lead to our asking, could you provide that data to us then? If you have collected data sufficient so that you have made a judgment about privatization and the advantages, perhaps, of privatization, could you share with us the information that led you to that conclusion?

Mr. MEHOJAH. Yes, sir; we sure could.

Senator DORGAN. Do you agree that, in some cases, the privatization of schools has been a success; while in other cases, it has been a failure?

Mr. MEHOJAH. Yes, sir; we have seen that. As an example, at the Edison Schools, we have seen some places where they have not succeeded. But their average success rate is fairly high.

Senator DORGAN. Would privatization represent a case where you would choose the lowest bidder?

Mr. MEHOJAH. No, sir; we would choose the best provider.

Senator DORGAN. And what role would cost play in that?

Mr. MEHOJAH. The role that cost would play is that we would show the private management company what resources currently

go to our schools. That would be what would be available to provide an education program.

Senator DORGAN. I think the BIA schools are found wanting. There is no question about. I disagree strongly with those who say that the system of public education in this country is somehow unworthy.

We did not send people to the moon and cure polio and split the atom and splice genes, and clone animals, invent plastic, silicon, and radars. We did no do that because we do not have a wonderful system of public education; and because some of it is failing ought not persuade us to privatize what I think has been a remarkable success in this country.

Having said all that, I think the BIA schools, in many cases, are wanting. But what I think the BIA schools represent is exactly what the schools in trouble in the inner cities represent. The schools inherit everything that comes from the home, the neighborhood, and the culture surrounding it. People who are having a tough time with 50 percent and 60 percent unemployment, and substance abuse, and a whole series of other things, import that to the daily school. That daily school struggles with that mightily.

In most cases, with the teachers that I have visited on the reservations, in BIA schools and in virtually every other school, I come out of that classroom thinking, "What a wonderful person. What a remarkable person to dedicate their lives to teaching children."

So I have great concern about people who very quickly and easily say, do you know what we should really do? Let us privatize America's schools.

We have some private schools in this country that are wonderful. Every parent has the choice to access those schools. But this country takes a back seat to no place in the world for the system of public education it has created, that allows every child to rise to whatever level that child can rise to, in a public system of education.

We do not separate them out. We do not move them through different chutes, based on our assessment of their ability. Every child, for two centuries in this country, has benefitted from universal education. And if that was the import of the Chairman's questions, then I certainly echo that.

I do not want us to be flippant or quick suggesting, to do this; let us take public education apart; or let us take the BIA education system apart and just privatize it. I think that is headed toward very big trouble for our public system of education.

So thank you for listening to me. But I think some of us, at least on this committee, will look very, very carefully at what you saw and what you evaluated, in terms of your recommendations.

Mr. McCaleb, thank you for agreeing to send someone to United Tribes. I think it is very important you do that. Also, let me end on a positive note. Thank you again on the school construction issues.

At the Ojibwe School on the Turtle Mountain Reservation, just last year we got that funding. With those little kids walking between mobile trailers in unsafe conditions in the middle of the howling wind in the bitter cold winter; what was going on out there was not right for those kids.

We struggled and struggled. They are finally going to get their school. Because of the recommendations, a number of other schools are finally going to get built, as well. That is a bright spot. But do help us with the other areas.

Tribal colleges should not be cut. Tribal colleges ought to be increased. The per pupil burden of tribal colleges that we provide is still too low. If you compare it to every other per pupil cost in the country, we are under-funding tribal colleges. So let us fix that, as well.

Mr. McCaleb, thank you.

Mr. MCCALEB. Thank you, sir.

The CHAIRMAN. Thank you, very much.

Senator Domenici.

Senator DOMENICI. Mr. Secretary, let me suggest to you that there is no orderliness about post-high school funding and which institutions the Government is going to help and which they are not.

I would think that if some point, if you intend to make a difference, that you might have an analysis of the Indian colleges and the vocational schools, and try to figure out and make more sense out of what we are trying to do.

I have an institute, too, Crownpoint Institute of Technology. It is zeroed out in the budget. It should get a little bit of money, and we get it every year in appropriations. But you would be amazed. You would not pick this up in a report.

But sitting out in various places are these vocational institutions or vocational colleges. They are getting by on a shoestring, because sometimes the tribe funds them, in some cases; and in some cases, they do not.

I think you would be surprised at the job training that is occurring on these kinds of facilities, including the one I have just mentioned. If you would take a look at it, while you are looking at the post-high school vocational type institutions, I would appreciate it.

I will do everything I can to get some funding for it, because I think you would not like it closed, if you were able to analyze its role there in that part of New Mexico and Arizona.

Mr. MCCALEB. Senator, it happens that I am going to be in the Farmington area the first week in April, and I will make an effort to go by Crownpoint and view the school personally.

Senator DOMENICI. You might not be able to. It is a pretty long distance out. But if you had time, it would probably be a joy for them to honor you. It is a very, very exciting thing to see what happens out there.

Let me first ask you on the privatization, and give you the benefit of my experience, I think it is imperative that at the soonest and earliest opportunity, that you get the Indian leaders together and tell them that you are exploring this, that you are thinking about this.

It will not happen if, in fact, the Indian leaders think that you have surprised them, and that they have not had an input. They will come out against it from the beginning, and we will never convert them to even give any of it a try, even if it is justified.

So I think you should go slow, but you should make sure that the Indian leaders are in on it. Do not come to them with some-

thing all completed. Get a group of them interested now in bettering their schools, and make sure that they understand that maybe together you can be looking at this. If it is done unilaterally, we will prohibit you from doing it, and all your good thoughts will be for naught.

I have two New Mexico issues. I just gave you one of them: Crownpoint Institute of Technology. We have Pueblos in New Mexico. As you know, we have many Indian Pueblos in New Mexico. We have 17.

Those are generally small groupings, as you know, living on large, large land holdings, and they are pueblos because they were constructed that way during the Spanish era, and still have their own language, and are Indian people.

Santa Domingo has a land claim settlement, and maybe this is part of what you were talking about under not getting the money disposed of. But Santa Domingo has a claim, and it seems like the Government is not paying it in an orderly manner.

I would ask if you would take a look at that, and we will give you the details of what the authorization for payment was, and ask you to tell us when we could expect payment. If you would do that, I would greatly appreciate it.

I have one last one, if you do not mind. The BIA is going to be replacing a dormitory in Pine Hill, serving the Navajo Nation with a 72 bed capacity. However, the Ramah Navajo Board has supportive evidence that a 100-bed facility is needed and justified.

Does the department concur with this information and justification? If not, I ask if you would take a look at it. In other words, we are planning on 72, but the Board there is indicating that would be insufficient from the beginning, and that 100 beds are needed. So if you would look at that, I think it would be good for us and good for you to be right, rather than get it done and be wrong.

Mr. MCCALEB. We will make a thorough analysis of that, Senator, and we will include it in our report.

Senator DOMENICI. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Mr. Secretary, we are well aware of your time problems, and that you will have to go to the House now. Regretfully, we will have to submit our questions to you, sir, and I hope you will look them over and provide us with your responses.

Mr. MCCALEB. Thank you very much, Mr. Chairman. If I could have one concluding statement about post-secondary education and the need for it.

The CHAIRMAN. Yes, sir.

Mr. MCCALEB. I am very sensitive and aware, and made a personal decision early in my life, relative to post-secondary education. I wanted to get a degree as a civil engineer, and I ran out of money. I was married and had my first child on the way.

I sold the legacy from my mother of her Chickasaw allotment in order to finance the balance of my education, and it stood me well. I think as much as I hated to part with that land, that education has been very beneficial to me, and stood me in good stead. It was the right decision, as difficult as it was.

I hope I have not left the impression with anybody that I depreciate or do not hold in high value the importance of post-secondary education, whether it be a baccalaureate degree or technical training. In fact, I have some initiatives on technical training, relative to surveyors, that we will be submitting and discussing with you.

The CHAIRMAN. I thank you very much, Mr. Secretary.

Our next witness is the Acting Assistant Administrator, Office of Water, Environmental Protection Agency, Diane C. Regas. Madam Administrator, welcome.

STATEMENT OF DIANE C. REGAS, ACTING ASSISTANT ADMINISTRATOR, OFFICE OF WATER, ENVIRONMENTAL PROTECTION AGENCY

Ms. REGAS. Thank you, Mr. Chairman.

Good morning, Mr. Chairman and members of the committee. I am Diane Regas, the Acting Assistant Administrator for Water and the National Program Manager for Tribal Programs at the Environmental Protection Agency. I very much appreciate the opportunity to be here today to speak with you about the President's 2003 budget for EPA's tribal programs.

The President's budget requests for EPA reflects the agency's strong commitment to cleaner air, purer water, and land that is better protected. This commitment is especially challenging with respect to Indian country and tribal programs.

At the outset, I would like to stress that the tribal needs are significant. Tribes are disproportionately at risk by nearly every yardstick we use to measure the quality of life. Poverty and unemployment are high. Their education, economic development, and physical well being lag well behind those of the general population.

With respect to cleaner air, purer water, and better protected land, tribal needs are truly challenging. For tribes, clean water often means providing the basic sanitation that the rest of us take for granted. In some instances, our funds are providing indoor plumbing for the first time. In other cases, our funds bring modern drinking water systems to two tribes.

For tribes, cleaner air means ensuring compliance with Federal, State, and tribal standards. Eighty-three tribes are located in nonattainment areas for one or more air pollutants and suffer the consequences of this pollution.

For tribes, better protected land means their homelands are places where modern life thrives as do ancient traditions and ceremoneys. Today, there are 1,110 open dumps in Indian Country, yet only about 12 percent of tribes have solid waste management programs.

These are just a few of the daunting challenges that EPA and tribes face in their efforts to reduce risks to human health and the environment in Indian Country.

EPA's 2003 budget requests for tribal programs is $232 million, an increase of $3.6 million this year, and a six-fold increase since 1994, when EPA created its American Indian Environmental Office. Tribes and EPA continue to work closely to protect public health and the environment in Indian country.

Our budget request reflects our ongoing commitment to working with tribes as they build their capacity to develop and manage their environmental programs.

For example, the General Assistance Program, often called the GAP Program, frequently provides the tribe with its first environmental grant, which allows the tribe to hire and train its own staff to assess the environmental conditions on the reservation and develop its own administrative, legal, and technical approaches to solving its problems.

Currently, about 400 tribes receive General Assistance Program or GAP funding, and I am very pleased to tell you that the 2003 budget request would allow EPA to fund an additional 45 tribes.

In addition to capacity building, our 2003 budget request will support our continued efforts to help tribes meet their basic health and sanitation needs. It includes approximately $18.2 million in clean water set-aside funding to help meet the very significant tribal needs for waste water infrastructure.

I would like to note that our two statutes that provide infrastructure funding, the Safe Drinking Water Act and the Clean Water Act, are inherently different.

Under the Clean Water Act, funding for tribal waste water infrastructure is limited to one-half of one percent of the total appropriation, while the drinking water set-aside is set at 1½ percent.

The President's budget proposes that the Clean Water Act ceiling again be increased to one and one half percent, so that tribes receive the funding they need to support their significant drinking water and waste water infrastructure needs.

I would also like to note that Alaska Native villages represent the bulk of needs for both waste water treatment, where they represent 75 percent of the total needs, and drinking water infrastructure, where they represent about 50 percent of total needs.

I have personally visited Alaska Native villages and have seen firsthand the consequences of the lack of basic sanitation and potable drinking water in some of these areas.

To help meet these staggering needs, EPA is proposing an additional $40 million over and above the Clean Water and Safe Drinking Water Act funding for infrastructure improvements in Alaska. This is an amount equal to that provided by Congress last year.

As part of EPA's budget, the Administration is requesting that Congress eliminate the statutory cap on funding of implementation of tribal non-point source management programs. Removing this cap would allow us to help 70 tribes educate and train people on reducing polluted runoff and implementing on-the-ground watershed protection projects.

EPA's budget also proposes extending our authority to enter into cooperative agreements with tribes. These agreements are instrumental in our efforts to actively engage tribes in day-to-day environmental management at the same time they develop their own managerial capacity.

The Administration's budget request would allow EPA to continue working with tribes to improve their environment through numerous grant programs, training opportunities, data exchange, and technical assistance. My written testimony provides more de-

tail on EPA's 2003 budget request to support cleaner air, purer water, and better protection of tribal lands.

Again, I thank you for the opportunity to appear before you, and would be pleased to answer any questions.

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

The CHAIRMAN. Thank you very much, Madam Administrator.

Over the past 10 years, tribal interest in participating in EPA programs and developing broad-based tribal environmental programs has grown dramatically. Has the EPA responded, and if so, to what extent, to these growing tribal environmental needs?

For example, they have suggested that there be direct funding to tribes to build tribal environmental capacity and implement tribal environmental programs through either the treatment as a State designation, or direct implementation through tribal cooperative agreements. Have we done anything like that to recognize tribes as States?

Ms. REGAS. Yes, Mr. Chairman; we do. Over the last few years, since 1994, EPA has increased its GAP funding, the General Assistance Program Funding from $8.5 million that year to $57 million. That is in the President's request for 2003. This represents a six-fold increase.

In addition, the EPA has approved a number of tribes for treatment as a State, under our statutes. At this time, we have 23 tribes who are approved for treatment as States under Section 303 of the Clean Water Act, which covers establishment of basic standards, and two additional tribes who are approved for treatment as a State for other programs; specifically, the Public Water Systems Supply Program, that is operated under the Safe Drinking Water Act.

The CHAIRMAN. Are you satisfied that the tribes are receiving about what the States are receiving?

Ms. REGAS. We continue to invest in growth in our tribal programs. This year's budget is no exception. Our long-term goal would be to be able to provide all tribes with a GAP level of funding at about $110,000, which would allow the tribe to develop its own capacity to manage programs.

Our rate of growth in that program needs to be commensurate with our ability to adequately manage it. This year's increased investment will allow us to take the next steps and fund 45 additional tribes, which we think is a very positive step.

The CHAIRMAN. We provide generous non-competitive grants to cities and States. Do we provide the same for Indians?

Ms. REGAS. The EPA's funding to States develop their ability and capacity to manage environmental programs was generally provided first in the early 1970s. We were much later to come to the realization of the need to provide similar funding for tribes, but we do currently provide non-competitive funding to tribes for basic management.

In addition, there are several different funds that we provide to tribes. Our total investment in tribal programs in 2003 is proposed to be approximately $232 million. The vast majority of that is in grant programs to tribes.

The CHAIRMAN. I wish to congratulate you on taking the initiative to visit these far-away places, such as the villages above the Arctic Circle.

After your visitations in Alaska and in the Lower 48, have you come to any sort of broad conclusion as to how much would be needed to bring Indian country to the same level that other Americans enjoy so that they may have running water and maybe even toilets. Because on some reservations, less than one-half the homes have running water, less than one-half have toilets. In Alaska, as you know, they have honey buckets rather than toilets.

Ms. REGAS. Yes, Mr. Chairman; we do have an estimate of the need to provide basic sanitation and drinking water on tribal lands. Our current estimate of the known needs is $650 million for needs in waste water, and 42 billion for needs in drinking water. We continue to chip away at those needs through our programs, and other agencies provide funds for those, as well.

The CHAIRMAN. At the rate of funding at the present time, will we be able to resolve this matter, or will it just continue. What we have learned through our programs throughout the country is that investment in waste water infrastructure and drinking water infrastructure will be an ongoing need for the country, far into the future.

These are not problems that are ever solved once and then we can walk away. We see a need for continued investment in these programs, as far as we can predict.

The CHAIRMAN. I have so many questions that I would like to submit, if I may, for your study and response to us.

May I now recognize our vice chairman.

Senator CAMPBELL. Thank you, Mr. Chairman.

Ms. Regas, I commend you on your travels. Just for my own information, have you visited Pine Ridge, SD or Lame Deer, MT; but particularly Pine Ridge?

Ms. REGAS. No, sir; I have not visited Pine Ridge, although a number of EPA staff have been to Pine Ridge, and we are very well aware of the pressing drinking water needs in Pine Ridge. We are continuing to work with the tribe to invest in improving the level of particularly drinking water services that are provided there.

Senator CAMPBELL. I thank you for doing that.

Any caring person that would visit those two reservations, or many more of them in what we call Indian country, they would know that we can do better than we have.

In my State of Colorado, we only have two land-based tribes, the Southern Ute and the Ute Mountain Utes. The Ute Mountain Utes have been on the same piece of land for 130 years, and did not get fresh water until about 6 years ago, when we passed the legislation to build a pipeline. The State helped, and we got it done.

But up until that time, the only water on the reservation was an open ditch and a gravel back-flow filter that would not even screen out some of the bigger bugs, let alone anything else that might be in that water.

So I think if you applied that problem to most communities, non-Indian communities in the United States, there would be a public uprising or some kind of an outcry. So thank you for being sensitive to that.

But since I mentioned the Southern Ute, let me ask you something. I know it is very difficult when you are talking about improving environmental conditions, when you have to work with the tribes and non-Indian communities right next to the tribes.

How do you reconcile those interests? How do you regulate air quality over Indian and non-Indian lands, when they are next to each other, and what kind of expertise do you have working with the tribes and communities that are non-Indians, when they are literally right next to each other?

Ms. REGAS. The issues of jurisdiction and working with communities to provide adequate and equal levels of protection, both on and off tribes, is one of the most difficult issues we face in implementation of our environmental programs.

In the Southern Ute Tribe specifically, there has been legislation, as I understand, passed by the State of Colorado, and signed by the tribal chairman, and we are continuing to work with the tribe and the State to resolve these issues of jurisdiction, so that both the State and the tribe will continue to have a role in protecting air quality.

What we have learned in our management, whether it is air programs or water programs, is that the environment does not respect these boundaries.

Senator CAMPBELL. That is right.

Ms. REGAS. We really need, in addition to being cautious and careful, to respect the jurisdiction of the various entities, and to work on a government-to-government basis with tribes. We do try to bring together the interested parties, so that we can help resolve these issues as they come up and provide protection to the people on these lands.

Senator CAMPBELL. Well, thank you for your sensitivity to that.

Using the Southern Utes as an example, there are nine law enforcement jurisdictions on that reservation, because it is checkerboarded, and I am sure others are the same. When you try to resolve a problem, boy, you have to deal with an awful lot of entities at different government levels.

But thank you for that. I will submit further questions in writing.

Ms. REGAS. We would be happy to answer any questions.

Senator CAMPBELL. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Ms. Regas, I thank you on behalf of the committee.

Ms. REGAS. Thank you, Mr. Chairman.

The CHAIRMAN. Our final witness this morning is the Chairman of the National Indian Gaming Commission, the Honorable Montie Deer. Judge Deer, it is always good to have you.

STATEMENT OF MONTIE DEER, CHAIRMAN, NATIONAL INDIAN GAMING COMMISSION

Mr. DEER. Good, good; thank you, Mr. Chairman. As you all know, I am Montie Deer. I am Chairman of the National Indian Gaming Commission. I do want to thank you for allowing me this opportunity to report to you on the work of our Commission.

As you are no doubt aware, the other Commission members and I are approaching the end of our terms. We appreciate the interest and the support that this Commission has received to us and from us. In other words, I think we have worked together for the 3 years I have been here.

My remarks can be summarized by simply saying that the tremendous growth in the Indian gaming industry, particularly in light of the recent dynamic changes in California, have really strained our ability to keep pace.

In 1988, when the Commission was created, Indian gaming was Indian bingo. Today, it is a major industry, producing revenues on a par with Las Vegas and Atlantic City, combined.

While the Indian gaming industry has increased more than 100-fold, the Commission, in contrast, has little more than doubled its capacity since start-up. It is becoming increasingly difficult for the Commission to carry out our statutory functions effectively under the Indian Gaming Regulatory Act.

We come today to ask this committee's support for the President's request for the $2 million appropriation for fiscal year 2003. To be completely candid, we view this request as an interim measure, while we work with you, your staff members, and the Indian gaming industry and community, to secure legislation needed to allow flexibility in our fee collection structure.

The Administration supports this one-time budget request, and our goal of statutory adjustments to the current limitations in our permanent financing.

The upcoming fiscal year marks the fifth consecutive funding cycle during which the Commission has operated under a flat budget. However, by contrast, the industry now generates approximately $11 billion per year, an increase of nearly 50 percent since our last fee cap adjustment.

If you will look at the bar graph, and I think you have copies in your papers, this graph shows the industry's growth through the year 2000. We do not yet have the numbers for 2001, but we will have them in a couple of months, and we will amend this so that you will have that.

At the same time, the Indian gaming boom in California continues to put a severe strain on our resources. Prior to the passage of proposition 1–A in March 2000, there were 39 gaming operations in California. Today, there are 46. The nature of gaming in California has changed, as well, with the involvement of major commercial players, such as Harrah Entertainment, Anchor Gaming, Stations Casino, and Donald Trump.

The Commission is, nevertheless, solvent. But we remain solvent only by allowing vacant positions to remain unfilled and reducing our presence in Indian country.

This oversight responsibility given to the Commission by Congress requires professional employees. We must have field investigators, auditors, and lawyers, and we simply do not have enough. But we do not have the money to hire more of these employees and fund the travel overhead and operational expenses associated with a larger staff.

I now refer you to the pie chart. As you can see, 84 percent of our costs are fixed. Let me illustrate this situation by describing

our Audit Division. We began fiscal year 2002 with six auditors. Through attrition, we have lost two. These positions, although critical, have not been filled because of our need to impose a hiring freeze.

Because gaming is a cash-intensive industry, it poses special concerns. For many years, the gaming industry has recognized that strong internal controls were essential to effectively identify and deter irregularities in the handling of large volumes of cash. Like other regulatory jurisdictions, the National Indian Gaming Commission promulgated its own minimum internal control standards or MICS with the great assistance and consultation of the tribes.

It has been said that we can measure compliance with our MICS with an appropriate level of sampling, and in doing so, make a meaningful contribution to ensuring the overall integrity of Indian gaming.

Unfortunately, at current staffing levels of the Audit Division, it would take us 20 to 30 years to evaluate the over 300 existing gaming operations in Indian country.

Beyond the personnel shortages, the flat budget is beginning to impact the quality and quantity of our consultations with Indian tribes. We, at the Commission, believe that it is imperative for us to consult regularly with the tribes, both in the context of specific rulemakings and more generally, so that we can ensure that we are meeting the precise needs of the industry.

As our budget has grown tighter, we have worked hard to continue our consultations in the context of specific rulemaking; but this has cost us our quarterly regional consultations, where we provide extensive training and meet one-on-one with the tribes to evaluate the needs of their industry.

This will ultimately pose a cost to the quality of our regulatory program and the productivity of our relationship with the tribes.

In addition to these issues, we have other needs, as well. The Commission would like to complete several projects that will pay future dividends in terms of overall efficiency and effectiveness.

As I mentioned at the beginning of my remarks, the terms of the current Commission members are drawing to a close. Our successors will have some significant challenges. We hope that by my remarks today, we will help pave their way as they guide the new Commission.

Let me say that for myself, Vice Chairman Homer, and Commissioner Poust that we each appreciate the support and many courtesies that you have extended to us. Thank you, and I would be happy to answer any questions.

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

The CHAIRMAN. I thank you very much, Mr. Chairman.

When one considers the gross income of the operations, $2 million seems to be so small, it is almost embarrassing. However, do you intend to hire more staff?

Mr. DEER. To answer your question, Mr. Chairman, the first thing we will do, if we get $2 million, is to fill the two auditor positions that have been left vacant, and also additional lower individuals to assist them.

We want to provide the field with the funding and the ability to go to Indian country and do the consultations they do and do the training that they do on site.

Then we have some technological improvements that we would like to do. We would like to complete a financial component to the database, so that we can track receipts and expenditures. We would like to do an electric accounts receivable, so that the tribes can pay their fees on line. We would like to do an electronic records management.

Finally, an area that we have a big issue with is that old thing called Freedom of Information Act. We have a lot of work there, and we spend a lot of time there. So we would like to dedicate some software in that area, if we could.

The CHAIRMAN. Will you continue your consultation process?

Mr. DEER. Certainly, as long as we can.

The CHAIRMAN. Just for the record, can you just provide us with a list of what you just told us, about how the funds will be used?

Mr. DEER. Yes; we will give you that.

The CHAIRMAN. Now you spoke about legislation to allow flexibility in your fee structure. Has the Commission developed such a proposal?

Mr. DEER. We are ready to prepare a rough draft and consult with not only your staff, but with the tribal individuals and leaders on that issue. What we are looking at now is a floating fee that we think will work.

The CHAIRMAN. I would suggest that you do this as soon as possible, because this is a rather busy session with elections, terrorism, et cetera. So we would like to be of help.

A few years ago, Senator McCain and I introduced a measure which would provide for a licensing fee mechanism that placed the burden of funding for the Commission on those wishing to do business with Indian casinos by requiring them to pay a licensing fee. Have you considered this type of proposal?

Mr. DEER. What you are getting at is what is sometimes referred to as licensing vendors, et cetera. To do that and do the backgrounds, you would need to increase this Commission several fold, as far as employees. That would be large amounts of dollars.

Again, you have a sovereignty issue. Do the tribes want to do their own licensing, or do they want the Federal Government to do that for them?

The CHAIRMAN. Well, this would not be a Federal appropriation. We are requiring vendors to pay a fee to you.

Mr. DEER. That is correct, but then we make the decision. The tribe does not make the decision on who gets a license.

The CHAIRMAN. But is it not your responsibility to make certain that scam artists do not get involved in doing business with Indian country?

Mr. DEER. I would say that is in the preamble of the act, and I would agree with you; yes, Senator.

The CHAIRMAN. In this business, it would appear commonplace to have people who would go out of their way to con Native people.

Mr. DEER. Any time you have cash-intensive business, I think that is correct.

The CHAIRMAN. I hope the Commission will consider this proposal.

Mr. DEER. We will certainly be more than happy to have the staff work with your staff on that issue.

The CHAIRMAN. Thank you, sir.

Well, I have other questions and I will be submitting them to you. But before I do, I would like to thank you for your service, not only to Indian country, but to our Nation. I wish you the best, Judge, in future endeavors.

Mr. DEER. Thank you very much.

The CHAIRMAN. Mr. Vice Chairman.

Senator CAMPBELL. Judge Deer, I would like to also join Senator Inouye in wishing you well in your future. We have not always agreed, but I have always appreciated your friendship and your openness before the committee.

I was interested, I have to tell you, about your comments about who is moving into Indian gaming, the big corporations. You mentioned Harrah and Trump Casinos.

Well, I can remember 10 years ago, when Donald Trump, himself, testified against Indian gaming over on the House side before the committee, when George Miller was the chairman. He testified against it by saying, "they do not look like Indians." I guess with a certain amount of money, he can become colorblind. I think they are looking more like Indians to him now. [Laughter.]

But I guess that just tells you how things change when there is a lot of money on the table.

I wanted to ask you a couple of questions on your charts here. This chart refers to the Federal oversight. Is that correct?

Mr. DEER. That is correct.

Senator CAMPBELL. But there are three layers of oversight. One is tribal oversight of their gaming. The other two are State oversight and Federal oversight.

How does this chart compare and do you know if there has been an increase in State and tribal oversight of their gaming operations?

Mr. DEER. I do not have the facts before me, but I would be more than happy to try to supply you with what we have. But I would say that it has remained constant, as far as States go. You have some States, as you know, Senator, that are quite involved, and you have some States that will not do anything.

Senator CAMPBELL. Yes; well, if you can find that information, I would be interested in knowing if the activities at the State and tribal level have increased to keep up with the growth in Indian gaming.

You requested a $2-million increase in Federal funds, which I do not think is exorbitant by itself. That is in addition to the $8 million in fee assessments, for a total of $10 million.

A few years ago in 1998, I worked and helped to get that celing raised to $8 million, as you remember, Judge Deer. Since then, I have been resistent about raising it more, because I was not convinced of the consultation or the need for it; but I know that the amount of work is going up.

At the time, we were getting some letters here at the committee from tribes who felt that the Gaming Commission was being puni-

tive, and we had talked about that, or maybe a little invasive into the tribes' operations.

I would just encourage you to make sure you have a lot of consultation with the tribes before you bring any legislation before the committee, so we do not have some kind of a backlash, as we often do here, when tribes feel they were not asked.

But maybe it is time to raise the ceiling a little bit, or maybe more than a little bit; I do not know. But I do know the growth has been huge since California has kind of come on line with gaming.

In the original budget, when we first started out, the ceiling was $2.5 million. Is that not correct, when the Commission was first formed?

Mr. DEER. I believe that is correct.

Senator CAMPBELL. I think that was it.

How long did it take to reach the $8 million ceiling that we increased in 1982?

Mr. DEER. Well, I know you remember Tony Hope was the first chairman, and I think he had three or four employees. Basically, for the first 3, 4, or 5 years, I think that all they did was draw up the regulations and do the legal work, you might say.

It was not until they started having, as you recall, the field investigators living out of their suitcases. There were seven of them, if you recall.

Senator CAMPBELL. Yes; I remember that.

Mr. DEER. Then Phil Hogen, commissioner, vice chairman, came up with the plan of, I would say, the regional offices. I remember you wanted to know if there was going to be one in Denver.

Senator CAMPBELL. Yes.

Mr. DEER. So I would say that it took 4 or 5 years before we got up to the $8 million.

Senator CAMPBELL. How many regional offices are there now?

Mr. DEER. We have five.

Senator CAMPBELL. You have five, and you have increased the field staff in each one of those offices, too, I assume?

Mr. DEER. Well, we have lost some auditors. That is where we are hurting.

Senator CAMPBELL. I see.

Okay, I really do not have any further questions, Mr. Chairman. But I would be interested, as we go along, in talking more about this increase; thank you.

Mr. DEER. It was been my pleasure. Again, may I say to at least the two of you, you have always been here and that means a lot; thank you.

The CHAIRMAN. I thank you very much, Judge.

The record of this hearing will be kept open for another two weeks, just in case you have addendums to make or corrections. In light of the fact that we will be submitting questions, I believe it will take two weeks to respond to them.

Thank you very much.

[Whereupon, at 11:26 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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

Good morning, and thank you Chairman Inouye for holding the Committee's last hearing on the President's fiscal year 2003 budget request.

Today we welcome old friends Neal McCaleb from the BIA, Montie Deer from the Indian Gaming Commission and a new friend, Diane Regas, from the EPA. I welcome you all to the committee.

It may be obvious to some, but I think we need to be reminded that this budget request must be viewed against the backdrop of the war on terror and homeland security. Clearly, that is where our Nation's focus is at the present time.

Nonetheless, there are great needs in our Native communities.

The President's request includes a $20-million overall increase for BIA programs and I am happy to see more attention on Indian education and economic development for the BIA.

Increases are proposed for:

- Indian trust activities—+ $70 million.
- TPA—+ $24 million.
- Indian tribal courts—+ $4 million.
- Indian energy development—+ $2.1 million.
- Contract support costs—+ $3 million.

In January 2002, President Bush signed the "No Child Left Behind Act" which included the "Native American Education Improvement Act" that I am proud to have introduced along with the Chairman.

I commend the President for his request of nearly $293 million in new funds for Indian school construction.

I believe that there are other ways to help get more Indian schools built, such as school bonding, and I hope the Administration considers supporting that idea. I know that our Assistant Secretary has supported the idea in the past.

On September 28, 2001, the GAO reported that in many categories, BIA schools fail to produce the kind of education Indian children need so badly. I quote from that report: "The academic performance of many BIA students, as measured by their performance on standardized tests and other measures is far below the performance of students in public schools. BIA students also score considerably below national averages on college admission tests."

Of all 185 BIA schools, Indian tribes already operate 121 of them through grants or under Indian Self-Determination Act contracts. The BIA continues to operate the remaining 64 schools.

The President's request includes a proposal to bring competition to these schools by way of a "privatization initiative".

I believe in competition but I think we need to look at it carefully and ask probing questions such as:

No. 1. Can we provide incentives so that the tribes would want to assume control of the schools?

No. 2. What role would tribal governments and local school boards play in the selection of a private contractor?

No. 3. What experience do the current contractors have with Indian culture and people?

I will reserve the balance of my time for questions for all of our witnesses Mr. Chairman but would ask unanimous consent that my formal statement be included in the record.

Thank you Mr. Chairman.

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

Chairman Inouye, thank you for holding this series of hearings on the President's budget request as it relates to Indians, Alaska Natives, and Native Hawaiians. It is important to have these opportunities to receive the views of the various department heads and others who are charged with carrying out these programs, which are so important to my constituents in Alaska.

There is no doubt about it, Mr. Chairman, there is not enough funding for many of the fundamental programs designed to benefit America's indigenous people. We need to do more in order to keep our commitments to our native brothers and sisters.

We know we need more funding if we plan to address the needs of Alaska's Native population and Indian country. The concern I have is weather all the funding that we do have being administered fairly? Do formulas take into consideration the various circumstances that make each region of the country unique from the rest. I bring this up because of the extraordinary circumstances of many of Alaska's Native population; the weather, the isolation, the lack of roads, the transportation expense, the vast distances, housing costs, the cost of food, et cetera. Some of these circumstances are shared with other regions of the country. Some are not. I think for the most part BIA programs are fair and are administered with a willingness to acknowledge and account for these differences.

The one program I have concerns with, however, is the Indian Reservation Roads program. I have several pages of questions that address what my constituents and I believe is unfair treatment of my region in the Indian Reservation Roads funding distribution. I look forward to working with Assistant Secretary McCaleb on correcting these inequities and have confidence that when he analyzes the program he will see that adjustments do in fact need to be made.

PREPARED STATEMENT OF WILLIAM H. KINDLE, PRESIDENT, ROSEBUD SIOUX TRIBE

Good Morning Chairman Inouye, Vice Chairman Campbell and distinguished members of the Senate Committee on Indian Affairs. I am William H. Kindle, president of the Rosebud Sioux Tribe representative of 24,086 Sicangu Lakota living on the Rosebud Sioux Indian Reservation, in Rosebud, SD. We are a federally recognized Indian tribe. On behalf of the Sicangu Lakota, I want to take this opportunity to thank you for allowing us to present our concerns to you on the President's Fiscal Year 2003 Budget Request for American Indian Programs. The President's stroke of the pen has far reaching impact upon our tribes, his budget request will directly affect our Sicangu Lakota Oyate. It is important for you to picture behind me, our children, people and elders. It is them in mind that I speak before you today.

As you may well know, any discussions that surface regarding American Indian tribes and the Federal Government is based on the many treaties signed by both Nations on the fundamental inherent rights of all Indian people on this continent as it pertains to the many treaties signed by our people and the U.S. Government. We stand firmly by those agreements made to us in those treaties signed by our forefathers. I will reiterate here again, what so many tribal leaders have said in regards to sovereignty and the obligations of the U.S. Government to American Indian tribes. Today we are asserting those treaty agreements made with us, and the sovereignty that is part of those treaties.

On November 19, 2001 in President Bush's proclamation of the National American Indian Heritage Month the President stated that our governments must cooperate with each other on a sovereign to sovereign basis to provide Native Americans with new economic and educational opportunities. And that Indian education programs will remain a priority, so that no American child, including no Native American child, is left behind. President Bush further stated that "we will protect and honor tribal sovereignty and help to stimulate economic development in reservation

communities, he also stated we will work with the American Indians and Alaska Natives to preserve their freedoms, as they practice their religion and culture.

In 1997 President Clinton signed an Executive Order 13175, which establishes a government to government consultation policy with the purpose of strengthening relationships between the United States and American Indian tribes and ensure that all executive departments and agencies consult with tribes as they develop policy on issues impacting Indian communities, the President's Budget Request to Congress is ultimately a policy.

Mr. Chairman, We are requesting that the Federal Government, honor our sovereignty and to remind all of the Federal programs of their responsibilities concerning American Indian tribes. We as tribal nations reaffirm those treaties made with us as perpetual and binding documents solidified by a term used in the treaties "As long as the grass grows and the waters flows, this land shall be yours" meaning those lands contained in our 1851 and 1868 peace treaties belong to us the Eceti Sakowin (the Seven Council Fires of the Lakota, Nakota, and Dakota Nations).

Our tribe provides services to approximately 24,086 tribal members with some very key and vital programs. I want to inform you that the President's request in fiscal year 2003 falls short of what we need to effectively carryout services for our communities.

On the Rosebud Sioux Indian Reservation, continuous efforts are being developed to empower our youth through collaboration of our communities, the youth themselves and all of our tribally and federally funded programs. I want to talk about what our needs are:

No. 1. New Tribal Building: One of our biggest need is for development of a new comprehensive, culturally appropriate and centrally located tribal building for our people. As it is our programs operate out of makeshift offices inside renovated houses. Some of our programs are forced to purchase mobile homes for office space. We need to centralize our Federal and tribal programs into one facility to include the Bureau of Indian Affairs services and all of our tribal programs. We are requesting $15 million dollars to build the center of our nation.

No. 2. Wanbli Wiconi Tipi: The Wanbli Wiconi Tipe is a project on the Rosebud Sioux Indian Reservation to build a comprehensive Youth Rehabilitation Center funded under the Department of Justice, our elders have named this facility the "Wanbli Wiconi Tipi (the Eagle Nations Center of Renewal). This is a facility designed to address the problems with youth violence, alcohol and drug abuse, school drop outs, juvenile delinquency and attempted suicides. To some people this project was thought to be a maximum security, lock down facility where you put our youth in and throw away the key, this is not the case. Instead we want to help our youth by providing them with better opportunities for leadership, life skills development, cultural enrichment, mentoring, and excellence in education. The Justice Department approved funding at approximately $8.5 million for construction but we have fallen short of our construction goals. We have been forced to cut corners and downsize the project to fit our budget because the final appropriation for this project is not enough. Our construction cost will be short approximately $3 million. We are in need of funding at $1.9 million for facility maintenance and operational costs. Once this facility is completed we anticipate the need for funding of approximately 65 key salaried personnel at a cost of $3 million annually. We have a total need of $7.9 million dollars in this area alone for fiscal year 2003. We will have an annual need of $5 million for our Wanbli Wiconi Tipi.

No. 3. The Rosebud Sioux Tribe-Youth Advocacy Center/Transitional Living Center (YAC/TLC) is yet another project our tribe is also working on. The YAC/TLC Center is being developed with seed funds from the U.S. Housing and Urban Development Drug Elimination Program, as you may know, the funding for this program was eliminated in the President's fiscal year 2002 budget request. The YAC/TLC project will be providing shelter care for approximately 100 at risk youth from ages 13 to 17 years of age. We will be providing out-patient treatment, individual coping skills, counseling, foster home care, a home for the homeless youth, educational services, transitional living for youth returning from rehabilitation or treatment centers, mentoring, recreational activities, adventure field trips, and cultural enrichment programs for trouble youth coming from broken homes, most importantly we are trying to stop the State social services from placing our children in out of state foster homes or institutions. This project will also be providing outreach services to an additional 1000 youth of all ages. We are in need of $1.5 million dollars annually for operation and services for troubled youth.

No. 4. Child and Family Services: The Rosebud Sioux Tribe Child and Family Services Program provides services to families in dysfunctional homes, where the court has intervened and is forced to remove children from homes due to alcohol and drug related crime and addictions. This program was funded at $181,797 to pro-

vide services to some 300 to 600 hundred clients. The tribe wants to help families to become self-sufficient and healthy, the program also wants to develop innovative programs to reunite families that have been separated. The Rosebud Sioux Tribe is requesting $700,000 to provide services to those children and families.

No. 5. Indian Child Welfare Act: The Rosebud Sioux Tribe Indian Child Welfare Act Office is responsible for enforcement and administration of this act. The office currently has over 355 children in need of services. These are Lakota children that have been removed from their homes and are placed in non-Indian foster homes or facilities throughout the United States. They are tribal members and need to come home and be placed with their own people. There are costs associated with this act to including the cost of bringing children home, the cost of placing them in homes, attorney fees for case by case management, and at times there will be litigation and court costs. We are also in need of more staff to include social workers, case managers, Advocates and administrative staff. We are requesting $350,000 for this program.

No. 6. Economic Development: On the Rosebud Sioux Indian Reservation we have an unemployment rate of 88.5 percent, we will need to create 500 jobs to make a dent in the unemployment rate. The tribe has submitted our application for the Empowerment Zone Funding under the U.S. Department of Agriculture and developed a Comprehensive Economic Development Strategy so that we might develop opportunities for industry or commerce to come to our area to assist us to become a viable location to develop economically. There is not enough businesses located within our reservation to turn our dollar around, there is no mechanism in place to retain the dollar in our local economy. Most places in America have industrial parks and zones we do not. The biggest problem for our area is that we have no capital. We have some 50–100 individuals who want to start small businesses but we just do not have the funding to assist them. We feel any funding for Economic Development will help but we are requesting $10 million to assist us to develop our economic development projects and to build capital so that we may start building businesses that will retain our dollar.

No. 7. In Education: President Bush has released his "leave no child behind" sweeping reforms, but has sweeping cuts for Indian Education Programs. In the President's fiscal year 2003 budget request he has with a stroke of his pen zeroed out the United Tribes Technical College in Bismarck, ND, and has cut Tribally Controlled Community Colleges which affects our Sinte Gleska University which is on the verge of expanding degree areas. The St. Francis Indian School was recently approved for expansion funding for its new school at around $14 million when based on its student population increase of 7 percent per year, has an actual need of $34 million to complete its construction. The St. Francis Indian School was built a new school in 1996, but by the time it was built, student enrollment increases by 150 percent, they are now in already overcrowded classrooms, the how can you let the President say "leave no child behind" and then cut key education programs. If the U.S. Government wishes not to leave any child behind then they will fund the Johnson-O'Malley at $200 per student, restore funding to the United Tribes Technical College, increase funding for Tribally Controlled Community Colleges. We are in need of $34 million to complete the construction at the St. Francis Indian School.

No. 8. Contract Support Funds: As you may know Contract Support Funds continue to be in a constant shortfall and in dire need of 100 percent funding, If you send us a dollar by the time we receive our contract support funds we end up with 65 cents , this has a lot to do with the trickling effect tribes have talked about for decades. With the historic under-funding adding up over the years then we are constantly operating inadequately. We can only stretch the dollar so far before it breaks. We are in need of $1.8 million dollars for contract support.

No. 9. Our Roads Department is responsible for maintaining, servicing and repairing 200 miles of paved, gravel, earth improved and improved roads and bridges that are a part of the Federal Aid Indian Road System. Funds are used to cover salaries and equipment. However, we are now in need of new and updated equipment and machinery and more staff to man an effective roads department. We are also in need developing streets in many of our communities and the University. Are need is for $1.5 million for roads.

No. 10. In Law Enforcement Services our tribe employs 20 police officer which translates into one police officer per 1,204 tribal members. In fiscal year 2001, our Law Enforcement Services received over 28,000 calls for assistance. We have 20 police officers that are already overworked and burn out is commonplace. Our tribe would like to employ an additional 20 officers to alleviate the burden of already overworked police force, to include equipment, vehicles, training and salaries. Our tribe will be working with schools and community members to prevent crime. We have a need of $1 million to address our Law Enforcement Needs.

No. 11. Our Rosebud Agency Bureau of Indian Affairs programs are also experiencing shortfalls with the Tribal Priority Allocations Administrative Services with an unmet need of $100,000, the Social Services Program is in need of $571,000 for its assistance of indigent tribal members, The Real Estate Services service's a five county area consisting of 3.2 million acres and is understaffed with a need of $1.7 million for more staff and real estate services to deal with the tribal lands being fractionated. The Agriculture program receives $1 per acre to manage public lands while other Federal programs receive $3 per acre, with a tribal. This program maintains 880,000 acres and is in need of $1.8 million to manage those tribal lands. The Forestry Program has a need to of $100,000 to manage 7,261 acres of ponderosa pines and 18,614 acres of other various hardwoods which qualifies as a Category 1 reservation according to 25 CFR, Part 163.36. The Community Fire Protection line item in the TPA system has never been funded but we are requesting $100,000 permanent funding to help us with our fire departments to facilitate quick responses for local fires. Our fire department has responded to 25 structure fires in fiscal year 2001.

In Conclusion. Chairman Inouye, Vice Chairman Campbell, and the distinguished members of the Senate Committee on Indian Affairs, our tribe will hope that what we have testified here today will be heard back home in the services we provide. Once again I want to thank you for allowing us to present our concerns. I would hope that you take our concerns and assist our tribe with our request.

RESPONSE TO QUESTIONS SUBMITTED BY HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN OF THE SENATE COMMITTEE ON INDIAN AFFAIRS

Department of the Interior Privatization Proposal

Question: The Department of Interior has proposed privatizing the administration of schools operated by the Bureau of Indian Affairs, if an Indian tribe does not elect to operate the school as a grant school. Does the Department of Education have any experience with private organizations that operate schools? Are there any reports or ratings on these private organizations available?

Answer: Because, unlike the Bureau of Indian Affairs, the Department of Education does not operate schools, we do not have direct experience privatizing the administration of schools. We are aware that, in a number of school districts across the country, contracting with private companies is an actively discussed option, particularly in situations where the schools are consistently low performing. Some districts are, in fact, experimenting with this approach.

The Center for Education Reform, an independent, non-profit advocacy organization and clearinghouse for information on education reforms, recently published a catalog of major companies operating public schools in Public-Private Partnerships: A Consumer's Guide. The catalog, designed as a resource for parents and educators, identifies 19 education management companies, both for-profit and not-for-profit, that operate about 350 schools. Many of these schools are charter schools; others are non-charter public schools.

Office of Indian Education

Question: It is the committee's understanding that the Office of Indian Education Director's position is unfilled. When do you expect this position to be filled? If regulations are developed for title VII, how do you propose to ensure that the needs of American Indian students are met if the Director's position is not occupied?

Answer: We expect to complete the process of interviewing candidates for the position of Director within the next few weeks, and then to make a selection. Because this is a Senior Executive Service position, our selection will then have to go to the Office of Personnel Management (unless a current SES member is selected.) Once the submission reaches OPM, our selection will be reviewed by a Qualifications Review Board. This final step in the process typically takes a few more weeks to complete. Thus, we hope to have a new Director selected and on board by June.

The Office of Indian Education is currently under the leadership of an Acting Director who has many years of experience with the program. She is overseeing implementation of the new Act, including the very minor changes we will make in the regulations for Indian Education.

National Advisory Council on Indian Education

Question: Over the last 5 years, the budget for the National Advisory Council on Indian Education has been $50,000. How much is the Department requesting for the Council for Fiscal Year 2003? How much does the Department estimate that the Council needs to establish its office within the Department of Education and be staffed adequately?

Answer: Since 1996, the Department has not requested specific amounts for the National Advisory Council on Indian Education in annual budget requests. Instead, funds are allocated from the Office of Elementary and Secondary Education's administrative funds to cover Council expenses.

The Department supports Council activities without creating separate office space and a full-time staff. We believe this arrangement has been more cost effective, and that it effectively meets the Council's needs. The Department's administrative funds support Council meetings and other activities. In addition, staff from the Office of Indian Education provide assistance to help the Council fulfill its duties.

Tribal Colleges

Question: The Department is proposing funds for the Adult Education State Grant under Title II of the Workforce Investment Act (Adult Education and Family Literacy). Because there is a critical need for basic adult education in Indian country, does the Department support reserving $5 million of the funds for the Adult Education State Grant for Tribal Colleges and Universities?

Answer: Under the current authorization, eligible entities for Adult Education State grants include the States, the District of Columbia, Puerto Rico, and the Outlying Areas (Virgin Islands, Guam, American Samoa, Northern Mariana Islands, Marshall Islands, Micronesia, and Palau). In addition, the statute specifies set-asides for national leadership activities, the National Institute for Literacy, and incentive grants. The statute does not currently contain any provision for reserving funds for tribal colleges and universities and our budget request does not call for creation of such a set-aside.

Research Activities

Question: In your testimony, you indicated that the Department has established a comprehensive research agenda for Indian education and that fiscal year 2003 funds will be used to implement that agenda. What type of assurances are in place to ensure that researchers comply with the research agenda—that is tribal consultation of research designs and instruments—when implementing the Agenda?

Answer: The Department plans to ensure that there is tribal consultation and involvement in the various stages of implementing the research agenda and the National Study of Indian Education. The development of the research agenda itself entailed extensive Native consultation through panels, a 2-day conference, and focus groups in tribal areas. In the near future, we plan to implement a first-stage feasibility and design study that will include the public presentation of progress reports in geographical areas that will facilitate American Indian and Alaska Native input. Native American researchers will serve on the technical advisory panels for the major studies being planned.

Question: The research agenda acknowledges that most research is done by non-natives. What type of procedures will the Department use to ensure that the Department works with tribal colleges and Native researchers? What are the parameters of the first issue to be researched? How will the additional funds for fiscal year 2003 be used to implement the Agenda?

Answer: For all contracts for research supported under the American Indian and Alaska Native Education Research Agenda, the Department will give preference to Indian tribes, organizations, and institutions, consistent with Section 7143 of the reauthorized ESEA.

Currently, American Indian researchers are principal investigators on two of the initial contracts supported under this agenda. One study is an analysis of 2000 Census data that focuses on the educational status of American Indians and Alaska Natives. Another project is looking at factors in achievement for Indian students. A third study, still in the planning stage, will use NAEP data to establish baseline data on the academic achievement of American Indian and Alaska Native students. The increase for fiscal year 2003 will be used for the studies mentioned above.

Education Planning in Afghanistan

Question: During your testimony before the committee on March 5, 2002, you indicated that you would provide the names of the individuals who have participated in education planning activities in Afghanistan.

Answer: In January 2002, Secretary Paige met with Afghan Minister of Education Rasool Amin and Minister of Higher Education Sharif Faiz at the Department of Education in Washington, DC as part of the visit to the United States by Chairman Hamid Karzai of the Afghanistan Interim Authority and other high-ranking Afghan officials. Secretary Paige noted that the United States intends to be a supportive partner to Afghanistan for the long term. He offered to work with the Department of State, the United States Agency for International Development, and the Government of Afghanistan to identify concrete ways in which the United States can assist in addressing the country's educational needs.

Education planning activities in Afghanistan are still in the very early stages of development. The Department will participate in an informal interagency working group on Afghanistan led by the State Department.

WRITTEN REMARKS OF CHAIRMAN MONTIE R. DEER BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS MARCH 14, 2001

Mr. Chairman, Mr. Vice Chairman, and members of the Committee. Thank you for this opportunity to report to you on the work of the National Indian Gaming Commission. As you are no doubt aware, the other Commission members and I are approaching the end of our terms, and we would like to say that we appreciate the interest and support that the Commission has received from this Committee during our tenures.

My remarks can be summarized by saying simply that the tremendous growth in the Indian gaming industry, particularly in light of the recent, dynamic changes in California, have strained our ability to keep pace.

In 1988, when the Commission was created, Indian gaming was Indian bingo. Today, it is a major industry producing revenues on par with Nevada and New Jersey combined. While the Indian gaming industry has increased more than one hundred fold, the Commission in vast contrast, has barely doubled from its start-up capacity. It is becoming increasingly difficult for the Commission effectively to carry out its requisite functions under the Indian Gaming Regulatory Act, a situation that is both frustrating and potentially damaging to the industry as a whole. A solid, effective Commission is an important ingredient in the health of this industry.

To put the Commission's resource needs in proper perspective, Mr. Chairman, please note that there are more than 300 tribal gaming facilities in operation today. These facilities are located throughout our great country, from Eastern Connecticut to Southern California, and from South Florida all the way to Washington State. They vary tremendously in size and sophistication, from tiny bingo halls to some of the largest casino operations in the world. To provide proper oversight, the Commission must not only retain a top-notch professional workforce, but we must also equip them with the tools they need to do their job. Given the size and scope of the industry, we are finding it more and more challenging to meet these important obligations.

We come to the Committee today seeking a $2 million appropriation for FY 2003. To be completely candid, we view this request as an interim measure while we work with the Congress and the Indian gaming industry to secure legislation needed to allow flexibility in our fee collection structure. The Administration supports this one-time budget request and our goal of statutory adjustments to the current limitations on our permanent financing.

The upcoming fiscal year marks the fifth consecutive funding cycle during which the Commission has operated under a flat budget. As the Committee will recall, the Indian Gaming Regulatory Act (IGRA) was amended in 1997 to increase the Commission's fee assessment authority to the present level of $8 million. It was

recognized that the significant growth in the Indian gaming industry necessitated increased capacity on the part of the Commission.

Since the 1997 increase, the industry has continued to grow. The industry now generates approximately $11 billion per year – an increase of nearly fifty percent since our last adjustment. Despite this rapid growth, the Commission continues to operate under a cap designed for an industry much smaller than the present size.

As previously reported to this Committee, we again emphasize that the Indian gaming boom in California continues to place a severe strain on our resources. Prior to passage of Proposition 1A in March 2000, there were 39 tribal gaming operations in California. Today, there are 46. In addition to the new facilities, it is important to note that many of those original 39 operations have undergone significant expansion, further impacting our workload. This growth is sure to continue. The number of California tribes having compacts for class III gaming could ultimately reach as high as 70.

The nature of gaming in California has changed as well, as major commercial players, such as Harrah's Entertainment, Anchor Gaming, Stations Casinos, and Donald Trump, have submitted management contracts to the Commission. While the contract review process gives us the opportunity to ensure that the goals of Congress for such arrangements can be met, this also means that Commission staff must conduct complex financial background investigations, review the many documents related to the contractual relationship, and evaluate the environmental impacts of the casino development. To do our job in a timely manner we have had to hire temporary employees and retain consultants, to conduct background investigations, to provide financial analysis of the contracts, and to develop necessary environmental assessments.

A regrettable casualty of our flat budget has been our regular government-to-government consultations with tribal officials. Until the realities of our limited resources forced us to stop, the Commission had been conducting quarterly consultations with tribes. These one-on-one sessions were held at our regional offices and provided an opportunity for tribal leaders and the Commissioners to meet and discuss matters of mutual interest or concern. We also used the occasion to provide training on a wide array of topics, including internal control standards and ethical issues. These consultations not only resulted in better, more productive relations with tribal governments, but also helped keep enforcement costs in check.

Among our most important activities as an agency is rulemaking, and we have worked hard to carry out our activities in this arena in keeping with the highest principles of the federal-tribal relationship. The primary rulemaking activities initiated by this Commission have been undertaken through an advisory committee process, followed by formal hearings to secure the fullest level of input. But the many benefits derived from this method of rulemaking come with a price, in that they are more expensive than simply writing the rules and receiving written comment.

In our effort to manage costs, we have also had to reduce travel across-the-board and we have instituted a hiring freeze. The Commission is solvent, but it is solvent because we have allowed vacant positions to remain unfilled and because we have reduced our presence in Indian country. We are certain that this is not what Congress had in mind when it created the Commission.

When we produced our Biennial Report for the years 1999-2000, we estimated our 2001 work force at seventy-seven employees. In fact today we employ sixty-eight people, two of whom are temporary employees, because we are concerned about the sustainability of staffing beyond this level. By "sustainability," we mean more than simply covering the cost of salaries and benefits, but also equipping the staff and getting them to where they need to be. The oversight responsibilities of the Commission require professional employees – field investigators, auditors and lawyers – and we do not have enough. But we do not have the money to hire more of these employees and fund the travel, overhead, and other operational expenses associated with a larger staff.

By way of illustration, let's look at our Audit Division and the Minimum Internal Control Standards (MICS), which became effective February 2000. We began FY 2002 with six (6) auditors. Through attrition, we have lost two. These positions, though critical, have not been filled due to our need to impose a hiring freeze and a shortage of funds to allow auditors to travel.

Due to its cash intensive nature, gaming is an exceedingly vulnerable industry. And in contrast to an industry in which all transactions are documented by cash register receipts, gaming operations have hundreds or thousands operations each day that cannot be supported by such documentation. The lack of supporting documentation for bets and other transactions makes the industry especially vulnerable. To protect the assets of the operation under these circumstances, observers must carefully monitor the wagering activities. This makes the industry highly labor intensive.

During the early 80's, the Nevada Gaming Control Board recognized that pre-established procedures or "internal controls" were essential to identify and deter irregularities effectively. In 1985, Nevada promulgated a framework of minimum internal control standards deemed necessary to ensure the proper recognition of gaming revenues and to safeguard the interests of the gaming public. Other jurisdictions soon followed Nevada's lead. Inherent in an internal control structure are the concepts of individual accountability and segregation of incompatible functions. The existence of standards alone, however, is not enough. Any internal control system carries the risk of circumvention, which is why a process of independent oversight is so critical to the integrity of an operation.

Consistent with our peers, the Commission promulgated its own minimum internal control standards (MICS). Recognizing the complexity of this aspect of our oversight responsibility, the Audit Division has been staffed by accountants experienced in the performance of gaming compliance audits. Without regard to the venue in which the gaming is conducted, history has demonstrated that, left unregulated, gaming will fall

victim to those intent on preying upon its vulnerabilities. Consequently, the Commission has a profound appreciation for the need to measure and evaluate compliance with the MICS.

One way to view the MICS is as a protective shield against threats to tribal gaming integrity. With an appropriate level of sampling, we believe we can measure compliance with the MICS and make a meaningful contribution to ensuring the overall integrity of Indian gaming. Unfortunately, at current staffing levels, it would take twenty to thirty years for the Commission to evaluate each of the existing gaming operations.

There are other needs as well. The Commission would like to complete several projects that will pay future dividends in terms of overall efficiency and effectiveness. We are in the final stages of our technology initiative and are ready to begin implementing the financial and records management components of our new database. We are also preparing to introduce an electronic accounts receivable capability that will provide a database interface for on-line payments of fees. We have plans to improve our public information system by introducing dedicated FOIA software.

We are in the final phases of a project to improve the speed with which we provide fingerprint results from the FBI to the tribes. In the nine years we have been handling fingerprints for the tribes, we have processed more than 145,000 sets. Last year, with support from the FBI, we established a high-speed direct connection. Once our hardware needs are fully met, we will be able to take full advantage of this connection, and reduce the time it takes to process criminal background information for tribal employees from weeks or months to days or hours, a tremendous benefit to gaming tribes.

As mentioned at the beginning, my term at the Commission is drawing to a close, as are the terms of the other Commissioners. Our successors will face some significant challenges, and we hope that my remarks today will help pave the way as they guide the Commission in the next three years. Thank you for your kind attention. Let me say for myself, Vice Chair Homer and Commissioner Poust, that we each appreciate the support and many courtesies that you have extended us.

Thank you. We would be happy to answer any questions that the Committee may have.

April 1, 2002

The Honorable Senator Daniel Inouye
United States Senate
Senate Committee on Indian Affairs
838 Senate Hart Office Building
Washington, DC 20510

Dear Senator Inouye:

Thank you for this opportunity to discuss more fully the issues raised during the Committee's hearing on the budget of the National Indian Gaming Commission held March 14, 2002. This letter contains the Commission's responses to all questions submitted by the Committee members.

Question 1: Anticipated Use of the $2 Million Direct Appropriation the Administration is Seeking for the Commission in Fiscal Year 2003.

As presented in the Department of the Interior Budget Justifications, the Commission has a number of pressing resource needs largely resulting from the recent growth in the Indian gaming industry. Of particular concern is maintaining the Commission's capacity to effectively carry out its oversight responsibilities in relation to industry compliance with both the Indian Gaming Regulatory Act and the Commission's regulations. Equally important, the Commission must be able to complete its responsibilities and provide mandated services such as background checks, environmental reviews, and other activities associated with management contract and ordinance review processes in a timely fashion. Finally, the Commission must complete the work needed to ensure that it has the institutional capacity to operate at maximum efficiency. Accordingly, these are the three priorities that the Commission will address if the requested appropriation is forthcoming: 1) increase audit capacity; 2) increase capacity to carry out management and ordinance review processes, particularly in relation to NEPA review; and 3) complete final phases of electronic document and financial records management systems.

1) Increase Audit Capacity

We are strongly committed to the proposition that the most effective method for ensuring that the goals of the Act are met is to provide effective oversight of tribal internal control systems on a regular basis through the minimum internal control standards audit process.

As emphasized in our testimony, gaming is an especially vulnerable industry because it is cash intensive and because many of the transactions occurring on the casino floor are performed without the generation of supporting documentation. As a result, gaming is susceptible to compromise from both internal and external sources. To safeguard the integrity of the industry and counter these special vulnerabilities, regulatory jurisdictions throughout the United States require facilities to operate under certain established procedures typically referred to as internal control standards. Consistent with other jurisdictions, the Commission promulgated regulations establishing minimum internal control standards for tribal gaming in 1998.

Since that time, a key goal has been to provide effective oversight of the internal control systems used in tribal gaming operations. Unfortunately, resources have become so strained and the size of the industry has grown so substantially, that the Commission's effectiveness is becoming compromised. Ideally, a substantial portion of the requested appropriation would be used to employ at least six more auditors. Under the circumstances, however, the Commission will not be able to make permanent hires until such time as it can be assured of sufficient resources to increase the size of its staff. Thus, unless and until the issue of the present cap on the Commission's fee assessment authority is resolved so as to increase resources available to the Commission, we will seek to fill auditor positions on a one-year term basis.

2) Increase Capacity to Carry Out Management Contract and Ordinance Review Processes, Particularly in Relation to NEPA Review

The passage of Proposition 1A in California in March 2000 set the stage for significant growth in the Indian gaming industry on the West Coast. Since then, the Commission has had an increasingly difficult time completing its statutory functions within a reasonable timeframe. The establishment phase of a gaming operation places particularly intense demands on the Commission, often requiring high levels of technical assistance and on-site activity as well as the work associated with providing background checks and ordinance and management contract reviews. With so many new operations planned and/or opening in California in a relatively short timeframe, combined with the existing workload, resources are stretched very thin with service delivery slowing accordingly.

An area of concern to the Commission is ensuring its capacity to conduct the requisite environmental review functions as part of its contract management review responsibilities. Until recently, the Commission's activity in relation to NEPA compliance was limited and well within the capacity of the one staff member assigned to this function. Given the increase in the number of management contracts pending in California alone, the Commission lacks the internal capacity to handle increased workload or sufficient resources to secure the needed expertise outside the agency. A portion of the appropriated funds would be used to alleviate the backlog and outsource the highly specialized aspects of the technical reviews.

3) Complete Final Phases of Electronic Document and Financial Records Management Systems

When Vice-Chair Homer, Commissioner Poust and I, came to the Commission in 1999, it quickly became evident that we needed to improve the institutional infrastructure. After undertaking a management review process in 1999, we began to focus on three areas: (1) computer technology; (2) financial management (including standard operating procedures); and (3) records management.

The computer systems were outdated, inadequate, and lacked the capacity to be modernized to meet the requirements of a growing NIGC or Y2K. We undertook a technology initiative to provide a computer system that would provide a solid foundation for future growth, including a new network system that links headquarters and regional offices. In order to be fiscally responsible, we planned ahead so that we could acquire this new technology in phases as resources became available.

Since 1999, we have replaced outdated desktops and business software, replaced our obsolete e-mail system and server, and upgraded our computer network and centralized telephone system to be Y2K compliant. Recently, we installed an Altascan fingerprint scanner and server to facilitate electronic submission to the FBI. This new system has already increased our capacity to process fingerprint submissions from the tribes we serve in a substantially reduced amount of time.

This technology initiative has been successful in improving the overall effectiveness of the entire Commission. I am happy to report that the NIGC has a solid technological infrastructure to begin the next phase of this critically important process and the work has already begun. The Commission has established step-by-step instructions to account for and monitor NIGC fees and other revenues made available for: (1) operations, (2) background investigations, and (3) fingerprinting. These standard operating procedures will enable the Commission to provide accurate, timely financial information now and in the future. Work is now progressing on a new central records and document management system. Our records management plan is being rewritten in light of our new organizational structure that includes five field offices, and we will soon be in a position to take full advantage of our state-of-the-art wide area network.

We are pleased that so much has been accomplished over the past three years to strengthen the Commission as an institution. No organization can succeed without a strong foundation and we have worked hard in this regard, but resources are needed to complete this critically important task. The requested appropriation will enable the Commission to finish the job.

Question 1(b): Do You Anticipate Expending the Full Amount of the Requested Appropriation for Fiscal Year 2003?

Yes, given the demands on the Commission, we anticipate that the full amount will be needed to cover the cost of operation in FY 2003.

Question 1(c): Will Some of the Funds be Used to Conduct Consultation Sessions?

Consultation is not only the cornerstone of existing federal Indian policy, it is an essential component in meeting the goals and objectives contained in the Indian Gaming Regulatory Act. Consultation aids the Commission in its understanding of the issues, and is critical to the Commission's compliance objectives and in minimizing enforcement and related legal costs. Voluntary compliance is the best kind of compliance because it serves the highest interests of both the Commission and the regulated industry and enhances the overall integrity of the industry.

In recognition of both the value and importance of the consultation process, the Commission has endeavored to provide both formal and informal processes at every opportunity. Until last October, the Commission conducted two-day quarterly regional consultations with individual tribal delegations while the staff provided training seminars on key topics. The Commission has also utilized consultative processes in its major rulemaking activities followed up by formal hearing processes.

As successful as these activities have been in advancing the Commission's policy objectives, there is a cost involved and sacrifices have been unavoidable. In order to continue with the advisory committee and hearing processes, the Commission suspended its quarterly regional consultations as of October 2001. Should the Commission receive the requested appropriation, however, it will endeavor to provide at least two sessions in FY 2003.

Question 2: Flexibility on Fees.

Given the growing strain on the Commission's resources and cognizant that the Congress may be reluctant to remove all limits on the Commission's fee assessment authority, the Commission is developing a proposal that, if adopted, would provide a permanent self-adjusting fee cap. Under this proposal the Commission would calculate the annual fee assessment cap through a formula using gross gaming revenues and number of operations as the key factors, then applying a fixed multiplier to calculate the fee cap. This approach will enable the Commission to maintain a constant level of regulatory activity in relation to the size of the industry, yet also provide sufficient flexibility to accommodate both growth and downsizing when warranted.

A key benefit is that sudden changes in the size of the industry would no longer present the Commission with a potential crisis situation while at the same time providing assurance to both the Congress and the regulated community that appropriate restrictions on the Commission's fee assessment authority remain in place.

Question 3: Licensing.

The Commission is always interested in considering methods for ensuring that the goals of the Act are achieved and has from time to time considered licensing as an attractive

approach to foreclose the potential for third parties to secure access to tribal gaming revenues through contracts or other arrangements not subject to Commission review under existing law. In principle, Commission licensing of persons selling goods and services to gaming tribes could improve the quality of federal regulation of Indian gaming by ensuring that vendors and service providers receive at least some degree of scrutiny with regard to suitability and are not illicitly participating in the tribal gaming revenue stream. On the other hand, a federal licensing requirement, even if supported fully by applicant fees, would certainly be viewed by at least some as an encroachment into an area now reserved to regulation by tribal government.

We are of the view that this is certainly an issue that warrants consideration by all concerned. Although we would be pleased to explore this issue more fully with the Committee as well as with tribal leaders, we have not developed a proposal to effect such a change.

The following information is provided in response to the questions posed by Senator Campbell.

Question 1: Federal Funds for NIGC Operations.

To understand the current phase of the Commission in its development as a federal agency, it is important to look at its short history. In June of 1990, the Commission consisted of a Chairman and two staff members. The first full Commission was not confirmed until April of 1991. Until 1993, the agency focused primarily on drafting basic regulations. By 1993, the Commission had just 19 employees, five of whom were field investigators.

From 1993 until 1998, the focus of the Commission became the development of operating procedures and organizational infrastructure to implement those early regulations. It continued to operate on a budget of $2.5 million ($1.5 million in fees and $1 million in appropriations), with a staff of twenty-six to thirty-five, with the exception of 1992 and 1993. Appropriations for those two years were $2 million. In the meantime, the industry was growing dramatically, quickly outstripping the capacity of the Commission to keep pace.

In recognition of the disparity between the size of the Commission in relation to the size of the industry, Congress amended the Act in 1997 to increase the Commission's fee assessment authority to also include class III revenues and increased the ceiling to $8 million annually. The Commission has not received any appropriated funds since 1998.

Since then, the Commission has taken a careful and disciplined approach to expanding its institutional capacity and presence in Indian Country. We made a conscious effort to institute change at a pace that the Commission could readily absorb, focusing on essential components, especially the field elements, to achieve its regulatory responsibilities. Nonetheless, the pace and size of the industry is once again outstripping the capacity of the Commission to provide the level of oversight anticipated by Congress.

Question 1(a): Use of Resources.

This Commission has been extremely cost-conscious and has taken every precaution to conserve its extremely limited resources while at the same time addressing some of the long neglected institutional and operational needs of the agency. By far the most significant proportional increase in expenditures has been for personnel and related costs. As recently as October 1999, the total number of employees was 37, with only seven in the field where they worked out of their homes. Today, about half of the Commission's staff of approximately 68 is in the field working out of small regional offices.

With regard to headquarters costs, it should be noted that that the Commission did not secure new headquarters offices, but instead opted to lease a small suite that had become available in the same building on another floor. This alleviated the cramped conditions already existing and provided sufficient office space to accommodate the modest increase in the headquarters staff. This decision spared the Commission moving costs plus the additional cost of renovating a new suite large enough to accommodate the entire headquarters staff. The total one-time cost for all headquarters expenses, including the additional space in the building, furniture, equipment, wiring, construction, etc. was approximately $800,000.

Question 1(b): Resources for Environmental Reviews.

Regarding NEPA review, one employee, added in 1999, handles NEPA issues for the Commission. We have also engaged one technical consultant to assist in this area. The cost of this service contract was approximately $36,000 last year.

Question 1(c): Use of Staff Resources.

The Commission is an extremely lean organization, with a full time staff of only 68 employees, divided nearly equally between headquarters and the field. The NIGC is divided into seven divisions as follows:

Enforcement Division

In addition to its investigative function, the Enforcement Division plays a critical role in the processing of gaming employee background investigations. Since the Commission began operations, we have sent the Federal Bureau of Investigation (FBI) more than 100,000 finger print cards received from tribal gaming operations and reviewed more than 50,000 background investigations on key employees and primary management officials. Most of the Division's investigative staff is assigned to the field.

Audits Division

Recognizing that effective regulation of gaming requires the kind of expertise that only trained auditors can provide, the Commission created an Audits Division in 1999. The Commission's auditors assist Enforcement Division personnel with investigations, audit

tribal compliance with the Minimum Internal Control Standards (MICS) and provide advice and assistance to tribal gaming operations. The NIGC has invested well over 400 man-hours in each of the thirteen MICS audits we have conducted, including the pre-visit preparation, time on property, and the writing of the report. As a result of attrition and the present hiring freeze, there are only four auditors in the Division presently.

Contracts Division

The Contracts Division is responsible for reviewing all gaming management contracts between tribes and outside entities, and investigating the suitability of potential gaming managers. The Division employs both contract financial analysts and financial background investigators. There are eight employees in this division, two of which have temporary status.

Office of General Counsel

The Office of General Counsel (OGC) provides legal support for the Agency. The Office is involved in every aspect of the Commission's operation, including administrative litigation of enforcement actions; review of tribal gaming ordinances and management contracts; support of the Department of Justice in federal litigation; issuance of advisory opinions on game classification; and general government law ranging from ethics and the Freedom of Information Act to the Administrative Procedure Act. Eight attorneys, one paralegal, one legal clerk, and one FOIA officer, staff the OGC.

Office of Self-Regulation

The Office of Self-Regulation has primary responsibility for processing tribal petitions for self-regulation. Tribes applying for certificates of self-regulation undergo an on-site visit by a team of NIGC investigators and auditors and must satisfy rigorous approval requirements. One staff member coordinates this function.

Office of Congressional and Public Affairs

The Office of Congressional and Public Affairs serves as the voice of the Commission and responds to requests for information from the public and Congress. Public and media relations have become an increasingly important aspect of the Office's work as the Commission continues its efforts to provide accurate and timely information to Congress, the media, and members of the general public. Regrettably, both positions assigned to this office are vacant due to the present hiring freeze.

Administration Division

In addition to handling the Commission's fiscal and budgetary matters, the Administration Division is responsible for overseeing the fee collection process. The Division provides vital support and essential services, including personnel management, procurement

activities and information technology to all organizational components of the Commission. This division is staffed by 11 employees.

Question 2: California Impacts.

Since the passage of Proposition 1A, the number of gaming operations has grown from 39 to 46 and we know that 14 are presently under construction. Of the 109 federally recognized tribes in California, 74 have approved gaming ordinances and 62 have approved compacts. The California compact allows each compacting tribe to build up to 2 facilities. Assuming that only the 74 tribes presently identified as interested in gaming will actually conduct gaming, the potential number of operations totals 148. If all federally recognized tribes in California would opt to game, the maximum level would be 218, or approximately half of the total number of operations currently operating nationwide.

In the past two years, the Commission has received 12 new gaming ordinances and 14 amendments from California tribes. This workload will continue to increase because the California compact requires tribes to adopt certain rules and procedures which will require most to amend their gaming ordinance. As discussed above, however, one of the most labor-intensive aspects of management contract review is the environmental work associated with NEPA compliance. At the beginning of 1999 the NIGC had no California management contracts pending, we now have 15 such contracts pending. Additional resources are critical to the Commission's ability to meet these challenges.

Question 3: The Future.

It is difficult, at best, to judge whether the situation in California is unique or whether there will be other sudden expansions of gaming activity elsewhere. Certainly the possibility of sudden increased activity exists in other places. In Oklahoma, for example, there are more than thirty-five tribes, twenty-four of which currently engage in Class II gaming. Whether or not there will be a turnabout in the status quo similar that that which occurred in California is speculative. Moreover, only about 200 of the more than 560 federally recognized tribes are actively engaged in gaming. This certainly results in a potential for steady long-term growth in the industry.

We do know that between 1994 and the present time, gross gaming revenues have increased by about $1 billion per year, and this growth rate predates passage of Proposition 1(A) in California. In light of this general trend and given the California expansion, it is reasonable to project that the rate of growth in gaming revenues will jump significantly in the next 5 years.

Question 4: Technical Assistance.

Technical assistance and training are a regular service of the Commission. Commission staff, particularly those in the field, incorporate information sharing and compliance guidance in their day-to-day interaction with tribal officials and gaming operations personnel. Most interactions with tribal gaming operations involve some form of technical

assistance. Our representatives also participate in training hosted by tribes or other entities, such as regional Indian gaming associations. The Commission also sponsors its own training conferences though these efforts have been scaled back to conserve resources. Nonetheless, the Commission continues to offer a regular schedule education and training on a monthly basis at each of its regional offices.

In California, our training and technical assistance in the field has tended to focus on operations that were starting up or undergoing significant transformation to a class III operation. Our staff has been very active in their training and technical assistance initiatives, with an emphasis on new operations undergoing start-up activities and those undergoing significant organizational changes to integrate Class III operations. The Sacramento office provides two classroom-training sessions per month.

Question 5: Self-Regulation.

Since adoption of the implementing regulations in 1999, two tribes were granted Certificates of Self-Regulation. To date, we have not received any applications for the upcoming year and none are pending.

While a Certificate of Self-Regulation is a hard won and well deserved form of recognition, the review process is particularly resource intensive for the Commission. While the status does alleviate some work volume, the Commission is not relieved of its oversight responsibilities and must still perform certain functions, including annual audit review, the processing of fingerprints, and so on.

Question 6: Mission Creep.

Until the Commission has achieved full implementation of the Indian Gaming Regulatory Act, a certain level of rulemaking is inevitable. Both the Minimum Internal Control Standards and the Environment, Public Health & Safety initiatives are examples of the agency closing implementation gaps. It is important to note that the Commission remains a relatively young agency and as with any federal entity a substantial amount of time is needed to develop the institution and its processes as well as to fully implement the authorizing statute. Moreover, Indian gaming is a dynamic and rapidly expanding industry, but also a relatively new one. We would anticipate some degree of evolution in law and/or policy that may require the Commission to change, adopt or implement new regulations in the future.

Like all federal agencies, the Commission is required to publish its regulatory agenda in the federal unified agenda published annually in the Federal Register. This document contains a comprehensive listing and summary description of the Commission's plans with regard to rulemaking in the short, medium, and long terms. A copy of the Commission's most recent submission is attached.

Although no particular dollar amount is set aside for rulemaking, we do monitor the amount of money expended, which varies depending on the style of rulemaking adopted

for a particular effort. Standard federal rulemaking in which the agency drafts and publishes a proposal then elicits written comment is the least expensive. This would entail only the cost of the personnel time needed for drafting the proposal and addressing the comments. Hearings and consultative rulemaking processes are substantially more costly, but tend to produce a better product more readily acceptable to the affected parties. Typically, the cost of a one-day hearing, assuming no travel for the agency, is approximately $10-15,000. Consultative rulemaking sessions range between $6-10,000 with the typical rulemaking requiring approximately 3-5 sessions.

Again, we appreciate this opportunity to respond to issues of concern to the Committee and look forward to working with you and the staff on these issues in the future.

Sincerely,

Montie R. Deer
Chairman

AGENDA REVIEW REPORT

DATE : 03/15/2002
PAGE : 1

AGENDA: APR 2002

TITLE: Practice Before the Commission
RIN: 3141-AA07 (Long-Term Action)

 # REGULATORY PLAN: No

PRIORITY:
Substantive, Nonsignificant

 # UNFUNDED MANDATES:
No

 # MAJOR: No

 # LEGAL AUTHORITY:
25 USC 2706(b)(10)

CFR CITATION:
Not Yet Determined

 # LEGAL DEADLINE:
None.

 # ABSTRACT:
This rule will establish guidelines and procedures for attorneys and non-attorneys who represent tribes or private companies before the Commission.

 # STATEMENT OF NEED:

 # SUMMARY OF THE LEGAL BASIS:

 # ALTERNATIVES:

 # ANTICIPATED COSTS AND BENEFITS:

 # RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:
No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:
Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

AGENCY CONTACT:

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 2

TITLE: Practice Before the Commission
RIN: 3141-AA07 (Long-Term Action)

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EMAIL: william_grant@nigc.doi.gov

 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 3

TITLE: Hearings and Appeals Procedure
RIN: 3141-AA08 (Long-Term Action)

 # REGULATORY PLAN: No

PRIORITY:

Other Significant

 # UNFUNDED MANDATES:

No

 # MAJOR: No

 # LEGAL AUTHORITY:

25 USC 2706

CFR CITATION:

25 CFR 522 to 524; 25 CFR 533; 25 CFR 535; 25 CFR 539; 25 CFR 573; 25 CFR 575; 25 CFR 577

 # LEGAL DEADLINE:

None.

 # ABSTRACT:

This rule will amend the current appeal regulations and combine them into one part.

 # STATEMENT OF NEED:

 # SUMMARY OF THE LEGAL BASIS:

 # ALTERNATIVES:

 # ANTICIPATED COSTS AND BENEFITS:

 # RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

AGENCY CONTACT:

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 4

TITLE: Hearings and Appeals Procedure
RIN: 3141-AA08 (Long-Term Action)

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 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 5

TITLE: Enforcement
RIN: 3141-AA09 (Long-Term Action)

 # REGULATORY PLAN: No

PRIORITY:
Other Significant

 # UNFUNDED MANDATES:
No

 # MAJOR: No

 # LEGAL AUTHORITY:
25 USC 2713

CFR CITATION:
25 CFR 573

 # LEGAL DEADLINE:
None.

 # ABSTRACT:
This rule will modify the existing enforcement regulations.

 # STATEMENT OF NEED:

 # SUMMARY OF THE LEGAL BASIS:

 # ALTERNATIVES:

 # ANTICIPATED COSTS AND BENEFITS:

 # RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:
No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:
Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 6

TITLE: Enforcement
RIN: 3141-AA09 (Long-Term Action)

FAX: 202 632-7066

 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 7

TITLE: Definitions
RIN: 3141-AA10 (Proposed Rule)

 # REGULATORY PLAN: Yes

PRIORITY:

Other Significant

 # UNFUNDED MANDATES:

No

 # MAJOR: No

LEGAL AUTHORITY:

25 USC 2701 et seq.

CFR CITATION:

25 CFR 502

LEGAL DEADLINE:

None.

ABSTRACT:

The rule will revise the definitions of "electronic, computer or other technological aid," "electronic and electromechanical facsimile," and "games similar to bingo," set forth at 25 CFR 502.7-502.9.

 # STATEMENT OF NEED:

In several recent decisions, Federal courts have not relied on the Commission's definition of electronic or electromechanical facsimile. Instead, courts have relied exclusively on the terms contained in the Indian Gaming Regulatory Act (IGRA) and have applied a plain language interpretation of the phrase. To ensure consistency with developments in case law and a uniform approach to the term by the Commission and the courts, the Commission has determined that the definitions set forth at 25 CFR 502.7-502.9 should be revised.

 # SUMMARY OF THE LEGAL BASIS:

IGRA expressly authorizes the Commission to "promulgate such regulations and guidelines as it deems appropriate to implement the provisions of the [Act.]" (25 U.S.C. 2706(b)(10)). The Commission relies on this section of the statute to define terms set forth in the Act and to redefine terms as necessary to implement the Act.

 # ALTERNATIVES:

The Commission is evaluating other alternatives, including the status quo, and considering public comments to the proposals before determining which is the most worthy.

 # ANTICIPATED COSTS AND BENEFITS:

The potential benefit of this regulatory action is consistency with development in case law and a uniform approach to the term by the Commission and the courts.

 # RISKS:

There are no known risks to this regulatory action.

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	06/22/2001	66 FR 33494

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 8

TITLE: Definitions
RIN: 3141-AA10 (Proposed Rule)

ACTION	DATE	FR CITE
NPRM Comment Period End	08/21/2001	
NPRM for Final Comment	03/20/2002	
Final Rule	05/00/2002	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:
No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:
Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

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 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 9

TITLE: Game Classification
RIN: 3141-AA12 (Final Rule)

 # REGULATORY PLAN: Yes

PRIORITY:

Other Significant

 # UNFUNDED MANDATES:

No

 # MAJOR: No

LEGAL AUTHORITY:

25 USC 2702; 25 USC 2703; 25 USC 2705; 25 USC 2706; 25 USC 2710; 25 USC 2713

CFR CITATION:

25 CFR 504

LEGAL DEADLINE:

None.

ABSTRACT:

This rule will establish processes for the classification, review, and approval of games and devices used in tribal gaming.

 # STATEMENT OF NEED:

Over the course of the past couple of years, the NIGC has received numerous requests for advisory opinions on the classification of a particular game or device. The Commission has through an informal process issued several advisory opinions. However, given the growing number of requests and the need for some degree of predictability and certainty in the industry regarding the classification of games or devices, the Commission believes it is necessary to develop a formal process. Consequently, the Commission will use the rulemaking process to promulgate regulations in this area.

 # SUMMARY OF THE LEGAL BASIS:

The Indian Gaming Regulatory Act specifically defines both Class II and Class III gaming (25 U.S.C. 2703). The Act also expressly authorizes the Commission to "promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this Act." (25 U.S.C. 2706(b)(10)). The Commission relies on these sections of the statute to authorize the development by regulation of a process of formal classification of particular games and devices.

 # ALTERNATIVES:

At this time, the only identified alternative is to continue with the informal process of issuing advisory opinions regarding particular games.

 # ANTICIPATED COSTS AND BENEFITS:

The potential benefits to this regulatory action are to bring more clarity and predictability to the industry regarding classification. Those engaged in Indian gaming need to have some degree of certainty regarding the legal consequences of playing a particular game. For those tribes without tribal-State compacts, the need is even greater to know with as much certainty as possible the classification of a particular game or device. The anticipated costs of implementing a classification system are unknown at this time.

 # RISKS:

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TITLE: Game Classification
RIN: 3141-AA12 (Final Rule)

There are no known risks to this regulatory action.

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	11/10/1999	64 FR 61234
NPRM Comment Period End	02/24/2000	
Final Action	12/00/2002	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

State, Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

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 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

TITLE: Management Contracts
RIN: 3141-AA13 (Long-Term Action)

 # REGULATORY PLAN: No

PRIORITY:
Other Significant

 # UNFUNDED MANDATES:
No

 # MAJOR: No

 # LEGAL AUTHORITY:
25 USC 2711(b)

CFR CITATION:
25 CFR 531; 25 CFR 533; 25 CFR 536

 # LEGAL DEADLINE:
None.

 # ABSTRACT:
This rule revises the scope of review and approval of management contracts.

 # STATEMENT OF NEED:

 # SUMMARY OF THE LEGAL BASIS:

 # ALTERNATIVES:

 # ANTICIPATED COSTS AND BENEFITS:

 # RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:
No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:
Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 12

TITLE: Management Contracts
RIN: 3141-AA13 (Long-Term Action)

202 632-7003,
FAX: 202 632-7066

 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 13

TITLE: Net Gaming Revenue
RIN: 3141-AA14 (Long-Term Action)

 # REGULATORY PLAN: No

PRIORITY:
Substantive, Nonsignificant

 # UNFUNDED MANDATES:
No

 # MAJOR: No

 # LEGAL AUTHORITY:
25 USC 2710(b)(2)(B); 25 USC 2706(b)

CFR CITATION:
25 CFR 571; 25 CFR 573

 # LEGAL DEADLINE:
None.

 # ABSTRACT:
This rule establishes processes for assuring that net gaming revenue is used according to IGRA requirements and establishes reporting procedures for such compliance.

 # STATEMENT OF NEED:

 # SUMMARY OF THE LEGAL BASIS:

 # ALTERNATIVES:

 # ANTICIPATED COSTS AND BENEFITS:

 # RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:
No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:
Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

AGENCY CONTACT:

AGENDA REVIEW REPORT

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DATE : 03/15/2002
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TITLE: Net Gaming Revenue
RIN: 3141-AA14 (Long-Term Action)

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 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 15

TITLE: Tribal Background Investigation Submission Requirements and Timing
RIN: 3141-AA15 (Proposed Rule)

 # REGULATORY PLAN: No

PRIORITY:
Other Significant

 # UNFUNDED MANDATES:
No

 # MAJOR: No

LEGAL AUTHORITY:
25 USC 2706(b)(3)

CFR CITATION:
25 CFR 556; 25 CFR 558

LEGAL DEADLINE:
None.

ABSTRACT:
This rule revises timing and submission requirements.

 # STATEMENT OF NEED:

 # SUMMARY OF THE LEGAL BASIS:

 # ALTERNATIVES:

 # ANTICIPATED COSTS AND BENEFITS:

 # RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	06/00/2002	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:
No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:
Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 16

TITLE: Tribal Background Investigation Submission Requirements and Timing
RIN: 3141-AA15 (Proposed Rule)

FAX: 202 632-7066

 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
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TITLE: Administrative Fees
RIN: 3141-AA16 (Long-Term Action)

 # REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant

 # UNFUNDED MANDATES:

No

 # MAJOR: No

 # LEGAL AUTHORITY:

25 USC 2706(b)(10)

CFR CITATION:

25 CFR 514

 # LEGAL DEADLINE:

None.

 # ABSTRACT:

This rule establishes processes for the imposition of fees for services provided by the National Indian Gaming Commission.

 # STATEMENT OF NEED:

 # SUMMARY OF THE LEGAL BASIS:

 # ALTERNATIVES:

 # ANTICIPATED COSTS AND BENEFITS:

 # RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 18

TITLE: Administrative Fees
RIN: 3141-AA16 (Long-Term Action)

202 632-7003,
FAX: 202 632-7066

 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 19

TITLE: Environment and Public Health and Safety
RIN: 3141-AA17 (Final Rule)

 # REGULATORY PLAN: Yes

PRIORITY:

Other Significant

UNFUNDED MANDATES:

Undetermined

 # MAJOR: No

LEGAL AUTHORITY:

25 USC 2710(b)(2)(E)

CFR CITATION:

25 CFR 573

LEGAL DEADLINE:

None.

ABSTRACT:

It is necessary for the National Indian Gaming Commission to promulgate regulations which ensure that tribal gaming facilities are constructed and maintained in a manner that protects the environment and the public health and safety.

 # STATEMENT OF NEED:

The Indian Gaming Regulatory Act (IGRA) requires that tribal gaming ordinances or resolutions submitted for the Chairman's approval ensure that "the construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public health and safety." 25 U.S.C. 2710(b)(2)(E). The Commission has determined that standards are needed to ensure compliance with this statutory requirement.

 # SUMMARY OF THE LEGAL BASIS:

The regulations proposed today rely on the Commission's authority to issue environment, public health and safety regulations. This criteria is set forth in 25 U.S.C. 2710(b)(2)(E). IGRA expressly authorizes the Commission to "promulgate such regulations and guidelines as it deems appropriate to implement the provisions of the [Act]." (25 U.S.C. 2706(b)(10)). The Commission relies on these sections of the statute to authorize the promulgation of regulations to ensure that gaming facilities on Indian lands are constructed, maintained and operated in a manner that adequately protects the environment and public health and safety.

 # ALTERNATIVES:

The Commission is evaluating alternatives to the proposed rule while considering public comments.

 # ANTICIPATED COSTS AND BENEFITS:

The potential benefits to this regulatory action are to establish and define for the regulated community the environmental, public health and safety standards it must follow in order to comply with the IGRA, regulations promulgated thereunder, and tribal gaming ordinances. This regulatory action will provide the regulated public with guidance as to the standards the Chairman will use to determine what constitutes an environmental, public health, or safety problem sufficient to warrant an enforcement action.

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 20

TITLE: Environment and Public Health and Safety
RIN: 3141-AA17 (Final Rule)

 # RISKS:

There are no known risks to this regulatory action.

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM	04/27/1999	64 FR 22588
ANPRM Comment Period End	06/28/1999	
NPRM	07/24/2000	65 FR 45558
NPRM Comment Period End	01/19/2001	
Second NPRM	10/02/2001	66 FR 50127
Second NPRM Comment Period End	12/29/2001	
Final Action	06/00/2002	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

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 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

TITLE: Freedom of Information Act Procedures (Amendments)
RIN: 3141-AA21 (Long-Term Action)

 # REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant

 # UNFUNDED MANDATES:

No

 # MAJOR: No

 # LEGAL AUTHORITY:

5 USC 552

CFR CITATION:

25 CFR 517.3; 25 CFR 517.6; 25 CFR 517.8

 # LEGAL DEADLINE:

None.

 # ABSTRACT:

These rules will revise the current regulations to make them consistent with the amended statute. The rules will also update information such as addresses and copying fees.

 # STATEMENT OF NEED:

 # SUMMARY OF THE LEGAL BASIS:

 # ALTERNATIVES:

 # ANTICIPATED COSTS AND BENEFITS:

 # RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

None

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

AGENCY CONTACT:

AGENDA REVIEW REPORT

AGENDA: APR 2002

TITLE: Freedom of Information Act Procedures (Amendments)

RIN: 3141-AA21 (Long-Term Action)

Gregory Smith,
FOIA/PA Officer,
National Indian Gaming Commission,
Suite 9100,
1441 L Street NW.,
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202 632-7003,
FAX: 202 632-7066,
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 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 23

TITLE: Gaming Facility Licensing Standards
RIN: 3141-AA23 (Long-Term Action)

 # REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant

 # UNFUNDED MANDATES:

No

 # MAJOR: No

 # LEGAL AUTHORITY:

25 USC 2706(b)(10); 25 USC 2710(b); 25 USC 2710(d)

CFR CITATION:

25 CFR 522.4(b)(6); 25 CFR 522.6(b)

 # LEGAL DEADLINE:

None.

 # ABSTRACT:

This rule establishes minimum standards that tribes will adopt when they license gaming facilities within their reservations, pursuant to 25 U.S.C. 2710(b) and their tribal gaming ordinances.

 # STATEMENT OF NEED:

 # SUMMARY OF THE LEGAL BASIS:

 # ALTERNATIVES:

 # ANTICIPATED COSTS AND BENEFITS:

 # RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

AGENCY CONTACT:

AGENDA REVIEW REPORT

AGENDA: APR 2002

TITLE: Gaming Facility Licensing Standards

RIN: 3141-AA23 (Long-Term Action)

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 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 25

TITLE: Technical Amendments to the Minimum Internal Control Standards
RIN: 3141-AA24 (Final Rule)

 # REGULATORY PLAN: Yes

PRIORITY:

Other Significant. Major status under 5 USC 801 is undetermined.

 # UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

25 USC 2702; 25 USC 2706(b)(10)

CFR CITATION:

25 CFR 542

LEGAL DEADLINE:

None.

ABSTRACT:

The National Indian Gaming Commission anticipates that there will be a need to make technical changes to the minimum internal control standards in response to changes in technology and the gaming industry. Because these standards are established by Federal regulation, it is necessary to make the changes to the current standards, which should result in better internal control standards with minimal anticipated costs.

 # STATEMENT OF NEED:

The Indian Gaming Regulatory Act (IGRA) establishes a comprehensive system for regulating gambling activities on Indian lands. Following a thorough rulemaking process, the Commission published Minimum Internal Control Standards (MICS), 25 C.F.R. part 542, in 1999. In the period since publication, there have been changes in Indian gaming and gaming technology that need to be reflected in the MICS. Additionally, there are technical errors in the existing regulation that require correction. The Commission has determined that these changes and corrections are needed to ensure that Indian gaming continues to be adequately regulated, while maintaining the ability to adopt to, and take advantage of, technological changes in the gaming industry.

 # SUMMARY OF THE LEGAL BASIS:

The purpose of IGRA is clearly stated in its declaration of policy: "to provide a statutory basis for the regulation of gaming by an Indian tribe adequate to shield it from organized crime and other corrupting influences, to ensure that the Indian tribe is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and players...." 25 U.S.C. 2702(2). In order to accomplish these and the other stated purposes of IGRA, the Commission was expressly authorized to "promulgate such regulations and guidelines as it deems appropriate to implement the provisions of the [Act]." 25 U.S.C. 2706(b)(10). The Commission relies on these sections of the statute to authorize the promulgation of Minimum Internal Control Standards in order to ensure the integrity of gaming on Indian lands and to safeguard this source of tribal revenues.

 # ALTERNATIVES:

The Commission sees no alternative but to revise its current Minimum Internal Control Standards for gaming operations on Indian lands.

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 26

TITLE: Technical Amendments to the Minimum Internal Control Standards
RIN: 3141-AA24 (Final Rule)

 # ANTICIPATED COSTS AND BENEFITS:

The potential benefits of this regulatory action are to revise the current Minimum Internal Control Standards to reflect the types of gaming occurring on Indian lands, to allow the Indian gaming industry to take advantage of technological changes occurring in the gaming industry so that it may be more competitive, and to clarify areas of the existing standards that, based on comments received, have led to conflicting interpretations and applications.

 # RISKS:

There are no known risks to this regulatory action.

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM	11/27/2000	65 FR 70673
ANPRM Comment Period End	03/30/2001	66 FR 12916
NPRM	12/26/2001	66 FR 66500
Comment Period End	03/04/2002	
Final Action	06/01/2002	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

No

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

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 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 27

TITLE: Debt Collection
RIN: 3141-AA25 (Final Rule)

 # REGULATORY PLAN: No

PRIORITY:

Other Significant

 # UNFUNDED MANDATES:

No

 # MAJOR: No

LEGAL AUTHORITY:

31 USC 3716; 25 USC 2713(a)(1)

CFR CITATION:

25 CFR 580

LEGAL DEADLINE:

None.

ABSTRACT:

This regulation will establish a process for the assessment, notification, and collection of debts owed the National Indian Gaming Commission.

 # STATEMENT OF NEED:

The Commission has determined that regulations are necessary for the assessment, notification, and collection of debts owed the NIGC.

 # SUMMARY OF THE LEGAL BASIS:

IGRA expressly authorizes the Commission to "promulgate such regulations and guidelines as it deems appropriate to implement the provisions of the [Act]." (25 U.S.C. 2706(b)(10)). The Commission relies on this section of the statute to authorize the promulgation of standards for collecting debts owed the Commission.

 # ALTERNATIVES:

The Commission has no alternative but to promulgate this debt collection procedure for gaming facilities operated on Indian lands.

 # ANTICIPATED COSTS AND BENEFITS:

The potential benefits to this regulatory action are to establish and define for the regulated community the procedure by which the Commission will enforce the collection debts owed the Commission. This regulatory action will provide the Commission with a process for the efficient and effective collection of debts.

 # RISKS:

There are no known risks to this regulatory action.

TIMETABLE:

ACTION	DATE	FR CITE
Interim Rule	11/20/2001	66 FR 58056
Comment Period End	01/04/2002	
Comment Period Reopened	01/08/2002	
Comment Period End	01/14/2002	
Final Rule	06/01/2002	

AGENDA REVIEW REPORT

AGENDA: APR 2002

TITLE: Debt Collection
RIN: 3141-AA25 (Final Rule)

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:
No

SMALL ENTITIES AFFECTED:
No

GOVERNMENT LEVELS AFFECTED:
Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

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 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

AGENDA: APR 2002

TITLE: National Environmental Policy Act (NEPA) Implementing Regulations
RIN: 3141-AA26 (Long-Term Action)

 # REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant

 # UNFUNDED MANDATES:

No

 # MAJOR: No

 # LEGAL AUTHORITY:

42 USC 4332

CFR CITATION:

Not Yet Determined

 # LEGAL DEADLINE:

None.

 # ABSTRACT:

This regulation will establish rules for compliance with the National Environmental Policy Act (NEPA).

 # STATEMENT OF NEED:

 # SUMMARY OF THE LEGAL BASIS:

 # ALTERNATIVES:

 # ANTICIPATED COSTS AND BENEFITS:

 # RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
NPRM	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

 # SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Tribal

 # ENERGY EO:

 # ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

AGENDA: APR 2002

DATE : 03/15/2002
PAGE : 30

TITLE: National Environmental Policy Act (NEPA) Implementing Regulations
RIN: 3141-AA26 (Long-Term Action)

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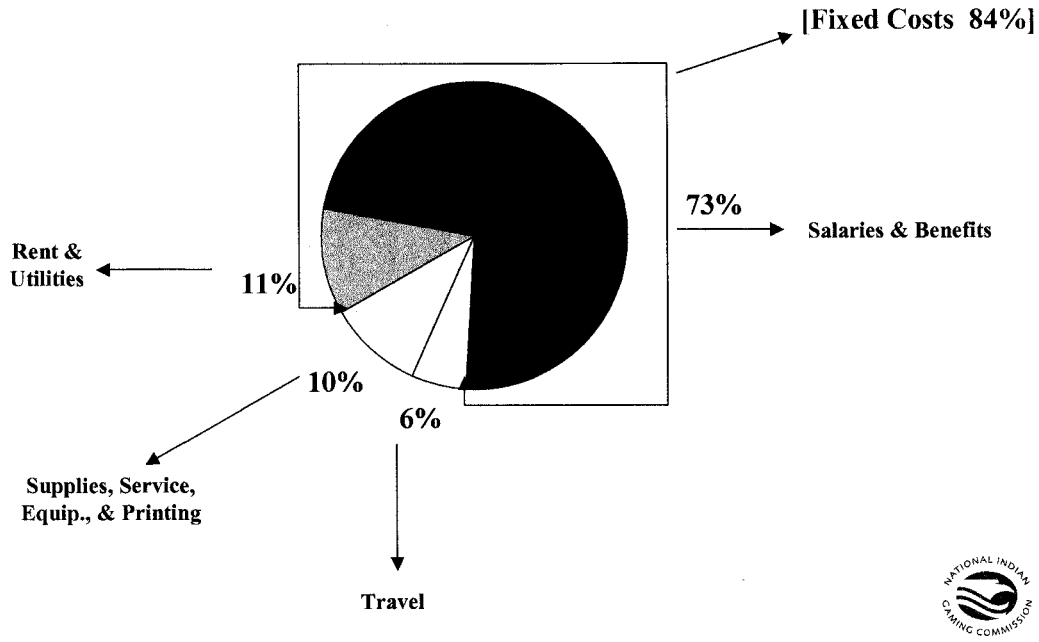
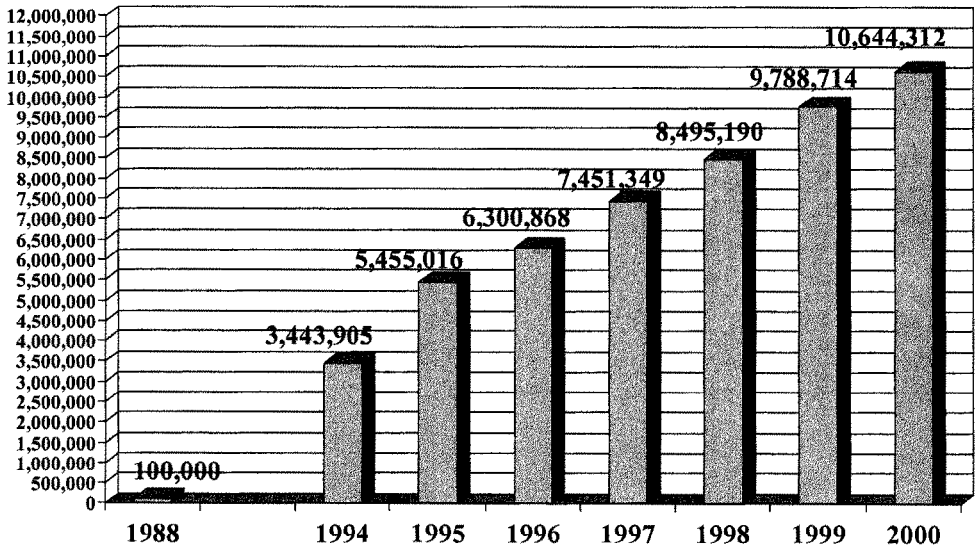
 # RELATED RIN:

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

FY 2002
Budget Allocation



Growth of the Indian Gaming Industry
(Revenue in Thousands)



OPENING STATEMENT

OF

NEAL A. MCCALEB

ASSISTANT SECRETARY - INDIAN AFFAIRS

ON THE

FY 2003 BUDGET REQUEST FOR THE BUREAU OF INDIAN AFFAIRS

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

March 14, 2002

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

INTRODUCTION

The Bureau of Indian Affairs (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 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.

In 1970, President Nixon called for self- determination of Indian people without the threat of termination of the trust relationship over Indian lands. Since then, 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 1.4 million[1] American Indians and Alaska Natives in 31 states. The Bureau administers more than 45 million acres of Tribally-owned land[2], more than 10 million acres of individually owned land[3] held in trust status and more than 309,000 acres of Federally-owned land[4]. The scope of Bureau programs is extensive and covers virtually the entire range of state and local government services. Tribes look 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 approximately 48,000 elementary and secondary students; to 25 Tribally Controlled Community Colleges; to the replacement and repair of schools; 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; and to the repair of structural deficiencies on high hazard dams.

The Bureau's programs are delivered in a highly decentralized manner with more than 90 percent of all appropriations expended at the local level. Nearly 95 percent of the Bureau's staff work is performed in schools, Regional and Agency offices, and other field locations. A number of Tribes and Tribal organizations operate Bureau programs under self-determination contracts or self-governance compacts.

The Bureau's programs serve communities that face great challenges. On the Indian reservations, poverty is still commonplace, unemployment and violence are more than the national average and infant mortality, alcoholism, and substance abuse are far in excess of the rest of America. More than 40 percent of the workforce in Indian Country remained unemployed – 43 percent in 1999 as compared to 50 percent in 1997. Of the approximately 377,000 adult Indians who were employed in 1999, 33 percent were still living below poverty guidelines established by the Department of Health and Human Services.

FY 2003 BUDGET SUMMARY

As the Trustee for American Indians and Alaska Natives, the Secretary continues to focus on the priority needs in Indian Country that effect the well-being of its citizens for today and tomorrow. The FY 2003 request builds on the Administration's commitment to "leave no child behind" by ensuring a strong education foundation for Indian Country's future leaders as well as continuing

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[1]Source: Indian Labor Force Report, 1999

[2]Source: Annual Report of Indian Lands, 1997

[3]Ibid.

[4]Ibid.

efforts to improve the services and delivery of its programs and trust management responsibilities. The 2003 budget request for the Bureau is $2.3 billion in current appropriations, including $22.9 million for a government-wide legislative proposal to shift to agencies the full cost of the CSRS pension system and the Federal employees health benefits program for current employees. Without the legislative proposal, the request is $2.2 billion, a net increase of $22.9 million above the 2002 enacted level.

The budget stresses the resources Tribes need to provide basic reservation programs and develop strong and stable governments, ensure accreditation of Bureau and Tribally operated schools, address critical infrastructure needs, and meet the Secretary's trust responsibilities. The Bureau continues to keep administrative costs low. In FY 2003, administrative costs will account for only 8 percent of the requested funds as nine 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 Annual Performance Plan.

For FY 2003, the total request for Operation of Indian Programs is $1.9 billion, including $21.9 million for the government-wide CSRS/Federal health benefits legislative proposal. Without the legislative proposal, the request is $1.84 million, a net increase of $37.3 million over the FY 2002 enacted level.

Tribal Priority Allocations (TPA) comprises the majority of the Bureau's operating budget and 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. For FY 2003, the TPA activity is funded at $775.5 million, an increase of $23.4 million (3 percent) over the FY 2002 enacted level. Tribes depend on TPA funds for core 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 funds among most of the 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.

FY 2003 Budget Initiatives

Replacement School Construction

The request for School Construction is $292.7 million, or 85 percent of the Bureau's total FY 2003 Construction request. The Bureau proposes to fund construction of the next five schools listed on the Education Facilities Replacement Construction Priority List as of January 2001 and the second phase of the Santa Fe Indian School project which began in FY 2002:

Rank	Project	State	Amount
9b	Santa Fe Indian School (Phase II)	NM	15,303,000

13	Kayenta Boarding School	AZ	33,605,000
14	Tiospa Zina Tribal School	SD	13,500,000
15	Wide Ruins Boarding School	AZ	21,215,000
16	Low Mountain Boarding School	AZ	22,500,000
17	St Francis Indian School	SD	14,100,000
TOTAL			**120,223,000**

The Bureau's request is part of the Department's Five Year Maintenance and Capital Improvement Plan. The Plan continues the President's commitment to eliminate the 2001 reported backlog of $942 million in deferred maintenance, repair and improvement projects in 2006. The requested funding for replacement school construction will greatly assist in reducing this backlog of construction needs.

The FY 2003 request also includes $164.4 million for Education Facilities Improvement and Repair (FI&R) to improve the safety and functionality of Bureau facilities. The FI&R program plans to: (1) award 10 major FI&R projects, (2) replace approximately 41 roofs, (3) provide 32 portable classrooms; and (4) demolish 14 buildings (excess space).

In addition, the program plans to accomplish multiple minor improvement projects and environmental projects to address such items as life/safety building code violations, fire safety code violations, leaking natural gas lines, structurally unsound buildings, deteriorated interiors, unhealthy restrooms and locker rooms, and removal of hazardous asbestos material. The Bureau will seek to maximize the use of existing educational facilities by improving, rehabilitating or replacing these facilities in lieu of complete new construction. In addition, annual maintenance needs of education facilities will be funded at 100 percent of the reported need, which will avoid critical projects from becoming backlogged.

School Operations

As the only nationwide school system operated by the Federal Government that provides basic educational programs solely to the American Indian population, the Bureau fully supports the President's call to "leave no child behind." The Bureau operates, either directly or through Tribal grants and contracts, 185 schools serving approximately 48,000 students in 23 states. The Bureau has a special, historic responsibility for educating Indian children. Most Indian schools are located in isolated, remote rural communities, posing greater challenges and requiring greater operational costs than those typically facing public school districts. In support of the President's commitment, the Bureau has requested programmatic increases of $11.9 million to implement the Administration's School Privatization Initiative and $3 million to expand early childhood education programs.

The Administration's School Privatization Initiative is focused on improving academic performance

at Bureau schools. A recent report by the General Accounting Office[5] found that further improvement is needed in academic performance in Bureau schools. To address this need, the Administration proposes an aggressive effort to utilize competition to improve the educational foundation of American Indian children. For those schools that the Tribes choose not to operate themselves, the Bureau will solicit partnerships with private entities to manage those schools. Throughout this process, the Bureau will consult with Tribes on the Initiative, realizing the vested interest shared by all parties in ensuring that the leaders of tomorrow have the educational foundation in which to meet the challenges of the 21st century. Indian schools and school boards at the local level will be involved in making the final decisions on how best to utilize funds. This is in concert with the recent enactment of Public Law 107-110, No Child Left Behind Act of 2001, that will help strengthen Bureau-funded schools through its support of flexibility and local control of schools.

The FY 2003 budget components of the Privatization Initiative are:

- $3 million for *Administrative Cost Grants*, to enable schools to convert to grant status without compromising funding for current grant schools.
- $5 million for *Indian School Equalization Program (Program Adjustments)*, including $3 million to implement the Privatization Initiative (including contract solicitation, monitoring, and oversight) and $2 million for potential teacher displacement costs.
- $2 million for *Student Transportation* to meet the costs of the projected 15,407,600 student mileage. Such costs include fuel, maintenance and vehicle leases.
- $1.9 million for *Facilities Operations* to increase the level of funds provided to meet the operational needs in education facilities.

In the area of early childhood education, as highlighted in the President's State of the Union Address, an increase of $3 million is requested for the Family and Child Education (FACE) program to expand the program to seven additional schools. The average funding in FY 2003 for the 39 schools in the program will be $315,000 per school. FACE involves parents more fully in the critical earliest stages of their children's education, improves adult literacy, and teaches parenting skills that help improve children's readiness for school. Investments in family involvement in the learning process and in the earliest stages of education will pay long-term dividends for Indian children and communities. Program evaluations report that schools with a FACE program have a higher level of parental involvement than other Bureau schools and FACE students scored significantly higher than other students on standardized tests of reading and math skills.

Trust Management Improvement Reform

For FY 2003, the Bureau requests $34.8 million in trust related program increases. This request is

[5]Source: General Accounting Office Report 01-934.

based upon the current organizational structure of the Bureau. The Secretary is continuing to hold consultation meetings with Tribes on the reorganization proposal of components of the Bureau and establishment of a separate new organization unit as well as continuing discussions with the Congress concerning the proposed reorganization.

Within Tribal Priority Allocations (TPA), an additional $18.7 million is requested to improve trust programs services at the local reservation levels. The program increases include $4 million for Tribal Courts to respond to the increasing responsibilities on Tribal courts to make determinations essential to the use and disposition of trust assets. This shift of responsibility reduces the level of administrative proceedings and controls that otherwise would have to be provided by the Bureau. An additional $2.054 million for the Social Services program is requested for the increased responsibilities associated with the social services management of Individual Indian Monies (IIM) accounts for minors, adults in need of assistance, adults under legal disability, and adult *non compos mentis*. A $2 million increase is requested for the Agriculture program to complete soil and range inventories and resultant conservation management plans on an additional one million acres of trust lands per year; this will improve the Bureau's inventory period average of once every 25 years to once every 16 years. For Forestry, an increase of $1.5 million is requested for the performance of management activities that support the production of the trust funds that result from the harvest of forest products. The increase will begin to close the gap between the annual allowable harvest of 805 million board feet and the current harvest levels.

Other TPA program increases include $1.5 million requested for Trust Services to replace approximately 500 microcomputers for trust system users (Bureau and Tribal). These users are the field personnel such as real estate specialists, land title examiners, and foresters who are responsible for management of Indian trust assets. For Real Estate Services, a $2 million increase is requested to hire an additional 8 FTE to take a more pro-active role in Indian mineral leasing which should result in an interest from the mineral industry to explore mineral development. Under Real Estate Appraisals, an additional $2.125 million is needed to contract the preparation of valuations for the processing of the Bureau's trust transactions. The Bureau's appraisal program prepares about 27,800 valuations per year. This increase will expand the contracting of the valuations and reduce the amount of time required to prepare an appraisal from 60 to 30 days. For Probate, an increase of $1.5 million is requested to assist in maintaining ongoing probate activities and allow for the funding of positions for Tribes who have compacted or contracted the probate program under *Public Law 93-638*, as amended. Under Environmental Quality Services, a $1 million increase is requested to allow the Bureau to begin to improve the efficiency of its National Environmental Policy Act (NEPA) program that has an effect on the development of Tribal natural resources which may affect the revenues from those lands and resources.

Within the Non-Recurring Programs, an additional $1.5 million is requested to reimburse the Bureau of Land Management for expanding the number of cadastral surveys conducted on Indian lands.

Under Central Office Operations, an increase of $2.2 million is requested to establish a stable base of funds for the Attorney Decision-makers (ADMs) hired in FY 2001 and to hire an additional four

ADMs in FY 2003. The ADMs assist the Office of Hearings and Appeals with processing pending probate cases. The ADMs decide without a hearing certain cases that meet fixed criteria and to which the heirs have no objection. A total increase of $3.5 million is requested for the establishment of a trust operations center to institutionalize the trust reform improvements being made today. Under Executive Direction, an increase of $1.855 million is requested for the Trust Management Improvement Project office to establish a stable base of funding as it continues to serve as the Bureau's management core for the various offices involved in trust reform. To continue security enhancements, an increase of $1.1 million is requested for the Bureau's Office of Security for operational requirements and upgrading of equipment to improve its monitoring and oversight of the Bureau's security program on a nationwide basis. A total increase of $5.5 million is requested for the Office of Information Resources Management to improve and enhance its information technology needs, which the Court found in *Cobell v. Norton* to be lacking.

Under Regional Office Operations, an additional $1 million is requested for the Minerals and Mining program to support the President's National Energy Plan, as discussed further, below. A $500,000 increase is requested for the Land Titles and Records Offices to hire eight additional staff to conduct title examinations to assist in the timely processing of all trust transactions.

National Energy Plan

In concert with the President's National Energy Plan, the Bureau developed its Energy Plan to continue to work in partnership with Tribes in aspects of future development and production of energy resources within their reservations in a citizen-centered effort. While the existing production of Indian owned oil, gas and coal has made significant contributions to national energy supplies, it is believed that there is potential for additional energy production from Indian lands which could provide Tribes with substantial economic development opportunities as well as assist the entire Nation in their quest for additional available resources. The contribution from Indian lands to national onshore production from 1937 through 1997 was 14 percent (each) for oil and coal and 11 percent for gas. From 1980 through 1999, the contribution of Indian production was 11 percent (each) for oil, gas and coal. Production of energy minerals from Indian lands remains a significant portion of total Federal onshore production.[6] Production from Indian lands in 2000 was 9.3 million barrels of oil, 299 billion cubic feet of gas, and 21.4 million short tons of coal.

Building on this base further, the Bureau is requesting a total of $2.062 million for its Energy Plan to assist Tribes with their development and production of energy resources. Within the Tribal Priority Allocations category, funds are requested in the Economic Development line item ($585,000) to establish work groups to address planning, development and implementation of energy policies, which includes consultation with Tribes concerning trust responsibility and conservation issues. Additionally, funds are requested in the Natural Resources program ($477,000) to support the infrastructure to supplement the energy leasing expertise and work with Tribes on documenting, cataloging inventory data, and the subsequent geoscientific interpretation. The Bureau will be able to support the NIEMR database and deployment of the National Indian Oil & Gas Management

[6]Source: MMS Minerals Revenue Reports.

System (NIOGEMS) to more reservations.

Within the Non-Recurring Programs, an additional $1 million is requested to work with Tribes in assessing energy development opportunities and initiatives for all potential sources of energy available on their Tribal lands, identify and review working business models for consideration by energy resource Tribes, and assist Tribes in the assessment of their undeveloped and under developed energy resources (oil, gas, coal, geothermal, uranium and hydro-power) through the collection and interpretation of exploration data to determine value and location of resources for use by the Tribe in their land use planning, negotiations, and development decisions. The Tribes use information from mineral assessment investigations in lease negotiations and decision processes concerning the development of their resources by outside parties.

New development should significantly contribute to the overall national need for energy as well as economically benefitting the Tribes.

Indian Guaranteed Loan Program

The Indian Guaranteed Loan Program provides capital on a reimbursable basis to Tribes, Alaska Natives, and individual Indian-owned businesses to help develop and utilize Indian resources, both physical and human to a point where Indians will exercise responsibility for the utilization and management of their own resources. The Indian Financing Act of 1974 (*Public Law 93-262*) is the source of the authority for the Loan Guaranty, Insurance, and Interest Subsidy programs. In this legislation, the Congress envisioned two ways of encouraging commercial lenders to lend funds to Indian businesses that might otherwise be denied financing. The loan guaranty part of the program caught on with lenders, but the loan insurance aspect did not in the 1970s. Times have changed however, and the Bureau is reintroducing the insured loan features of the Act. There are now numerous, modest Indian business loan proposals that would make insured loans viable.

The proposed increase of $500,000 will be utilized to implement the insured loan portion of the Indian Guarantee Loan program into new markets to finance small Indian businesses and to develop equity financing opportunities for Tribes and individual entrepreneurs. This increase is expected to provide approximately $7 million in additional loan subsidies for FY 2003 above the anticipated $65 million in loan subsidies provided from the base funds of $4.5 million for the program.

Other Programs

With new detention centers becoming operational during FY 2003 in Indian Country, the Bureau requires an additional $3 million for its Facilities Operations line item. Existing detention facilities in Indian Country are overcrowded and in need of many repairs; having additional centers on-line will assist with this situation.

The Bureau's request for the Construction appropriation is $346.3 million. The Bureau will continue the emphasis on Tribal contracting for projects, providing support from the Bureau's Office of Facilities Management and Construction until the Tribes and Agencies are fully trained to take over the construction contracting challenge.

The Bureau's FY 2003 request for Indian Land and Water Claim Settlements and Miscellaneous Payments is $57.9 million for payments for settlements resolving longstanding Tribal claims to water and lands. To complete the remaining Federal commitment for the Shivwits Band of Paiute Indian Tribe of Utah water settlement, $16 million is requested for the Bureau and $3 million is requested under Departmental Management for water rights and habitat acquisition. For the second of three payments mandated by law for the Santo Domingo settlement, $3.1 million is requested. The $5.1 million is requested for the Rocky Boy's Settlement will complete the Federal funding commitment for this settlement. The request maintains funding at $24.7 million for the Ute Indian Rights and $8 million for the Colorado Ute/Animas LaPlata Settlement.

CONCLUSION

This concludes my statement. I would be happy to take any questions.

WRITTEN TESTIMONY OF
DIANE REGAS, ACTING ASSISTANT ADMINISTRATOR FOR WATER
U. S. ENVIRONMENTAL PROTECTION AGENCY
ON THE EPA FISCAL YEAR 2003 INDIAN BUDGET

PREPARED FOR THE SENATE COMMITTEE ON INDIAN AFFAIRS
March 14, 2002

INTRODUCTION

I appreciate the opportunity to submit testimony on the President's Fiscal Year (FY) 2003 Budget for the Environmental Protection Agency's (EPA) tribal programs. EPA is committed to protecting the environment in Indian country. In doing this, EPA is guided by its Indian Policy, originally adopted in 1984 and reaffirmed by Administrator Whitman in 2001, that identifies the principles that guide EPA's work with tribes. This Policy includes the essential concepts of working with tribes on a government-to-government basis, supporting tribal self-governance, and addressing the federal tribal trust responsibility. EPA recognizes tribal governments as the most appropriate parties to manage their lands under the federal environmental statutes, wherever tribes demonstrate the ability to do so. Until tribal governments are willing and able to assume the difficult goal of full responsibility for managing federal regulatory programs for Indian country, EPA retains program responsibility and continues to work to fulfill that responsibility. In this instance, however, the Agency encourages tribes to participate to the fullest extent possible in the management of environmental programs within Indian country.

EPA also recognizes that tribes, states, and the federal government are all critical partners in protecting the nation's environment. Thus, EPA's Indian Policy encourages working cooperatively with both tribes and states for the mutual benefit of both in order to bring environmental protection to lands under tribal jurisdiction and state jurisdiction.

The President's FY 2003 Budget request for the EPA tribal programs demonstrates President Bush's continued commitment to strengthening the Tribal/EPA partnership to improve public health and environmental protection in Indian country. Consistent with the Agency's Indian Policy, EPA will focus its FY 2003 investment on supporting the development and implementation of tribal environmental protection programs. EPA believes tribes should have an opportunity - similar to the one we have provided to the states - to receive our assistance as they develop environmental programs. EPA believes this support is the most effective way to promote sound and sustainable environmental management in Indian country that is consistent with our statutory obligations under the nation's environmental laws.

The President's Budget request for EPA's tribal program is $232 million in FY 2003, an increase of $3.6 million from the FY 2002 level (see attachment). This request consists of the following:

- $34.7 million for EPA's Environmental Programs and Management (EPM) account to support development of integrated environmental management programs. This represents an increase of $300 thousand from FY 2002 EPA funding.
- $116.7 million awarded to tribes from the State and Tribal Assistance Grant (STAG) account, excluding infrastructure financing. This is a $5 million increase from FY 2002 EPA funding.
- $70.9 million under the Water Infrastructure Financing account. This represents a decrease of $2 million from FY 2002 EPA funding; and
- $6.7 million for the Superfund Program and $3.2 million for the Leaking

Underground Storage Tank program which maintains the FY 2002 EPA funding levels for these programs.

Also remaining consistent with FY 2002, the President's Budget request allows 263 EPA full time equivalents (FTEs) to remain committed to administering EPA tribal programs throughout the Agency in FY 2003.

SUPPORTING TRIBAL ENVIRONMENTAL PROGRAMS

There are four important aspects to the implementation of environmental programs in Indian country under EPA's statutes -- building tribal capacity, approving tribes to administer EPA programs, directly implementing programs where tribes are not able to do so, and taking cooperative approaches to implementation. While environmental challenges in Indian country remain, EPA has made substantial progress in these four areas since we first adopted the 1984 Indian Policy.

Developing Tribal Capacity

The Indian Environmental General Assistance Program Act of 1992 (or GAP) is the Agency's principal capacity building tool for tribes and is an essential component of the EPA's partnership with tribes. Using GAP grant resources, tribes plan, develop, and establish environmental protection programs and work toward meeting EPA's goal of creating an environmental program presence for all tribes. In FY 1995, base resources in EPA's GAP program totaled $8.5 million and provided assistance to approximately 100 tribes. In FY 2002, EPA provided $52.5 million in GAP funding to more than 400 tribes or 70 percent of the federally recognized tribes. With an additional $5 million in the President's Budget request for

FY 2003, EPA will reach at least 45 additional tribes. GAP funding can also be used to implement solid and hazardous waste programs for tribes.

EPA capacity building efforts also include internal efforts to build the Agency's ability, through training, information gathering, and targeting financial resources, to better work with tribes in developing and implementing environmental programs in Indian country.

Protecting and Managing Water Quality

In 1987, Congress amended the Clean Water Act to allow eligible tribes to adopt water quality management programs and work toward approval of tribal water quality standards. Tribes have expressed great interest in these provisions and continue to use them to build tribal programs to protect and manage water quality. Over 200 tribes have begun implementing basic water quality programs under the Clean Water Act using EPA funding, and we expect that this will increase by an additional 20 tribes in the coming year. Twenty tribes have EPA-approved tribal water quality standards in place, and EPA has promulgated standards for one tribe, providing the framework for implementing many of the programs authorized by the Clean Water Act.

Under the President's Budget request, EPA will award $22.7 million in grants to tribes under Section 106 of the Clean Water Act for their basic water quality management programs. The tribes will use these resources to build tribal programs to manage and protect tribal waters through the efforts of their own governments. Tribes will also be able to maintain water quality programs and improve existing capacity to implement water quality programs. The funds will continue to allow those tribes that desire to develop and seek EPA approval for water quality standards to do so.

Additionally, the President's Budget will make available through EPA over $8 million to eligible tribes to protect wetlands, implement non-point source control programs, and develop watershed programs to protect their valuable water resources. This funding level includes extending the provision to eliminate the 1/3 percent statutory limitation on Clean Water Act, Section 319 non-point source grant funds to tribes so that approximately 70 tribes, eligible for funding, can protect their lands from the problems resulting from polluted runoff.

Increasing Tribal Drinking Water Protection

Under the Safe Drinking Water Act eligible tribes may adopt Public Water System Supervision (PWSS) programs and become the primary party responsible for ensuring the quality of their own drinking water. In FY 2003 EPA will target almost $6 million for PWSS grants. While to date only one tribe, the Navajo Nation, has assumed primacy for its drinking water program, two additional tribes have become eligible to receive program development grants. EPA administers federal public water systems supervision programs for Indian country in the absence of tribal programs.

Protecting Air Quality

The President's Budget for FY 2003 maintains tribal funding under the Clean Air Act at the FY 2002 level of $11 million. With this funding EPA awards Section 103(b) grants to tribes for research, demonstration projects, surveys, and studies related to air pollution and Section 105 grants to tribes to develop and implement air quality programs. Clean Air Act funding helps tribes to work toward receiving "treatment in a manner similar to states" status and subsequent program approvals.

Additionally, EPA funds a wide variety of tribal air program capacity building efforts

including a wide array of training opportunities for tribal environmental professionals, support for development of tribal data and monitoring information, and support to develop a national tribal air organization to allow tribes to understand and have an effect on air quality issues that affect their lands. With EPA funding and technical assistance, we expect approximately 120 tribes will be working on developing and implementing programs to protect air quality in Indian country.

Reducing Lead Paint Risks

In FY 2003, EPA will support tribal program capacity building, tribal program implementation, and EPA direct implementation activities to protect tribes' most valuable resource, their children, from lead-based paint issues. To date, three tribes have received EPA program approval and receive implementation funding for their programs. For those tribes not yet receiving program approval, EPA funds capacity building efforts and directly implements other aspects of the federal statute including the workers' certification and accreditation.

Reducing Pesticide Risk

EPA continues to emphasize efforts to address tribal pesticide issues by funding the development of tribal technical capacity, particularly in the areas of risk management, worker safety, training, and pollution prevention. Under the President's Budget for 2003, $1.3 million will be made available for these efforts and approximately $2 million to support pesticide cooperative compliance and enforcement programs. This is the same level of funding as EPA made available in 2002.

Information Technology Efforts

The President's Budget request for FY 2003 includes $2.5 million, as did the FY 2002 budget, to support the environmental information grant program which promotes tribal

participation in data exchange efforts and the EPA Exchange Network and brings our under represented tribal partners closer to some of the advantages technology can offer. This grant program builds upon existing efforts to include EPA's tribal partners in current data and information technology efforts.

Tribal Science Council

In FY 2003, the Agency will build upon its successes and continue to work with the EPA/Tribal Science Council, which was established in 2001. The Tribal Science Council provides a forum for tribal and Agency representatives to discuss science issues of importance in Indian Country. It provides the opportunity for tribes to become more involved in on-going scientific activities, such as the Environmental Monitoring and Assessment Program and the Environmental Indicators Initiative.

Tribal Cooperative Agreement Authority

Similar to a provision included in EPA's FY 2001 and FY 2002 appropriation, the President's Budget for FY 2003 requests statutory authority, commonly referred to as the Direct Implementation Cooperative Agreement Authority, to allow EPA to enter into cooperative agreements with tribes to assist EPA in implementing federal environmental programs in the absence of acceptable tribal programs. Without such a provision, federal law generally prohibits such an award. This innovative approach to capacity building allows for a more gradual transition to tribal program implementation, and possibly full program approval, by allowing for varying degrees of tribal involvement based on an individual tribe's capability and interests. The provision also assists EPA in bringing environmental protection to Indian country.

TRIBAL WASTEWATER AND DRINKING WATER INFRASTRUCTURE

Safe drinking water and proper treatment of sewage are essential services in every American community. The federal government has supplemented tribal, and other federal agency funding to tribes, for these projects through the Clean Water Act and Safe Drinking Water Act State Revolving Fund (SRF) tribal set-asides for wastewater and water infrastructure. Tribes face significant needs for infrastructure to treat wastewater adequately and provide for safe drinking water: EPA estimates current needs of $650 million for tribal wastewater treatment systems -- in some instances providing indoor plumbing for the first time -- and $2.0 billion to provide safe drinking water. To meet these needs, the President's Budget request includes a provision to continue the temporary use of a 1.5 percent tribal set-aside in the Clean Water SRF for wastewater infrastructure grants to Tribes. Such a set-aside would allow EPA to award over $18 million in grants to tribes to meet basic sanitation needs in Indian country.

The Drinking Water SRF tribal set-aside, set at 1.5 percent by statute, allows EPA to support tribal drinking water infrastructure needs with $12.8 million in grant funding. Both the Clean Water Act and Safe Drinking Water Act set aside percentage levels are the same as in FY 2002.

EPA has had an ongoing commitment to working with the Alaskan Native Villages on their particular infrastructure issues and devoted specific funding to the Alaskan Native Villages in FY 2002. The President's Budget for FY 2003 continues these efforts with $40 million allocated to Alaskan Native Villages for the construction of wastewater and drinking water facilities, the same amount appropriated by Congress in FY 2002.

SOLID WASTE AND EMERGENCY RESPONSE

The President's Budget request maintains FY 2002 funding levels for tribes at $6.7 million for the Superfund program and $3.2 million for the Leaking Underground Storage Tank program. The Superfund program allows tribes to promote better hazardous waste management in Indian country, clean up contaminated waste sites, and prevent hazardous waste-related accidents. Tribal funding under the Leaking Underground Storage Tank (LUST) program is designed to promote rapid and effective responses to releases from Underground Storage Tanks (USTs) containing petroleum. Forty five LUST cleanups will be completed in FY 2003 for a cumulative total of 617 cleanups since 1987 in Indian country.

CONCLUSION

For many years, EPA has worked together with Indian Tribes in a wide variety of programs to improve human health and environmental conditions in Indian country. The President's Budget request for FY 2003 continues these efforts and reaffirms our commitment to Indian country.

EPA TRIBAL RESOURCES
(Dollars in Thousands)

	01 ENACTED W/.022 Reciss		02 ENACTED		03 PRESBUD		'02 Enacted vs. '03 Presbud	
	Dollars	FTE	Dollars	FTE	Dollars	FTE	Dollars	FTE
EPM								
OAR	$4,234.1	26.8	$4,573.4	28.7	$4,573.4	28.7	$0.0	0.0
OW	$16,485.5	132.9	$16,871.3	130.8	$17,208.7	131.1	$337.4	0.3
OARM	$334.9	5.0	$334.9	5.0	$334.9	5.0	$0.0	0.0
OPPTS	$1,512.8	5.0	$1,523.0	5.0	$1,543.0	5.0	$20.0	0.0
OSWER	$5,806.5	37.1	$5,587.7	32.1	$5,587.7	32.1	$0.0	0.0
OECA	$4,648.8	30.9	$3,944.1	27.0	$3,765.6	26.7	($178.5)	-0.3
OGC	$1,260.7	13.3	$1,507.6	13.2	$1,656.9	13.2	$149.3	0.0
TOTAL	**$34,283.3**	**251.0**	**$34,342.0**	**241.8**	**$34,670.2**	**241.8**	**$328.2**	**0.0**
STAG								
GAP Grants	$52,469.7	--	$52,469.7	--	$57,469.7	--	$5,000.0	0.0
OW	$38,417.8	--	$38,413.4	--	$38,413.4	--	$0.0	0.0
OECA	$1,893.0	--	$1,515.8	--	$1,515.8	--	$0.0	0.0
OPPTS	$3,648.2	--	$3,648.2	--	$3,648.2	--	$0.0	0.0
OAR	$11,044.5	--	$11,044.5	--	$11,044.5	--	$0.0	0.0
OSWER	$2,145.2	--	$2,145.2	--	$2,145.2	--	$0.0	0.0
OEI	$0.0	--	$2,500.0	--	$2,500.0	--	$0.0	0.0
TOTAL	**$109,618.4**	**--**	**$111,736.8**	**--**	**$116,736.8**	**--**	**$5,000.0**	**0.0**
WIF								
Alaska Native Villages	$33,176.9	--	$40,000.0	--	$40,000.0	--	$0.0	0.0
DW-SRF Set-Aside	$12,347.7	--	$12,750.0	--	$12,750.0	--	$0.0	0.0
CW-SRF Set-Aside	$20,205.5	--	$20,250.0	--	$18,180.0	--	($2,070.0)	0.0
Sewer Overflow Grants	$0.0	--	$0.0	--	$0.0	--	$0.0	0.0
TOTAL	**$65,730.1**	**--**	**$73,000.0**	**--**	**$70,930.0**	**--**	**($2,070.0)**	**0.0**
SF								
OSWER	$6,364.4	10.5	$6,024.0	10.5	$6,024.0	10.5	$0.0	0.0
OECA	$403.6	4.3	$405.1	4.3	$725.0	4.3	$319.9	0.0
TOTAL	**$6,768.0**	**14.8**	**$6,429.1**	**14.8**	**$6,749.0**	**14.8**	**$319.9**	**0.0**
LUST								
OSWER	$3,432.0	6.0	$3,189.6	6.0	$3,189.6	6.0	**$0.0**	**0.0**
TOTAL	**$219,831.8**	**271.8**	**$228,697.5**	**262.6**	**$232,275.7**	**262.6**	**$3,578.2**	**0.0**