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DISCUSSING TRIBAL PRIORITIES IN THE FISCAL YEAR 2010 BUDGET

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

MARCH 12, 2009

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CONTENTS

	Page
Hearing held on March 12, 2009	1
Statement of Senator Barrasso	5
Statement of Senator Dorgan	1
Statement of Senator Tester	68

WITNESSES

Burger, Jessica, Executive Committee Member, National Indian Health Board; Health Director, Little River Band of Ottawa Indians	17
Prepared statement with attachment	19
Cook, Robert B., President, National Indian Education Association	37
Prepared statement	39
Johnson-Pata, Jackie, Executive Director, National Congress of American Indians (NCAI)	7
Prepared statement	10
Parish, Cheryl, Executive Director, Bay Mills Housing Authority; Vice-Chairperson, National American Indian Housing Council	50
Prepared statement with attachments	53

APPENDIX

Navajo Nation, prepared statement	85
United Tribes Technical College, prepared statement	90

DISCUSSING TRIBAL PRIORITIES IN THE FISCAL YEAR 2010 BUDGET

THURSDAY, MARCH 12, 2009

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

The Committee met, pursuant to notice, at 9:30 a.m. in room 628, Dirksen Senate Office Building, Hon. Byron L. Dorgan, Chairman of the Committee, presiding.

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

The CHAIRMAN. I am going to call the hearing to order this morning. This is a hearing of the Senate Indian Affairs Committee, and I thank all of you for being here.

Today, the Committee is going to examine the tribal priorities in the President's 2010 budget. The purpose of this hearing is to receive information about program priorities as we develop our views and estimates letter to the Senate Budget Committee.

The Senate Budget Committee will, in turn, consider our recommendations as they prepare their recommendations to the full Senate for the 2010 budget resolution.

Now, it is true that we are still awaiting more details with respect to tribal programs in the President's budget, but I was encouraged to see that his budget has some proposed general increases for programs to address Indian health care, Indian education, and public safety issues.

In addition, for the first time in eight budget cycles, the Administration has recommended funding in their budget for the United Tribes Technical College, which is one of the premier tribal colleges in our Country. It is a college that serves many states and many tribes. It is true that it is in North Dakota, so I of course have special interest here, but it is also true that it is one of the premier colleges of its type in the Country.

I am also pleased to see the Administration recognizes the success of so many of the tribal college institutions. Overall, the funding for tribal programs represents, I think, an attempt by the United States to meet treaty and trust obligations that are owed to tribal governments.

North Dakota tribes refer to the 1896 Treaty of Fort Laramie as the governing document for their relationship with the United States. In that treaty, the United States made specific promises to provide for public safety, education and health care, and the gen-

eral welfare of reservation communities. That was a promise, a treaty signed by the government of this Country.

Unfortunately, this Country has not met its obligations. In the past eight budget cycles, we have seen proposed cuts to tribal programs which this Committee has strongly opposed. Because of past budget cuts, the Committee has been forced to work hard just for the status quo in funding tribal programs. I have some charts that I will show.

The first chart shows funding over the past decade for Indian health care construction, dental and mental health, and Contract Health Services. And you will see that it is pretty much flat lined, with the exception of an increase in Contract Health in the last fiscal year.

These are slight increases, but not adjusted for inflation or increased population. In fact, the IHS budget has never accounted for the high levels of medical inflation. The end result is that tribes continue to see multi-billion dollar unmet needs for health care construction and services.

For a number of years, our Committee has heard from tribal leaders who run out of contract health care funding in January, perhaps April, some June. Some tribal leaders have said to us that on their reservation, it is said do not get sick after June because there is no contract health care funding available.

The same situation is true with respect to Indian education. We have a chart that shows what is happening for funding for Indian school construction, and flat figures for Indian school services. As you can see from that chart, the funding levels for Indian children have not met the promises that our country has made.

A 2007 Inspector General's flash report found many deficiencies at Indian schools, from leaking roofs to buckling walls to outdated electrical systems. These schools, frankly, pose danger to both students and to teachers. And Indian students simply cannot learn, in my judgment, in an environment where they have to fear for their safety and have concern for their well being.

I have visited many Indian schools. We know that some of the greatest disrepair in American schools are those schools that are attended by young Indian children.

Finally, chart three that we will put up, shows the fluctuations in funding for Indian jails and tribal police officers. These are the law and order or law enforcement issues. And you will see for tribal police officers, tribal detention, jail and prison construction, a precipitous drop in the amount of funding that has existed.

Indian jails have long been proclaimed a national disgrace. I have seen first-hand the circumstances in some of these detention facilities. I have seen young teenage children lying on a cement floor in an adult detention center, breaking all the rules one would expect to exist. This Country has made promises, again, that it has not kept.

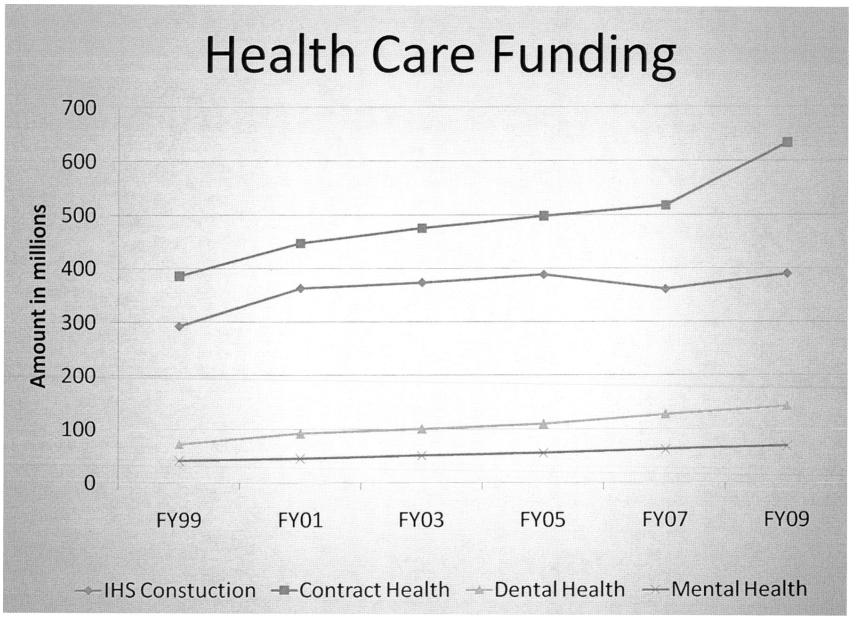
On the Standing Rock Indian Reservation, which is just one, but one in which we have had some testimony, an Indian reservation that is very, very large, expansive land, in which there are 2.3 million acres. There are nine police officers to patrol 2.3 million acres. And we have had police officers admit that they are forced to triage even rape cases.

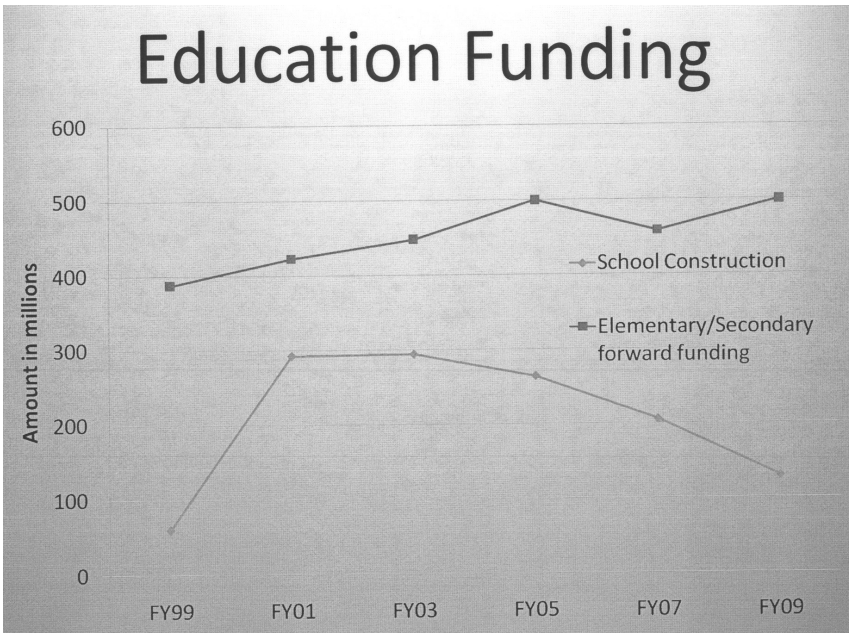
So the situation is difficult. It is dangerous. On the reservation I just described, the rate of violent crime was five times the rate of the national average, and yet they are so short of the funds that are necessary to provide for that law enforcement.

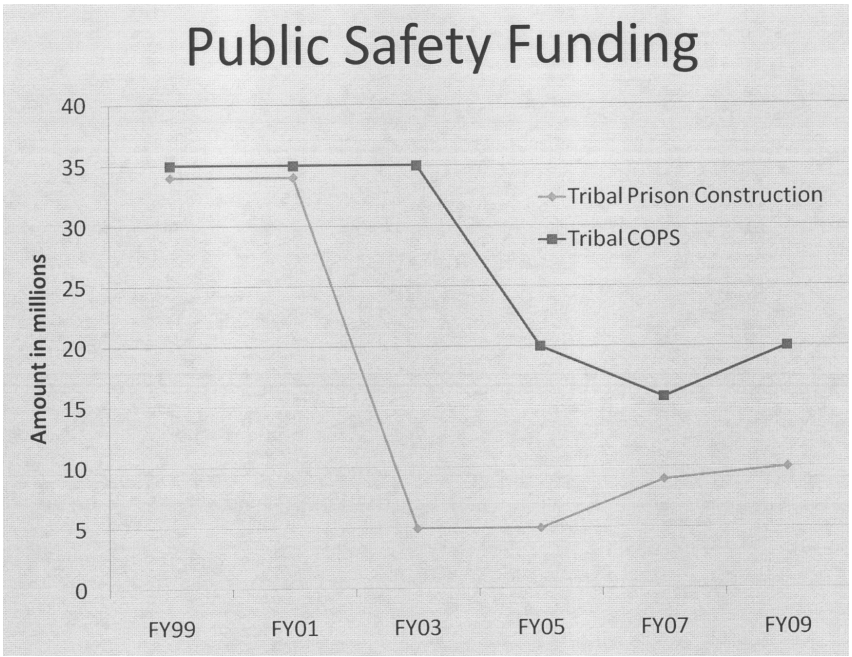
In the just-passed American Recovery and Reinvestment Act of 2009, Economic Recovery Act, at least some of these deficiencies were addressed. Congress provided about $925 million in construction funding for these three areas I have just described.

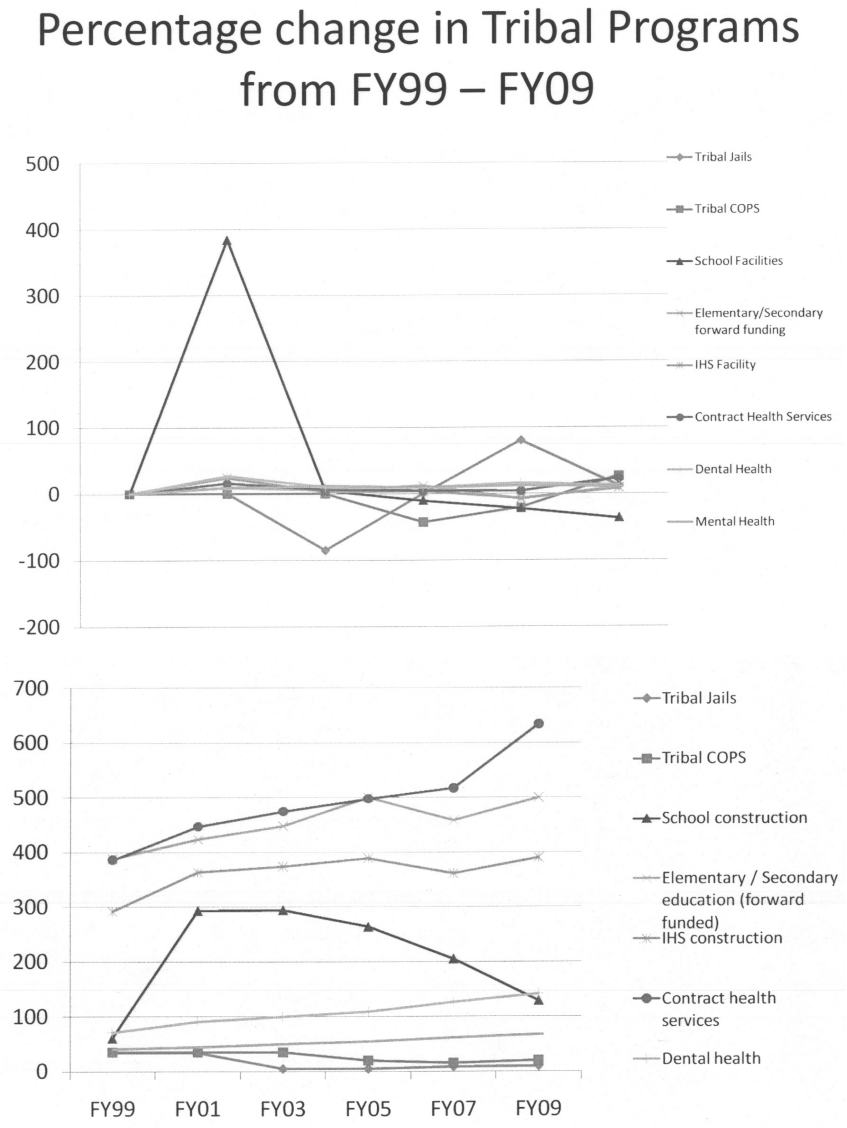
Overall, the Recovery Act provided $2.5 billion for Indian Country jobs and construction. We know this is a good start, but we also have a long ways to go to meet all of the unaddressed needs. I am working with Vice Chairman Barrasso to develop a proposal that we will soon send to the Budget Committee that offers some recommendations on funding. So, we wanted to have a hearing and receive your analysis of the President's budget proposal in order that we might include that in our evaluation of what we think needs to be done to keep the promises that our Country has made, both in treaty and also trust obligations to American Indians.

[The charts referred to follow:]




Education Funding
600
500
400
300
200
100
0
Amount in millions
FY99
FY01
FY03
FY05
FY07
FY09
School Construction
Elementary/Secondary forward funding


Public Safety Funding
40
35
30
25
20
15
10
5
0
Amount in millions
FY99
FY01
FY03
FY05
FY07
FY09
Tribal Prison Construction
Tribal COPS



Senator Barrasso, welcome. We would like to hear from you.

STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING

Senator BARRASSO. Thank you very much, Mr. Chairman. I want to thank you for holding this budget hearing today.

I would like to also welcome our witnesses, and thank them for being here to share their time and information with us this morning.

We are now considering the fiscal year 2010 budget, and we will be hearing the tribal perspective on what the budget should include. In the past month, as you just mentioned, Mr. Chairman, we passed unprecedented spending bills, one intended to spur the economy, another to provide funding for Federal programs throughout the balance of Fiscal Year 2009.

With the ink barely dry on these two bills, we are now turning our attention to spending for Fiscal Year 2010. Several Committee hearings have demonstrated the tremendous levels of unmet need in many Indian programs, especially health, law enforcement, and we have been documenting those in several of our studies and reports.

The 2006 Bureau of Indian Affairs gap analysis study to project additional staff needed for Indian Country law enforcement and detention personnel indicated a total of 4,490 sworn officers are still needed in Indian Country to provide the minimum level of coverage enjoyed by most communities across this country.

To address this shortage, the gap analysis estimated that it would take over three years and cost an additional $681 million to hire, to train, and to equip the needed personnel. That shortage is evident on the Wind River Reservation, where as I have mentioned in prior hearings, there are currently only two patrol officers for the entire 2.2 million-acre reservation per shift during a 24-hour/7 days-a-week period.

The Eastern Shoshone and the Northern Arapaho Tribes also have a great need for health care facilities, for irrigation improvements, other public safety improvements, and plus another key, economic development. Their needs in these regards are shared by other Indian communities across the Country, so I look forward to working with you, Mr. Chairman, to do our part to address these needs.

I am sure you will agree that despite the level and urgency of need, we must never lose sight of the fact that this is taxpayer money that we are spending. Now that Congress has committed the Federal Government to spending so much of American taxpayers' hard-earned money, and is now considering a budget for next fiscal year, I think it is more important than ever that the resources be used with great prudence, efficiency, as well as accountability.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Barrasso, thank you very much.

Let me mention to you that we are going to do a hearing April 2, to those who are here, for the purpose of hearing views on the Carcieri Supreme Court decision, which has an impact, or potentially has a very significant impact on every tribal government in America. And so on April 2, I just want folks to know that hearing will be held, and we will be doing a fair amount of work between now and that time with organizations to understand the potential consequences of it and what might need to be done as a result of it.

I also wanted to indicate that I will have to leave before this hearing is complete. Senator Tester is going to be here to chair as well. We have an Energy Committee hearing on a transmission issue that I have been working on that I have to attend.

But this hearing is very important for the purpose of getting on the record Indian organizations' assessment of the President's, the President's budget submission to the Congress. And we have traditionally done this. This hearing is a part of that tradition that helps us as Senator Barrasso and I put together a letter of recommendation from our Committee to the Budget Committee, as I indicated.

We have as witnesses today Jackie Johnson-Pata. Ms. Johnson, have you changed your name?

Ms. Johnson-Pata. Yes, I got married last summer.

The CHAIRMAN. Congratulations to you.

So Jackie Johnson has another name today, Jackie Johnson-Pata. We welcome her, Executive Director of the National Congress of American Indians; Ms. Jessica Burger, the Health Director of the Bemidji Area National Indian Health Board in Michigan; and Mr. Robert Cook, the President of the National Indian Education Association here in Washington, D.C.; and Ms. Cheryl Parish, who is the Vice Chair of the National American Indian Housing Council.

All of you work in the real key areas that have great need for funding and attention by the Congress. I know that you do a lot of work all year long to try to bring these issues to the attention of the Congress. I appreciate that work.

So we will hear from the four of you. Again, at some point during this hearing when I have to excuse myself to go to the Energy Committee, please excuse me for my absence, but Senator Barrasso will be here, as well as Senator Tester.

Ms. Johnson-Pata, welcome. You may proceed.

STATEMENT OF JACKIE JOHNSON–PATA, EXECUTIVE DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS (NCAI)

Ms. JOHNSON-PATA. Thank you very much.

Thank you, Chairman and Vice Chairman, for inviting NCAI to participate in this hearing today.

Before I get started, I want to just let you know that we have shared with members of Congress, all members of Congress, NCAI's budget priority document that was put together with the help of all these fine organizations I am sitting here at the table with today, and other organizations like Intertribal Agriculture, et cetera.

I think this is a true reflection of what Indian Country's requests are, and I hope that you take the time to take a look at it. It also has the gentle reminder that you so, that you talked about, Mr. Chairman, about the treaties and the responsibilities and the obligations that you speak so honorably about, and that is the foundation of this book here.

We look forward to sharing and working with your staff on the 2010 budget priorities. As you reflected, President Obama has released his blueprint and framework for a budget, but we don't have the details there yet. We, like you, were also pleased to see the increases that were in education and public safety, and health care. And we are looking forward to how those budgets get built out.

We also know that this is a trying time for Congress and the Administration, given the current economic situation and the deficit.

We know that you want to make sure that your investment in any of America's programs or services are a good investment for America.

So we stand with you to work to work to ensure that Indian Country is a good investment, and I think all of our sister organizations sitting here have the same commitment to making sure that happens.

In fact, in the economic recovery plans, NCAI quickly responded to put forward a technical assistance component to be able to help tribes, one, access the dollars, as well as report back to ensure that we are also keeping track of the value of those dollars to Indian Country. And we look forward to doing the same kind of thing with the 2010 budget as this Country deals with its economic challenges.

I would like to remind you that, as I looked at your charts this morning and reflected on your charts, that we see, basically what we are seeing is a decrease or a flat line. In fact, if you look at Indian Country's overall budgets since 1998, you will see that Indian Country has received a substantial decrease that we have never recovered from.

In fact, all the budgets since about 1998, if you took off the cost of living or inflation factors, would be basically flat line for Indian Country. And so we are not keeping up with the cost of real business in Indian Country.

And certainly, that hurts us in the way that Indian Country since about that same time has taken on the challenge of self-determination and self-governance. And so we are looking forward to a time to working with you and with the Administration, that we can actually get programs that support self-determination and self-governance, and deal with the real costs of those factors such as contract support costs and other relevant factors.

We also know that you know, and I don't need to remind those here, sitting here in the room, that Indian Country lags far behind the Country in infrastructure, health care, public safety, the list goes on and on.

So that all of these dollars are real investments into where tribes want to go. Tribes have taken on the resurgence of self-determination in the last couple of decades. They have done measurable improvements in their ability to perform and to be the primary responsible party for the delivery of services within their communities. They are rebuilding our nations around honoring their ancestors and cultures, and I am sure you will hear that from several of the panelists today about the value of that.

And as you know, in the Harvard report, that before the economic recession, Indian Country was actually, was growing at a faster economic rate than the rest of the Country as a whole. And so we have made great strides in our ability to take these resources and maximize and leverage those opportunities, and we want to continue to do that.

If we look at the President's budget priorities and the President overall, he says education, health care, infrastructure and clean energy are his priorities. Well, certainly Indian Country can align with those priorities because they are all issues of concern that we care about.

And if we look at Indian Country's priorities as the tribal leaders from the TBAC, the Tribal Budget Advisory Committee, has stated in the last several years, their budget priorities are public safety, health care, education, and natural resources. Once again, those clearly align with the President's budget priorities, but are budget priorities that the tribal leaders themselves have decided. But if we had to focus in a couple areas, we want to focus in those areas that we think will have meaningful difference and will actually help a holistic improvement for our communities.

So we look forward to working with you, the Committee, to ensure that Indian Country is a good Federal investment, to working with you to work with OMB to make sure that our measures for success, while we are measuring success, are relevant for Indian Country so we can prove that we are a good Federal investment, and working with you on refining what the 2010 fiscal year budget looks like.

Thank you very much.

[The prepared statement of Ms. Johnson-Pata follows:]

PREPARED STATEMENT OF JACKIE JOHNSON-PATA, EXECUTIVE DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS (NCAI)

On behalf of the tribes of the National Congress of American Indians (NCAI), we are pleased to share tribal priorities for the FY 2010 federal budget. President Obama released a broad budget plan for FY 2010 and from what NCAI has reviewed of the blueprint so far, the new Administration plans to ensure America's promise extends to the entire nation, including throughout Indian Country.

After tribes witnessed years of declining resources for critical Indian programs in the federal budget, the attention President Obama's FY 2010 proposed budget has given to tribal priorities is a welcome change. One of the misplaced priorities of the previous eight years was the under funding of programs that support tribal self-determination and self-governance. This Committee has heard often of the social and economic challenges facing Indian Country. This Committee has also heard that the recent resurgence of tribal self-determination has resulted in measurable improvements in the poverty, income, and unemployment among Indian people.

Indian tribes are re-building our nations in ways that honor our ancestors and cultures as well as meeting the demands and opportunities of living in the modern world. An analysis of socio-economic change between 1990 and 2000 showed that Indian Country economies grew at a faster pace than the economy as a whole. Although Indian tribes have made great strides in addressing the long accumulated economic deficits in our communities, much work remains to be done. Tribes also have a critical role to play in the recovery as the nation pulls out of the current destructive recession. As the President and Congress aim to invest in people to strengthen the middle class and the drivers of economic growth, NCAI looks forward to tribal self-determination playing a part in the solution. To ensure tribes continue to make progress, sustained investment in tribal governments and programs that support self-determination will be critical in FY 2010. With the new Administration and the FY 2010 budget request, there is renewed hope in Indian Country.

The President's FY 2010 budget priorities appear to align with many of Indian Country's priorities: education, health care, infrastructure, and clean energy. NCAI commends the Administration for stating at the outset that it supports the principle of tribal self-determination. Although the details of the President's full FY 2010 budget are not available, the information we have from the outline includes increases for the top funding priorities for tribes: such as the Indian Health Service, public safety and justice in both the Bureau of Indian Affairs (BIA) and Department of Justice, and education at BIA and at the Department of Education. Another area tribal leaders have prioritized for FY 2010 is water resources and water rights. The President's budget proposes funding for a western water conservation initiative that supports the development, management, and restoration of water and natural resource in 17 western states and tribal lands. NCAI looks forward to working with the Administration and Congress to ensure that tribes are adequately included in this western water initiative.

NCAI has worked with tribal leaders, national Indian organizations, single-issue organizations and budget advisory groups to develop recommendations on the FY 2010 budget. NCAI looks forward to working with this Committee as the details of the FY 2010 budget are released in April.

Public Safety and Justice

Tribal governments serve as the primary instrument of law enforcement and justice delivery for the more than 50 million acres of land that comprise Indian Country. Across the nation, tribal leaders have called for more resources, making public safety and justice the top priority in budget for FY 2010. As a result of historic underfunding and complex jurisdiction issues, American Indians experience disproportionately high rates of violent crime. In October 1997, the Executive Committee for Indian Country Law Enforcement Improvements issued its final report to the Attorney General and the Secretary of the Interior. The report concluded that "there is a public safety crisis in Indian Country," and "the single most glaring problem is a lack of adequate resources in Indian Country."[1] In the wake of this report, funding for tribal justice systems was increased for several years. Ten years later, however, funding levels have been cut and law enforcement and justice systems in Indian Country are once again operating without the resources they need. As a result, tribal communities continue to suffer crisis levels of crime.

- Increase funding for **BIA law enforcement** by 10 percent and continue increases in funding until the gap in funding for tribal communities is closed.
- Significantly increase **detention center maintenance and construction** until the gap in law enforcement funding for tribal communities is closed.
- Increase funding for **tribal courts by $25 million**. Tribal courts are overwhelmed with hundreds of serious cases declined by U.S. attorneys as well as increasing meth and drug crimes. Tribal courts have been level funded for at least the last five years. The Senate version of the Recovery Act included $25 million for tribal courts that was stripped from the final bill.
- Increase funding for **juvenile justice programs** and provide a 10 percent tribal set-aside by increasing the Tribal Youth Program to $36 million; provide a separate construction fund for regional tribal juvenile facilities.
- Fully fund the programs under the **Violence Against Women Act**, including $1 million for the National Tribal Sex Offender and Order of Protection Registry and $1 million for the baseline study of violence against Indian women.

Homeland Security

Tribal governments, have broad emergency and first responder responsibilities, as well as extensive border security responsibilities including immigration, anti-terrorism and smuggling.

- Set aside a minimum of one percent of the total of tribal formula set-aside for the DHS "**Tribal Homeland Security Grant Program**".
- Fund the **tribal governmental ID improvement grants** at $20 million within the Western Hemisphere Travel Initiative or REAL ID programs.
- Fund the **state and local reimbursement fund** at $20 million, specifically to reimburse tribal governments for Tribal expenditures covering federal border responsibilities.
- Provide a $5 million grant for the creation of **a national tribal ID database**.

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[1] U.S. Department of Justice, Criminal Division. (1997, October). Report of The Executive Committee for Indian Country Law Enforcement Improvements to the Attorney General and the Secretary of the Interior. Washington, DC: Office of the Deputy Assistant Attorney General.

Education
To ensure that Native students—from pre-school to college—meet the same challenging academic standards as other populations and experience the benefits of a quality and supportive education, it is imperative that the federal government uphold its responsibility for the education of Indian people.

- Provide $195.5 million for **Title VII** funding under the No Child Left Behind Act.
- Increase **Impact Aid funding** to adjust for inflation and population growth.
- Provide $10 million for **Head Start** funding.
- Provide $32 million for **Title III, Higher Education Act**.
- Provide $62 million (one-time) forward funding for **Tribal Colleges and Universities**.
- Provide $10 million for **Tribal Education Departments**.
- Provide a $120.5 million increase for **Bureau of Indian Affairs Indian school construction and repair**.
- Provide $10 million for **Esther Martinez language programs** under the Administration for Native Americans.

Health Care
The President has proposed $4 billion total for IHS, which would provide a badly needed increase for Indian health care. NCAI will work with Congress to ensure the proposed increase for IHS stays in the budget throughout the appropriations cycle. NCAI commends the Administration for heeding the calls of tribal leaders in providing increased resources for Indian health.

- Increase **Indian Health Service** funding by $908 million.
- Fully fund **IHS contract support costs**.
- $15 million to fund **SAMHSA Behavioral Health Services Grants** for American Indian and Alaska Natives.

Indian Child Welfare and Human Services Needs
American Indian and Alaska Native children and their families and communities have some of the greatest needs in the areas of child abuse and neglect and mental health services, but also have some of the most restricted access to resources to address these pressing issues. By funding tribal governments directly from federal resources, for many of which they are not currently eligible for, the federal government is honoring the trust relationship and empowering tribal communities and governments with the best opportunity to change the dynamics that bring children, youth, and families into child welfare, mental health, and juvenile justice service systems.

- Increase funding for **Indian Child Welfare** (funded in BIA in Tribal Priority Allocations) by $45 million.
- Increase **Urban Indian Child Welfare Programs** by $10 million.
- Increase **Behavioral Health Services, Indian Health Services** by $50 million.
- Increase **Child Welfare Assistance, Bureau of Indian Affairs** by $50 million.
- Increase **Circles of Care, Substance Abuse and Mental Health Services Administration** by $5 million.
- Restore **Miscellaneous Assistance (Disaster Assistance)** program to full FY 2006 funding level.
- Restore $21.9 million in the **Welfare Assistance program**.

Economic Development
Congress should continue to invest in sound economic policies that have proven to pay dividends in the form of greater individual and tribal government self determination. Sound business and economic policies have increased job opportunities for individuals, contracting opportunities for business owners and created a better quality of life for tribal citizens through increased government programs. The following business and economic development programs are among those proven to be successful; however, they are either underfunded or not given enough support to meet their stated objectives.

- Increase funding to $10 million for Native economic development initiatives at the **Native Community Development Financial Institutions Fund** (NCDFI) or 10 percent of the CDFI Fund's appropriation, whichever is greater.
- Increase line-item funding to $5 million for the **Native American Outreach Program** *(Small Business Administration)*.
- Provide $1 million for **Dedicated Government Contracting Oversight Funding for Office of Native American Affairs** *(Small Business Administration)*.
- Provide $20 million for **Surety Bonding Capacity** *(Small Business Administration)*.
- Provide $3 million for the **Office of Native American Business Development** *(Department of Commerce)*.
- Provide $3 million for the **Minority Business Development Agency** *(Department of Commerce)*.
- Provide $8 million for additional **BIA Business Loan Guarantee Funding** *(Bureau of Indian Affairs – Office of Indian Energy and Economic Development)*.
- Provide $39 million for expanded **BIA Loan Guarantee for Surety Bonding** *(Bureau of Indian Affairs – Office of Indian Energy and Economic Development)*.

Agriculture
Agriculture is the second leading employer in Indian Country and is the backbone of the economy for about 130 Native American Tribes. Because 36 percent of Native Americans live in rural areas, tribal governments and farmers look to active partnerships with the United States Department of Agriculture (USDA) to sustain and advance common interests across the broad array of services that USDA provides to tribal governments.

- Increase funding for the **Federally Recognized Tribal Extension Program** by $10 million.
- Fund the **RMA Community Outreach and Assistance Partnership Program** at least at its FY 2008 level.
- Fully fund the authorized amount of $25 million for **broadband access**, with a substantial percentage towards tribal areas.
- Provide $10 million for the **USDA Rural Development's Business and Industry Loan Program**.

1994 Land Grant Institutions
- Increase the $5 million existing funding for the **1994 Extension Program** by $1.7 million.
- Provide $3 million for the **1994 Research Program**.
- Provide $3.3 million for the **Educational Equity Grant Program**.
- Provide $12 million for the **1994 Native American Endowment Account**.
- Provide $5 million for the **Tribal College Rural Development Essential Community Facilities Program**.

Environmental Protection
Tribes, often with close spiritual, cosmological, and cultural relationships to their homelands and resources, face the direct impacts of environmental degradation, contamination and climate change. In order to preserve and enhance the environmental quality of Indian Country for present and future generations and sustain tribal cultures, tribes deserve equitable funding for their environmental programs.

- Provide $68.3 million for the **Indian Environmental General Assistance Program**.
- Provide $10 million for a new set-aside for the **Direct Implementation Tribal Cooperative Agreements** program.
- Provide $67.2 million for tribes in the **Clean Water and Drinking Water State Revolving Funds (SRFs)**.
- Provide $25 million for **Targeted Watershed Grants**.
- Provide $22 million for **Section 103/105 Grants for Indian Tribes**.
- Provide $1.5 billion for **Superfund**.
- Provide $10 million for **solid waste priorities** in the GAP funding specifically to enable tribes develop and implement solid and hazardous waste programs.

Natural Resources
The management of natural resources is as precious of an obligation as there exists in Indian Country. However, the tribes are facing a funding crisis that threatens their ability to support basic natural resource management obligations and responsibilities, which threatens the treaty rights of the tribes.

- Funding for both **Water Resources and Water Rights** should be restored to no less than FY 2003 enacted levels in FY 2010 *(Bureau of Indian Affairs)*.
- Funding for **BIA Endangered Species Program** in FY 2010 should be no less than the FY 2002 enacted level *(Bureau of Indian Affairs)*.
- Provide $50 million for **Tribal Management/Development** *(Bureau of Indian Affairs)*.
- Restore base funding for **Rights Protection Implementation** to at least the FY 2004 enacted level *(Bureau of Indian Affairs)*.
- Provide $3 million for **invasive species** *(Bureau of Indian Affairs)*.

Indian Land Consolidation
Land consolidation is critical for addressing trust management problems created by fractionation. Over 5 million acres of Indian owned land is locked up in unproductive status because the ownership of each tract is divided among dozens, hundreds or thousands of owners. Consolidation of these tracts into tribal ownership results in immediate economic gains by putting the land into productive use, but also in creating new opportunities for commercial development and tribal government construction.

- Provide $145 million for **Indian Land Consolidation** *(Department of Interior)*.

Energy
The development of tribal economies will have a major positive economic impact on neighboring county and regional economies. With a policy backdrop reflective of Indian self-determination and self-governance, and with significant future demand for greater domestic production from all developable energy resources, Indian tribal energy has the potential for lifting undeveloped tribal economies out of poverty and creating a foundation for sustainable development far into the future.

- Provide $10 million for **Program Budget Request** for the Office of Indian Energy Policy and Programs *(Department of Energy)*.
- Provide $5 million for the **Ee/Re Indian Program** - First Steps and Initial Renewable Resource Assessment and Development Feasibility Projects *(Department of Energy)*.
- Provide $5 million for the **Continuation of Tribal Energy Efficiency and Conservation Initiative** *(Department of Energy)*.
- Provide $5 million for the **High Potential Renewable Energy Development Projects** *(Department of Energy)*.
- Provide $200 million for the **Indian Energy Project Loan Guaranty Program** *(Department of Energy)*.
- Provide $5 million for capacity-building assistance for **Tribal Energy Resource Agreements** *(Department of Interior)*.
- Increase **Resource Assessments, Economic Evaluations, and Technical Assistance Grants** for developing feasibility analysis for Indian minerals by $10 million over FY 2009 *(Department of Interior)*.

Housing

American Indian Tribes, Alaska Native communities and Native Hawaiians still face some of the most deplorable housing and socio-economic conditions in the United States despite significant strides in recent years. While there have been improvements, Indian housing is still inferior when compared to all other elements of the American population.

- Provide $854 million for **Indian Housing Block Grant** (IHBG): IHBG funding is the lifeblood for housing development, construction, infrastructure and repair in Native communities. These funds are also important in helping Indian tribes and Tribally Designated Housing Entities (TDHEs) leverage other funds, such as low income housing tax credits. Even at its peak in FY04, the IHBG did not meet all Indian housing needs
- Provide $100 million for **Indian Community Development Block Grant** (ICDBG).
- Provide $12 million for **Section 184 Guaranteed Loan Program.**
- Provide $8 million for **Title VI Guaranteed Loan Program.**
- Provide $5.2 million for **NAHASDA's Training and Technical Assistance** Funding.
- Provide $20 million for **Title VIII Housing Assistance for Native Hawaiians.**
- Restore **Housing Improvement Program** (HIP) to its full FY 2006 funding level.

Transportation

Indian Reservation Roads (IRR) comprise over 104,000 miles of public roads and are owned by the Bureau of Indian Affairs (BIA), Indian tribes, states and counties. These roadways are the most underdeveloped road network in the nation—yet it is the primary transportation system for all residents of and visitors to American Indian and Alaska Native communities. More than 65 percent of the system is unimproved earth and gravel, and approximately 24 percent of IRR bridges are classified as deficient. The inadequate road conditions make it very difficult for residents of tribal communities to travel to hospitals, stores, schools, and employment centers.

Transportation infrastructure is vital to tribal economies, education systems, health care and social service programs. Tribal communities are threatened by unsafe and often inaccessible roads, bridges and ferries, and suffer injury and death by driving and walking along reservation roadways at rates far above the

national average. Over the past 25 years, 5,962 fatal motor vehicle crashes occurred on Indian reservation roads, with 7,093 lives lost. While the number of fatal crashes in the nation declined 2.2 percent during this time period, the number of fatal motor vehicle crashes per year on Indian reservations increased 52.5 percent. Significant changes and investments in Federal transportation safety programs serving Indian Country are crucial.

- Provide $800 million for the **Indian Reservation Roads Programs** (IRR).
- Provide $75 million for the **Indian Reservation Roads Bridge Program.**
- Provide $35 million for the **Indian Reservation Roads Tribal Transit Program.**
- Provide $4.2 million for **Tribal Technical Assistance Programs** (TTAPs).
- Provide $150 million for the **BIA Road Maintenance Program.**

Elders

Elders are the spiritual leaders in tribal societies. Yet, Indian elders comprise the most economically disadvantaged elderly minority in the nation. Elders in Indian Country could best be provided access to essential social services and important health care information by strengthening the capacity of existing community-based programs to serve, advocate, inform, and intervene on their behalf.

- Provide $28.875 million (for Parts A and B) and $7.2 million for Part C as authorized in the 2006 OAA amendments under the **Title VI of the Older Americans Act.**
- Provide $700,000 for **Title VI staff training** as a separate line item under Title IV.
- Provide $1 million for Title VII - **Elder Abuse Awareness and Protection Demonstration Grants.**
- Provide $1 million for the continuation of training and technical assistance to improve **Elder access to health and social services benefits** in Indian Country under Title IV.
- Provide $150,000 for the continuation of **Diabetes Prevention Program** in Tribal Communities for Elders.

Historic Preservation

Indian Nations directly manage the preservation, maintenance, and revitalization of our culture and traditions as part of the inherent right to self-government.

- Provide $10 million for tribal governments to operate as intended under the **Historic Preservation Fund for Tribal Historic Preservation Officer efforts**
- Provide $4 million for **Section 10 of the Native American Graves Protection and Repatriation Act** program.
- Provide a 3.5 percent increase in the amount appropriated to museums set-aside for Native American/Native Hawaiians under the **Institute of Museum and Library Services (IMLS) Reauthorization Act.**

Support for Tribal Governments

Contract support costs as well as Tribal Priority Allocations in BIA directly support the core governmental functions of tribes. Failure to fully fund CSC penalizes tribes in the exercise of their self-determination rights under the law. TPA funds are the main resource for tribes to exercise their powers of self-governance. However, from 1998 through 2004, BIA's funding of TPA declined from 42 percent to only 33 percent of the BIA's budget.

- Fully fund **contract support costs at the Bureau of Indian Affairs and Indian Health Service.**
- Provide at least a 10 percent ($25 million) increase over FY2009 for **Tribal Priority Allocations.**
- 100 percent full funding of **fixed (uncontrollable) costs** for the Bureau of Indian Affairs, including population growth, inflation, and tribal pay costs.
- Increase funding for **data management at the Bureau of Indian Affairs.**

Conclusion

NCAI appreciates the opportunity to provide testimony to the Indian Affairs Committee on the FY 2010 budget. The budget of the United States either does or does not support the self-determination of tribes. The recommendations in this FY 2010 Indian Country budget request are based on honoring the mutual promises between American Indian and Alaska Native tribal governments and the United States through the federal trust relationship. The recommendations are also founded on the hope and promise of self-determination: federal investment in tribal sovereignty and self-determination is not only fair and just, but it is an investment to close historic disparities in well-being through the most successful federal Indian policy in U.S. history. We look forward to working with Congress to strengthen tribal governments, improve Indian communities, and ensure the federal trust responsibilities to Indian tribes are honored in the appropriations process.

The CHAIRMAN. Thank you very much.

Ms. Burger, thank you for your work in the area of health care, and we welcome you here. You may proceed.

STATEMENT OF JESSICA BURGER, EXECUTIVE COMMITTEE MEMBER, NATIONAL INDIAN HEALTH BOARD; HEALTH DIRECTOR, LITTLE RIVER BAND OF OTTAWA INDIANS

Ms. BURGER. Thank you, Mr. Chairman.

Mr. Chairman, Mr. Vice Chairman and members of the Committee, I am Jessica Burger. I am an executive committee member of the National Indian Health Board, and I am also the Health Director for my nation, the Little River Band of Ottawa Indians located in Manistee, Michigan.

I am pleased to be here today to give you the National Indian Health Board's views on the priorities of the Fiscal Year 2010 budget for the Indian Health Service. We were pleased, as you were, to learn that the Obama Administration is proposing an increase to the budget of $4 billion. We don't have any details, but we are hopeful that the Administration's budget will reflect the recommendations made by the Tribal Leaders Committee in March of 2008, and National Indian Health Board supports the recommendations made by that committee.

Overall, the work group recommended increases totaling $908 million above the expected 2009 fiscal year funding levels. They focused on two types of need. First, our current service increases, and those are the increments needed to support the Indian Health Service system at its current level of service. They include pay costs, medical inflation, contract support costs, funding for population growth, facilities construction and staffing in urban program funding, which as you know was eliminated in three previous budgets.

Facilities construction and urban program funding are very important to Indian Country. And we also advocate for the restoration

of the rescissions of Fiscal Year 2005 and 2006 budgeted amounts. The work group recommended a $449.3 million increase overall for all of those items.

Secondly, we talked about program service increases. Those are increases that provide the programs the ability to improve and expand services provided to Indian patients. The IHS has long been plagued by inadequate funding in all areas, and what that has done is made it impossible to supply our Indian people with the level of service that they need and that they deserve. The work group recommended a $458.7 million increase to the program in facilities accounts, and we support that recommendation.

Relative to the budget, I would like to call your attention to two issues regarding budget management. First, it has been the OMB's practice for the past several years to apply the non-medical inflation factor to the Indian Health Service budget. This woefully underestimates the amount needed to keep up with inflation. The medical inflation factor should be applied to the Indian Health Service budget, and it would more correctly reflect the amount it needs to supply necessary care to Indian people.

Second, the Indian Health Service budget must be shielded from Administration rescissions and congressional across the board cuts. Our system provides direct care to patients. It is unfair to make the Indian Health Service programs vulnerable to budget cuts employed for the sole purpose of achieving arbitrary budget ceilings.

Our system is funded at a 60 percent level of need at best. Unplanned cuts to programs puts funding patient care issues at severe risk. We would ask for language to protect the Indian Health Service budget from all rescissions and across the board cuts imposed by Administration and Congress.

And lastly, I would like to highlight some recommendations for increases in four programs and explain why those recommendations are needed.

First, Contract Health Services. The Committee is well aware of the Contract Health Services program and the critical role it plays in addressing the health care of Indian Country. CHS exists because the Indian Health Service system is not capable of supplying all the care needed by our population. It should be a way to purchase needed care, and especially specialty care that is not cost-effective to deliver at every location.

In reality, the gross under-funding of CHS means that we cannot purchase the quality and types of care that we need. Many of our Indian patients are left untreated in painful conditions that plague the system, and over time those persons suffer from injuries of life and limb that are very costly to treat at the end result.

Secondly, hospitals and clinics are the core of our system's medical programs. In addition, the Indian Health Care Improvement Fund provides separate funding that reduces disparities that exist unit to unit within the Indian Health Service system. Without an appropriate level of support in the hospitals and clinics accounts, the United States' trust responsibility for Indian health cannot be met and health directors like me are unable to fulfill our health care mission. We urge you to accept the recommendations of the committee to increase the hospital and clinics account by $107.4

million and to supply an additional $61.2 million to the Indian Health Care Improvement Fund.

I would also like to talk about health care sanitation and facilities. We would like to call attention to the work group recommendations for all of the facility-related accounts, health care facilities construction, maintenance and improvement, sanitation facilities, and environmental health support.

The Committee is well aware that many of our health care facilities are poor and in very inadequate condition to provide the necessary service to our people. We are very grateful for the generous funding for health care and sanitation facilities, construction and maintenance that was provided in the American Recovery and Reinvestment Act, but this is only a one-time boost.

We need the Administration and Congress to commit to provide more appropriate levels of support for these facility accounts and to do so on a continuing, recurring basis.

Mr. Chairman, I appreciate the opportunity to address the Committee today regarding these important matters, and I look forward to answering your questions.

[The prepared statement of Ms. Burger follows:]

PREPARED STATEMENT OF JESSICA BURGER, EXECUTIVE COMMITTEE MEMBER, NATIONAL INDIAN HEALTH BOARD; HEALTH DIRECTOR, LITTLE RIVER BAND OF OTTAWA INDIANS

Mr. Chairman, Mr. Vice Chairman and Members of the Committee:

I am Jessica Burger, Executive Committee Board member for the National Indian Health Board and Health Director for the Little River Band of Ottawa Indians in Manistee, Michigan. I am honored to appear here today to give you the National Indian Health Board's views on priorities for the FY 2010 Indian Health Service budget. Our NIHB Chairman, Reno Keoni Franklin, regrets that he was not able to travel here from California to deliver this testimony himself.

NIHB was pleased to learn that the Obama Administration is proposing what is described as a "significant" increase in the Indian Health Service (HIS) budget request for FY2010, to a figure in excess of $4 billion. While we do not yet have any details about the programs and projects for which increases are requested, we are hopeful that the Administration's budget will reflect the recommendations for FY2010 made in March, 2008, by the tribal leaders who comprise the Indian Health Service's National Tribal Budget Workgroup. The Workgroup's detailed recommendations, set out in its paper titled "Restoring the Trust and Leaving a Legacy", were supplied to the Obama Transition Team. NIHB supports and endorses those recommendations and they are attached to my written testimony.

The Workgroup recommended increases in the Indian Health Service Budget totaling $908 million above the expected FY2009 funding levels. These recommendations focus on two types of needed increases:

Current Services Increases are essentially those budget increments needed to enable the Indian health system to merely continue to operate at its current level of service. this category contains such items as pay cost increases (for IHS, tribal and urban program employees); medical inflation; contract support costs; funding for population growth; facilities construction and staffing; urban program funding (which the Bush Administration sought to eliminate); and restoration of rescission amounts from FY05 and FY06. Without these increases to base funding, we would experience a decrease in our ability to care for our service population. The Workgroup recommends an increase of $449.3 million for these items. [A chart outlining the recommended increase for each item is attached.]

Program Services Increases refer to the recommended increases in IHS budget accounts to enable our programs to improve and expand the services they provide to Indian patients. As you know, the IHS has long been plagued by woefully inadequate funding in all programmatic areas, a circumstance which has made it impossible to supply Indian people with the level of care they need and deserve. The Workgroup recommended $458.7 million be added to identified program and facilities accounts. [I attach a chart itemizing the recommended increase for each account.]

Budget Management Issues. I want to call to your attention two structural issues involved with budget management which require special attention and instructions.

First, it has been OMB's practice for the past several years to apply the non-medical inflation factor to the IHS budget. This is wrong, as it greatly underestimates the amount needed to keep up with inflation. Instead, the medical inflation factor should be applied to the IHS budget to more correctly reflect the increased amount needed for this system which is responsible for providing direct care to patients and for purchasing care from public and private providers through the Contract Health Services program. Using the non-medical inflation factor is a sleight-of-hand way of depressing the budget and results in understating the system's true need. For Congress to make informed appropriation decisions, it needs to have accurate estimates of the amount needed to cover inflation in medical care costs.

Thus, please ask the Budget Committee and the Appropriations Committee to instruct IHS budget developers and OMB to apply the medical inflation rate to all subsequent IHS budget requests.

Second, the IHS budget must be shielded from Administration rescissions and Congressional across-the-board cuts. Our system provides direct care to patients. It is unfair – and inhumane – to make IHS programs vulnerable to budget devices employed for the sole purpose of achieving arbitrary budget ceilings. It would be difficult enough to absorb these reductions if the IHS system were funded at its true level of need. But where, as here, our system is funded at 60% of need at best, arbitrary, un-planned for, cuts to program funding puts prudent patient care at severe risk.

Thus, NIHB asks for bill language to protect the IHS budget from all rescissions and across-the-board cuts imposed by the Administration or Congress.

Specific Programs. In the time remaining, I want to mention a few programs targeted by the Workgroup for vital programmatic increases and tell you why I believe you should support these recommendations.

- **Contract Health Services**. This Committee is well aware of the CHS program's critical role in addressing the health care needs of Indian people, having held a hearing last year dedicated to this program alone. The CHS program exists because the IHS system is not capable of supplying directly all the care needed by our service population. In theory, CHS should be an effective and efficient way to purchase needed care – especially specialty care – which Indian health facilities are not equipped to provide or which are cost-effective to offer at every location. But the reality is that the gross underfunding of CHS means that we cannot purchase the quantity and types of care needed. Thus, too many of our Indian patients are left with un-treated and often painful conditions which, if addressed in a timely way would improve quality of life and be more economical to treat. Instead, these conditions worsen over time until they become life- or limb-threatening and wind up being very costly to treat.

  The Workgroup proposed what I believe is a very modest $110 million increase for CHS, although by many estimates the program should be increased by more than $300 million annually. I urge this Committee to continue its advocacy for a more humane level of funding for the CHS program.

- **Contract Support Costs.** I just cannot understand why Indian Country must constantly implore Presidents and Congress to fully funding contract support costs. Since 1975, when the Indian Self-Determination and Education Assistance Act became a cornerstone of Federal Indian policy, Indian tribes have, in good faith, sought to carry out this policy by exercising the right that law provides to take over direct operation of IHS programs. Yet, by refusing to properly fund CSC, the Federal Government actually impedes its own policy and forces contracting and compacting tribes to divert health care dollars to cover the contracting costs we incur. NIHB supports the Workgroup's recommendation that the CSC line item be increased by $143.3 million for FY2010, and that all subsequent budgets provide full funding for these costs.

- **Hospitals and Clinics.** This is the core account which funds our system's medical care programs. It also includes funding for the Indian Health Care Improvement Fund (IHCIF) which provides separate funding for distribution to selected operating units in order to reduce resource disparities between units within the IHS system. Without an appropriate level of support in the Hospitals and Clinics account, the United States' trust responsibility for Indian health cannot be met and Health Directors like me are unable to fulfill our health care mission. We urge you to accept the Workgroup's recommendations to increase the overall Hospitals and Clinics account by $107.4 million, and to supply an additional $61.2 million for the IHCIF.

- **Healthcare Facilities and Sanitation Facilities.** We call to the Committee's attention the Workgroup's recommended increases in various facilities-related accounts – Healthcare Facilities construction (+$93.5 million); maintenance and improvement

(+$8.1 million); Sanitation Facilities construction (+$26.2 million); and facilities and environmental health support (+$4.1 million). The Committee knows as well as I do that many, many of our healthcare facilities are inadequate and in poor repair. Funding for new construction had been on a "pause" under the prior Administration, and maintenance and improvement funding has been insufficient to meet demand.

We are very grateful for the generous funding for healthcare and sanitation facilities construction and maintenance provided in the American Recovery and Reinvestment Act, as it will help make up some of the ground lost over the past several years. This is only a one-time boost in resources, however. We need the Obama Administration and the Congress to commit to provide more appropriate levels of support for these facilities accounts – and to do so on a *continuing, recurring basis*.

I appreciate the opportunity to address the Committee today on these important matters. I am happy to answer your questions.

ATTACHMENT

FY 2010 BUDGET RECOMMENDATION:

Restoring the Trust & Leaving a Legacy

Presented by:

Daryl Red Eagle, Co-Chair
Ft. Peck Assinaboine and Sioux Tribes

Linda Holt, Co-Chair
Suquamish Tribe

Indian Health Service Budget Workgroup

Introduction

Each year, the Indian Health Service (IHS) budget is developed using a budget formulation process that involves IHS direct operated programs, tribally-operated programs, and Urban Indian health programs, commonly referred to as the I/T/U. Representatives from each of the 12 IHS Areas serve on the I/T/U budget work team to discuss their health and budget priorities and develop funding recommendations. The work team, along with IHS headquarters and national organizations, come together to develop consensus on the IHS budget priorities for that year, and to present their recommendations before the Department of Health & Human Services (HHS). In previous years, tribal representatives were allowed to make budget presentations to the Office of Management and Budget (OMB)—however despite repeated requests by the IHS budget formulation work group—this has not happened for the past seven years.

Executive Summary

We are here today with all of the same concerns that we voiced last year. While our health and budget priorities have not changed, tragically, several things have. In the last year, nearly 3,000 American Indians and Alaska Natives (AI/AN) died of cardiovascular disease, over 16,500 were diagnosed with a sexually transmitted disease, 5,000 were diagnosed with diabetes for the first time, over 22,000 are now living with cancer (45% of which were diagnosed in the late-stages), and 400 took their own life. These are our community members and our tribal leaders, our daughters and sons, our mothers and fathers, our brothers and sisters.

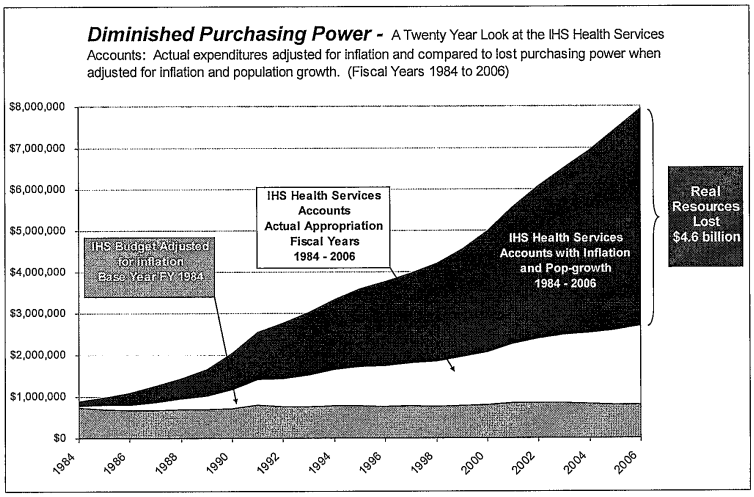
The urgency of this situation should not be taken lightly. For over 100 years, Native people have experienced inferior health outcomes; our life expectancy is still five years less than that of other Americans. Adequate funding is needed to end this lasting injustice, and uphold the federal trust responsibility of the United States and the Federal government.

This year marks the tenth anniversary of the HHS Tribal consultation process. Each year, Tribal leaders have testified about AI/AN health disparities and critical health care needs in tribal communities. In order to address these needs, Tribal leaders have repeatedly testified that mandatory costs like pay increases, inflation, population growth, and administrative costs must be funded in order to maintain current services. If current services are not maintained, the overall health program is eroded. If not funded, the only alternative to absorb mandatory costs is to cut health services to people that need health care the worse. Because tribal requests have not been well funded, Tribal leaders have become cautious about the effectiveness of the HHS Budget Consultation process. Many Tribal leaders have lost faith and question the Administration's commitment to uphold the responsibilities of the Federal trust relationship. For Tribes, the ultimate policy document to uphold the Federal trust relationship is the Administration's budget. Clearly, our Tribal budget requests have not been sufficient to meet the needs of Indian Country and do not honor the Federal trust relationship.

The IHS Federal Disparity Index (FDI) measures the proportion of funding provided to the Indian health system, relative to its actual need, by comparing healthcare costs for IHS

beneficiaries in relation to beneficiaries of the Federal Employee Health Benefits (FEHB) plan. This method uses actuarial methods that control for age, sex, and health status. In 2002, per capita healthcare spending totaled $1,914 for AI/ANs, compared to $3,545 in other public sector financing programs serving the non-elderly population.1 It is estimated by the FDI, that the IHS system is funded at less than 60% of its total need.2 To fully fund the clinical and wrap-around service needs of the Indian healthcare system, the IHS budget would need an additional $15 billion dollars. 3

Instead, OMB has routinely used non-medical inflation estimates to calculate budget increases for the IHS budget, vastly underestimating true healthcare inflation rates. To be consistent, OMB should use the same inflations rates for IHS as are applied to Medicaid and Medicare. Compounded over the last eight years, the IHS has received insufficient funding to cover population growth and the increasing cost of medical salaries, medical equipment, facility maintenance, and service administration (i.e. Contract Support Costs). This underestimation has seriously diminished the purchasing power of Tribal health programs.



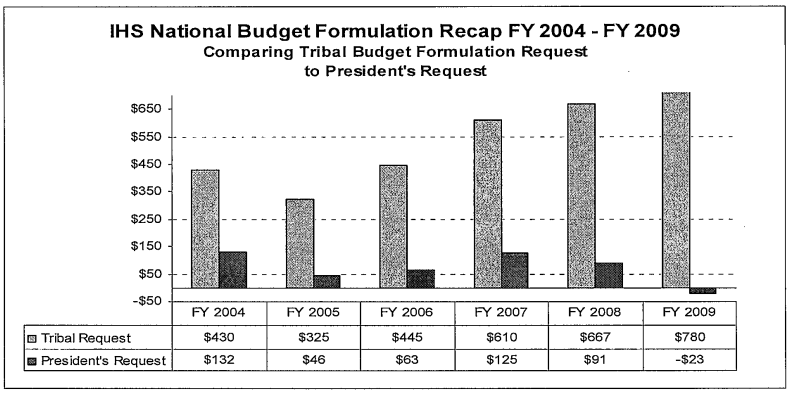
The graph above illustrates that in FY 1984 the IHS health service accounts (does not include facilities) were funded at $777 million. In FY 1993 the budget totaled $1.5 billion. By FY 2008, the budget for health services had increased to only $3.3 billion. Were this budget to keep pace with inflation and population growth, this figure would have exceeded $7.2 billion dollars. This graph illustrates the mounting divide that has emerged between: (1) the actual IHS budget; (2) the IHS budget adjusted for inflation, and; (3) the purchasing power of the budget accounting for medical inflation and population growth. As demonstrated, the IHS budget has suffered a cumulative loss of $4.6 billion in purchasing power from 1984 to 2006.

To address this shortfall, the I/T/U workgroup has developed budget recommendations for FY 2010 totaling $908 million. Funds included in this recommendation will offer IHS the ability to provide AI/ANs with access to quality primary and secondary healthcare, basic preventative services, and the infrastructure needed to support those services. The following budget accounts for the actual inflationary costs experienced by I/T/U programs, population growth, the staffing needs of new facilities, and the long-needed backlog of facility construction.

To restore trust, a strong, collaborative commitment is needed by the Administration, the Federal government, and the Congress.

Restoring Trust: The Legal & Historical Roots of the Federal Trust Responsibility

The provision of health services to AI/ANs is the direct result of treaties and executive orders that were made between the United States and Indian Tribes. This federal trust responsibility forms the basis of providing health care to AI/AN people. This relationship has been reaffirmed by judicial decisions, executive orders, and congressional law. Arizona senator and former chair of the Indian Affairs Committee, John McCain, recently charged that, "the federal government has continually reneged on its trust and moral obligations to meet the educational, health care, and housing needs of Indians, and these needs far outweigh the imperceptible contribution that the proposed cuts will make to reducing the deficit."4



	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Tribal Request	$430	$325	$445	$610	$667	$780
President's Request	$132	$46	$63	$125	$91	-$23

In 2002, we came to this meeting and requested an increase of $430 million to meet the healthcare needs of Tribes (the budget formulation process precedes the request by two years). When the President released his FY 2004 budget, the request for the IHS was a mere $132 million. For 2005, Tribes requested $325 million and only received and increase of $46 million. For 2006, the Tribal request was $445 million and the President only requested $63 million. This pattern has continued year after year until finally in FY 2009, for which the Tribal request was $780 million, the President cut the IHS budget by $23 million. This pattern of consistent

disregard hampers meaningful consultation. Consultation is more than just an exchange of words. Action is needed.

As this Administration prepares its last budget submission, for the FY 2010 budget cycle, it has an opportunity to restore the trust back into the HHS budget formulation process. It has an opportunity to restore the faith that this Administration will honor the Federal trust relationship. The Administration can restore the trust by providing an adequate increase for the IHS budget that will fully fund mandatory costs and allow for program increases that will address the significant health disparities that AI/AN people face. Restoring this trust will honor the legal and moral obligations that are owed under the Federal trust relationship. Restoring this trust will leave this Administration's legacy on the federal trust relationship and demonstrates it's commitment to address the health care needs of AI/AN people.

2010 Health Care Priorities

Tribal leaders continue to place great emphasis on the implementation of the IHS Director's three health initiatives: 1) chronic disease management, 2) behavioral health, and 3) health promotion disease prevention.

1) **Chronic Disease Management** - The three most serious and pressing chronic diseases that affect AI/ANs includes cardiovascular disease, cancer, and diabetes.

   a) *Cardiovascular Disease* - With the increasing prevalence in AI/AN communities of risk factors for CVD, such as diabetes and high blood pressure, the burden of CVD in tribal communities is expected to increase, a literal health care ticking time bomb. Diseases of the cardiovascular system are responsible for over 40% of deaths in the US general population, and low-income and minority populations carry a disproportionately high burden of death and disability.5 In 2001, heart disease was the leading cause of death among all AI/AN people (accounting for 20% of all deaths) and stroke was the fifth leading cause of death (accounting for 5% of all deaths).6 More AI/AN men and women over the age of 45 now die of CVD than any other single disease. While CVD mortality has decreased in the last several decades for the U.S. population as a whole, rates are rising among AI/ANs and now exceed those of the general population.7 Heart disease mortality declined 43% in the general US population in the last 30 years, but only declined 4% in the Native population.8

      CVD is a major and increasing component of both inpatient and outpatient medical expenditures by the IHS and tribal health programs. Almost all advanced heart disease must be referred to specialists outside the IHS system, and this is either not available, or if available, is accomplished at considerable expense. Most IHS beneficiaries live in rural areas and access to specialty treatment is difficult to obtain.

   b) *Cancer* - Cancer is currently the second leading cause of death for American Indians, and is the leading cause of death for Alaska Natives.9 Late diagnosis is a major contributor to cancer related mortality for AI/ANs. After being diagnosed with cancer, access to needed services through I/T/U programs and contract health providers in the private

sector can be complicated and overwhelming. Policies related to patient referral processes, contract care eligibility, and access to various pharmaceutical interventions creates added challenges in the coordination of cancer care for AI/ANs.

c) *Diabetes* - AI/AN diabetes prevalence rates are among the highest in the world. The prevalence of diabetes and the extent of diabetic complications have reached epidemic proportions. The age-adjusted prevalence for AI/AN adults is more than twice that of other U.S. adults. Complications from diabetes, includes blindness and vascular insufficiency leading to amputation and End Stage Renal Disease, occur in higher rates in AI/AN people than in the general U.S. population.

2) **Behavioral Health** - Tribal leaders agree that behavioral health is a serious healthcare priority, pointing out that the availability of emergency, outpatient, and inpatient psychiatric services are limited due to chronic under-funding. Psychological services are necessary to improve outreach, education, crises intervention, and the treatment of mental illness such as depression, unresolved childhood trauma, schizophrenia, and factors contributing to suicide and violence.

a) *Drug and Alcohol Use* - Alcohol and substance abuse continues to be a major issue and correlates to injuries, domestic violence, and other behavioral health problems in tribal communities. The impact of these issues on individual health status is evident. Liver disease is the sixth leading cause of death for all AI/ANs, especially effecting individuals 35 years and older.10 Between 2002 and 2005, AI/ANs in all age groups were more likely than other racial groups to have a past year alcohol use disorder (10.7% vs. 7.6%), and more likely to have a past year illicit drug use disorder (5.0% vs. 2.9%).11 Tribes make continued efforts to address prevention, treatment, and aftercare services within their communities. Under-staffed, frontline professionals are often faced with the need to address co-existing behavioral and mental health disorders.

b) *Methamphetamines* - Tribal officials also report an increase in methamphetamine use in many areas of the country. Highly aggressive prevention and intervention services are demanded because of the severe influence of this drug on human behavior and the neurological and physical damages caused by this drug. The extent of the problem is difficult to ascertain because the present ICD-9 coding in the IHS data system includes 'amphetamine,' not 'methamphetamine' indicators. For example, the Phoenix Area, serving Tribes in Arizona, Nevada, and Utah, reports that the annual rate of amphetamine-related conditions increased dramatically from 100 cases per 100,000 population in 2000 to 695 cases per 100,000 population in 2005. The workload visits of persons coming into Phoenix Area IHS with amphetamine-related conditions increased from 135 in 2000 to 1,024 in 2005 and half of all persons with alcohol-related conditions and amphetamine-related conditions were between 25 and 44 years old. Tribal leaders express urgency regarding the need to assess the extent of the problem of increasing methamphetamine use on Indian reservations.

c) *Suicide* - Suicide is a sensitive issue, but one that is of great concern in AI/AN communities. According to an estimate by Keppel et al. (2002), the 1998 suicide rate

among AI/AN was 13.4 per 100,000, representing an 8.1% increase from 1990 and a substantial departure from the target rate for Health People 2010. National suicide rates for AI/ANs have consistently been over twice the U.S. national average for all races and even higher for young Indian males. IHS service population data indicate that suicide is an even greater problem among AI/AN youth and males. Among AI/ANs ages 15-to-34 years, suicide is the second leading cause of death.12 Current reports indicate these trends are not abating. For example, Pine Ridge Service Unit reported a 65% increase in suicide gestures for 2004, and 250% increase in attempts and completions from 2004 to 2005.

3) **Health Promotion and Disease Prevention** - Holistic, culturally appropriate health promotion and disease prevention (HP/DP) programs can save lives, reduce health disparities, and when adequately funded, drastically improve the quality of life of AI/ANs. The prevention priorities for IHS in 2008 are:

- Asthma
- Diabetes
- Nutrition
- Obesity
- Physical Activity and Exercise
- Tobacco Cessation
- Access to Health Care
- Cardiovascular Disease
- Environmental Quality
- Immunization
- Injury and Violence
- Mental Health
- Oral Health
- Responsible Sexual Behavior
- Substance Abuse
- Traditional Healing

Prevention is cost effective. Despite limited financial resources, IHS has made great progress in many healthcare domains by providing holistic preventative care. Primary prevention efforts are crucial to this effort, and ongoing resources and expertise must be committed to the provision of long-range HP/DP services. Physical fitness, tobacco cessation programs, and early screening initiatives can reduce current levels of diabetes, cardiovascular disease, and cancer. Given the significant cost of treating critical health outcomes (i.e. diabetes, HIV, heart disease), public health research has found a variety of wellness programs to be cost effective, including diabetes prevention programs, STD/HIV prevention, and tobacco cessation.

Prevention is good public health practice & reflects our Cultural Values. To proactively address each of these issues, strategies are needed to expand the prevention capacity of the Indian health care delivery system. Tribes cite a variety of effective strategies, including: community-based health education, patient case management, screening and early detection campaigns, training for healthcare professionals, and incorporating traditional healing approaches to improve wellness. Traditional, culturally-appropriate prevention programs must be recognized as "best practice" by state and federal agencies. Holistic prevention activities integrate the physical, emotional, spiritual, and social dimensions of health behavior and self-care.

2010 Budget Request

The following budget request will maintain and prevent decreasing AI/AN access to adequate health services, allowing us to continue out work in eliminating health disparities among AI/ANs. The Current Services Increases budget outlined below is essential for maintaining the base funding for IHS programs. Similarly, the Program Services Increases budget is necessary to maintain current access to care. Explained in more detail below, both types of funding are equally crucial if any progress is to be made in addressing our aforementioned healthcare priorities.

FY 2010 Current Services Increases		
Pay Costs	$	47,730,000
Inflation	$	51,038,000
Additional Medical Inflation	$	36,349,000
Contract Support Costs	$	143,259,073
Population Growth	$	22,544,792
Health Care Facilities Construction	$	93,556,187
Staffing New/Replaced Facilities	$	15,118,568
Restore Urban Programs	$	35,000,000
Restore FY 2005 Rescission	$	3,500,000
Restore FY 2006 Rescission	$	1,250,000
TOTAL CURRENT SERVICES:	**$**	**449,345,620**

Pay Costs (both Federal & Tribal): The Tribal and Urban Indian leadership requests an amount of $22.9 million for "Federal Pay Cost" increases. This will enable IHS to fund the pay increases of mandated Federal employees for FY 2010. Tribal leadership also requests an additional $22.8 million to allow Tribally-operated and Urban health programs to provide comparable pay raises to their own staff. This is needed to enable the I/T/U programs to compete with the private sector for qualified employees. Maintaining the salary base for I/T/U healthcare providers and ancillary positions is vital to maintain the essential functions of the IHS.

Inflation: Funding for the IHS has not kept up with inflation. While mandatory programs such as Medicaid and Medicare have accrued annual increases of 5-10% to keep pace with inflation, the IHS has not received comparable increases. Our budget recommendation includes $51.0 million to address the increased cost of providing health services due to inflation. The inflation rate now used by OMB is insufficient to address the actual inflationary costs experienced by I/T/U programs. Funding to makeup for the true medical inflation rate is crucial to programs dependent upon Contract Health Services (CHS) funding. The CHS program is most vulnerable to inflation pressures and rising pharmaceutical costs and purchasing inpatient and outpatient hospital care. An additional $36.3 million is requested to address the actual inflation rates expected in FY 2010.

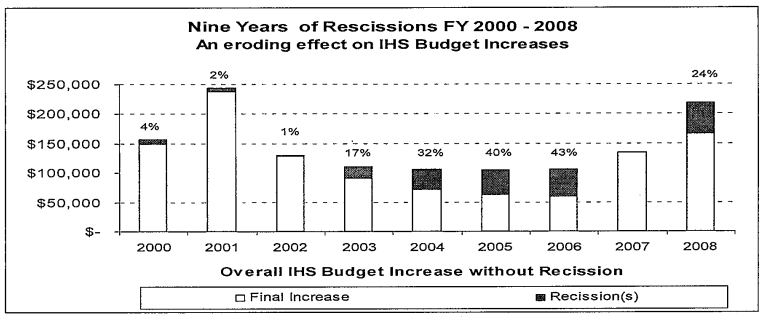
Contract Support Costs: "Contract Support Costs" are vital to support tribal efforts to develop the administrative infrastructure needed to successfully operate IHS programs. The present shortfall creates a disincentive for Tribes to compact or contract, and diminishes available healthcare funding, as budgets must absorb the shortfall. Adequate funding will assure that Tribes, under the authority of their contracts and compacts with the IHS, have the ability to deliver the highest quality healthcare services to their members. Tribal programs have increased the quality and level of services in their health systems fairly significantly over direct service programs. Failing to adequately fund "Contract Support Costs" defeats the very program that most appears to improve health conditions for AI/ANs. We strongly urge consideration of this line item, and recommend $143.3 million to alleviate the shortfall for current contracting and compacting.

Population Growth: According to information provided by the National Center for Health Statistics, birth-death records indicate that the AI/AN population is increasing at 1.6% per year. This increase translates to approximately 30,000 new patients entering the Indian Healthcare system annually. The 2010 budget recommendation includes $22.5 million to meet new demands produced by population growth.

Health Care Facilities Construction: The current average age of an IHS facility is 32 years. The continuing "pause" on facility construction has delayed attempts to address the aging healthcare facilities within the IHS system. The 2010 budget recommendation restores funding to $93.6 million, allowing IHS to replace its priority healthcare facilities with modern facilities, and to significantly expand capacity at its most overcrowded sites.

Staffing for New Facilities: The FY 2010 budget recommendation includes $15.1 million for the staffing and operating costs of new facilities that will open in FY 2010. Investments made in the construction of healthcare facilities must be accompanied by the necessary resources to operate them.

Exemption from Rescissions: Tribal and Urban Indian leaders vigorously request an exemption for the IHS budget to any rescissions that are passed down by Health and Human Services.



Given the unique mission of the IHS as a direct health care provider, and consistent with other government health service agencies like the Department of Defense and Veterans Health Administration, the IHS should be exempt from rescissions. Rescissions equate to a reduction in healthcare delivery and mean elimination of health programs, turning away patients in need. IHS health programs are subject to the same rates of medical inflation that VA and DOD programs are and deserve the same consideration. IHS programs also provide services to veterans that may not be able to travel great distances from reservations to VA hospitals to receive care. If the Administration and Congress are resolved to address Indian health disparities, they must restore past year's rescissions and exempt them from future cuts.

FY 2010 PROGRAM SERVICES INCREASES

Health Accounts		
Hospitals & Clinics	$	107,391,447
Indian Health Care Improvement Fund (subset of H&C)	$	61,205,765
Information Technology (subset of H&C)	$	4,927,850
Dental	$	17,266,383
Mental Health	$	23,592,385
Alcohol and Substance Abuse	$	32,561,359
Contract Health Services	$	109,833,578
Public Health Nursing	$	7,895,049
Health Education	$	4,392,135
Community Health Representatives	$	8,102,018
Alaska Immunization	$	54,927
Urban Indian Health	$	3,121,335
Indian Health Professions	$	1,555,099
Tribal Management	$	4,976,344
Direct Operations	$	622,357
Self-Governance	$	142,068
Facilities		
Maintenance & Improvement	$	8,103,413
Sanitation Facilities Construction	$	26,195,488
Facilities & Environmental Health Support	$	4,169,464
Equipment	$	1,690,656
HFC Priority System Area Distribution*	$	20,000,000
Other Priority Recommendations		
Ambulatory/Outpatient	$	5,671,807
Pharmacy	$	1,250,000
Diabetes	$	3,151,004
Injury Prevention	$	833,333
TOTAL PROGAM INCREASES	**$**	**458,705,264**

* The ADF funding methodology is currently under review by the IHS and HHS.

Hospital & Clinics: The FY 2010 budget recommendation includes a request for $107.4 million to support IHS and tribal programs in the treatment and care of chronic diseases, including diabetes, cancer, and heart disease, as well as sustained programs for health promotion and disease prevention.

Indian Health Care Improvement Fund: An additional $61.2 million is recommended for the Indian Health Care Improvement Fund (IHCIF) within the Hospitals & Clinics budget. The IHS is funded at approximately 60% of need. IHCIF funds are appropriated by Congress to reduce disparities and resource deficiencies between units within the IHS system. The funding formula targets funding deficiencies measured by the Federal Disparity Index. The FDI model was developed through national tribal consultation, by a Tribal/IHS workgroup, health economists, and actuaries.

The disproportionately high rates of AI/AN morbidity, mortality, and disability are greatly exacerbated by disparate healthcare resources. Though there are significant needs for all IHS units, the most under funded units require immediate attention. The additional $61.2 million requested in FY 2010 will begin to reduce disparities for the most deficient units, and will provide greater equity in funding, but does not eliminate the $15 billion system-wide deficiency identified by the FDI methodology.

Information Technology: An additional $4.9 million is recommended for "Information Technology" within the H&C budget. It is critical that we develop the infrastructure and support systems needed to implement electronic health records and telemedicine capabilities in the I/T/U system. Many tribal communities are located at great geographic distance from specialists or inpatient facilities. Tribal leaders consistently voice the need for improved inter-connectivity. Advanced information technology services cannot be supported using existing outdated hardware. It is a priority for the Indian health system to develop uniform data collection to enhance surveillance, reporting, accountability, and to vigilantly bill third party resources when appropriate. Moving to a nationwide Electronic Health Record system will produce vast improvements in care and administration. While tribal leaders are cognizant that many budgets are being consolidated, this is one area that must receive increased funding to keep projects moving forward.

Dental Health: The FY 2010 budget recommendation includes an increase of $17.3 million for the "Dental Health" budget. Dental conditions are deplorable in Indian Country, and are the cause of significant health problems. AI/ANs have among the highest rates of tooth decay and gum disease in the US. Dental services are extremely limited. For example, root canals and dentures services are not available, and when funding is low, services are rationed. Nationally in 2007, GPRA indicators indicated that current access to dental care for the IHS user population was only 25%, substantially below our Healthy People 2010 goal of 40%.13 To address this, we recommend that the IHS assist Tribes in developing their own expanded duty dental auxiliaries.

Mental Health: Depression and other mental health diseases continue to destroy the sanctity of countless AI/AN families. Behavioral health services are inadequate to meet the present and growing needs of mental health disorders. Psychological services are necessary to improve

outreach, education, crises intervention, the treatment of mental illness such as depression. Stronger action and intervention is necessary. To address this, additional funding in the amount of $23.6 million is requested to enable IHS and AI/AN Tribal governments to provide culturally appropriate mental health services in a more timely and efficient manner consistent with current health problems.

Alcohol and Substance Abuse Program: Last year's budget increase provided for increased services and community interventions, yet alcoholism and substance abuse continue to be a major issue, associated with injuries, domestic violence, and other health and social problems. Methamphetamine and inhalant abuse have reached epidemic proportions on reservations. The tribal budget recommendation for FY 2010 includes an increase of $32.6 million to address these serious health problems.

Contract Health Services: We recommend a modest increase of $109.9 million for Contract Health Services (CHS). The documented need for the CHS program in Indian Country easily exceeds $1 billion. At present, less than one-half of the CHS need is being met, leaving too many Indian people without access to necessary medical services.

It is estimated that the unmet need for CHS resources is at least $301 million based on FY 2005 data, a figure that could be significantly higher if all CHS data were available. Many tribally-operated health programs no longer report deferred or denied services because of the expense associated with tracking and reporting un-provided services. More disturbing is that many IHS users do not even visit health facilities, because they know they will be denied services due to funding shortfalls. The $109.9 million estimate is quite conservative, and when added to the current IHS budget line item, the CHS budget should be at least $800 million.

CHS funds are used in situations where: (1) no IHS direct-care facility exists, (2) the direct-care element is incapable of providing the required emergency and/or specialty care, (3) the direct-care element has an overflow of medical care workload, and (4) to supplement alternate resources. In order to budget the CHS resources so that as many services as possible can be provided, the agency must apply stringent eligibility rules and use a medical priority system. Non-emergency services must be pre-authorized and emergency services are only authorized if notification is provided within 72 hours of the patient's admission for emergency treatment. CHS regulations prioritize medical need when funds are insufficient to provide the volume of care needed. Because of insufficient funding in the CHS program, most IHS and Tribal health programs are often placed on "Priority One" status. The following is a description of "Priority One" care:

> *Priority One - Emergent/Acutely Urgent Care Services*: Diagnostic or therapeutic services that are necessary to prevent the immediate death or serious impairment of the health of the individual, and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible health care available. "Priority One" represents those diagnoses and treatments of injuries or medical conditions that, if left untreated, would result in uncertain but potentially grave outcomes.

In Areas where there are no hospitals, many Tribes begin the year in "Priority One" status because they obligate new fiscal year funds to clear the previous year's denied and deferred services.

Preventive Health – Public Health Nursing, Health Education, CHRs, and Alaska Immunization: The tribal recommendation for FY 2010 includes an increase of $20.4 million for the "Preventive Health Budget" line item. Public health nurses, health educators, and community health representatives are vital to addressing health disparities in Indian communities. As part of a comprehensive public health program, these activities are integrated into the I/T/U health system to support the health care provided within the hospitals and clinics and are a key component of health promotion and disease prevention.

Urban Program: This FY 2010 budget recommendation restores and increases the Urban Indian Health Program (UIHP) to a level of $38.1 million. The President's FY2009 budget argued that AI/AN living in urban centers could seek care from HRSA operated Community Health Centers (CHC) and any other local, state, and federal health resources; however, this position ignores the substantial barriers to care faced by AI/AN. The National Association of Community Health Centers has consistently stated that, since 2006 when the President first proposed the elimination of the UIHP, the CHCs have neither the funds nor the expertise to absorb the 150,000 patients annually served by UIHP clinics.

UIHP clinics are the only health care providers in urban centers providing culturally appropriate services. Without this program AI/AN living in urban centers would most likely return to their home reservations to seek care—oftentimes delaying necessary care for months (if not years) until they return home, which would raise the cost of care. No study or consultation has ever taken place addressing the impact that the elimination of the UIHP would have upon Tribes. The UIHP represents approximately 1% of the Indian Health Services; but it is a necessary and congressionally-mandated part of Native health system. Continuing attempts to eliminate the UIHP sends a troubling message: that the Administration seeks to substantially rescind its trust responsibility. This FY2010 budget recommendation reaffirms the trust relationship between the Federal government and Native American peoples.

Indian Health Professions: An additional $1.6 million is requested for the Indian health professions programs. Health professions recruitment, such as scholarship and loan repayment programs, are important incentives and attractive recruitment tools for IHS and tribal programs. The IHS and tribal programs experience high vacancy rates hampered by competition among States, Tribes, other Federal health care systems, and the private sector. A lack of adequate funding limits the ability of Tribes to fill needed health professions positions.

Tribal Management and Self Governance: Our recommendation for tribal management funding is to increase the budget by $5 million in FY 2010. These funds are important for enhancing tribal management capacity through training, technical assistance and strategic planning. An additional $142,068 is requested for self-governance planning grants to encourage additional tribal compacting.

Maintenance and Improvement: Tribes are concerned about the adequacy of funding for the maintenance and improvement (M&I) of Federal- and Tribe-owned space used for the provision of healthcare services. M&I funds are also substantially lower than what are needed. Base M&I funding to sustain the facilities in their current condition is estimated at $80 million annually. In addition, the backlog of maintenance is currently estimated by IHS to be $371 million. A relative modest $8.1 million dollar increase is recommended for this line item. M&I funds are used to accommodate requests for IHS and tribal services and facilities, to support and enhance the delivery of healthcare and preventative health services, and to safeguard interests in real property. Tribes recommend that increased funding be allocated to M&I to prevent undue deterioration of federal and tribal facilities.

Sanitation Facilities Construction: The tribal recommendation for FY 2010 includes an increase of $26.2 million for "Sanitation Facilities Construction". Availability of adequate plumbing systems in homes has a direct correlation with prevention of diseases. Currently, 12% of AI/ANs and Alaska Native homes do not have an adequate water supply.

Facilities and Environmental Health Support: The level of funding for this line has stayed relatively flat or received small increases (less than 2%). With the rising cost of salaries and double digit annual increases in energy costs, this funding line is not keeping pace. An increase of $4.2 million is recommended for "Environmental Health Support" (EHS) and "Facilities Support" (FS). EHS staff provides engineering services for the sanitation facilities program and for community environmental health services. FS supports utility costs and maintenance personnel to operate hospitals and clinics.

Equipment: The FY 2010 tribal budget recommendation includes an increase of $1.7 million for medical equipment replacement. Additional funding is needed to keep pace with technology change and the ever-increasing cost of medical equipment. The standard replacement cycle for medical equipment is 6 years. IHS Equipment is funded on 18 year replacement cycle. Full funding would prevent using operational funds which takes away from direct patient care

Area Distribution Fund (ADF) for Facilities Construction: This request funds a new recommendation made by the Facilities Appropriation Advisory Board to implement an ADF that provides $20 million for high priority facility construction in the IHS Areas. It is noted that the FAAB funding methodology for the ADF is currently under review by the IHS and HHS.

Other Priority Recommendations: An additional $10.9 million is recommended to address the growing need for ambulatory/outpatient care, the increased costs of providing pharmaceuticals, and additional funding for diabetes management and injury prevention activities.

Closing

Tribal performance on Government Performance and Results Act (GPRA) measures demonstrates the commitment of Tribal programs to improving the health status of the AI/AN population served, as well as a commitment to accountability. The IHS, Tribes, and related programs have embraced performance measurement and strive towards continued improvement. Likewise, the IHS has shown that it can properly manage its scant resources. IHS has scored better in PART scores than CMS, HRSA and the VA. This commitment to quality and compliance with PART has not resulted in adequate increases for the IHS budget.

Tribal leaders continue to see a direct correlation between the extremely marginal increases or flat line funding for the IHS budget over the past over the past five years, and their ability to increase access or even meet static targets associated with GPRA indicators. Without an aggressive increase in funding, Tribal communities will continue to suffer from health disparities, Tribal programs will not be able to expand access, and programs will continue to face difficulty meeting performance targets.

Our First Nations are now last in many health indicators. It is imperative that the IHS budget be increased to address these disparities. A minimum allocation of $449.3 million is needed to cover costs associated with maintaining current services (pay increases, medical inflation, population growth, and contract support costs). In addition, $458.7 million is needed for programs to address past year's chronic under funding.

By restoring the trust to the budget formulation process, this Administration can leave a legacy. One by which all other Administrations can be measured. This is an opportunity to make meaningful change. Let this budget serve as your lasting legacy to eliminating health disparities and honor the Federal trust relationship!

Citations:

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The CHAIRMAN. Thank you very much for your testimony. I appreciate your work on health care issues.

Next, we will hear from Mr. Robert Cook, the President of the National Indian Education Association. Likewise, thanks for all of your work dealing with Indian education issues. You may proceed.

STATEMENT OF ROBERT B. COOK, PRESIDENT, NATIONAL INDIAN EDUCATION ASSOCIATION

Mr. COOK. [Greeting in native tongue.]

Chairman Dorgan, Vice Chairman Barrasso, Senator Johnson and Senator Tester and other members of the Senate Committee on Indian Affairs, thank you for this opportunity to submit testimony. My name is Robert Cook. I am an enrolled member of the Oglala Sioux Tribe, and I serve as President of the National Indian Education Association.

Under new leadership with new opportunities, NIEA believes that now is the time to reverse budget cuts to native education programs. To my side is a chart that illustrates the severe disparity in funding for native education. NIEA is hopeful that schools educating native students will receive stronger support and funding for native language, culture, and curriculum; increase funding for Head Start programs; funding for Indian school construction and repairs; and speaking as a tribal college graduate, increased funding for tribal college operations and construction, as stated in President Obama's blueprint for strengthening tribal communities.

The Native American programs at Department of Education are consistently funded at minimum levels, never the maximum. In consideration of the tight budget, NIEA requests a moderate 5 percent increase for a total of $198 million for NCLB Title VII funding. Included in this request is full funding for education for Native Hawaiians and for Alaska Native education equity.

The purpose of Title VII of NCLB is to meet the educational and culturally related academic needs of American Indian, Alaska Native, and Native Hawaiian students. Funds for these programs are the primary sources of funding that specifically address the cultural, social, linguistic needs of Indian students.

At the Department of Education, there is a tremendous backlog of construction needs for public schools on Indian lands that receive Impact Aid funding. The Impact Aid Program directly provides resources to public schools on trust lands. Many public schools on reservations are crumbling, unsafe and should be replaced. The Impact Aid program did receive $100 million in the Recovery Act. However, the school construction needs on Indian lands are great, and these schools could use additional assistance, given that they no tax base and receive minimum funding from the state. An increase of $62 million allocated for school construction for a total of $1.3 billion over the Fiscal Year 2009 level would allow for some progress to be made.

While funding was provided for BIE and for Impact Aid school construction, NIEA was disappointed that funding for public school construction was eliminated in the Recovery Act. We hope that appropriations for Fiscal Year 2010 will include funding for this pressing need.

As someone who has taught in both the BIE and public schools, I have experienced first-hand the effects of BIE's budget being inadequate to meet the needs of Indian students. NIEA requests $661 million for BIE schools, which includes new program funding and a modest 5 percent increase over the amount for BIE schools in the Fiscal Year 2009 omnibus.

This includes funding for elementary and secondary education programs, education management, and a $25 million allocation for student transportation, and a $5 million allocation to provide technical assistance to schools to develop their own standards and assessments.

Schools currently have to use classroom dollars to transport their students to make up for the shortfall. During the current school year, BIE-funded school buses will travel nearly 15 million miles, often over gravel or dirt roads. As reported by the Little Wind School on the Pine Ridge Reservation, the school runs 13 bus routes each day, during which the buses travel an average of 1,600 miles per day during a school day, totaling 268,000 miles annually just for regular bus runs, and these don't include the activity runs.

For BIE school construction and repair, as you can see by the chart, that BIE school construction has been cut in half over the past five years. NIEA requests a $135 million increase over the Fiscal Year 2009 level, for a total of $263 million.

In May of 2007, the OIG at Interior issued a flash report that describes the conditions at BIE schools and required immediate action to protect the health and safety of students and faculty. In its conclusion, the IG states that: "Failure to mitigate these conditions will likely cause injury or death to children and school employees."

The Recovery Act provides $450 million to be shared among the BIE school construction and repairs, detention facilities, and roads. However, this funding will provide little headway considering the lengthy list of schools waiting for new facilities or repairs.

In South Dakota, there is a term that is used called the school to prison pipeline. Our schools are failing our children and we are seeing our children dropping out of school, getting into trouble, and being incarcerated. Investing in children would be an investment in the future.

The NIEA requests at least $24 million for JOM programs at the BIA. JOM grants are the cornerstone for many Indian communities in meeting the unique and specialized education needs of native students. Many Indian children live in rural or remote areas with high rates of poverty and unemployment. JOM helps to level the field by providing Indian students with programs that help them stay in school and attain academic success.

I have seen first-hand the benefits of JOM. My sons are excited about school because of programs that JOM enables them to participate in. For example, JOM helped purchase basketball shoes for the fourth grade boys basketball team that I coach. These shoes are the only shoes that these boys have. It is hard to be in school if you don't have shoes.

At HHS, NIEA requests a $10 million increase to $57.5 million, with an allocation of $13.5 million for the Esther Martinez Act for the administration of Native Americans to support native language immersion and restoration programs. President Obama expressed his support for native languages, both in his message to Indian Country and principles for stronger tribal communities.

NIEA hopes that the 111th Congress will echo President Obama's support for native languages through funding for the Esther Martinez Act at a level that will make a significant impact for tribal communities.

Once again, NIEA thanks the Committee for its tremendous efforts on behalf of native communities. With your permission, I would like to submit some documents for the record.

The CHAIRMAN. Without objection.

Mr. Cook. Thank you.

[The prepared statement of Mr. Cook follows:]

PREPARED STATEMENT OF ROBERT B. COOK, PRESIDENT, NATIONAL INDIAN EDUCATION ASSOCIATION

Chairman Dorgan, Vice- Chairman Barrasso and Members of the Senate Committee on Indian Affairs, thank you for this opportunity to submit testimony on behalf of the National Indian Education Association with regard to the President Obama's FY 2010 budget request.

Founded in 1970, the National Indian Education Association is the largest organization in the nation dedicated to Native education advocacy issues and embraces a membership of over 3,000 American Indian, Alaska Native and Native Hawaiian educators, tribal leaders, school administrators, teachers, elders, parents, and students.

NIEA makes every effort to advocate for the unique educational and culturally related academic needs of Native students. NIEA works to ensure that the federal government upholds its responsibility for the education of Native students through the provision of direct educational services. This is incumbent upon the trust relationship of the United States government and includes the responsibility of ensuring educational quality and access. Recognizing and validating the cultural, social and linguistic needs of these groups is critical to guaranteeing the continuity of Native communities. The way in which instruction and educational services are provided is critical to the achievement of our students to attain the same academic standards as students nation-wide.

In previous years, a pattern developed where Native education programs would get smaller increases in years where overall funding is up and larger cuts in years when overall funding is down. This is unconscionable and must be corrected! Under the last Administration, the President's budget requests proposed many significant cuts in Native education, which have deepened the negative effects of previous cuts. Under new leadership with new opportunities, NIEA believes that now is the time to reverse budget cuts to Native education programs. NIEA understands the difficult economic situation our nation currently faces, however, Native communities have long experienced the highest rates of poverty, unemployment, morbidity, and substandard housing, education, and health care.

NIEA is very hopeful that schools educating Native students will receive funding to participate in a number of programs proposed in President Barack Obama's FY 2010 budget, including the early childhood programs, Promise Neighborhoods, and "successful models for turning around low- achieving schools." In particular, NIEA supports the concept of the Promise Neighborhoods program in that it aims to improve academic achievement, college matriculation rates, and 'life outcomes" in high poverty areas by providing a network of support services "in an entire neighborhood from birth to college." Given the low performance rate of Bureau of Indian Education schools, the low national graduation rate of 50.6% for American Indian high school students[1], and the high poverty in many tribal communities, NIEA would like to see at least one of the Promise Neighborhoods in Indian Country.

In his address to Indian Country and "Principles for Stronger Tribal Communities" President Barack Obama made a commitment to honor "obligations to Native Americans by providing tribes with the educational resources promised by treaty and federal law." Included in President Obama's principles are stronger support and funding for Native language and cultural curriculum, increased funding for Head Start programs, funding for Indian school construction and repairs, and increased funding for tribal colleges' operation and construction. NIEA believes that with President Obama's pledge to affirming tribal sovereignty through stronger funding for educational programs, we will begin to see positive changes in Native students' educational attainment.

Department of Education Budget Request

The United States Department of Education funds the education of Native American students by operating Native American-targeted programs and setting aside funds within programs open to all students and transferring these funds to the Department of Interior for Bureau of Indian Education (BIE) managed schools. The Department of Education Native American programs are consistently funded at minimum levels, never the maximum. The federal government has not upheld its legal and moral obligations to provide sufficient funding for the education of Native American students.

Title VII Programs

In consideration of the tight domestic budget, NIEA requests a **moderate five percent (5%) increase of $9.43 million** over the FY 2009 omnibus of $188.6 million for a total of $198 million for NCLB Title VII funding. The FY 2008 enacted level was $186.2 million, FY 2007 enacted level was $186.5 million, the FY 2006 enacted level was $186.5 million, and the FY 2005 enacted level was $188.3 million. Additionally, NIEA requests full funding in Title VII for Education for Native Hawaiians ($33.315 million) and for Alaska Native Education Equity ($33.315 million). The FY 2009 omnibus provides a total of $122.282 million for Title VII with the purpose of funding Indian education. The level funding of Native education programs will certainly diminish, if not undo, the progress that has been made. Within the past several years, the Office of Indian

[1] The national graduation rate for American Indian high school students was 50.6 percent in the 2004–05 school year, compared to 77.6 percent for white students. Editorial Projects in Education, "Diplomas Count 2008: School to College: Can State P–16 Councils Ease the Transition?" Special issue, *Education Week*, 27, no.40 (2008).

Education has suffered from inconsistent funding, has never received full funding, and many sub-programs have never been funded.

The purpose of Title VII programs in NCLB is to meet the educational and culturally related academic needs of American Indian, Alaska Native, and Native Hawaiian students. The funds for these programs are the **only** sources of funding that specifically address the cultural, social, and linguistic needs of Indian students. At current levels, these programs are under-funded and the proposed levels would only provide approximately $204 per student (Indian education grants). An increase in funding could be used to motivate students, support improved academic performance, promote a positive sense of self-identity, and stimulate favorable attitudes about school and others. Native students are more likely to thrive in environments that support their cultural identities while introducing different ideas. The importance of such environments cannot be overstated.

NIEA also requests that $2 million of the increase it seeks go toward national research activities (Title VII, Part A, Subpart 3) that would focus on analyzing effective approaches in teaching Native children and on the educational status and needs of Native students. NIEA requests that another portion of the increase it seeks go toward funding Tribal Education Departments which are authorized under NCLB, but have never been funded.

Although the National Indian Education Association supports the broad based principles of No Child Left Behind, there is widespread concern about the many obstacles that NCLB presents to Native communities, who often live in remote, isolated and economically disadvantaged communities. There is no one more concerned about the accountability and documentation results than the membership of our organization, but the challenges many of our students and educators face on a daily basis make it difficult to show adequate yearly progress or to ensure teachers are the most highly qualified. The requirements of the statute and its time frame for results do not recognize that schools educating Native students have an inadequate level of resources to allow for the effective development of programs known to work for Native students.

Title I Programs

Nearly ninety percent (90%) of the approximately 620,000 Indian children attend public schools throughout the nation. Indian students, who attend these schools, often reside in economically deprived areas and are impacted by programs for disadvantaged students. The FY 2009 omnibus proposes a total of $14.9 billion, an increase of $593.5 million from FY 2008 levels, for Title I grants to be used for school improvement, state assessments, increased Pell grants, and English language acquisition. NIEA hopes we can build upon this increase for FY 2010. Title I funds go to the state education agencies who, in turn, distribute to the local areas.

Under the American Recovery and Reinvestment Act (Recovery Act), Title I programs received funding in the amount of $13 billion with approximately $93.6 million going to the Bureau of Indian Education schools. While approximately .72% of the Title I funds

set aside for BIA schools presumably is spent on Native students, it is not clear that this is the case with grants to local education agencies[2]. Most Native students are educated in non-tribal public schools, not BIE schools, and a large share of funding does not flow directly to Native students. Also, not all states have cooperative relationships with the tribes located within its borders and sometimes the state education agencies do not fund schools with high populations of Indian students like they should. For these reasons, NIEA urges the Committee to support the creation of an Assistant Secretary of Indian Education at the Department of Education. The Assistant Secretary would review and monitor all of the education programs within the Department of Education that Native students access, in addition to the Title VII programs. The Assistant Secretary would also facilitate the coordination of states, tribal governments and communities, neighboring areas, and the federal government working together in developing educational standards and related assessments.

Higher Education
While we do not yet know what will be included in the final detailed Fiscal Year 2010 budget submission, last year the Department of Education budget zeroed out funding for three important programs that directly impact Tribal Colleges and Universities, namely: Strengthening Tribally Controlled Colleges and Universities; Strengthening Alaska Native and Native Hawaiian Institutions; and Tribally Controlled Postsecondary Vocational and Technical Institutions programs. These programs support basic enhancements to faculty, curricula, and infrastructure as well as essential services for students and are vital to the nation's Tribal Colleges and Universities. NIEA requests expansion of funding for these important programs in Fiscal Year 2010 and beyond.

Impact Aid
NIEA would be remiss if we did not mention the tremendous backlog of construction needs for public schools on Indian lands that receive Impact Aid funding from the Department of Education. The Impact Aid program directly provides resources to state public school districts with trust status lands within the boundaries of a school district for operational support. Many public schools on reservations are crumbling, unsafe and should be replaced. NIEA requests a five percent (5%) increase for Impact Aid. The FY 2009 omnibus proposes funding Impact Aid at $1.265 billion a $25 million increase over FY 2008 levels. **An increase of $62 million, allocated for school construction, for a total of $1.327 billion over the FY 2009 omnibus level** would allow for some progress to be made to meet the continually increasing public school construction needs on reservations. The Impact Aid program did receive $100 million in the Recovery Act, however the school construction needs on Indian lands is great and these schools could use additional assistance given that they have no tax base and receive minimal funding from the state.

The San Carlos Apache Tribe and the Fort Thomas Unified School District, who receive 50% of their funding through the Impact Aid program, are ready to build a new

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[2] Section 1121(a) of the Elementary and Secondary Education Act provides that the Secretary of Education "shall reserve a total of 1% to provide assistance to" the outlying areas and the Secretary of the Interior for Title I purposes.

elementary school. Construction for this project can begin within the next 120 days and be completed in 24 months; however funding is not available to begin this project. Currently, all of the elementary school students living in Bylas, Arizona must be transported off of the reservation, ranging from 12-20 miles away, to attend schools in Fort Thomas. In May 2008, a survey was conducted of 800 community members and the respondents overwhelmingly indicated that both student enrollment and parental participation would increase if a school was located in Bylas, with 93% of the respondents supporting a new elementary school closer to their town. Additionally, the construction of a new school would significantly increase job opportunities for tribal members (300 construction jobs and 108 permanent positions.)

NIEA is disappointed that funding for public school construction, renovation, and innovation did not make it into the Recovery Act. The need for school construction is well documented and we hope that the appropriations for FY 2010 will make up for the school construction eliminated in the Recovery Act.

Department of Interior Budget Request

There are only two educational systems for which the federal government has direct responsibility: the Department of Defense Schools and federally and tribally operated schools that serve American Indian students. The federally supported Indian education system includes 48,000 students, 29 tribal colleges, universities and post- secondary schools.

Under DOI, BIA's budget has historically been inadequate to meet the needs of Native Americans, consequently; our needs over time have multiplied. NIEA is requesting an amount of $660.96 million, which includes new program funding and a modest 5% increase over the proposed amount for BIE schools in the FY 2009 omnibus budget. This includes funding for the elementary and secondary education programs, education management, and allocations for student transportation ($25 million), and to provide technical assistance to schools to develop their own standards and assessments ($5 million).

BIE and AYP

For the past three school years, only 30% of BIE schools made AYP goals established by the state in which the school was located. Department of Education statistics indicate that student performance at BIE schools is lower than students at public schools.
In response to the lack of performance at BIE schools, DOI has launched the Improving Indian Education Initiative to help BIE students meet AYP under NCLB. NIEA commends BIE for this effort and hopes to see positive gains in BIE student academic achievement as a result and supports funding for the Initiative in the amount **$28 million, which is consistent with a 5% increase** from funding received in FY 2009 and FY 2008.[3]

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[3] The Improving Indian Education Initiative was launched in FY2008 and funded at $25 million. The FY 2009 budget request was $26.4 million. NIEA's $28million for this program is included in the $660.96 million NIEA is requesting for BIE schools.

Tribal communities are in the best position to determine the needs and the appropriate assessment methods for Native students. As the law is currently written, a single tribe, school board or BIE funded school may apply for a waiver, however, considering the significant amount of time and resources needed to successfully submit an application, very few tribes, if any, have been able to submit an application on their own. Challenges preventing tribes from applying for an alternative definition of AYP include the lack of technical assistance provided to the tribe from the BIE, the lack of funding available to develop the standards and assessments, and the lengthy commitment needed to navigate the process to complete the application.[4] NIEA is **requesting $5 million to provide technical assistance**[5] to tribes seeking to apply and develop an alternate definition of AYP.

Transportation

NIEA is requesting **increased funding in the amount of $25 million for school transportation** so schools won't have to use classroom dollars to transport their students. Student transportation impacts student attendance and the ability of school districts to offer educational programs. BIE provides extensive student transportation required of largely rural and widely dispersed school service populations. According to the FY 2009 DOI Budget Request, Departmental Highlights, during the current school year, BIE-funded school buses will travel nearly 15 million miles, often over gravel or dirt roads. As reported by a witness during the session NIEA held in Rapid City, South Dakota, the Little Wound School, located on the Pine Ridge Reservation in South Dakota, runs thirteen bus routes each day during which the buses travel on average, 1,575 miles per school day totaling 267,750 miles annually for "regular bus runs not including activity runs." [6] An additional seven buses run each day for the after school activities for athletic trips, field trips, activity runs, medical trips, etc., totaling 106,083 miles per year. In addition, Navajo Nation's Black Mesa Community School Principal Marie Rose testified that "students ride the bus four hours a day. However, when it rains or snows the average bus ride is seven hours a day, if the roads are in drivable condition, which many times they are not."[7]

The FY 2009 DOI Budget Request notes that the condition of roads often traveled by BIE-funded school buses increases the wear and tear on vehicles, requiring more routine maintenance and more frequent replacement of vehicles by BIE compared to other school systems and further notes that the remote location of the BIE schools also results in higher fuel costs relative to other locales.

The cost of fuel is steadily rising and transportation costs is a major concern for a number of school districts that serve American Indian and Alaska Native students and if

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[4] *Ibid*, p. 5.

[5] This $5 million is funding that should come from Title I, Department of Education.

[6] Bureau of Indian Affairs and Bureau of Indian Education Transportation Cost Funding: Hearings before the National Indian Education Association, Rapid City, SD, (July 10, 2008) (testimony of Janice Richards, President, Little Wound School).

[7] Bureau of Indian Affairs and Bureau of Indian Education: Hearings before the National Indian Education Association, Widow Rock, AZ (August 21, 2008) (testimony of Marie Rose, Black Mesa Community School Principal, Navajo Nation).

assistance is not available through federal or state resources, the high cost of transporting students in rural areas may offset precious funding that could potentially be used for instructional purposes. Little Wound School has reported that a shortfall of $170,411.15 for transportation funding "has had a tremendous effect on our budget." [8]

Indian School Construction Funding
NIEA requests a **$134.56 million increase** over the FY 2009 omnibus level of $128.837 million for a total of $263.4 million in FY 2010 to the BIA for Indian school construction and repair. After FY 2005, the funding levels have dramatically decreased for this critical program. NIEA seeks $263.4 million because this was the funding level in FY 2005, which was instrumental in reducing the construction and repair backlog. BIA's budget has historically been inadequate to meet the needs of Native Americans and, consequently, Indian school needs have multiplied. For FY 2008, the funding level was $142.94 million, for FY 2007, the funding level was $204.956 million; and, for FY 2006, the funding level was $206.787 million. Congress and the BIA has sought to justify the decrease over the past few years by stating that it wants to finish ongoing projects, however NIEA has been meeting with several BIE schools that have indicated they are "shovel ready." The Recovery Act did provide $450 million to be shared among BIA school construction and repairs, detention facilities, roads, and irrigation projects, however this funding will provide little headway considering the lengthy list of schools waiting to build and repair their facilities.

In 1997, GAO issued a report, "Reported Condition and Costs to Repair Schools Funded by the Bureau of Indian Affairs," that documented an inventory of repair needs for education facilities totaling $754 million. In 2004 the backlog for construction and repair was reported to have grown to $942 million.

More recently, in March of 2008, the Consensus Building Institute (CBI) with the U.S. Institute for Environmental Conflict Resolution issued a *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs- Funded Schools Facilities Construction.* CBI reported in their findings of the conditions of the schools that "many schools are ill equipped for the information age," "security needs and related funding are major sources of concern for many schools," "aging or poor design may lead to a substandard educational environment," "operation and maintenance needs are not matched by operation and maintenance annual funding," and "overcrowding is a major concern and a source of accelerating physical decline."[9] Additionally, the report stated in the findings that the Facility Management Information System (FMIS) doesn't sufficiently allow for educational programming needs, including libraries, adequately sized classrooms and gymnasiums, wiring to allow for technological needs and partitions and noise reducing walls.[10]

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[8] *Ibid.*, p. 3.
[9] The Consensus Building Institute with the U.S. Institute for Environmental Conflict Resolution (March 5, 2008). *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs – Funded School Facilities Construction*, pp. 16-18.
[10] *Ibid,*. p. 19.

In May of 2007, the Office of the Inspector General, Department of Interior, issued *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, a flash report that describes the conditions at BIE schools that require "immediate action to protect the health and safety of students and faculty." Although the Inspector General visited thirteen schools as part of their investigation, four schools were highlighted in the flash report -- Chinle Boarding School, Shonto Preparatory School, Keams Canyon School, and the Kayenta Boarding School. In the report, the Inspector General cites deterioration ranging from "minor deficiencies such as leaking roofs to severe deficiencies such as classroom walls buckling and separating from their foundation." In his conclusion, the Inspector General states that the "failure to mitigate these conditions **will likely cause injury or death to children** and school employees." This flash report describes the alarming and life threatening situation at BIE schools that the federal government has created in its failure to properly maintain these schools. Native children should not have to risk their lives on a daily basis to access their fundamental right to an education.

Testifying at the NIEA-sponsored BIA/BIE regional hearing in Navajo Nation/Window Rock, AZ, Hopi Tribal Chairman, Benjamin Nuvamsa stated, "our students are at extremely high risk because of exposure to hazardous materials in our school facilities…[recently]severe reductions in annual appropriations for the building Operations, Maintenance and Repairs (OM&R) program results in the ever-increasing number of projects placed in the Facilities Maintenance Inventory System (FMIS). While waiting for funding, our students and staff are subjected to exposure to hazardous materials…almost all schools have asbestos and radon issues which put the students and staff at risk."[11]

In North Dakota, the Mandaree Day School has taken out a loan in the amount of $3 million to cover the costs of building a new BIE education facility even though the federal government has the obligation to provide funding for a new school. The Mandaree Day School could not wait any longer for the funding from BIE to build their school. The loan only covers the facility structure and the 210 children attending this school have no playground and the teachers do not have a paved parking lot. These are just a few examples of the construction needs of BIE schools that are not being met under current funding.

The purpose of education construction is to permit BIE to provide structurally sound buildings in which Native American children can learn without leaking roofs and peeling paint. It is unjust to expect our students to succeed academically when we fail to provide them with a proper environment to achieve success. The amount of funding over the past few years has failed to fund tribes at the rate of inflation, once again exacerbating the hardships faced by Native American students. Further, the funding that has been allocated over the past few years will not keep pace with the tremendous backlog of Indian schools and facilities in need of replacement or repair.

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[11] Bureau of Indian Affairs and Bureau of Indian Education: Hearings before the National Indian Education Association, Widow Rock, AZ (August 21, 2008) (testimony of Benjamin Nuvamsa, Hopi Tribal Chairman).

Indian Education Facilities Improvement and Repair Funding
The continued deterioration of facilities on Indian land is not only a federal responsibility; it has become a liability of the federal government. Old and exceeding their life expectancy by decades, BIA schools require consistent increases in facilities maintenance without offsetting decreases in other programs, if 48,000 Indian students are to be educated in structurally sound schools.

Of the 4,495 education buildings in the BIE inventory, half are more than 30 years old and more than twenty percent (20%) are older than fifty years. On average, BIE education buildings are 60 years old; while, 40 years is the average age for public schools serving the general population. Sixty-five percent (65%) of BIE school administrators report the physical condition of one or more school buildings as inadequate. Although education construction has improved dramatically over the last few years, the deferred maintenance backlog is still estimated to be over $500 million and increases annually by $56.5 million. As noted by the House Interior Appropriations Subcommittee in its Committee Report accompanying the FY 2006 Interior appropriations bill, "much remains to be done." Of the 184 BIE Indian schools, 1/3 of Indian schools are in poor condition and in need of either replacement or substantial repair.

Johnson O'Malley Funding
NIEA and the National Johnson O'Malley Association urge Congress to fund the Johnson O'Malley (JOM) program at the FY 2006 level of $24 million. In FY2007 and FY 2008, JOM programs were partially funded at $21 million. It is unclear to NIEA the level of funding provided to the JOM program under the FY 2009 omnibus bill and we request your assistance in identifying the funding amount.

In the FY 2006 House Interior Appropriations Subcommittee Report accompanying the FY 2006 Interior appropriations bill, the Committee rejected the Administration's FY 2006 budget request to cut JOM by over fifty percent (50%), stating that the Administration's justification for the reductions – "that there are other programs in the government that could provide these funds" -- is completely unfounded. The President's FY 2009 budget request reiterates its same justification as in FY 2006 that JOM is duplicative of other government programs. The President's budget also asserts that, "The Johnson O'Malley grants do not address a focused goal for academic achievement and lack a means to measure and report on program impacts on student performance." For FY 2010, NIEA urges the Congress to fully restore JOM to the FY 2006 enacted level of $24 million. JOM does meet the focused goal of academic achievement and there is volumes of information available demonstrating its exponentially positive impacts on Native students.

JOM grants are the cornerstone for many Indian communities in meeting the unique and specialized educational needs of Native students who attend public schools. Many Indian children live in rural or remote areas with high rates of poverty and unemployment. JOM helps to level the field by providing Indian students with programs that help them stay in school and attain academic success. Even though JOM funding is extremely limited due

to BIA budget constraints, it is being used across the country in a variety of basic as well as innovative ways to assist Indian students to achieve academically. JOM funding provides vital programs designed to build self-esteem, confidence, and cultural awareness so that Indian students may develop and mature to become productive and contributing citizens within their communities and society respectively. For example, JOM funds help students achieve and succeed by providing such services as: eyeglasses and contacts, resume counseling, college counseling, culturally based tutoring, summer school, scholastic testing fees, school supplies, transition programs, musical instruments, Native youth leadership programs, student incentive programs, financial aid counseling, fees for athletic equipment and activities, caps and gowns, art and writing competitions, etc. Other programs administered by the federal government, such as NCLB funding at the Department of Education, do not allow funding for these types of activities.

Under-funding for JOM is exacerbated by certain factors. In 1995, a freeze was imposed on JOM funding through DOI, limiting funds to a tribe based upon its population count in 1995. The freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth. NIEA urges that the JOM funding freeze be lifted and that other formula-driven and head count-based grants be analyzed to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education.

Tribal Colleges and Universities
Funding for Tribal Colleges and Universities (TCUs) through the Department of the Interior, BIE includes 28 TCUs funded under three titles of the Tribally Controlled Colleges and Universities Assistance Act of 1978 and two BIE Postsecondary Institutions. Additionally, the BIE administers a scholarship program for Indian students, many of whom attend Tribal Colleges and Universities. NIEA is very pleased that President Obama's Fiscal Year 2010 budget summary proposes to increase funding American Indian scholarships and to establish forward funding for the Tribal Colleges and Universities, which will allow them to plan in advance for the next academic year and provide greater financial security. NIEA requests that the final FY 2010 budget submission include **a one-time payment of $65 million needed to establish forward funded programs** at all of the Tribal Colleges and Universities that receive their institutional operations funds through the Bureau of Indian Education.

Title I of the Tribal College Act authorizes funding for the basic institutional operating budget of one qualifying institution per Federally recognized tribe based on a full-time American Indian student enrollment formula. Despite the much appreciated increases that Congress has appropriated over the past several years, TCUs remain chronically underfunded. In fiscal year 2008, over 25 years since the Act was first funded, these institutions received $5,304 per Indian student, still below the authorized level. If you factor in inflation, the buying power of this appropriation is $1,400 LESS per Indian student than it was in the initial FY 1981 appropriation, which was $2,831 per Indian student. While the other TCUs' operations funding is not enrollment driven and therefore the disparity is not as easily illustrated, they too suffer from a lack of adequate basic operating funds. This is not simply a matter of appropriations falling short of an authorization; it effectively impedes our institutions from having the necessary resources

to grow their programs in response to the changing needs of their students and the communities they serve.

Department of Health and Human Services Budget Request

Head Start

The Head Start/Early Head Start programs are vital to Indian country. Over the last 40 years, Indian Head Start has played a major role in the education of Indian children and in the well-being of many tribal communities. Of the 575 federally recognized Tribes, twenty-eight percent (28%) participate in Head Start/Early Head Start Programs, with a funded enrollment of 23,374 children. These programs employ approximately 6,449 individuals of whom 3,263 are either former or current Head Start/Early Head Start parents. There are another 35,395 volunteers, of which 22,095 are parents.

On December 12, 2007, the reauthorization of the Head Start Act was signed into law. NIEA worked closely with the National Indian Head Start Directors Association in supporting a number of positive provisions in the bill including special expansion funds for Indian Head Start, which would be awarded subject to subsequent increases in appropriations tied to COLA. The Recovery Act provided $1 billion for Head Start Programs and $1.1billion for Early Head Start Programs, of which Tribal programs will receive $20 million over two years plus the cost of living adjustment. The funding provided for in the Recovery Act will allow expansion of tribal programs and approximately 1, 200 new slots for Head Start programs. However, current funding, even with the additional money provided in the Recovery Act, is reaching less than half of Indian Country. Tribes wanting to expand or apply to operate a Head Start program would benefit from additional funding in the FY 2010 budget. NIEA urges Congress to appropriate an amount well in excess of the inflation rate to allow for both the full payment of Indian special expansion funds and to begin the process of recovery from the flat budget of prior years.

Administration for Native Americans

NIEA requests a **$10 million increase to $57.5 million** for FY 2010 to ANA to support Native language immersion and restoration programs. President Obama expressed his support for Native languages both in his message to Indian Country and "Principles for Stronger Tribal Communities." NIEA hopes that the 111th Congress will echo President Obama's support for Native languages through funding the Esther Martinez Native American Languages Act at a level that will make a significant impact for tribal communities. In 2008, ANA received a $2 million increase for FY 2008 in the Omnibus for Native language programs under the Esther Martinez Act. Prior to FY 2008, funding for ANA had been flat lined at $44 million with less than $500,000 going toward language immersion programs due to other grant programs that ANA administers. NIEA is very appreciative of Congress's support for this crucial program. The FY 2009 omnibus reflects Congress's commitment to preserving Native languages by providing $47.5 million for ANA with a $3.5 million allocation for Esther Martinez language programs. NIEA requests a $10 million increase to ANA over the FY 2009 omnibus amount of $47.5 million **for a total of $57.5 million for ANA with an allocation of $13.5 million for the Esther Martinez Act for FY2010.**

The Esther Martinez Native American Languages Act preserves and fosters fluency in Native American languages through grants to tribes, tribal organizations, schools, and universities to develop and bolster Native language immersion and revitalization programs. Research shows that Native children who participate in language immersion and revitalization programs perform better academically than their Native peers who do not participate. Native languages are not spoken anywhere else in the world; and, if they are not preserved, then they will disappear forever. In Native communities across the country, Native languages are in rapid decline. It is a race against the clock to save Native languages.

Additional Funding Needs

Tribal Education Departments

As mandated in many treaties and as authorized in several federal statutes, the education of Indian children is an important role of Indian tribes. The involvement of tribes in their children's educational future is key to the educational achievement of Indian children. Tribal Education Departments (TED) provide tribes with the opportunities to become actively involved in the education of their children. The authorization for TED funding was retained in Title VII, Section 7135 of the No Child Left Behind Act. Despite this authorization and several other prior statutes, federal funds have never been appropriated for TEDs. The use of TEDs would increase tribal accountability and responsibility for their students and would ensure that tribes exercise their commitment to improve the education of their youngest members.

TEDs are authorized for funding at the Department of Interior as well as the Department of Education under NCLB, but have never been funded. TEDs develop educational policies and systems for Indian communities that are attuned to the cultural and specialized academic needs of Indian students. TEDs partner with the federal government and state governments and schools to improve education for tribal students. NIEA is requesting that both DOI and DOE fund TEDs at $5 million each. This $10 million total is a very modest request which would yield exponentially positive benefits for Indian students and provide tribes with increased input over the education of their children.

Conclusion

NIEA thanks the Committee for its tremendous efforts on behalf of Native communities. With your support we are hopeful that we can begin to provide the funding for education that Native communities deserve. On behalf of the National Indian Education Association, I would like to thank Chairman Dorgan and Vice-Chairman Barrasso for championing on behalf of all Native students and their successful educational achievements.

The CHAIRMAN. And Ms. Cheryl Parish. Ms. Parish, thank you for your work on housing issues. She is Vice Chairman of the National American Indian Housing Council.

You may proceed.

STATEMENT OF CHERYL PARISH, EXECUTIVE DIRECTOR, BAY MILLS HOUSING AUTHORITY; VICE–CHAIRPERSON, NATIONAL AMERICAN INDIAN HOUSING COUNCIL

Ms. PARISH. Thank you.

Good morning, Chairman Dorgan, Senator Tester. I am honored to appear before you today and provide our views on the Fiscal

Year 2010 funding priorities as they relate to Native American housing.

My name is Cheryl Parish. I am the Executive Director of the Bay Mills Housing Authority. I am a member of the Bay Mills Tribe of Chippewa Indians in Michigan.

Today, I am here as the Vice Chairwoman of the National American Indian Housing Council. The Housing Council is composed of 271 members representing 460 tribes, and it is the only national organization whose missions it is to represent the housing interests of American Indians, Alaska Natives, and Native Hawaiians.

I would like to thank the Chairman for his leadership on tribal housing issues, which you have repeatedly recognized as a crisis in Indian Country.

The year 2008 was a landmark year for Indian Country and Indian housing. The Native American Housing Assistance and Self-Determination Act was amended and reauthorized through 2013. Thank you for your support in the reauthorization of NAHASDA last year.

Just a few weeks ago, the American Recovery and Reinvestment Act of 2009 was signed into law. Native American housing programs were included in a very favorable way.

Mr. Chairman, I would like to thank you and the entire Committee for your support. This means a great deal to us and will have a lasting impact on the communities which we serve. We are working closely with HUD to implement our programs as Congress and the President intended, to quickly create jobs for American workers.

In my own community, we have immediate plans to use the recovery money to weatherize our homes in the upper peninsula of Michigan. Beefing up the program will improve energy efficiency and improve the health of our housing residents. We already have commitments from contractors and subcontractors to hire local tribal members from our reservation, which is currently experiencing an unemployment rate of around 30 percent.

We celebrate the hope brought to us by the small increases in the funding in the Fiscal Year 2009 omnibus appropriations bill, the additional economic stimulus money, and the newly reauthorized NAHASDA.

However, we must not lose sight of the stark conditions that still exist in Indian reservations, Alaska Native communities, and on Native Hawaiian Home Lands. Housing conditions in native communities still lag far behind those of most of the Nation. A large percentage of existing homes are in great need of rehabilitation, repair and weatherization. Unemployment rates on Indian reservations are typically well over 50 percent, which is even before the current recessionary period.

The conditions I just described impact our education, our health, and our spirituality, indeed the very integrity of our culture. Native people in America come from a proud tradition and we want that tradition to continue. This can be difficult when your see the deplorable housing conditions that exist within our communities.

President John F. Kennedy noted almost 50 years ago that housing conditions on Indian reservations are a national shame. I must tell you the same housing conditions still exist today in far too

many of our native communities. I am here to ask you, help us change those conditions.

With this in mind, the NAIHC presents the following budgetary priorities that will help improve housing and living conditions in Indian Country. The Indian Housing Block Grants should be funded at $854 million. This is the single largest source of capital for housing development, housing-related infrastructure, home repair, and maintenance throughout Indian Country.

I would like to bring to your attention the slow pace at which the Indian Housing Block Grant funding is provided. Often it takes several months after an appropriations bill is signed into law for HUD to make these funds available. In contrast, the American Recovery and Reinvestment Act of 2009 required HUD to obligate funds by formula within 30 days. If HUD can provide these funds within 30 days after passage of this legislation, the annual funding should be available in a similar fashion.

Let me briefly address an issue where Indian Housing Block Grant funding has been set aside by HUD to satisfy litigation on tribal claims associated with formula current-assisted stock. In 2008, the HUD held back nearly $20 million for lawsuits that have yet to be resolved. This resulted in an across the board funding reduction to all of our recipients. These funds need to be returned to Indian Country and no further funding should be withheld by HUD.

The funding for the NAIHC technical and training assistance program should be increased to $4.8 million. Tribal housing authorities rely on our training programs to effectively implement and improve their housing programs.

The Indian Community Development Block Grant should be funded at $100 million. Since 2001, this program has built 160 community buildings throughout the Indian Country. Funding has actually decreased 17 percent since Fiscal Year 2004. We need these vital funds restored to continue to build our viable communities.

The Section 184 Program should continue to be funded at $9 million. The Section 184 loan is to facilitate home ownership in Native American communities on their native lands and within approved Indian areas which have been historically under-served by conventional lenders.

I am so pleased to note that since May of 2008, the Department of Hawaiian Home Lands is the newest member of the National American Indian Housing Council. The Native Hawaiian block grant funding should be increased to $20 million to address the unique and significant needs of low-income Native Hawaiians.

The Bureau of Indian Affairs Housing Improvement Program funding should be increased to $50 million. We know that there is a significant congressional support for this much-needed program which serves the neediest of our communities, our elders, and our extremely low-income people.

In conclusion, I would like to thank you for your invitation to share our Fiscal Year 2010 budgetary priorities for Native American housing needs. Your continued support of Native American communities is truly appreciated. The National American Indian Housing Council is eager to work with you and your professional

staff to improve Indian housing programs and living conditions for America's indigenous people.

I would be happy to answer any questions you have, and thank you.

[The prepared statement of Ms. Parish follows:]

PREPARED STATEMENT OF CHERYL PARISH, EXECUTIVE DIRECTOR, BAY MILLS HOUSING AUTHORITY; VICE-CHAIRPERSON, NATIONAL AMERICAN INDIAN HOUSING COUNCIL

Introduction

On behalf of the National American Indian Housing Council (NAIHC), I am pleased to submit the following statement to Chairman Dorgan, Vice Chairman Barrasso, and distinguished members of the Senate Committee on Indian Affairs.

I serve as the Executive Director of Bay Mills Housing Authority. I am a member of the Bay Mills Tribe of Chippewa Indians in Michigan. I am also the Vice-Chairperson of the National American Indian Housing Council (NAIHC).

The National American Indian Housing Council was founded in 1974 to support and advocate for tribes and tribally designated housing entities (TDHEs). For nearly 35 years, the NAIHC has assisted tribes with their primary goal of providing housing and community development for American Indians, Alaska Natives and native Hawaiians. The NAIHC consists of 266 members representing 460 tribes. The NAIHC is the only national Indian organization whose sole mission is to represent Native American housing interests throughout the Nation.

First of all, I would like to thank the Chairman, Vice Chairman and the Committee for holding this hearing on the tribal budget priorities as we move into the appropriations season. The lack of significant private investment, functioning housing markets and the dire economic conditions most Indian communities face mean federal investment in housing and community development in tribal communities is critical to thriving communities and economies.

Next, I would like to thank the Chairman for his leadership on tribal housing issues, which time and time again, he has recognized as a crisis in Indian Country. The year 2008 was a landmark year for Indian Country and Indian Housing, in particular. The reauthorization of the Native American Housing Assistance and Self-Determination Act (NAHASDA) provides tribes and Native American communities with additional tools such as flexibility and greater self management of housing programs, which are necessary to develop culturally relevant, safe, decent and affordable housing for our people.

But, as we celebrate the hope that NAHASDA presents us for improving the quality of life and living conditions for Native Americans, we must not lose sight of the stark conditions that still exist in Indian Reservations and Alaska Native communities, and on native Hawaiian Home Lands. Housing conditions in Native communities still lag far behind those of most of the nation. An estimated 200,000 housing units are needed immediately just to meet current demand, and we estimate that there are approximately 90,000 native families that are either homeless or underhoused, living in overcrowded situations. A large percentage of existing homes are in great need of rehabilitation, repair and weatherization. Unemployment rates on Indian Reservations, even before the current recessionary period, were typically well over 50 percent.

With these figures as a backdrop, the NAIHC presents the following budgetary priorities that will improve housing and living conditions in Indian Country.

Indian Housing Block Grant (IHBG)

Fund the IHBG at $854 million dollars. The IHBG is the single largest source of capital for housing development, housing-related infrastructure, and home repair and maintenance in Indian Country. This funding level will not meet all tribal housing needs, but it will, at least, keep pace with the increased cost of housing construction, energy costs, and other inflationary factors occurring since 1997.

I would like to bring to your attention the slow pace at which IHBG funding is provided. As I am sure you are aware, it often takes several months, after an Appropriations bill is signed into law, for HUD to make these funds available to NAHASDA recipients. In contrast, the *American Recovery and Reinvestment Act of 2009* required HUD to allocate funds, by formula, within 30 days of this bill being signed. HUD complied with this requirement within weeks of enactment. If HUD can provide IHBG funds within 30 days for the passage for this bill, then the same should be said for annual spending bills. Timely allocation of these funds enables

tribes to better plan their construction and save critical time and costs, especially in northern climates where seasons are shorter.

Let me briefly address IHBG funding which is being set aside to satisfy litigation on tribal claims against HUD associated with formula current assisted stock. Funds for litigation and potential settlements should be derived from additional appropriations or another source and should not be withheld from the Indian Housing Block Grant. In 2008, HUD held back nearly $20 million for lawsuits that have yet to be resolved. This resulted in an across the board rescission that reduced funding for all recipients. These funds need to be returned to Indian Country. No other IHBG funding should be held back by HUD in future fiscal years related to formula current assisted stock litigation.

Training and Technical Assistance (T&TA)

Increase NAIHC's T&TA funding to $4.8 million dollars. Tribal housing authorities rely on T&TA to effectively implement and improve their housing programs. For 35 years, the NAIHC has provided invaluable capacity-building services to tribes, their Indian housing authorities and TDHEs. These training and technical assistance services include on-site technical assistance, tuition-free training classes, and scholarship programs that help offset the cost of attending NAHASDA-specific training sessions, including NAIHC's Leadership Institute, a low cost professional certification course for Indian housing professionals. Decreased funding has required the NAIHC to reduce, and in some cases eliminate, much needed capacity building efforts on behalf of Indian housing authorities. By a unanimous vote at the 2008 NAIHC Annual Membership meeting, a NAIHC resolution was passed to set aside IHBG funds for NAIHC's T&TA program.

With funding restored last year, the NAIHC scholarship program to attend training courses was reinstated. NAIHC scheduled 35 training sessions in 2009 and will provide 400 limited training scholarships to IHBG recipients. We seek your continued support help to restore funding so that we might continue the important capacity building efforts on behalf of tribes and their housing programs.

Indian Community Development Block Grant (ICDBG)

Fund the ICDBG at $100 million dollars. These funds are essential to tribes for housing and economic and community development efforts. Since 2001, ICDBG has built 160 community buildings in Indian Country but ICDBG funding has actually decreased 17 percent since Fiscal Year 2004. We need these vital funds restored to continue to build viable communities.

Section 184 Indian Home Loan Guarantee

Continue to fund the Section 184 Program at $9 million dollars. The Section 184 loan is a mortgage product, specifically geared towards Native Americans, to facilitate homeownership in Native American communities on their native lands and within an approved Indian area. Because of the unique status of Indian lands, these areas have been historically underserved by conventional lenders. The default rate for the Section 184 Program, notably, remains at less than 1 percent.

Title VI Tribal Housing Activities Loan Guarantee

Continue to fund Title VI at the FY 2009 recommended $2 million dollars. The Title VI is designed to spur housing and other community development efforts, particularly if accompanied by an increase in IHBG funding that would serve as an adequate, consistent, and reliable source of income to secure the loan.

Native Hawaiian Housing

Increase the Native Hawaiian Housing Block Grant to $20 million. Since May 2008, I am pleased to note that we represent Native people who reside on the native Hawaiian Home Lands. I am proud to welcome the Department of Hawaiian Home Lands as the newest members of National American Indian Housing Council. The funding for the native Hawaiian Housing Block Grant should be increased to address the significant needs for low-income and affordable housing on native Hawaiian Home Lands. The Section 184A Loan Guarantee Program should continue to be funded at the $1 million level.

Bureau of Indian Affairs Housing Improvement Program (HIP)

Fund the Housing Improvement Program at $50 million. We know there is significant Congressional support for this much needed program. HIP grants serve the neediest of our communities; our elders and extremely low-income people. HIP provides for modest home acquisition, rehabilitation, renovation, and repair. As waiting lists for new homes grow and housing stock ages, this program helps to keep homes safe, healthy and habitable.

U.S. Department of Agriculture's Rural Housing Programs

Restore and adequately fund USDA's primary housing loan programs, particularly the Section 502 direct home loan program, the Rural Community Development Initiative, and HUD's Rural Housing and Economic Development programs. Tribes rely upon these programs, and reduction in these programs will harm tribal housing development.

American Recovery and Reinvestment Act

Just a few weeks ago, the *American Recovery and Reinvestment Act of 2009* was signed into law. Native American housing programs were included in a favorable way. Chairman, I want to thank you and this entire Committee for your support. This means a great deal to our Native American housing programs and will have a lasting impact on the communities we serve. We are working closely with HUD to implement our programs as Congress and the President intended: to quickly create jobs for American workers.

Bay Mills Indian Community

In my own community, we plan to use our IHBG funding from the ARRA for energy efficiency and to upgrade tribal homes through a weatherization program that will reduce operational costs while improving the health of our housing residents. We've recently had every housing unit tested by the University of Illinois for heat leakage and we now have a complete inventory of which homes are in most immediate need. At this point, we do not have a figure for how many jobs this will create, but we do have commitments from our contractors and subcontractors to hire local tribal members who reside on our reservation, which is currently experiencing an unemployment rate of nearly 30 percent.

Conclusion

Thank you, Chairman Dorgan, Vice-Chairman Barrasso, and members of this committee, for your invitation to share and discuss our Fiscal Year 2010 budgetary priorities for Native American housing needs. Your continued support of Native American communities is truly appreciated, and the National American Indian Housing Council is eager to work with you and your professional staff on any and all issues to improve Indian housing programs and living conditions for America's indigenous people.

Native American Housing Appropriations

March 2, 2009

Housing Appropriations Dollars in Millions All Amounts are Before any Across-the-Board Reductions	FY 2004 Enacted	FY 2005 Enacted	FY 2006 Enacted	FY 2007 CR	FY 2008 Enacted	FY 2009 President's Request Feb 4, 2008	FY 2009 NAIHC Proposed Budget Feb 25, 2008	FY 2009 Omnibus Conference Report Feb 23, 2009	FY 2009 American Recovery & Reinvestment Feb 17, 2008	FY 2010 NAIHC Proposed Budget Dec 5, 2008
HUD										
Indian Housing Block Grant - NAHASDA	650.3	622	624	624	630	627	789	645	255	854 [a.]
Set-Asides: HUD Implementation, Training & Technical Assistance	4.5	4.5	4	4	4.3	4.3	4.3	4.3	2.8	TBD [b.]
Training & Technical Assistance (to NAIHC)	2.2	2.2	1	0	2	0	2.2	3.5		4.8
Title VI Loan Guarantee	2	2	2	2	2	2	2	2		2
Total Available for Formula after Set-Asides	639	611	617	617	622	621	781	635		847
American Recovery and Reinvestment Act of 2009 (competitive)									242	
NAIHC T&TA: SHOP 2004-2006, Neighborhood Intitiatives 2008	2.5	2.4	1	0	1		2.6			
Native Hawaiian Housing Block Grant	9.5	9	9	9	9	6	10	10	10.2	20
Set-Aside: HUD Training and Technical Assistance	0.4	0.5	0.3	0.3	0.3	0.3	0.3	0.3		0.3
Loan Guarantees										
Section 184 Home Ownership	5	5	4	6	8	9	9	9		9
Section 184A Home Ownership (Hawaiian)	1	1	1	1	1	0	1	1		1
Community Development Block Grant (CDBG)	4,357	4,150	4,178	4,178	3,866	3,000	4,368	3,642	1,000	4,562
Set-Asides: Indian Community Development Block Grant (ICDBG)	75	68	59	59	62	57	77	65	10	100
Imminent Threat (Set-Asides from ICDBG)		4	4	4	4	4	4	4		4
Rural Housing and Economic Development	25	24	17	17	17	0	25	26		30
Economic Development Assistance for Tribes								5		12
Healthy Homes Initiative (Office of Lead Hazard Control)	10	9	9	9	9	15	15	15	100	20
Labor										
YouthBuild (Transferred to Labor in FY 2006)	65	62	50	50	60	50	65	70	50	65
Veterans Affairs										
Native American Veteran Housing Loan Program	0.6	0.6	0.7	0.7	0.6	0.6	0.6	0.6		0.7
Interior										
BIA Indian Loan Guarantee Program	6	6	5	5	6	8	8	8	10	9
BIA Housing Improvement Program (HIP)	20	19	19	19	14	0	50	14	20	50
IHS Sanitation Facilities Construction	94	92	94	94	96	94	121	96	100	128
USDA										
Section 502 Single-Family Loans (Direct)	1,366	1,150	1,129	1,129	1,129	0	1,500	1,121	1,000	1,500
Section 502 Single-Family Loans (Guaranteed)	2,725	3,309	2,891	2,891	4,220	4,849	4,800	6,224	10,500	4,800
Section 515 Multi-Family Loans (Direct)	117	100	98	98	70	0	150	70		150
Section 538 Multi-Family Loans (Guaranteed)	100	100	98	98	130	300	150	129		150
Section 533 Housing Preservation Grants	10	9	10	10	9	12	15	9		15

[a.] Any funds to satisfy Formula Current Assisted Stock litigation should be derived from additional appropriations or another source and should not be allowed to cause harm to IHBG recipients.

[b.] To Be Determined. NAIHC membership has expressed a concern about the quality of training provided by HUD contractors.

Course Descriptions

Admissions and Occupancy I:

Introduction to Admissions and Occupancy Program Management

Course Description. This course covers the administrative responsibilities of Admissions and Occupancy that are applicable to rental and homebuyer programs that are funded in whole or in part by Indian Housing Block Grant (IHBG) funds under the Native American Housing Assistance and Self-Determination Act (NAHASDA). Under NAHASDA, the tribe, Indian Housing Authority (IHA),or Tribally Designated Housing Entity (TDHE) is responsible for developing fair and equitable guidelines, policies, and procedures to govern their rental and homeownership programs.

During this course, students will learn how to develop fair and equitable polices and procedures for Admissions, Occupancy, Grievances, and Evictions.

As pertains to Admissions, students will learn effective methods for screening applicants; how to determine program eligibility criteria; how to effectively apply those eligibility criteria; how to verify applicant information; why it is important to verify applicant information; and how to calculate rents and homebuyer payments.

As pertains to Occupancy, students will learn the importance of continuing occupancy management; the importance of enforcing compliance of tenant and homebuyer lease agreements and related policies and procedures; and finally how and when to apply the eviction process. Students will also discuss the benefits of maintaining high standards in their Admissions and Occupancy programs and how that affects the overall management of the housing program.

Students are encouraged to a bring calculator.

Who Should Attend: Resident Services staff, Executive Directors, Deputy Directors, Housing Managers, and other interested housing staff. Housing Committee and Housing Board members are also encouraged to attend.

Admissions and Occupancy II:
Collections and Compliance

Course Description. This course covers the administrative responsibilities of Collections and Compliance that are applicable to rental and homebuyer programs that are funded in whole or in part by Indian Housing Block Grant (IHBG) funds under the Native American Housing Assistance and Self-Determination Act (NAHASDA).

During this course, students will learn how tribes, Indian Housing Authorities (IHAs), and Tribally Designated Housing Entities (TDHEs) have dealt with Collections and Compliance from a historical perspective and then what the current requirements are under NAHASDA. Students will then learn how to review rental and homebuyer agreements to ensure that key clauses regarding Collections and Compliance are in place and what steps need to be taken when renters or homebuyers fail to make payments. Proper accounting is a key factor in this process and students will be taught the reporting aspects of housing program charges and collections, how to maintain and review renter and homebuyer accounts to ensure they are accurate, and more importantly, how to avoid unwarranted collection efforts. Students will also learn why it is important to collect rent and homebuyer payments, the importance of enforcing debt collection efforts, and what the financial impact is on the tribes, IHAs, and TDHEs operating budget when rent and homebuyer payments are not collected.

Having a policy or procedure on paper and putting it into practical use can be a daunting task for any member of the housing staff and it is often influenced by political, legal and financial implications. To help students build the right skill sets needed to enforce Collections and Compliance issues, an in-depth discussion will be held on the various communications and enforcement techniques that are associated with Collections and Compliance. This will be done as part of the overall review of a comprehensive case management model on effective collections. To further reinforce that, the instructor will facilitate student skill building exercises dealing with direct and telephone contacts, written communications, and other collection actions.

Finally, it is known that what drives an effective Collections and Compliance program are policies and procedures. Students will review "*model*" policies and procedures that deal with Collections and Compliance and then discuss what to include (or not include) in a housing policy for their own tribe, IHA, or TDHE.

Who Should Attend: Resident Services staff, Executive Directors, Deputy Directors, Housing Managers, and other interested housing staff. Housing Committee and Housing Board members are also encouraged to attend.

Development and Modernization

Course Description. This course covers each step of the development and modernization process under the Native American Housing Assistance and Self-Determination Act (NAHASDA) and the use of Indian Housing Block Grant (IHBG) funds when building new homes or rehabilitating existing homes.

During this course, students will learn about the relevance of the Indian Housing Plan (IHP) and what role that plays in the development and modernization process. Students will also learn about other funding sources that can be used for development and modernization; what role the community can play in planning for future development and modernization projects; how to select a site for development; and how to develop short- and long-range plans and goals to develop a site. Emphasis will placed on how to identify modernization needs; the importance of proper project planning and design; alternative development techniques; applicable procurement regulations; prioritization of objectives; managing an ongoing modernization program; monitoring techniques; construction management; and finally how to close out a project.

Who Should Attend: Housing Maintenance Supervisors, Housing Development/Rehabilitation Managers, Housing Managers, Executive Directors, Deputy Directors, Procurement staff, Contract Administrators, Finance Officers, and other interested housing staff. Housing Committee members and Housing Board members are also encouraged to attend.

Environmental Compliance

Course Description. This course covers the federal environmental compliance requirements and how they affect the spending of Indian Housing Block Grant (IHBG) funds distributed in accordance with the Native American Housing Assistance and Self-Determination Act (NAHASDA).

During this course, emphasis will be placed on the environmental requirements in NAHASDA, however, the environmental requirements in other applicable federal statutes, laws, acts, regulations, and executive orders will also be discussed with students. For example, NAHASDA requires that tribes, Indian Housing Authorities (IHAs), and Tribally Designated Housing Entities (TDHEs) follow the National Environmental Policy Act (NEPA) and regulations at 24 CFR Part 58 or Part 50 in order to meet environmental compliance requirements.

Students will also learn about the applicable sections of those acts and regulations so that students become familiar with what impact they will or may have on a typical Indian housing program and in particular the impact on development and modernization efforts. Students will learn about the role and duties of the Responsible Entity, the Certifying Officer, the Tribe, the IHA, and the TDHE, as pertains to Environmental Compliance. Students will also learn the procedures necessary for requesting a Release of Funds (ROF), how to document and properly maintain Environmental Review Records (EERs), and how to properly document and maintain environmental compliance files.

Who Should Attend: Executive Directors, Deputy Directors, Housing Managers, Housing Development/Rehabilitation Managers, and other interested housing staff. Housing Committee members and Housing Board members are also encouraged to attend.

Financial Management I

Financial Management and Internal Controls

Course Description. This course covers the administrative requirements that pertain to the use of Indian Housing Block Grant (IHBG) funds distributed to tribes, Indian Housing Authorities (IHAs), and Tribally Designated Housing Entity (TDHEs) under the Native American Housing Assistance and Self-Determination Act (NAHASDA).

During this course, students will learn how to develop financial planning strategies for an Indian housing program, the basics of developing an operating budget for an Indian housing program, and how to budget for various projects under NAHASDA. Students will discuss the skills required to perform the responsibilities related to sound financial management and the methods for complying with 24 CFR Part 85, OMB Circulars A-87 and A-133 – all of which govern Indian housing finances. Students will also participate in skill building exercises, using a model operating budget, to develop an actual operating budget for a typical Indian housing program.

Who Should Attend: Housing Finance Officers, Housing Finance Managers, Housing Accountants, Housing Accountant Technicians, Housing Bookkeepers, Housing Controllers, Executive Directors, Deputy Directors, Housing Managers, and other interested housing staff. Housing Committee members and Housing Board members are also encouraged to attend.

Financial Management II

Accounting Systems Training

Course Description. This course covers the accounting principles and systems that are necessary to operate a tribal, Indian Housing Authority (IHA), or Tribally Designated Housing Entity (TDHE) housing program as a business.

During this course, students will be introduced to the various management functions that must take place in order to operate an Indian housing program like a business, the fundamentals of accounting and GAAP (generally accepted accounting principles) as well as the structure and management of a fund accounting system.

For the more experienced professional, a special session is offered that deals with specific entries related to accounting transactions that are most affected by conversion to GAAP.

Who Should Attend: Housing Finance Officers, Housing Finance Managers, Housing Accountants, Housing Accountant Technicians, Housing Bookkeepers, Housing Controllers, Executive Directors, Deputy Directors, Housing Managers, and other interested housing staff. Housing Committee members and Housing Board members are also encouraged to attend.

Force Account Construction Management

Course Description. This course covers information on how a tribe, Indian Housing Authority (IHA), or Tribally Designated Housing Entity (TDHE) can set up, use, and manage a Force Account Construction program to construct new homes or rehabilitate existing homes.

During this course, students will learn about the many options available to them when it comes to developing homes for their people. More specifically, students will learn about the benefits of the Force Account method, how it can provide their housing program with the opportunity to maintain direct control over construction activities, and at the same time promote the employment of local workers by acting as a general contractor when performing construction jobs.

Students will also learn about the pros and cons of managing a Force Account program. For example, a properly administered Force Account program can be advantageous to a tribe's housing program and at the same time provide substantial cost savings. On the other hand, Force Account can be a risky venture and may pose problems if it is not properly managed. To be able to evaluate which method is best, students will also learn about general construction management practices; how to effectively manage a construction work force; how the contracting and sub-contracting process works; how to identify potential problems in the construction process; how to decide which local/state/federal labor requirements may be applicable; how to develop a budget for a construction project; and finally, what procurement requirements are applicable.

Who Should Attend: Maintenance Supervisors, Maintenance Managers, Rehabilitation Managers, Construction Managers, Housing Inspectors, Housing Finance Officers, Housing Finance Managers, Executive Directors, Deputy Directors, Housing Managers, and other interested housing staff. Housing Committee members and Housing Board members are also encouraged to attend.

Introduction to Indian Housing Management

Course Description. This course covers the skills and knowledge necessary for managing a typical Indian housing operation and the more common housing programs administered there. The Native American Housing Assistance and Self-Determination Act (NAHASDA) requires that tribes, Indian Housing Authorities (IHAs), and Tribally Designated Housing Entities (TDHEs) manage their housing program based on locally developed needs and priorities and sound business practices.

During this course, students will first learn about the history of the federal Indian housing program (pre-NAHASDA) and then transition to the changes that were brought about by NAHASDA. Students will learn about effective management principles for all areas of the housing operation (e.g., admissions, occupancy, resident services, maintenance, etc.); what fiscal controls are needed and recommended; what audit requirements apply; how existing housing programs (e.g., low-income rentals, homeownership, rental assistance, etc.) should be managed; as well as a detailed look at the policies and procedures necessary to operate a housing program. Students will also learn how to plan for housing development projects, how the daily maintenance operation should function, and what the long term maintenance obligations are.

Finally, students will learn why it is important to monitor the progress of the Indian Housing Plan (IHP) and then prepare and submit an Annual Performance Report (APR) to the U.S. Department of Housing and Urban Development (HUD) in order to keep Indian Housing Block Grant (IHBG) funds flowing to the housing program.

Who Should Attend: New Executive Directors, Deputy Directors, Housing Managers, Housing Department Supervisors, other interested housing staff, Housing Committee members and Housing Board members.

Maintenance Program Management

Course Description. This course covers the skills and knowledge necessary to operate an effective housing maintenance program. The Native American Housing Assistance and Self-Determination Act (NAHASDA) requires that tribes, Indian Housing Authorities (IHAs), and Tribally Designated Housing Entities (TDHEs) properly maintain existing housing units and that policies and procedures be in place to govern continued maintenance.

During this course, students will learn what those NAHASDA requirements are as well as what should be included in a typical housing Maintenance policy. Students will review and discuss the contents of a "*model*" Maintenance Policy to see how that compares to what they are currently using and what role federal procurement requirements play in the day-to-day operation of a maintenance program. Students will also learn how to prepare and maximize maintenance budgets, plan for the long-term maintenance needs of existing housing units, and a wide range of methods that can be used to develop or improve maintenance operations.

Students will learn what the differences are between preventive, routine, non-routine, and deferred maintenance and how to plan and schedule for each. Scheduling requires an effective work order system and students will review several "*models*" that illustrate how a good work order system should be set up. Having the right tools and supplies is also essential to accomplishing the maintenance mission and students will learn about the importance of an inventory control system. Students will also learn the difference between maintenance and modernization and the pros and cons of having the modernization function managed by the maintenance department or setting it up as a separate department.

Finally, students will learn the importance of good communications and what that means when working with other departments within the housing program and when working with the renters and homeowners whose maintenance needs have to be met.

Who Should Attend: Maintenance Managers, Maintenance Supervisors, Maintenance staff, Executive Directors, Deputy Directors, Housing Managers, Department Supervisors, and other interested housing staff. Housing Committee members and Housing Board members are also encouraged to attend.

Procurement and Contract Administration

Course Description. This course covers the regulatory requirements that tribes, Indian Housing Authorities (IHAs), and Tribally Designated Housing Entities (TDHEs) must adhere to when procuring goods and services and entering into contracts that use Indian Housing Block Grant (IHBG) funds that are distributed under the Native American Housing Assistance and Self-Determination Act (NAHASDA).

During this course, students will learn about the high standards that need to be adhered to when using federal (taxpayer) funds (vs. those used by private industry for their contracts) and how to properly procure and account for goods and services paid for with IHBG funds.

Students will learn about current procurement practices, as they affect contract administration, and the procurement requirements that apply when purchasing goods, materials, and services for housing organizations, individuals, or departments.

Students will learn the basics of procurement and contract administration; the various types of contracts used in new construction; how the sealed bidding process works; how to prepare a Request for Proposals (RFP) and accompanying evaluation criteria; how to develop a Statement of Work (SOW); how to determine appropriate contractor qualifications; how to prepare and evaluate competitive proposals; and how to prepare cost estimates.

Finally, students will learn about modernization projects; insurance and bonding requirements; subcontractor relationships; contractor payrolls; how to set up and deal with contractor inspections; what change orders are; how to deal with contractor disputes; how to administer contractor payroll; and how to properly make payments to contractors.

Who Should Attend: Housing Procurement staff, Contract Administrators, Maintenance Managers, Maintenance Supervisors, Executive Directors, Deputy Directors, Housing Managers, Finance Officers, Accountants, Bookkeepers, and other interested housing staff. Housing Committee members and Housing Board members are also encouraged to attend.

Resident Services

Course Description. This course covers how to establish a good customer service program and one that is aimed at those individuals and families residing in a tribes, Indian Housing Authorities (IHAs), or Tribally Designated Housing Entities (TDHEs) rental and homebuyer program units.

During this course, students will begin by discussing how to define the role of a Resident Services program, what types of counseling programs are necessary for residents and tenants, and then how to evaluate such programs to determine the effectiveness of the services provided to the residents and tenants. Additionally, students will learn a wide range of techniques that can be applied to building and maintaining strong relationships that have a positive impact on community relations. Students will learn how that, in turn, translates into homes that are well maintained, thus saving money for both the residents and tribal housing program. Students will also learn effective methods for dealing with issues and concerns that arise when working with residents and tenants.

Finally, students will be introduced to the basics of homebuyer education and what homebuyer programs are currently available to Native Americans.

Who Should Attend: Resident Services staff, Housing Counselors, Executive Directors, Deputy Directors, Housing Managers, and other interested housing staff. Housing Committee members and Housing Board members are also encouraged to attend.

Strategies for Affordable Indian Housing Finance

Course Description. This course covers information on the obstacles that tribes, Indian Housing Authorities (IHAs), and Tribally Designated Housing Entities (TDHEs) face when it comes to trying to finance affordable housing projects by using only Indian Housing Block Grant (IHBG) funds that are distributed under the Native American Housing Assistance and Self-Determination Act (NAHASDA).

Students in this course will learn how to take advantage of the various alternative financial resources that are available to Tribes, IHAs, and TDHEs. During this class participants will be taken through the entire development planning process. This includes how to define your next housing construction project; the various sources of capital that are available; the various types of loans that are available; how to determine which financing method will work best for your individual circumstances; how to plan ahead and when to apply for alternative financing; and how to pull it all together, with practical real world examples. Students will be provided an overview of a wide range of funding programs. For example: the USDA's Rural Development's low interest loan programs (e.g., Section 502 – Single Family Home Loan Guarantee Program, Section 504 – Rural Home Repair Loan Program, and Section 515 – Rural Rental Housing Program); the Low-Income Housing Tax Credit (LIHTC) program; the New Markets Tax Credit program; the U.S. Department of Housing and Urban Development's (HUD) Title VI Indian Housing Loan Guarantee program (and using the provisions of Title VI as a source of revenue); and the HUD Section 184 Loan Guarantee Program.

Finally, students will learn what is available to a tribe, IHA, or TDHE, at the state level, to finance housing and community related projects.

Who Should Attend: Housing Finance Officers, Housing Finance Managers, Executive Directors, Deputy Directors, Housing Managers, Housing Committee members, and Housing Board members.

Supervisory Management

Course Description. This course covers the roles and responsibilities of those who serve as Supervisors or who are part of the Personnel and/or Human Resources Departments.

During this course, students will learn about the various types of supervisory management concepts and techniques; basic personnel functions and responsibilities; and general information needed by supervisors who perform personnel functions as part of their day-to-day duties. Students will also learn about applicable employment law; current supervision issues, concepts and techniques; organizational issues; the recruitment and selection of new employees; performance evaluations; promotions; staff training; staff discipline; staff counseling; and the proper procedures to follow when terminating an employee.

Finally, students will learn how to establish effective relationships between the personnel department and supervisors from other departments and supervisory methods that can be used effectively in any organization.

Who Should Attend: Executive Directors, Deputy Directors, Housing Managers, Personnel Directors, and other interested housing staff who serve as supervisors. Housing Committee members and Housing Board members are also encouraged to attend.

NATIONAL AMERICAN INDIAN HOUSING COUNCIL
Leadership Institute
Class Schedule for 2009

Earn credits toward your Professional Indian Housing Manager certification.

NAIHC is pleased to offer a full complement of professional Leadership Institute training courses for 2009.

Dates	Course Title	Location
January 13-16	Development & Modernization	Palm Springs, CA
February 3-6	Maintenance Program Management	Tampa, FL
February 17-20	Admissions & Occupancy **I** *(Introduction to Admissions & Occupancy Program Management)*	Palm Springs, CA
March 3-6	Force Account Construction Management	Portland, OR
March 17-20	Procurement & Contract Administration	Oklahoma City, OK
March 31-April 3	Admissions & Occupancy **II** *(Collections and Compliance)*	Las Vegas, NV
April 14-17	Introduction to Indian Housing Management	Reno, NV
April 28-May 1	Financial Management **I** *(Financial Management and Internal Controls)*	Charlotte, NC
July 7-10	Resident Services Program	Spokane, WA
July 28-31	Financial Management **II** *(Accounting Systems Training)*	Denver, CO
August 4-7	Admissions and Occupancy **I** *(Introduction to Admissions & Occupancy Program Management)*	Minneapolis, MN
August 18-21	Strategies for Affordable Indian Housing Finance	Salt Lake City, UT
September 15-18	Supervisory Management	Milwaukee, WI
October 6-9	Admissions & Occupancy **II** *(Collections and Compliance)*	Albuquerque, NM
November 3-6	Resident Services Program	Seattle, WA
November 17-20	Environmental Compliance	San Diego, CA
December 7-11	Introduction to Indian Housing Management	Las Vegas, NV

Registration: *To register for any of these classes you can (1) log on to www.naihc.net and open the CALENDAR feature, select the desired class, and then follow the on-line links, (2) call 888.625.7667 to register over the phone, or (3) complete a hard copy registration form and then mail or fax the completed form to NAIHC.*

Scholarships: *A limited number of scholarships are available for each class. For more information on eligibility and how to apply, call Vanessa Van Pelt at 202.454.0929.*

Note: *This schedule is subject to change. You are encouraged to monitor our website for the most current information available on Leadership Institute classes and other training opportunities from NAIHC and our national training partners.*

NATIONAL AMERICAN INDIAN HOUSING COUNCIL
Tuition Free Training
Class Schedule for 2009

NAIHC is pleased to offer a full complement of professional Indian Housing training courses for 2009.

Dates	Course Title	Location
January 26-30	Pathways Home: A Native Guide to Homeownership	San Diego, CA
February 10-11	Low-Income Housing Tax Credit (LIHTC) Program Basics	Portland, OR
March 10-11	Methamphetamine Awareness & Abatement	Las Vegas, NV
March 23-27	Pathways Home: A Native Guide to Homeownership	Seattle, WA
April 7-9	1st Annual Southwest Native Housing Forum *Low-Income Housing Tax Credit (LIHTC) Program Basics, Methamphetamine Awareness & Abatement, Board of Commissioners, AMERIND Emergency Preparedness*	Albuquerque, NM
April 21-23	Tribal Housing Inspections	Oklahoma City, OK
May 27-28	Low-Income Housing Tax Credit (LIHTC) Compliance	Denver, CO
June 8-12	Pathways Home: A Native Guide to Homeownership	Charlotte, NC
June 23-25	1st Annual Great Plains Housing Forum *Low-Income Housing Tax Credit (LIHTC) Program Basics, Methamphetamine Awareness & Abatement, Housing Maintenance Program, Strategies for Financial Leveraging, Mold & Other Environmental Issues, Tenant Service Representatives*	Rapid City, SD
July 14-15	Methamphetamine Awareness & Abatement	Seattle, WA
October 27-29	Improving Tribal Housing Maintenance Management	Portland, OR
October 27-28	Methamphetamine Awareness & Abatement	Anchorage, AK
November 2–6	Pathways Home: A Native Guide to Homeownership	Anchorage, AK
December 14-17	Hands On Maintenance for Tribal Housing	Tampa, FL

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STATEMENT OF HON. JON TESTER, U.S. SENATOR FROM MONTANA

Senator TESTER. [Presiding] Thank you, Cheryl.

I want to thank everybody for your testimony today.

We definitely have our work cut out for us, and I certainly appreciate you folks here today to talk about the budget, which will give us the opportunity, I think, in the end to rally accomplish some good things in Indian Country. And you guys know all too well, whether it is health care or water or schools, or the list goes on and on and on. In fact, when I first got here a little over two years ago, I met with a group of tribal leaders and I said, okay, what are the issues? And after they listed them off, I said, and which took a considerable amount of time, I might add, I said, we need to prioritize. So I certainly appreciate you folks talking with expertise in your different areas.

I have some questions and will just kind of go down the line. Let's kind of start with Jackie and move along.

Last Congress, in the 110th, this Committee held eight hearings on law enforcement public safety concerns in Indian Country.

There is a public safety crisis on many reservations. Part of the problem is a broken system, and soon Senator Dorgan will introduce a bill to address that system. But a big part of the problem is the lack of funding for the justice systems. Tribal justice systems are working literally on shoestring budgets, and there is a lack of uniformed officers, the crumbling jails, too underfunded tribal courts, and ultimately the ones who suffer are the victims of those crimes in Indian Country.

Your testimony, Jackie, indicated that there needs to be an increase in funding for tribal courts. Can you provide some additional detail on the need for tribal court funding?

Ms. JOHNSON-PATA. Sure. We look at the whole justice systems. In fact, we call them public safety intentionally because we know that without having, once again, a holistic viewpoint of addressing the system that, as we found in the past, we would put additional money into tribal cops and then we found out that our tribal courts and jails were overloaded, or we didn't have the capacity to address them, and so many times we had to let them, I don't want to say run free, but basically run free.

So as we looked at this public safety, we are looking for this overall funding increase in all of those relevant areas.

One of the problems that we really have, though, and a lot of attention in the last couple of years has been paid to getting more police officers, and now we are getting some attention to detention facilities and correctional facilities. But we also know that our court systems are severely lagging behind.

And we see that without the resources to be able to deal, address things that even the Supreme Court has sometimes asked us to deal with, such as indigent defendants and representation, or facilities with being able to have the tribes being able to develop the ordinances and laws that are important for them, for the justices to be able to administer.

So the tribal court system is not only the facilities, but also the other kinds of support to a tribal court system, to elevate the standing of our tribal law enforcement systems comparable to the other local governments and State systems so that we don't see that, we don't have news reports that continue to say Indian Country continues to be enclaves of lawlessness.

Senator TESTER. There is a great need for both juvenile delinquent prevention, juvenile delinquency prevention and facilities to help deal with those that are found delinquent. Your testimony also recommends funding for regional juvenile facilities. What feedback from the tribes have you received on that recommendation?

Ms. JOHNSON-PATA. There are so many tribes that are ready to step up. In the Southwest, we have seen not only the Pueblos and the Hopis that have actually worked towards regional facilities, recognizing that there is not going to be the resources for every tribe to have their own facility, but the willingness of them to come together around those facilities.

There is a hearing that hasn't happened soon, but there is a commission report having to deal with correctional facilities, and it is outside of Indian Country. And one of the challenges that they see about Indian Country, because the correctional facilities in their findings and investigations is that of the commingling of our offenders, and sometimes juveniles with adults, or women with men, other kinds of things that would create challenges.

Now, we know in our lack of resources that there will be some, there may be some commingling of those facilities, but clearly with the right kind of barriers or the right kinds of oversight to be able to address those issues.

But juveniles, unfortunately so many places in Indian Country, have to go far away from home, where they don't have the support base to be able to reenter back in their community because their community and their families haven't been able to move along with them. And so there is a great deal of support for not only juvenile facilities. In fact, in every meeting that we have had with Department of Justice that we have been doing a series of consultations for the last two years, every single meeting this issue comes up as one of the paramount issues with the tribes.

Senator TESTER. Well, along those lines then, I mean, how extensive has your conversation been with the Department of Justice?

Ms. JOHNSON-PATA. We have had extensive conversations with Department of Justice, and actually we have brought in all the other Federal agencies that have anything to do with it, with HHS, with having to do with health care that is provided to those in the correctional facilities; at HUD, looking for ways of dealing with transitional housing and other ways of providing facilities; Department of Interior, with their responsibilities.

Senator TESTER. Maybe the better question would be, how open are they to your concerns?

Ms. JOHNSON-PATA. Once again, it boils down to resources, and it is really at this point I have to say prior to this, and we haven't had the support that we needed for the resources. I think the economic stimulus was a good opportunity. We will see. The Byrne money and the other money for correctional facilities, the Department of Justice still has the ability to determine how those, what are the eligible activities, and we are not so patiently waiting to find out what those allocations may be for eligible activities.

But that is a good example of where Congress can certainly help influence with the Department of Justice in their budget, but also making sure that report language is really clear what we are intending to do with it.

Senator TESTER. As we all know, we are facing economic difficulties right now. Unemployment just reached 8 percent nationwide. This is nothing new. Unemployment is nothing—oh, did you want to address the previous question, Robert?

Mr. COOK. Yes, sir, if that is okay.

Senator TESTER. Go ahead. Yes.

Mr. COOK. Yes, in the testimony that I provided, oral testimony, I talked about a term called the school to prison pipeline. And that is a real issue that we are finding in many parts of Indian Country where a lot of our students, who are placed in juvenile detention facilities for truancy, for many different issues. Those facilities

often lack the resources. There is no teachers. They don't have the books, the supplies. And therefore some of those, the students are just written out as dropping out of school because once they are placed there, there is no seamless transition for them to come back into school.

So you can imagine walking into a meeting or something and you don't know what is going on, that it is an ugly feeling that you have. And our students experience those things because they are behind, they are not, there is no chance for them to get back in and get caught back up. So a lot of those kids are slipping through the cracks and dropping out of school, which leads to further issues with problems that they may have.

In many, in our community in Rapid City, South Dakota, they are forming a disproportionate minority contact committee and working with the juvenile correction folks and the schools, but there is a real, there is a real issue with that. So I think there needs to be some funding that has to go to those juvenile detention facilities to help the kids to be successful and to be on track when they go back into school, and we can't give up on those students.

Senator TESTER. Good point. That is a very good point.

Okay, we will go back to the economy a little bit. Unemployment, high in this Country, incredibly high in Indian Country. In a lot of the Great Plains, Rocky Mountain region, in my home State, many of the reservations are seeing unemployment rates of 60 percent, 70 percent.

Jackie, your testimony talked about a number of programs for economic development in Indian Country. If you were going to prioritize, which programs would you say are the most necessary and the most effective for creating jobs in Indian Country?

Ms. JOHNSON-PATA. Well, of course, if I want to follow the mantra of economic recovery, shovel-ready jobs programs are the most important, which means a lot of programs for Indian Country. Infrastructure programs create jobs. I used to be in the housing field, too. We created the most jobs in housing and housing construction, because our own community members had the skill sets to be able to do those jobs.

One of the things I see that is missing in the work that we are doing with the economic recovery, particularly for Indian Country, has to do with the work readiness skills. The education components are sorely missing. But also, other than the money that was directly set aside under the BIA where they get to make an allocation for work development programs, and there was no direct amount determined by Congress, but the department I know will be investing in that. There wasn't any money in the Department of Labor or any set aside for us having to deal with technical training and skills.

So this opportunity that we have, I don't want us to miss this opportunity because we haven't been able to get our job training programs in place to take advantage of addressing unemployment. And that means unemployment, with having communities of care, a continuum of care having to deal with child care facilities; by tribal colleges and their ability to help with community education and provide some of those things, and preparing us for the workforce of tomorrow, which means having to address dealing with

skill sets around alternative energy development and some of the fields, the technical fields that could be with energy development, which I think is going to be, for a lot of places, particularly in your area of the Country, are going to be important jobs of the future.

Senator TESTER. The workforce development issue, in and of itself, the funds have been inadequate in the past. Where would you flow them through? I mean, would you flow them through tribal colleges? How would you?

Ms. JOHNSON-PATA. I would do a couple of things. One is, of course, we want the Department of Labor to take some responsibility. The only set-aside that I saw, and I am not an expert at looking at this, but the only set-aside I saw was for the older Americans under workforce development. I think that there should be some direct funding for tribes out of Department of Labor.

But besides that, I think the 477 is a good model for tribes, but not all the tribes are using that yet because they need the resources. The 477 model for workforce development allows the tribes to be able to take dollars from HHS and BIA and others and merge it together so that they can have a single workforce development program that will cover multiple programs. I think it is a great model. It is one that I know we struggle with HHS having acceptable for, which I think we should take a look at.

But it streamlines the programs locally, which makes a difference, and it is tribally-driven about what makes sense for the business of the future that the tribe is choosing to be in, whether it be in golf management, or whether it be in alternative energy. Tourism is a great opportunity for tribes that we need to take advantage of.

Senator TESTER. Okay. Thanks, Jackie. Thanks for your testimony.

Jessica, we will talk about health care for a bit here, a huge issue in Indian Country up and down the line. Your written testimony mentioned a concern about the disregard for medical inflation in forming the Indian health care budget. And you also discuss Administration rescissions.

Medical inflation, interestingly enough, is applied to all other Health and Human Service programs. So is the issue with IHS budget, and the lack of inflation being applied to that, does it stem from the Department of Interior? Or is there another reason for it?

Ms. BURGER. Thank you, Mr. Tester. I will try to answer that question as accurately as I can.

I think it is partially created by the Office of Management and Budget. In the budget preparation process, there is no directive to look at medical inflation and its impact on the Indian Health Service budget. In the last two years, medical inflation in this Country has been at nearly 10 percent. So it has certainly had a negative influence on the level of need that the Indian Health Service has been funded for.

I think the other part of the equation is that the Indian Health Service budget is discretionary, and that probably has less priority than the entitlement programs under Medicare and Medicaid dollars. So if we could at least get medical inflation as part of the equation during the budget formulation process, that would make

it certainly accurately reflect the costs that we are incurring in Indian Country to provide care.

Senator TESTER. Okay. Has the National Indian Housing Board addressed the issue of rescissions to the Administration? And if you have, how have they responded?

Ms. BURGER. Yes, we have. And I think that the response has been somewhat tempered. Rescissions over the last couple of years that were put forth by the previous Administration kind of hit us on a two-fold front. It happened at the Indian Health Service level, and then at the Interior level.

So what I would like to recommend is that we really do need some protective language that keeps the rescissions out of Indian Health Service delivery dollars, period. When we are talking about a 60 percent level of need funding, and then as you look at that nationally across the board, area to area, that level of need really drops off. I will just give you an example. My tribe is funded at just about 40 percent level of need for the population that I serve.

I think the answer is help us get some language that protects that action from occurring to Indian Health Service dollars. And I think that the Administration, I know during the transition team discussions, they were very receptive to embracing that notion, so I would like to see that move forward.

Senator TESTER. All right. Prevention, it has been shown to be the most cost-effective effort in health care. Indian Health Service has a prevention task force initiative that is focused on health promotion and disease prevention efforts in all IHS and tribally controlled facilities.

The work group recommends recommendations to identify progress in the IHS prevention programs. It is important to note that 22,000 Indians are living with cancer and 45 percent were not identified until late stages. The work group prioritized disease management ahead of prevention efforts in the recommendations, and you emphasized in your testimony the importance of fully funding the hospitals and clinics.

Do you think prevention efforts deserve more funding and more attention?

Ms. BURGER. Oh, absolutely. When you look at the way that the Contract Health Service system that provides necessary dollars to purchase medical care is structured, the system is very flawed. We are paying for care at the most extraordinary levels of cost, life or limb situations.

Most of the disease processes, and I am speaking from the health director's point of view, that we deal with, if we were able to redirect funding to health promotion and disease prevention, we would see a significant downturn in those rates of significant disease process, especially with regard to things like diabetes and cancer that by the time a cancerous patient is presented to an Indian Health Service clinic, they are in stage four. I mean, that is nationally. That is the most expensive care. And at that point, speaking as a registered nurse, the likelihood of a desirable outcome is not very likely.

I would really like to see, if I could make a respectful recommendation, the Contract Health Service system needs a revamp to look at the priority system of payment for life and limb issues,

to focus those dollars on health promotion, disease prevention first, and restructure that entire priority system.

One of the largest costs that my tribe incurs is for maintenance medications for our elders, their pharmacy bills. We are spending almost $750,000 just in helping them retain the ability to take their blood pressure medications, their cardiac medications, their oral glycemics. But if you look at the priority system in CHS, that is a level 2(b) priority, maintenance medications that the rest of us in the population take for granted.

I think, as a health director, if that Contract Health Service system were evaluated for effectiveness of preventive dollars compared to life and limb payments, I think that you would see the preventive dollars, the small amounts that are spent now on granted programs, have far more effect on the long-term health care status and improvement of health care status of Indian people than paying for those end-stage disease processes.

Senator TESTER. How would you currently rate the prevention efforts by IHS?

Ms. BURGER. I believe that that prevention initiative, in looking at it from a granted perspective, doesn't go far enough. The dollars are competitive in nature, it is not across the board funding, and I think that, again it goes back to Contract Health Services, if we looked at maybe a combination of health promotion and disease prevention dollars and Contract Health Service dollars that change that priority focus, that would be a real God-send to those of us providing care. If I had to rate it on a scale of one to ten, four.

Senator TESTER. That is not bad. It is better than I thought you were going to say.

[Laughter.]

Senator TESTER. But I should say, no, it is, you folks know this, as I said in my opening, better than I ever will know, but Indian health care is a disaster right now, from my perspective. It is in dire need of some serious attention. I don't think the money we are spending is being spent in the right way, and I think it has been chronically under-funded.

Thank you for your testimony and thank you for your questions.

Ms. BURGER. Thank you.

Senator TESTER. Robert?

Mr. COOK. I would just like to say in my home community in Pine Ridge, during the winter time, the ambulances have to run 24 hours a day because it is so cold if they shut them off, they may not start, which would be critical for people that need ambulance service. So just infrastructure facilities like buildings where we could store ambulances, just those basic needs are unmet in Indian Country. Thank you.

Senator TESTER. Yes, thank you.

In education, I was encouraged in the President's recent speech on education that he emphasized the need to raise the quality of our early learning programs. I know the Head Start program is vital in Indian Country, with over 23,000 children participating in the program and more than 35,000 volunteers.

In what way would you see funding being used to better serve the Indian children who participate in Head Start and Early Head Start?

Mr. COOK. Well, both my wife's and my children are Indian Head Start school graduates. And as parents, we have seen first-hand how important these programs are, not only for our children, but for many children because they provide those services to help our kids have that transition into school and to kindergarten.

On our reservation in Pine Ridge, our Lakota language is in a real critical situation where we are losing many of our language, our fluent language-speakers. Recently, there was a survey that showed out of 600 kids entering kindergarten, only six were able to speak conversational Lakota. So Oglala Lakota College was able to work with the Head Start program. They oversee our Head Start program on Pine Ridge. And they are implementing a Lakota language program within the Head Start, but yet they really struggle because they don't have a lot of the funding and the dollars that is critical for the success and the scope of that program.

You look at many of our reservations, half the population of our people are under 25, so there is a tremendous need for programs in early childhood education, our Head Start program's funding.

I wanted to just bring attention. I brought my eagle feather with me, and I received this feather when I graduated with my master's degree from Oglala Lakota College. Our tribal colleges are so important to us. But you know, a long time ago when you look in this room and you see these beautiful pictures that George Catlin documented of the Mandan people in the early 1800s, our feathers for many of our tribes were given for supreme acts of bravery, where you put your life on the line for your people.

Today, many of our communities give eagle feathers to our young people because they graduate from high school. That is a great honor, but yet it shows how hard it is today to do that, to step up, to stay in school when you have so many of these issues and problems that you have to overcome.

So we give, we honor our kids and our students by giving them an eagle feather, and the young women, plumes with a medicine wheel. We have a real crisis with our dropout situation, and the National Indian Education Association partnered with the Campaign for High School Equity to partner with other civil rights organizations to address that issue.

But it really goes back to the early childhood education, to be able to help funding and programs to help those parents and those young children to stay in school and to value their education so they can earn their eagle feather.

Senator TESTER. So the groups that you work with, you are saying that they had found that in Indian Country, that Early Head Start and Head Start, and the implementation of those programs, were critically important as far as increasing the graduation rate at the other end?

Mr. COOK. Absolutely.

Senator TESTER. Okay.

Currently, tribes are eligible for funding through three different agencies for education: the Bureau of Indian Education, the Department of Education, and Health and Human Services. Can you comment on the need for coordination among the agencies to help tribes effectively plan their educational programs?

Mr. COOK. When you look back a long time ago, all of our education programs were coordinated through the Bureau of Indian Affairs. And now today, a lot of those, our programs are divided among the intergovernmental agencies, HHS and Department of Education.

When I started teaching 20 years ago, you looked at the number of students that went to BIE schools or tribal schools, and the number of kids that went to public schools, it is so much higher today. Ninety-three percent of all our Indian students do go to public school.

And so I think today we are really seeing a disconnect because those programs are contracted out between so many different agencies within those departments, and there is no collaboration or communication. I think that one of the things that NIEA has requested, along with NCAI and others, is we were asking for an elevation of the Director of Indian Education programs, that Department of Education, to an Assistant Secretary level.

We are also asking for, within the Bureau of Indian Affairs and the DOE, to work together to place perhaps someone within the Department of Education that could be a liaison for tribal education programs. The Department of Education is the expert on education. They have a lot of resources, a lot of funding. The Bureau of Indian Education and BIA are expert on tribes. There has to be a connection with those departments. They have to work together.

So we really believe that if we have somebody in there that could really advocate for our programs, not just the funding, but the resources. Teacher development is really important, being able to have our tribal colleges have graduate high school teachers. Seventy-five percent of our teachers on Pine Ridge are graduates from OLC, but in elementary education. Our tribes don't have the funding to produce secondary education teachers, so we have to go off to State schools, and it is real hard. Our of 9,000 teachers in South Dakota, less than 1 percent are American Indian that serve in the public schools, but yet they service a lot of our Indian students.

So I believe that there has to be more collaboration, more cooperation between those, and that is one of our highest priorities.

Senator TESTER. From your position, do you see any coordination right now?

Mr. COOK. Well, I don't. I see that there is, just because of the high mobility of our students going from the reservation schools into the urban schools, when they are there for the count, it is important. But when they drop out or when they leave, there is a disconnect and it becomes an us versus them kind of territory. Well, they are not in our schools so they are no longer our problem anymore. So it leads to a lot of a lack of resources for our students. And so I think that is a really high priority, is the cooperation between those, especially those two.

Senator TESTER. Okay.

As has been suggested already, Indian students have a graduation rate that could be a lot better. Let's just put it that way. There are many reasons for this. Some we have already talked about. Another one that I think contributes to it is that the schools that

American Indian students are forced to attend, well, they need some repair.

We really can't expect our students to go to an unhealthy environment or an unsafe environment, as far as that goes. We are expecting a GAO report to be released later this year that will highlight some of the conditions in school facilities in Indian Country.

What do you think needs to be done to improve the backlog at BIE for school construction, repair and improvements, as well as the backlog in construction for public schools in Indian reservations that rely on Impact Aid?

Mr. COOK. Thank you, Senator, for that question.

I spent 14 years in my teaching career working in the BIE schools at Crow Creek, Lower Brule, Little Wound. We were really excited when we were able to get Indian school construction on to the Recovery Act, and be able to address some of the backlog needs facing our schools.

Although we were disappointed that Impact Aid schools, we have a lot of Impact Aid schools on our reservations, for example, Todd County School District in Pine Ridge, Shannon County School District, I mean, and then Todd County in Rosebud, are examples of schools that are Impact Aid schools that weren't able to address their construction needs because of that, because they are public schools, but they are on our tribal reservations.

I think one of the things that needs to be done is there has to be a transparency with the Bureau of Indian Affairs and BIE to be more transparent. There is a list of schools that are on this priority list for construction, but nobody knows, the schools themselves don't know where they are as far as being on that list. If there was transparency and communication, if that list was made public, then those schools would be more ready. They would be more shovel-ready to get going on their construction needs.

And that is what we are asking for from the Bureau is to make sure that list is available so the tribes know where they stand as far as their construction needs. Some of these schools are, most average 60 years old.

Senator TESTER. Who has the list? BIA or BIE or who?

Mr. COOK. The BIA.

Senator TESTER. BIE?

Mr. COOK. BIE.

Senator TESTER. BIE has the list. Have you made a request for it?

Mr. COOK. Yes, sir.

Senator TESTER. And you have been turned down, or just not respond?

Mr. COOK. Yes, and it changes all the time. A school maybe 10 years ago could be number two on the list, and 10 years later, they could be 25. There is a shuffling of the list.

Senator TESTER. But you never know that, do you?

Mr. COOK. You never know that.

Senator TESTER. That might be interesting to follow up on.

Mr. COOK. Thank you.

Senator TESTER. Thank you very much for your testimony and the answers to the questions.

We will go to housing. Cheryl, Indian housing needs, it would probably be a compliment if I said it was astronomical. It is absolutely, we have some difficulty: overcrowded situations, sometimes 10 to 20 people living in a three-bedroom home.

To address this need, Congress has provided a significant amount of money through the Indian Block Grant program in both the American Recovery Act last February and the Fiscal Year 2009 spending bill that we just recently passed.

Can you tell the Committee what the National Housing Council is doing to ensure that these funds will get out to needy families in a timely manner?

Ms. PARISH. The first thing we did, actually, is meet with several of the people in this room. I went and saw them about two weeks ago, and I asked: How do we do this? And how do we do this correctly?

Senator TESTER. Yes.

Ms. PARISH. The whole tribal, well, the whole tribal, the whole NAIHC board of directors did that, and we canvassed the Hill. We have been working with HUD. Heidi was actually with us during our meeting with Mr. Boyd. We urged him to please, please help us do this, give us some heads up so we do it right.

We want to spend this money. This is, it is not enough. Like you said, it is a drop in the bucket, but we would like to be able to show you our true need, that we can spend it, we can spend it well. We will spend it fast, and please give us more if you hand out any. That is the message that we are going to come out with, and we are going to come out with hard.

The money that NAIHC receives, its technical assistance and its training, will be invaluable. We also try to work with Mr. Boyd and the rest of HUD as much as we can to make sure that all of our housing authorities receive the proper training we need. Right now, the first thing I did is I went home and I called my regional office, and I said, we have to have a meeting and we have to have all the housing authorities that I represent, 31 of them, come together, and we are doing it next week, so you can tell us how we are going to report on this money, so we do it, so it is transparent, and we don't get into any trouble.

That would be basically be my answer there.

Senator TESTER. Okay. Have you done, have you thought about or are you doing anything in regards to utilizing those funds to stimulate jobs for Indian people in Indian Country?

Ms. PARISH. Yes, very much so. Actually, when we even got the whiff that we might possibly get that money, and it was a tremendous gift to us, we started preparing throughout Indian Country. And when I put out things for a request for proposal or for bid, I tell them, you are going to get a higher priority, but you are going to hire some of my people and you are going to employ them.

I have done that in the past when I do projects. You have to hire this many, and I want them to be carpenters at the end. And that actually gives them a trade-set. Sometimes it takes them off the reservation, but it will give them a job and it will give them a talent.

Senator TESTER. That is good. And maybe we can even go back to Jackie's point on job training and try to get them to be a carpenter going in, too. That would be good.

Ms. PARISH. Yes.

Senator TESTER. I want to ask you, all four, and thank you very much, Cheryl. I want to ask you all four more of a global question, actually a couple of them.

We continually hear, and it just isn't in Indian Country, it is throughout many of the agencies, that the funds that are being appropriated by Congress somehow are not making it to the community level. Could you share your perspective on that, if you think that there is a problem there? Or do you think it is okay?

Jackie?

Ms. JOHNSON-PATA. I would like to go ahead and start, if that is all right.

We work really hard to provide technical support to a couple of Federal agencies around budget development and provide technical support to the tribe, BIA tribal leaders, TBAC is what it is called. And that challenge comes up on a regular basis.

And I think part of that is, the tribes come up with their priorities and then they get to the negotiations with OMB and then the department continues to have their negotiations, and the budget never really looks like we thought it did from the very beginning.

I think we have done better about, as tribal leaders, being able to show where our budget priorities are and try to get those increases in those priorities. But then it comes back to any reallocation of funds, or as you heard, where they hold back funds for HUD, those kinds of things. Any reallocation, it makes it very difficult for tribes to plan when they are not sure exactly what they are going to be getting.

And we have been trying to work with ways with the Department of Interior for tribal leaders to be involved with any recapture or reallocation from one region to another, or re-shifting of funds. And I think that is where a lot of the money becomes more discretionary, for some reason, and there seems to be more flexibility at the department and less goes to the tribes.

I think the other thing that is frustrating as the tribes meet on these issues is that when we deal with what we were talking about, cost of living increase and inflationary factors, they are mandatory off the top for the department and the department staff, so they become mandatory expenses out of the allocation that is the amount that is appropriated for Indian Country.

But we don't get the same treatment because we don't get mandatory cost of living increases or personnel requirements. And so what ends up happening is that the Federal Government is able to maintain their staffing levels because they get those cost of living factors mandatorily considered, but when the money is left to go to the tribes, the tribes have to decide how many members of their team that they are going to have to release from employment because they don't also have the same ability. So all of those are factors.

I also want to bring up something that when we were talking about the school construction, and this would go for a number of other pieces here. But one of the things that we at the TBAC have

asked for school construction from Jack Weaver, the list for a while, and have not been able, for years, I have to say, years, because OMB measures the success. OMB kept saying, well, the rule, one of the reasons they weren't putting more money for school construction is because we haven't spent out that school construction dollars.

We said, give us the list, let us look at that from the tribal perspective, and decide to see what the problem is. Is this an issue with land title, and that is why we aren't able to construct the building? Or are there other issues that we can address as tribal leaders? Without having that information, we as tribal leaders can't help find the solution.

An example of what I think would be a good model is the State of Virginia. When they are doing a construction project or roads project, they have it right on their website. This is the projects that we are doing. And if there is a hold on a project, they put a yellow sign that says, this has been temporarily halted for this reason, or, this project has been stopped for this reason.

So we all know, in talking about the transparency, so we all know, because I think that is the other thing that holds back money from Indian Country. It gets obligated, appropriated, but then there are these other reasons that we are not aware of that it doesn't come back to our home communities.

Senator TESTER. I have a follow-up on that, but I will let these others talk about, if they have anything they would like to say about the money getting to the ground, and if there is problems in that, and you think they are serious enough to comment on them.

Ms. BURGER. Thank you, Senator. I think I would like to make just a brief comment.

One of the issues is sometimes the formula for the way that the appropriation is coming through does not fit the formula that is required in Indian Country. It is pretty simple. If we are allowed to be on the ground floor through a consultation process to frame some of those program requirements and frame up those priorities from the beginning, I think that you would see a far better utilization of the resources.

One of the other things that comes to mind just in discussing facilities dollars,there is a 25-year waiting list on facilities dollars for new construction. My tribe purchased our own tribal health clinic because there was no way we were ever going to get on that list.

So we have to wonder where the disconnect occurs, and I think that the disconnect really occurs sometimes at the Office of Management and Budget. We need some individuals in that office that understand Indian issues, that can listen as we articulate our problems and make some sense of why perhaps a program doesn't work. And I think that would be a good place to start.

Senator TESTER. From your perspective, OMB does not have that now?

Ms. BURGER. No, they don't.

Senator TESTER. Good.

Would anybody else like to comment on that, on the money that is getting to the ground, if it is a problem? You don't have to if you don't want to.

Mr. COOK. Yes, I would. Thank you.

Senator TESTER. Sure.

Mr. COOK. I just also wanted to mention, when you were talking about the construction list for schools. IHS has a real good model. They call it the five-year plan and it lets people know what facilities are going to be built within the next coming years. Maybe that might be a good way to, or a good start to look at.

Senator TESTER. Good point.

Mr. COOK. One of the things that NIEA has requested to the new Administration and to our colleagues is to establish a Native American budget, a Native American Budget Task Force, to be able to look at HHS, DOE, Department of Education. Who better knows the needs of funding and issues than our own people, being able to put together their plans and recommendations to the different agencies?

Currently, there is no coordination among these agencies, as we discussed, on education funding. And so especially within the Department of Education, where 93 percent of our Indian kids do go to public schools, there is no tribal input whatsoever.

The San Carlos Apache Tribe met with the Department of Education Office of Indian Education. And when they asked them different questions on budgets and funding and programs, they had no information to give the tribe on the stimulus, the recovery funding. So I think there needs to be somebody in there within that department to help them to understand what the needs are in Indian Country as far as academic success for our students and for our schools.

Thank you.

Senator TESTER. Cheryl?

Ms. PARISH. Thank you.

Our problem seems to lie a lot with HUD and OMB. Unlike the money that we just received, and we got it within 30 days, which was just a shock to Indian Country as far as housing went. It is four and five months from the time there is an appropriation until we see the money. The littler tribes are barely making it at that point, and we have to help the lowest of income with that small bit of funds as it is.

If there was a way that you could help us perhaps work with OMB and HUD to get our money within 30 to 60 days after it was appropriated, it would help us tremendously. By the time we get it, it is October or November, and where I live, I can't build until May now. So I am a year behind schedule, right off the get-go. So that is where I would look to this Committee if you could possibly help us there.

Senator TESTER. Okay.

Robert may have answered my question I was going to ask you, Jackie, as far as prioritization. I mean, I am sure this list is a national list, right, of schools?

Ms. JOHNSON-PATA. Yes.

Senator TESTER. And you have a lot of sovereign nations here, and seeing the appropriation process work at this level, how would you stop, just because in some of the schools I have seen, they all have merit to be rebuilt at some level.

Ms. JOHNSON-PATA. That is a problem. When there is limited resources is everybody is scrambling to be able to want members of

Congress to deliver for their constituents, but also, tribes who are just desperately needing that. And I know we tried, like in, for example, in the development of NAHASDA initially, was to de-politicize the formula so that it really was based upon a need allocation.

Senator TESTER. Yes.

Ms. JOHNSON-PATA. I think that there are some worthy conversations that could be had about the distribution models of IHS. I see Staci shaking her head. That might be helpful for the future.

But I want to follow up on the OMB issue, because OMB is critical at this point. And we have identified that that is a place for us to have to make some changes as far as responsiveness and understanding the uniqueness about tribal delivery systems.

NCAI put forward a recommendation that is supported by all these organizations here, that we think that there needs to be a person designated at OMB that will shepherd the tribal outreach or the tribal review. We proposed it to the transition team and to the White House. I think that we seem to be getting some traction on the idea. We were hoping for a new person that would be like a deputy underneath the director, but that may not be possible. However, I think that they are seeing a need to have an Indian team within the OMB that has a greater understanding.

And one of the reasons that came about was because of the self-governance compacts and contracts on economic recovery, the fact that those contracts don't necessarily mesh with the requirement that Congress put forward. So it is an opportunity. You guys could help us with that a little bit, too, to push this agenda forward as far as the uniqueness of Indian Country, and get OMB to have an Indian person.

Senator TESTER. I personally think it would be smart. I think it would be smart for everybody.

Yes, Robert?

Mr. COOK. Earlier you mentioned about examples or the need for the full funding to get to the schools. I have three real quick examples. Wounded Knee School District, for example, along with many others, only gets 43 percent of the total dollars that is supposed to be allocated. When I talked to the superintendent from the school, she said, imagine having a $100 light bill and only having $43 to pay it.

Senator TESTER. So where did the other $57 go?

Mr. COOK. They are only operating on 43 percent of the promised budget.

Senator TESTER. Okay. So the money may be appropriated, but it is only at a 43 percent level.

Mr. COOK. Right. Exactly.

Senator TESTER. Well, that is a different concern. Okay.

Mr. COOK. Another example is when we had the high gas prices, Little Wound School, with their tremendous number of students that bus into the facilities, they actually had to tap into their ISEP funds, $168,000 just to offset the cost of the rising fuel costs and transportation of students. So that directly affects the academic needs of those students because they have no emergency funds, nothing to draw money from in case something does come up, for example, those high costs of fuel.

Another example is when a new school is built, for example, Porcupine School on Pine Ridge just recently built a new school. However, they are really concerned because there is no maintenance dollars. And so they have this beautiful school, but a concern is how do they keep that school beautiful for the next 20 years.

Senator TESTER. Yes, O&M, a big, big issue.

Well, once again I want to thank you all for being here, Whether you are talking about the myriad of issues, of challenges, the good part about this is, we are early in the process, so we will be continuing to gather information. The difficult part about this process is your issues are difficult. They are real, and they are extensive.

So I want to thank you all for being here. I appreciate it, and have a great day, and we look forward to continuing the contact. Thank you.

We are adjourned.

Ms. JOHNSON-PATA. And Senator, if I could, I just want to invite you or any of your staff or any of the other staff here. NCAI is hosting a trip to Indian Country during the spring break to Tohono O'odham. We are going to deal with border issues, but all the other issues, too.

Senator TESTER. That is good.

Ms. JOHNSON-PATA. So a good learning education time.

Senator TESTER. Thank you for the invite. Thank you.

We are adjourned.

[Whereupon, at 1:58 p.m., the Committee was adjourned.]

APPENDIX

PREPARED STATEMENT OF THE NAVAJO NATION

Chairman Dorgan, Vice Chairman Barrasso, and members of the Committee, thank you for this opportunity to provide testimony on behalf of the Navajo Nation on "Tribal Priorities in the Fiscal Year 2010 Budget Request". My name is Rex Lee Jim. I am an elected Delegate to the Navajo Nation Council and serve as the Chairman of the Public Safety Committee of the Navajo Nation Council.

The President's FY 2010 Budget outline continues a positive trend of adding resources for Indian Country law enforcement. We were also very pleased that the final conference report for the Economic Stimulus bill included $225 million for tribal jail construction in the Department of Justice and $450 million for tribal construction programs at the Bureau of Indian Affairs. This funding will make a substantial contribution to improving public safety in Indian Country. We would like to thank Chairman Dorgan and Senator Udall for their strong leadership in providing substantial funding for tribes in the Stimulus legislation.

We hope that Congress will build on the funding in the Stimulus bill in the FY 2010 appropriations bills to help address the long unmet needs that have built up over many years of insufficient funding for tribal public safety. Therefore, we urge that the Senate Indian Affairs "views and estimates" letter should support the highest funding possible for tribal public safety and justice issues, and provide full funding for the "Emergency Fund for Indian Safety and Health", which was approved as part of the reauthorization President's Emergency Plan for Aids Relief (PEPFAR). We also hope that the Committee can encourage the Bureau of Indian Affairs to change some of their funding policies to provide equity in the distribution of public safety funding.

Bureau of Indian Affairs

The FY 2009 Omnibus Appropriations bill provided $255,077,000 for tribal law enforcement for the BIA, which continued the recent, generally-positive trend in increasing funding for public safety in Indian Country. However, Indian Country law enforcement has been grossly underfunded at all levels for many years, and these recent increases have not solved the dramatic unmet needs in Indian Country for more police, investigation, prosecution, courts, detention and rehabilitation.

The Navajo Department of Police (NDPS) has an insufficient number of police officers. Current funding allows a staggering low ratio of .06 police officers per 1,000 people, compared to the national average of 2.5 police officers per 1,000 people. The Navajo Nation has only 200 Emergency Medical Technicians (EMT's) for the entire 25,000 square mile Navajo Nation. This forces our emergency response personnel to travel hundreds of miles to accident sites, and forces

long delays in providing emergency medical care. According to the Bureau of Indian Affairs, Indian Country has a 42 percent unmet staffing need for police departments. Therefore, we urge the Senate Indian Affairs Committee to support at least a 10% increase (at least $280,584,700) for tribal law enforcement.

BIA Funding for Tribal Courts

The BIA Tribal Courts program has been level funded for several years. Navajo Nation Courts closed 130,380 cases from 2004 to 2006. However, insufficient funding resulted in 56,460 unclosed cases from 2004 to 2006. Without substantial increases, the number of cases will overload the Navajo Tribal Courts. The Senate version of the Recovery Act included $25 million for tribal courts that was stripped from the final bill. Therefore, we support restoring the money that was dropped from the stimulus bill and increase funding for tribal courts by $25 million.

The Supreme Court of the Navajo Nation is forced to conduct hearings in a building which appears to be a warehouse with paint peeling off the metal sidings or to use other conference rooms when more space is necessary. The courtroom barely accommodates three justices, court personnel and attorneys. Space for the audience is extremely limited. The Navajo Nation is in dire need of an adequate and dignified judicial complex to house the Supreme Court and the Administrative Office of the Courts in Window Rock, Arizona. We hope to work with the Committee to identify authorization language that will allow for federal funding to be used for court construction, and to seek appropriations and grants to construct a new Supreme Court building.

Inequitable BIA Policies Diminish Funding for Navajo Public Safety

While there has been a generally positive trend BIA funding levels in recent years, the Navajo Nation is concerned that BIA does not distribute the funding in an equitable manner.

- First, the BIA only provides Facility Improvement & Repair (FI&R) and Operation & Maintenance (O&M) funding for BIA-owned detention facilities, while tribally-owned facilities receive no funding for FI&R and O&M. Under this "federal government only" approach, the Navajo Nation, which has 34.2% of the on-reservation Indian population, gets no funding for its decaying facilities because they are not BIA-owned and operated.

- Second, the budget does not require the distribution of BIA public safety funds in a sound, policy-based fashion using objective criteria. Currently, the BIA cites "historical precedent" as their methodology for determining how to distribute these funds, which dramatically underfunds the Navajo Nation.

BIA Discriminates Against Tribally-owned Detention Facilities

The BIA owns and operates 59 detention facilities and is responsible for funding staffing, FI&R, and O&M for these facilities. In addition, there are 34 detention facilities that are owned and operated by tribes, either independently or through P.L. 93-638 contracts or self-governance compacts. These contracts and compacts advance the goals of Indian self-determination and self-governance. However, the BIA provides no funding for FI&R and O&M at tribally-owned detention facilities. There is no logical, justifiable, or fair reason for the BIA to only fund the operation and repair of BIA-owned jails, while jails operating under self-governance agreements receive no funding for FI&R and O&M.

The Navajo Nation is pleased that the stimulus legislation provides $450 million for *"for repair and restoration of roads; replacement school construction, school improvements and repairs;* ***and detention center maintenance and repairs.***" We were also pleased that the FY 2009 Omnibus Appropriations bill provided $21,500,000 for detention center replacement in Public Safety and Justice Construction. However, we are very concerned that if BIA employs current policies, Tribally-owned detention facilities will receive no funding. **We hope that the Senate Indian Affairs Committee can help ensure that BIA funding for detention facilities is distributed equitably to BIA-owned and Tribally-owned detention facilities.**

BIA Uses an Unfair Formula for Distribution of Public Safety Funds

Currently, the BIA does not use an objective funding formula for distributing public safety funding. Instead, BIA uses "historical precedent" as the basis for the distribution of these funds. The Navajo Nation feels the using "historical precedents" is not a fair, objective, or justifiable basis for the distribution of vital public safety dollars.

The Navajo Nation believes that BIA should develop a funding distribution formula using objective criteria including the following factors that might go into a formula:

- On-Reservation Population
- Land Area
- Crime Rate
- Economic Conditions
- Tribal Police Resources

Emergency Fund

The 110th Congress recognized the tremendous need in Indian Country and responded by enacting the $2 billion "Emergency Fund for Indian Safety and Health", which was approved as part of the reauthorization President's Emergency Plan for Aids Relief (PEPFAR). This landmark legislation authorizes funding for public safety, health care, and water projects in Indian country. The Navajo Nation applauded the enactment of the authorization for the Emergency Fund, and now we urge Congress to provide the necessary funding to achieve the important goals that the Fund seeks to achieve. Therefore, the Navajo Nation urges Congress to provide $400 million for the Emergency Fund in the Committee's "views and estimates" letter and in the FY 2010 Appropriations bills.

However, while the authorization has been approved, it is uncertain how funding will be appropriated into the fund. The legislation authorizing the Emergency Fund states, "There is established in the Treasury of the United States a fund, to be known as the Emergency Fund for Indian Safety and Health, consisting of such amounts as are appropriated." The authorizing legislation does not describe which appropriations bills will provide the funding or how the appropriations will be provided. The Navajo Nation is anxious to work with the Senate Indian Affairs Committee to ensure that the authorization is fully funded. Without getting appropriations to the fund, no money can be spent from the fund as envisioned in law.

Detention Facilities

The Navajo Nation detention facilities were constructed in the late 1950's and early 1960's and have deteriorated so severely that prisoners can only be kept overnight in three of the six adult detention facilities. Since we only have 113 jail beds for the entire Navajo Nation (300,000 people spread over the size of West Virginia), many inmates serve only a portion of their sentences due to the lack of available detention facilities. Unless we build more detention facilities, criminals arrested in Navajo Nation are essentially getting a 'get out of jail free' card.

We are very pleased that the federal government finally recognized the tremendous need for additional detention facilities in Indian Country and provided $225 million for the Correctional Facilities on Tribal Lands program in the Stimulus bill. This funding is a good start in addressing a tremendous backlog in Indian jails, but will not resolve the problem. According to the recent report of Shubnum Strategic Management Applications, the federal government needs to spend $8.4 billion to bring tribal and federal detention centers in Indian Country up to current standards and to relieve overcrowding. According the Report, when the jails were inspected in spring 2006, many had too many inmates and not enough jailers. At the Navajo Nation's Window Rock Detention Center in Arizona, two detention officers were assigned to guard 68 inmates at a time. "The 68 inmates were packed' on every horizontal space in the dormitory cells," the report says. "This included two individuals on a single bunk bed and several individuals on the only available floor space below the bunk beds. The foul stench was extremely high at this hour with the crowded condition."

We are grateful that Chairman Dorgan has led the effort to make the results of the Shubnum study public, and hope that the Committee will continue to lead the fight to address this massive and widely acknowledged problem. The federal government must honor its trust responsibility to the Tribes and provide resources to repair existing facilities and build new detention facilities across all of Indian Country. **We hope that the Senate Indian Affairs Committee will request $50 million for the Correctional Facilities on Tribal Lands Program in the Department of Justice.**

Part of the problem with appalling state of Indian detention facilities is that two agencies (and two Appropriations Subcommittees) are involved in overseeing and funding the operation and construction of tribal detention facilities. The Department of Justice manages the Correctional Facilities on Tribal Lands Program, which provides grants to tribes to construct and/or renovate

tribal correctional facilities. The Bureau of Indian Affairs funds Facility Improvement and Repair (FI&R) and Operation and Management (O&M) at Bureau-owned detention facilities in Indian Country. Unfortunately, there is lack of understanding in Congress and in the Administration about the unwieldy responsibilities where the DOJ builds/renovates tribal jails while BIA funds operations and repairs of BIA-owned tribal jails. Also, the confusion is exacerbated by the lack of coordination between DOJ and BIA officials who oversee the construction (DOJ) and operation (BIA) of tribal detention facilities. **Therefore, it is important that Congress provide funding for detention facilities in both the DOJ and BIA budgets, and Congress should require DOJ and BIA to work together.**

Navajo Nation Has Raised Its Own Taxes to Fund Detention and Courts

The Navajo Nation has recognized the lack of detention facilities as a paramount priority enacted a 1% sales tax dedicated for judicial/public safety facilities. We have raised our own taxes, despite the poor economic situation in the Navajo Nation, to address this vital issue. It is time for the federal government to fulfill its trust responsibility and join us in providing adequate funding for new detention facilities and courts.

Conclusion

This Committee has shown great leadership in focusing attention on public safety issues in Indian Country. We urge your continued support and ask that you seek the highest possible funding for Tribal Public Safety, and full funding for the "Emergency Fund for Indian Safety and Health".

Thank you for this opportunity to share the concerns of the Navajo Nation. Please do not hesitate to contact me if you have any questions or if we can be of any assistance. The Navajo Nation looks forward to working closely with the Committee to address public safety concerns in Indian Country.

Prepared Statement of the United Tribes Technical College

For 40 years, United Tribes Technical College (UTTC) has provided postsecondary career and technical education, job training and family services to some of the most impoverished Indian students from throughout the nation. We are governed by the five tribes located wholly or in part in North Dakota. We have consistently had excellent results, placing Indian people in good jobs and reducing welfare rolls. Bureau of Indian Education (BIE) funds constitute about half of our operating budget and provide for our core instructional programs. *These funds are authorized under Title V of the Tribally Controlled Colleges and Universities Act.* We do not have a tax base or state-appropriated funds on which to rely.

We thank the House and Senate Interior Subcommittees and our Congressional delegation – Representative Pomeroy, Senator Dorgan and Senator Conrad for their support, especially during the Bush Administration budget submissions which consistently tried to zero out our BIE funding. We are very pleased that the Obama Administration intends to ask for BIE funding for UTTC.

The requests of the UTTC Board for the FY 2009 BIE/BIA budget are:

- ***$5.5 million in BIE funds for UTTC,* which is $1.5 million over the FY 2009 level.**
- ***$5 million toward the $10.9 million needed for a new math and technology building on our South Campus.***
- ***$3.5 million toward the $36 million needed for a planned Northern Plains Tribal Law Enforcement Resource and Training Center located at UTTC.***
- ***A requirement that the BIA/BIE place more emphasis on funding and administrative support for job training and vocational/technical education.*** The Administration's FY 2009 request for Job Placement and Training was $8,864,000 with an additional $2,011,604 under TPA adult education for a total of $10.9 million. We appreciate that Congress included funding in the Recovery Act for BIA workforce training, although we don't know at this time how the $40 million will be allocated between workforce training and the Housing Improvement Program. In any event, the FY 2009 amount will be far less than the FY 1970 appropriation of $60 million for this program. There is little BIA/BIE leadership or advocacy for job training or vocational/technical education at the central or regional office levels.

Law Enforcement Training. We thank Congress for its support for us obtaining a Memorandum of Understanding with the Bureau of Indian Affairs and the American Indian Higher

Education Consortium that would establish a partnership so that we and other tribal colleges can better help fill the need for trained law enforcement and correctional officials in Indian country. This MOU was signed in May 2008. To that end, we are working toward establishment of a Northern Plains Law Enforcement Training Center located at UTTC which would provide basic and extended training for law enforcement officers for tribes and the Bureau of Indian Affairs. We have identified a total budget of $36 million for construction of the facility with all necessary training components, but at this time are requesting $3.5 million for infrastructure and initial work.

The need for more law enforcement officers in Indian Country is staggering. The 2006 BIA Gap Analysis estimated that it would require $560 million to hire, train and equip the more than 1,800 additional BIA and tribal police officers needed to adequately police Indian lands. The BIA criminal investigations program provides funding to hire and training offices, but their FY 2009 funding was only $163 million. This is an area in which UTTC, with its long history of an accredited criminal justice program, could really make a positive difference.

Math and Technology Building on new South Campus. . The bulk of our current educational training and student housing is provided in 100 year old buildings, part of a former military base used by UTTC since its founding in 1969 and donated to us by the U.S. in 1973. They are expensive to maintain, do not meet modern construction and electrical code requirements, are mostly not ADA compliant, and cannot be retrofitted to be energy efficient.

As a result, UTTC has developed plans for serving more students in new facilities that will provide training and services to meet future needs. We are now developing land purchased with a donation that will become our south campus. Infrastructure for one-fourth of the new campus has been completed, and we have now obtained partial funds for a new, and badly needed, science, math and technology building. *We as asking for $5 million of the $10.9 million still needed to complete this building. We have already acquired $3 million toward the total cost.* Our vision for the south campus is to serve up to 5,000 students. Funding for the project will come from federal, state, tribal and private sources.

There are important things we would like you to know about our College:

Our students. Our students are from Indian reservations from throughout the nation, with a significant portion of them being from the Great Plains area. Our students have had to make a real effort to attend college; they come from impoverished backgrounds or broken families. They may be overcoming extremely difficult personal circumstances as single parents. They often lack the resources, both culturally and financially, to go to other mainstream institutions. Through a variety of sources, including funds from the Bureau of Indian Education, UTTC provides a set of family and culturally-based campus services, including: an elementary school for the children of students, housing, day care, a health clinic, a wellness center, several on-campus job programs, student government, counseling, services relating to drug and alcohol abuse and job placement programs.

UTTC Performance Indicators. United Tribes Technical College has:

- An 80 percent retention rate.
- A placement rate of 94 percent (job placement and going on to four-year institutions).
- A projected return on federal investment of 20-to-1 (2005 study comparing the projected earnings generated over a 28-year period of UTTC Associate of Applied Science and Bachelor degree graduates of June 2005 with the cost of educating them).

- The highest level of accreditation. The North Central Association of Colleges and Schools has accredited UTTC again in 2001 for the longest period of time allowable – ten years or until 2011- and with no stipulations. We are also one of only two tribal colleges accredited to offer accredited on-line (Internet based) associate degrees.
- More than 20 percent of graduates go on to four-year or advanced degree institutions.

We also note the January 13, 2009, report of the DOEd's Office of Vocational and Adult Education on its recent site visit to UTTC (October 7-9, 2008). While some suggestions for improvements were made, the Department commended UTTC in many areas – for efforts to improve student retention; the breadth of course offerings; collaboration with four-year institutions; expansion of online degree programs; unqualified opinions on both financial statements and compliance in all major programs; clean audits; and use of the proposed measurement definitions in establishing institutional performance goals.

The demand for our services is growing and we are serving more students. For the 2008-2009 year we enrolled 1023 students (an unduplicated count), nearly four times the number served just six years ago. Most of our students are from the Great Plains, where the Indian reservations have a jobless rate of 76 percent (Source: 2003 BIA Labor Force Report), along with increasing populations. These statistics dramatically demonstrate the need for our services at increased levels for at least the next ten years.

In addition, we are serving 141students during school year 2008-2009 in our Theodore Jamerson Elementary school and 202 children, birth to five, are being served in our child development centers. *We are proud to report that this school has achieved Adequate Yearly Progress status.*

UTTC course offerings and partnerships with other educational institutions. We offer accredited vocational/technical programs that lead to 17 two-year degrees (Associate of Applied Science (AAS)) and eleven (11) one-year certificates, as well as a four year degree in elementary education in cooperation with Sinte Gleska University in South Dakota.

Licensed Practical Nursing. This program has one of the highest enrollments at UTTC and results in the greatest demand for our graduates. Our students have the ability to transfer their UTTC credits to the North Dakota higher educational system to pursue a four-year nursing degree.

Medical Transcription and Coding Certificate Program. This program provides training in transcribing medical records into properly coded digital documents. It is offered through the college's Exact Med Training program and is supported by Department of Labor funds.

Tribal Environmental Science. Our Tribal Environmental Science program is supported by a National Science Foundation Tribal College and Universities Program grant. This five-year project allows students to obtain a two-year AAS degree in Tribal Environmental Science.

Community Health/Injury Prevention/Public Health. Through our Community Health/Injury Prevention Program we are addressing the injury death rate among Indians, which is 2.8 times that of the U.S. population, the leading cause of death among Native Americans ages 1-44, and the third leading cause of death overall. This program has in the past been supported by the Indian Health Service, and is the only degree-granting Injury Prevention program in the nation. Given the overwhelming health needs of Native Americans, we continue to seek new resources to increase training opportunities for public health professionals.

Online Education. Our online education courses provide increased opportunities for education by providing web-based courses to American Indians at remote sites as well as to students on our campus. These courses provide needed scheduling flexibility, especially for students with young children. They allow students to access quality, tribally-focused education without leaving home or present employment. However, we also note the lack of on-line opportunities for Native Americans in both urban and rural settings, and encourage the Congress to devote more resources in this area.

We offer online fully accredited degree programs in the areas of Early Childhood Education, Community Health/Injury Prevention, Health Information Technology, Nutrition and Food Service and Elementary Education. Over 80 courses are currently offered online, including those in the Medical Transcription and Coding program. We presently have 50 online students in various courses and 137 online students in the Medical Transcription program.

Criminal Justice. Our criminal justice program leads many students to a career in law enforcement. Students are required to learn the basics of law enforcement procedures, and we now have on campus a career BIA law enforcement officer who is helping improve our program.

Computer Information Technology. This program is at maximum student capacity because of limitations on resources for computer instruction. In order to keep up with student demand and the latest technology, we need more classrooms, equipment and instructors. We provide all of the Microsoft Systems certifications that translate into higher income earning potential for graduates.

Nutrition and Food Services. We help meet the challenge of fighting diabetes and other health problems in Indian Country through education and research. Indians and Alaska Natives have a disproportionately high rate of type 2 diabetes, and have a diabetes mortality rate that is 3 times higher than the U.S. population. The increase in diabetes among Indians and Alaska Natives is most prevalent among persons aged 25-34, with a 160 percent increase from 1990-2004. Our research about native foods is helping us learn how to reduce the high levels of diseases in our communities.

As a 1994 Tribal Land Grant institution, we offer a Nutrition and Food Services AAS degree in order to increase the number of Indians with expertise in nutrition and dietetics. There are few Indian professionals in the country with training in these areas. Our degree places a strong emphasis on diabetes education, traditional food preparation, and food safety. We have also established a Diabetes Education Center that assists local tribal communities, our students and staff to decrease the prevalence of diabetes by providing food guides, educational programs, training and materials.

Business Management/Tribal Management. Another critical program for Indian country is business and tribal management. This program is designed to help tribal leaders be more effective administrators and entrepreneurs. As with all our programs, curriculum is constantly being updated.

Job Training and Economic Development. UTTC continues to provide economic development opportunities for many tribes. We are a designated Minority Business Development Center serving South and North Dakota. We administer a Workforce Investment Act program and an internship program with private employers in the region.

Our BIE and Perkins funds provide for nearly all of our core postsecondary educational programs. Very little of the other funds we receive be used for core career and technical educational programs; they are competitive, often one-time supplemental funds which help us provide the services our students need to be successful. We cannot continue operating without BIE funds. Thank you for your consideration of our requests.

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