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NATIONAL CONGRESS OF AMERICAN -INDIANS-

202 E STREET, N.E., WASHINGTON, D.C. 20002 (202) 546-1168

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Porch Band of Creeks

April 8, 1981

The Honorable Morris K. Udall, Chairman
House Committee on Interior and Insular Affairs
1324 Longworth House Office Building
Washington, D.C. 20515.

Dear Chairman Udall:

NCAI appreciates this opportunity to submit this statement and the attached supporting documents into the record of the recent hearings on the proposed BIA Consolidated Tribal Grants Program.

This statement is specifically concerned with the impact which consolidation and block granting will have on BIA support for Indian education. NCAI feels it is especially important to bring several aspects of the BIA proposal to the attention of your committee.

1. Section 1126, Title XI, PL 95-561 mandates that all BIA education functions must be kept administratively separate from all other BIA functions. The proposal to consolidate Johnson-O'Malley, Adult and Higher Education funds in with Fire Prevention, Housing and support for other, non-education functions violates the intent of Congress identified in that section of this Act. BIA has yet to explain why they are deliberately violating the intent of Congress, as expressed in this Act, through this Consolidation proposal.

2. PL 93-638 requires that BIA consult with tribes before taking any action which directly affects Indian policy or delivery of services to tribes. To date, BIA has yet to undertake a systematic effort to advise tribes about the consolidation or to seek tribal endorsement of the proposal. NCAI has reviewed the two two-page letters which have been sent to tribal governments and finds the texts far from sufficient under 638 requirements. NCAI has contacted tribes on this matter. Tribally-specific statements of concern on the educational implications of Consolidation and Block Granting are attached here. These supporting documents indicate how negatively tribes view the actions contained in this proposal.

April 8, 1981
Honorable Morris K. Udall
Page two

3. BIA has yet to identify or clarify the mechanisms they will use to distribute funds to the tribes under the Consolidated Tribal Grants programs. Assurances that "such questions will be addressed in the appropriate regulations" do little to address tribal concerns about the equity and sensitivity of the distribution scheme. It seems somewhat unusual for BIA to be proposing so dramatic a set of procedures if basic questions about implementation of procedures have yet to be formalized. But in the absence of any evidence to the contrary, NCAI can only assume that a distribution plan has not been prepared. This leaves us wondering how the efficacy of the Consolidation plan can be judged, when a major component of the plan -- the implementation strategy -- has yet to be formalized.

4. The argument that BIA is required, under PL 96-224, to implement a block-grant program is patently false. NO evidence has been presented which supports this claim.

5. The BIA is likewise unable to demonstrate that tribes actually want -- or need -- block granting added to the range of funding alternatives already made available to them under PL 93-638. Again, we draw your attention to the concerns and objections to this proposal contained in the attached tribal resolution.

6. The BIA is unable to indicate how much of an administrative savings will accrue from this program. This is hardly surprising, given that BIA cannot estimate how many tribes will elect the block-granting options. Apparently, BIA will now be meeting its obligations to tribes through three different funding procedures and so will have to stand ready, administratively, to respond in terms of all three alternatives for any single tribal request. Such complexity does not sound like the efficiency in government envisioned by President Reagan when he introduced the budgetary reductions for FY 82.

NCAI, and its member tribes, are aware that cutbacks need to be made within all federal funding efforts. It is possible to reduce the overall levels of federal spending in programs which directly affect tribes without cutting back on the funding made available for support of tribally based and tribally centered program activities. BIA's administrative costs have risen some 274% since 1978, while its funding for BIA education has declined 15% proportionally over that time. The mandated reductions in BIA budget could be made within the administrative area without sacrificing program support or program quality. And we respectfully direct your committee's attention to the full potential of that option.

On March 28 and 29, 1981, a group of Indian educators met in Denver, Colorado, to review the administration's FY 82 budget proposals for Indian education. The statements of findings developed at that meeting is attached here, along with a list of the meeting participants. The text addressed most pointedly the range of concerns outlined in this letter. The participants view the Denver statement as a minimal set of demands against which any treatment given

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Page three

to Indian education in the FY 82 budget will be evaluated. We respectfully request that the members of the House Committee on Interior and Insular Affairs review this statement in terms of the same perspective.

Respectfully,

Ronald P. Andrade
Executive Director

RPA:jle

Enclosures

cc: Mr. Jim Cannan, Deputy Assistant Secretary, Department of Interior
Dr. Earl Barlow, Director, Office of Indian Education Programs,
Department of Interior

File



**NATIONAL
CONGRESS
OF
AMERICAN
-INDIANS-**

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Eddie Tullis
Poarch Band of Creeks

**TRIBAL OBJECTIONS -- NO INDIAN EDUCATION
MONIES IN THE BIA "BLOCK GRANTS"**

29 Tribes and Alaskan Native Entities and 16 National Indian organizations were represented at a two-day Indian education "summit conference" held in Denver, Colorado, March 28 and 29, 1981.

The topic of the conference was the treatment of Indian education in the FY 82 budget proposals.

Participants objected to the proposed cut-backs in funds for Johnson-O'Malley, Title IV Part B, and other programs currently serving tribal educational needs effectively. Cut-backs in funds, where necessary, should be made in areas of administrative costs, not in funds which provide direct program support to Tribes.

Participants objected to the proposal to include Johnson-O'Malley, Higher Education and Adult Education monies within the proposed BIA Consolidated Tribal Grants Program. Consultation with Tribes has not been carried out on this question. Further, Title XI, PL 95-561 -- which requires that BIA's education functions be kept administratively separate from all other functions of the BIA -- is violated by the Consolidation proposal.

Tribal preference, as expressed through this Conference, calls for a continuation of JOM, Higher Education and Adult Education monies under existing options. PL 93-638 already gives Tribes and BIA ample leeway for developing alternatives when Tribal priorities require them.

The full text of the position paper developed at the Summit Conference is attached.

For more information on the conference and its discussion, contact the Education staff at NCAI -- 202-46-1168.

AN OPEN LETTER on INDIAN EDUCATION and the FY'82 BUDGET

This open letter was prepared during a two-day Indian Education "Summit Conference" held in Denver, Colorado, March 28 and 29, 1981. Representatives from more than 27 federally recognized tribes and Alaskan Native entities and from more than 13 organizations and education agencies serving those tribes and entities attended and participated in this meeting. Information about the DOI/OIEP and Department of Education budget proposals for FY'82 was carefully analyzed by the participants. Particular concern was expressed over two aspects of these proposals:

- 1) That funds which support existing Indian Education programs or otherwise are used to meet Indian education needs are being cut back, in some cases to a level far below that minimum necessary for effective program operation and continuing service delivery;
- 2) That drastic changes in the delivery of funds in Indian Education have been included in the FY'82 budget proposals, even though tribal consultation on this matter, as mandated by P.L. 93-638, has not been undertaken by the Administration.

The participants are aware that federal spending and federal waste have reached epidemic proportions in this country and agree that steps need to be taken to curb these excesses and bring the economy back into line. Indian tribes want to be active participants in the nation's economic recovery process. On-reservation employment can consume more than half of a tribe's labor force. The social and psychological consequences pose real threats to tribal vitality and continue to drain resources, revenues, and energies which could otherwise be directed toward more productive and meaningful ends. The "shock" of inflation now being experienced by many non-Indian households is no stranger to Indian people.

The participants hold that continuing respect for tribal sovereignty and continuing reliance on tribal self-determination are the keys to effective tribal involvement in the Administration's economic recovery program; and, further, that the special trust responsibility of the United States Government toward the federally recognized tribes and Alaskan Native entities cannot be disregarded at any stage in the budgetary process. These perspectives guided the participants' review and analysis of the FY'82 budget proposals. The following recommendations identify and summarize the major conclusions reached during those discussions:

1. RETAIN EFFECTIVE INDIAN EDUCATION PROGRAMS

Levels of funding for programs providing education services to the tribes and Alaskan Native entities should continue to be set at levels commensurate with existing, unmet Indian education needs. Several of the programs whose funds are being reduced in the FY'82 budget proposals are vital to tribal efforts to address these needs. These programs include: Johnson-O'Malley, Higher Education and Adult Education programs in DOI/OIEP, and Vocational Education and Title IV, Part B, Indian Education Act in the U.S. Department of Education. To cut or otherwise to tamper with Indian education programs of proven effectiveness makes no sense. The consequences of these reductions will include increased school-leaving and higher on-reservation un-

employment. National economic recovery can hardly be advanced under such circumstances.

2. CUT ADMINISTRATIVE COSTS, NOT PROGRAM SUPPORT

It is possible to reduce the overall level of funding traditionally provided for Indian education purposes without reducing or eliminating Indian Education direct program support. Administrative costs in the BIA, for example, have risen 274% over the past 5 years; services for Indian education have undergone a 15% proportional decrease over this same period. Funding provided for such administrative expenses in all education-related agencies should be carefully analyzed so that unnecessary administrative expenses can be identified and reduced accordingly. Program quality does not need to be sacrificed in the name of program economy.

3. DOI'S CONSOLIDATED TRIBAL GRANTS PROGRAM

No need is being served and no point is being gained by including JOM, Adult and Higher Education, and other of the DOI/OIEP education functions within DOI's proposed Consolidated Tribal Governmental Program. P.L. 93-638 provided an adequate, time-tested, tribally supported, proven mechanism through which DOI/OIEP funding for Indian education services can be made available to tribes. P.L. 93-638 is cost-effective, since the expenses of program management are included in each contract or otherwise absorbed by the tribes--not by the BIA. The proposed consolidation of programs violates Congressional intent of P.L. 93-638, since it is not clear that the federally-recognized tribes and Alaskan Native entities want such consolidation, nor has the BIA sought or heeded tribal opinion to clarify tribal positions on this matter. The proposed consolidation likewise violates the Congressional intent of Title XI, P.L. 95-561, since section 1126 of the Act makes the administration of all DOI/OIEP programs independent of the other functions of the BIA. Congressional intent, like tribal sovereignty, should not be callously disregarded by the Consolidation proposal.

4. DEPARTMENT OF EDUCATION BLOCK-GRANTING

The proposed consolidation of education programs in the U.S. Department of Education has been drafted without any consideration of tribal sovereignty. The government-to-government relationship guaranteed in the treaties and trust agreements obligates the federal government to provide educational services directly to the tribes. State Education Authorities (SEA's) have no such trust responsibility in Indian education. The federal obligation to the tribes must not be disregarded by any plan to consolidate Department of Education programs and administer them through block-grants. Therefore, H.R. 54 and/or any other proposal from Congress or the Administration which seeks to implement consolidation of Department of Education programs into a block-grant format must recognize and affirm the right of tribal governments and Alaskan Native entities to function as beneficiaries of federal education support and must include provisions which will allow Department of Education to block-grant education monies directly to tribal governments, when tribal governments decide they wish to take advantage of this option.

The following Indian educators attended the Denver, CO meeting, March 28 and 29, 1981, and participated in the development of this statement:

1. Margaret Rogers (Nez Perce)
2. Jim Hena (Tesuque Pueblo)
3. John Rainer (Taos Pueblo)
4. Matt Pilcher (Winnebago Tribe of Nebraska)
5. Mark A. Merrick, Sr. (Omaha)
6. Arnie Harlan (Omaha)
7. Patsy Ridley (Northern Ute)
8. Irene Cuch (Northern Ute)
9. Forrest Cuch (Northern Ute)
10. Emmett Oliver (Quinault)
11. Geraldine Bill (Lummi)
12. Edward Jones (Lummi)
13. Jack Runnels (Oglala Sioux)
14. Don Hatch (Tulalip)
15. Patsy L. Posey (Tulalip)
16. Edward Thomas (Tlingit)
17. Gregory Frazier (Crow)
18. Bill Roberts (Sioux- Laguna)
19. Leonard Bahe (White Mountain Apache)
20. Ray Ramirez (Papago)
21. Frances Lemay (Menominee)
22. Betty Gress (Three Affiliated Tribes of North Dakota)
23. Verna Wood (Red Lake Band of Chippewas)
24. Paul Shattuck (Isleta Pueblo)
25. Alvino Lucero (Isleta Pueblo)
26. William Estevan (Acoma Pueblo)
27. Don Wetzel (Blackfeet)
28. Geneva Dillon (Crow)
29. Charles Katasse (Cook Inlet, AK)
30. Benny Star (Santo Domingo Pueblo)
31. Benny Atencio (Santo Domingo Pueblo)
32. Pat Locke (White Earth Chippewa / Standing Rock Sioux)
33. Roberta M. Wilson (Oglala Sioux)
34. Lorenzo James Patlan (Pomo)
35. Sharon Eluska (Navajo)
36. Earl Medicine (Standing Rock Sioux)
37. Buddine Stewart (Three Affiliated Tribes of North Dakota)
38. Joe Dupris (Cheyenne River Sioux)
39. Francis McKinley (Northern Ute)
40. Gay Lawrence (Cheyenne River Sioux)
41. Ted Noel (Makah)
42. Dave Gipp (Standing Rocky Sioux)

ABERDEEN CONCERNS

Whereas, we have received the Bureau of Indian Affairs' FY-82 budget changes which mandate an approximate 25 per cent reduction in funds from FY-81 and;

Whereas, the Bureau of Indian Affairs is initiating a new concept of block grants by combining several programs, and;

Whereas, there has been no input nor participation by tribes or Indian people in regard to these changes and budget reductions, and

Whereas, the 93rd Congress of the United States of America committed itself on January 4, 1975 by the passage of P.L. 93-638 which mandates the full participation of Indian people, and

Whereas, P.L. 93-638 states, "To provide maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; and for other purposes," and

Whereas, the 93rd Congress in their P.L. 93-638 Declaration of policy states,

(a) "The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibilities to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

(c) The Congress declares that a major national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure self-determination essential to their social and economic well-being," and

Whereas, the budget reduction and programmatic changes arbitrarily submitted to the tribes by the Bureau of Indian Affairs is entirely void of any of the above congressional mandate, and

Whereas, the Bureau of Indian Affairs would need legislative action to change P.L. 93-638 in order to implement these programs, and

Whereas, P.L. 95-561 Title XI would need to be amended to allow education and other Bureau programs to be consolidated, and

Whereas, we have not been consulted, nor had the opportunity to evaluate the impact of these mandates.

Therefore, be it resolved, that the Congress of the United States fulfill its commitment of P.L. 93-638 by taking the following actions:

- 1) Maintain the BIA FY-82 budget at the same level as submitted in January of 1981.
- 2) Put a hold on the Consolidated Tribal Government Program concept until the Indian people have had a chance to participate in the development of such a program and,
- 3) Maintain the Johnson O'Malley program in its present status with an increased allocation because of its importance in the education of Indian children.

We, the undersigned, agree with
the attached resolution.

Roger Trudell
Bernadine Weaver
Marl A. Marink S.
Marionna Robert Bear
Ogema La Pointe
Barclay Little
Bembert Davis
Liana Howling Wolf
Evelyn Jones
Reginald Weaver
Herta Deane
Anna Reagan
Delia Kohler
L. Lynn Johnson
Maude Kiteate
Ruby Bellanger
John A. Davis
Helen Bearhug
Nadine Blue Bird
Christopher Eagle Hawk
Lylea High Hawk
Shirley Farnette
Mary Tassie
Ernest J. Ruchner (Pia)

Jack R. Ruchner
Mark Motie
Bart Walker
Nanda Sheppard
Mellie Begner
Gloria Pacheco

Leslie and Trice of Ne.
Rapid City, S.D.
Omaha Tribe of Nebr.
Nebraska, S.D. Dakota
Santee Sioux Tribe of Nebr.
Dunsmuir, N.D.

Three Affiliated Tribes of North
Dakota
Lower Brule Sioux Tribe
Three Affiliated Tribes, N.D.
Fort Berthold, N.D.

Emmet N.D.
Cheyenne River, Eagle Butte, S.D.
Cheyenne River, Eagle Butte, S.D.
Santee Sioux Tribe of Nebraska
Himelup Tribe of Nebraska
Belmont N.D.

Oglala Sioux Tribe - Kadoka, S.D.
Oglala Sioux Tribe - Pine Ridge
Oglala Sioux Tribe - Manderson, S.D.
Oglala Sioux Tribe - Pierre, S.D.
Sioux Falls, S.D.

Sioux Falls, S.D.
Office of Ind. Education, Sioux City
Community Schools, Sioux City, Ia
Shawnee Co. N.D. O.S.T.
Fort Totten N.D. 58335

Omaha Tribe of Nebr.)
Manderson, N.D. 58757

Three Affiliated Tribes N.D.
Parsippany, N.D. 58776

Lucia Brown Egan
James A. Elliott
Patty Mest Pipe
Robert Smith Whipple
Butt Hoffert
Loren Hoffert
Bruce Hoffert
Eus C. Myhre
Reginald Bird Home
DeWitt Wright
Homer Child
Albert Spickard, Jr.

Martin, S.D. 57551 - Boyson
O.D.B. 163 Under 7401. 68724
O.D.B. 100, White River, S.D. 57579
Com. Del. Raymond, S.D. 57570
Star #2 ^{Box 31} Harold E. Dick
Star Route 2 Howell J. Wain. 57536
Box 31 57516
Box 71 Eagle Butte S.D. 57625
H. Yates 11 Dak. Box 105 57538
Hakpala. S.D. 57658
Cheyenne River, Eagle Butte, S.D. 57625
Stanley, S.D. 57272
Wilmet, S.D. 57279

PIERRE INDIAN LEARNING CENTER
INDIAN BOARD OF EDUCATION
PIERRE, SOUTH DAKOTA

- WHEREAS, We have received the Bureau of Indian Affairs' FY-82 budget changes which mandates an approximate 25% reduction in funds from FY-81, and;
- WHEREAS, The Bureau of Indian Affairs is initiating a new concept of block grants by combining several programs, and;
- WHEREAS, There has been no input nor participation by tribes or Indian people in regard to these changes and budget reductions, and;
- WHEREAS, The 93rd Congress of the United States of America committed itself on January 4, 1975 by the passage of P.L. 93-638 which mandates the full participation of Indian people, and;
- WHEREAS, P.L. 93-638 states, "To provide maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; and for other purposes," and;
- WHEREAS, The 93rd Congress in their P.L. 93-638 Declaration of policy states,
(a) "The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibilities to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

(c) The Congress declares that a major national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being," and;
- WHEREAS, The budget reduction and programmatic changes arbitrarily submitted to the tribes by the Bureau of Indian Affairs is entirely void of any of the above congressional mandate, and;

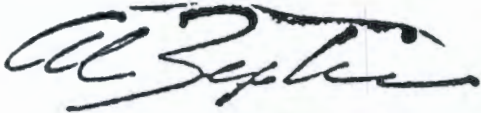
WHEREAS, The Bureau of Indian Affairs would need legislative action to change P.L. 93-638 in order to implement these programs, and;

WHEREAS, P.L. 95-561 Title XI would need to be amended to allow education and other Bureau programs to be consolidated, and;

WHEREAS, We have not been consulted, nor had the opportunity to evaluate the impact of these mandates.

THEREFORE, BE IT RESOLVED, that the Congress of the United States fulfill its commitment of P.L. 93-638 by taking the following actions:

- 1) Maintain the BIA FY-82 budget at the same level as submitted in January of 1981.
- 2) Put a hold on the Consolidated Tribal Government Program concept until the Indian people have had a chance to participate in the development of such a program, and;
- 3) Maintain the Johnson O'Malley program in its present status with an increased allocation because of its importance in the education of Indian children.



Al Zephier - Chairman, Indian Board of Education
Pierre Indian Learning Center
Pierre, South Dakota

UTE INDIAN TRIBE

FEDERAL CHARTERED CORP
UINTAH AND OURAY AGENCY

Fort Duchesne, Utah 84026

April 22, 1981

Mr. Jim Cannan, Assistant Secretary
for Indian Affairs
Department of the Interior
Room 6352
18th and C Streets NW
Washington, D.C. 20240

Dear Mr. Cannan:

The Ute Indian Tribal Education Division has reviewed the content of your presentation/testimony before the House Interior and Insular Affairs Committee concerning the FY 1982 BIA proposed budget and other documents which are related to funding levels for Indian education programs, including one document which clearly indicates the Bureau's decision to eliminate the Johnson O'Malley Supplemental Program.

We would like to know the basis for the positions you have taken to pursue a new system for the delivery of funds to tribes for Indian education monies. In short, what is the basis for a new or alternative option for delivery of funds to local programs? Further, if this need has been determined, who determined that it was necessary? What was the extent of consultation with Indian tribes before this decision was made? We would like to see the documentation to support this action.

Inclusion of the Johnson O'Malley and Continuing Education (Higher Education Grants) Programs under the newly designated "Consolidated Tribal Government Program" is in violation of Title XI of P.L. 95-561 which mandates that BIA education functions must be kept separate from all other non-education related functions of the BIA. Our understanding is that Congress would have to rescind this law in order to legally sanction the "Consolidated Tribal Government Program" system of funding delivery to tribes. What is the BIA's position concerning this matter?

We wonder how the BIA can substantiate its actions to increase the BIA administrative/management line item of the budget at the same time the Reagan Administration is pursuing a policy of reduced federal spending. Further, how can the BIA substantiate this increase when it will clearly be made at the

GOVERNING BODY

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CHARLES REDFOOT — Vice-Chairman
ANTONE APPAWOO — Member
D WOPSOCK — Member
PERANK — Member
OURAY McCOOK — Member

TREASURER

LINDA PAWWINNEE

EXECUTIVE DIRECTOR

LEROY SHING

PERSONNEL DIRECTOR

WILBURTA CUCH



Letter to Jim Cannan
April 22, 1981
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expense of direct tribal service programs? Further, how can the BIA even begin to substantiate a new funding delivery system (Consolidated Tribal Government Programs) when such a system will require additional funds from Congress to implement the system?

What is the real or actual reason for proposing that direct Indian service programs be placed under the "Consolidated Tribal Governments Program"? Two possibilities come to mind:

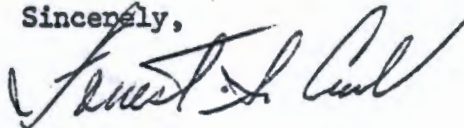
Is it to reduce federal services to Indian tribes through a process in which Indian tribes will be forced to eliminate certain programs due to reduced funding levels for these various programs? The reduced funding levels in each of these programs certainly indicates that it is the case.

OR

Is it to create a savings to the BIA (Federal Government) by elimination of indirect cost monies which tribes are presently receiving as authorized by P.L. 93-638 the "Indian Self Determination Act?" Your actions to date certainly indicate that you are attempting to down play P.L. 93-638. Is this correct? Would you please explain why?

We are very concerned about these recent developments in Indian education programs and will anxiously await your response.

Sincerely,



Forrest S. Cuch
Education Division Head
Ute Indian Tribe

cc: Utah Congressional Representatives
Tribal Business Committee
Executive Director
James Watt, Secretary of Interior
Earl Barlow, Director of Indian Education Programs
JOM Director
AVT Officer
file

Uintah and Ouray Agency
Fort Duchesne, Utah

March 31, 1981

WHEREAS, President Reagan's Administration has initiated efforts to reduce federal spending and these actions are resulting in reduced funding for Indian education programs under the Bureau of Indian Affairs and other federal agencies serving federally recognized Indian tribes, and

WHEREAS, the federally recognized tribes, as sovereign governments, have not been consulted concerning these funding reductions, in particular, the tribes have not been consulted by the Bureau of Indian Affairs, the agency which is charged with a fiduciary trust responsibility in providing services to Indian tribes, and

WHEREAS, various Indian tribes have recognized the need to make their needs and position known to the President and the U.S. Congress concerning these matters, and

WHEREAS, a position paper has been developed at a meeting of 29 Indian Tribes and 16 Indian organizations in Denver, March 28-29, 1981, and

WHEREAS, the Ute Tribal Business Committee is in full support of the statements and recommendations in this document as relates to Indian education programs and services.

NOW, THEREFORE, BE IT RESOLVED BY THE UINTAH AND OURAY TRIBAL BUSINESS COMMITTEE OF THE UTE INDIAN TRIBE that we, herein, adopt and sanction the position paper prepared at a Denver meeting on March 28-29, 1981 as the official position of the Ute Indian Tribe concerning Indian education programs provided under the Bureau of Indian Affairs and other related agencies.

BE IT FURTHER RESOLVED that we authorize Mr. Martin Seneca, Mr. Forrest Cuch, Ms. Irene Cuch and other persons as authorized by the Tribal Chairperson or Vice-Chairman, on an emergency basis, to make this position known to President Reagan, the U.S. Congress, including the appropriate committees of Congress.


Ruby A. Black, Chairperson


Charles Redfoot, Vice Chairman


Antone Appawoo, Member


Leon Perank, Member

Ouray McCook, Sr.
Ouray McCook, Sr. Member

(absent)

Floyd Wopsock, Member

C E R T I F I C A T I O N

I hereby certify that the above resolution was adopted by the Uintah and Ouray Tribal Business Committee under authority of the Constitution and By-Laws or Corporate Charter of the Ute Indian Tribe at a meeting held in Fort Duchesne, Utah on the 31st day of March, 1981, at which time a quorum was present and voted five for, none against, and one absent.

Wendy M. Vigil
Wendy M. Vigil, Uintah and Ouray
Tribal Business Committee Secretary

**NCAI Education Concerns Committee
Midyear Position Statement:**

Department of Education "Block Grant" Proposal

PROBLEM: S 1103 contains language which, if enacted into law, would consolidate 44 of the Department of Education's programs into two Block Grants. Title IV, Indian Education Act, is NOT to be included within these Block Grants. Tribes and Tribal education needs do not have high visibility in the proposal. However part of a 1% set-aside under each Title is to be given to the Department of the Interior for payments to schools located on reservations and operated by the BIA or through BIA contract. In all other instances, Indian education needs are met through funds awarded by the Department of Education to State Educational authorities and then "regranted" by the SEA to local education agencies.

CONCLUSIONS: A review of S1103 identifies a series of weaknesses and points of concern in regard to this proposal. These include:

1. Program effectiveness might be watered down if funds are to travel from the Department of Education to the Secretary of the Interior before coming to on-reservation schools.
2. No language is provided to cover reservations that do not have BIA operated or contract schools. There is no assurance that state-level education authorities, receiving funds under a block grant, will give Tribal education needs the importance and level of fiscal support they desire.
3. Tribal education departments are not identified as eligible to receive Department of Education funds, either from the Secretary of Interior or from out of state level block grants.
4. The responsibility to provide funding to assist in the education of Indian students living off-reservation -- e.g. students attending urban Indian controlled schools or benefitting from programs administered directly by Indian organizations -- has been totally ignored by this proposal.
5. There are no guarantees to assure that LEA's on or near Indian reservations will receive sufficient funding through a state-focused block grant system.
6. Very few state education offices give Tribes LEA status. Therefore Tribes will not be eligible to receive support out of the state-level portion of block grants or out of the 1 % set-aside funding from Department of Interior, if they choose to administer their own education programs and thereby serve the education needs of their own Indian students.
7. There is no language to protect the small Tribes which lack Administrative offices and thus could not readily apply for funds from SEA sources, even if they were eligible to do so.
8. Administrative costs should be kept to a minimum, both for the handling of the Department of Interior 1 % set-aside and for the block grants made to SEA's. But no restrictions on administrative cost deductions are detailed here.

RECOMMENDATIONS: Language changes in the legislation as introduced to the Senate should be effected, in the response to the eight areas of concern identified

RECOMMENDATIONS: Language changes in the legislation as introduced to the Senate should be effected, in response to the eight areas of concern identified here. Tribal review of the full proposal needs to be commissioned, so that additional concerns can be identified and corrected for appropriate solutions. Guarantees that Tribal Educational interests will not be disregarded by the Department of Education's block grant proposal need to be developed and then integrated into the law. NCAI, member Tribes, and the Department of Education all share a responsibility to carry out these changes.

OREGON INDIAN EDUCATION ASSOCIATION

April 8, 1981

Resolution _____

- WHEREAS, The purpose of the Association is to promote and provide better educational services to the Indian people in the state of Oregon by providing Indian educational information to schools, Indian communities, Indian organizations, individuals and to support favorable or oppose unfavorable state and federal legislation affecting education of Indian peoples and
- WHEREAS, the proposed Consolidation Act for the U.S. Department of Education will distribute federal program funds through State Education Agencies or Local Education Agencies, and
- WHEREAS, the proposed consolidation would not allow for direct funding to tribes, and
- WHEREAS, Puerto Rico, Virgin Islands, Guam, American Samoa, the Marianas, and the trust territory of the Pacific are all given distinct status throughout the proposed Consolidation Act, and
- WHEREAS, a special set-aside is provided for the aforementioned trust territories to meet their specific educational needs as defined in the proposed Consolidation Act, and
- WHEREAS, no special set-aside has been proposed to meet the specific educational needs of Indian tribes in the proposed Consolidation Act, and
- WHEREAS, the federal government has a special trust responsibility, as obligated by treaty rights, towards Indian tribes,

THEREFORE BE IT RESOLVED, that the provisions under the proposed Consolidation Act for the U.S. Department of Education must be made to allow for direct funding to tribes as well as States and the trust territories.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly presented and enacted upon by a vote of _____ for , and _____ against, at a meeting of the Oregon Indian Education Association General Assembly, April 8, 1981 at Pendleton, Oregon.

NCAI Education Concerns Committee
Midyear Position Statement:

Title IV, Office of Indian Education
and the US Department of
Education

PROBLEM: The accessibility of the Deputy Assistant Secretary for Indian Education to the Secretary of Education is currently extremely limited. The department of Education is currently being reorganized and there is no communication being effected between the Department of Education and the Indian Tribes and organizations in reference to the placement of OIE.

CONCLUSION: A review of the current situation and its problems has identified several demands which must be addressed immediately, to guarantee that Title IV and the Office of Indian Education can continue to serve Tribal education needs effectively.

RECOMMENDATIONS:

1. The Deputy Assistant of Indian Education itself must continue to have Deputy Assistant Secretary status within Department of Education administrative hierarchy.
2. The Office of Indian Education itself must remain intact. This means its Part A,B, and C programs currently administered by the Office must continue to be administered by that Office.
3. If the Department of Education is downgraded to Office status, the top decision-maker within the new agency (whatever the title) must actively consult with Indian Tribes and organizations concerning the placement of the Office of Indian Education and the status of the Deputy Assistant Secretary for Indian Education
4. The Office of Indian Education should not be consolidated or altered in any other way -- e.g, inclusion of its programs within the Department of Education's program without prior consultation with and approval of Indian Tribes and organizations.

ncai indian education

NCAI
202 E Street, NE
Washington, DC 20002

NCAI MIDYEAR CONFERENCE POSITION STATEMENT:

The One Percent Set-Aside (Section 103) of the Vocational Education Act

NOTE: This position statement was developed in conjunction with the meeting of the NCAI Education Concerns Committee, held during the organization's mid-year conference, May 27 - 29, 1981, in Spokane, WA. This statement reflects the official position of the National Congress of American Indians on this issue; it complements and builds on the position statement calling for reauthorization of the Vocational Education Act, passed at the NCAI Annual Convention, October 27 - 31, 1980.

BACKGROUND: The "one percent set-aside" Vocational Education funds for Indian tribes and Tribal organizations were created by Section 103 of the Vocational Education Act of 1963 (PL 95-40) as amended by the Education Amendments of 1976 (PL 94-482). Section 103 authorized the Commissioner to "set aside" an amount not to exceed 1 % of the total appropriations for Indian Tribes and Tribal organizations for vocational education. The Commissioner was authorized to contract with Indian Tribes and Tribal organizations to plan, conduct, and administer programs which are consistent with the terms of this Act. The Act further provides that "the Bureau of Indian Affairs shall expend an amount equal to that amount made available under this subparagraph..."

In the first three years, a total dollar amount of \$16,575,927 was expended by the Department of Education. The Bureau of Indian Affairs successfully obtained statutory waivers in FY 79, FY 80, and FY 81. Therefore the Bureau has successfully avoided paying the mandated funds and the Indian Tribes have thus lost excess of \$ 16 million in the first three years.

During the first three years, only 33 Indian Tribes have been the recipients of vocational education grants under this Act. Approximately two hundred forty three eligible Tribes have not received any funds under this Act.

CONCLUSIONS:

1. The Act is now in its final year. To continue, the Act needs reauthorization by Congress.
2. As evidenced by the small number of Tribes served to date and the record unemployment on reservations, the Indian people still have a critical need for vocational training as provided by this Act.
3. Because of the large numbers of Tribes yet unserved, a larger amount of funding is needed. Of the 196 applications received in the four funding cycles, only 56 awards were made.
4. Providing four (4) years of vocational training to a small number of Tribes has met only a fraction of the Indian need for vocational education.

5. The 38 projects that successfully obtained funding provided vocational training to approximately 4500 people in the first two years and placed a significant proportion of them into gainful jobs.
6. At the end of the first three years, a large number of the projects seeking fourth year funding will be rejected because of insufficient funds. Without continuing support, the money spent by the Department of Education on the development of vocational education will be wasted.
7. In FY 82 the one percent appropriation will be cut by 25% so the number of projects to be funded will decrease.

RECOMMENDATIONS:

1. It is therefore critical that Congress reauthorize PL 94-482.
2. The Bureau of Indian Affairs should be required by Congress to fulfill its mandated responsibility of matching funds.
3. Based upon the needs of American Indian and Alaskan Native populations of Federally Recognized Tribes, it is recommended that the set-aside for Tribes and Tribal Organizations be authorized at a level not less than "2 per centum" of the appropriation provided.

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REPORT: VOCATIONAL EDUCATION ACT REAUTHORIZATION CONFERENCE, June 4-5, 1981

• This is a report on a two-day conference on the Reauthorization of the Vocational Education Act, held at the National Center for Research in Vocational Education, Ohio State University, Columbus, OH. The conference was sponsored by the National Center and by the National Institute of Education, Washington, DC. Twenty five organizations representing the Vocational Education interests of schools, public institutions, and various public and private constituencies presented their concerns on the provisions already contained in the Act, and identified specific concerns about parts of the Act which should, or should not, be changed when Congress begins its debate on the reauthorization of the Act later in the summer.

• Dave Gipp, John Emhoolah, and I attended the conference to speak specifically on the need for continuing the one-percent set-aside provision for Tribes and Tribal organizations. A resolution on this point was passed by the delegates at the NCAI Annual Convention in the fall, 1980; a second resolution, updating and expanding on the text of the fall statement, was prepared and endorsed at the NCAI Midyear meeting last month. All participants in the meeting received copies of the original resolution in the mail prior to the opening session. We distributed copies of the Midyear resolution to all participants on Friday morning. Dave Gipp then used that text as the springboard for the statement he made to the group.

• The position outlined to the participants follows closely the line of concern members of the NCAI Education Committee and others have been expressing for some time: the 1 percent set-aside provision in the Act needs to be retained; the BIA should not be allowed to continue avoiding its obligation, under the law, to match the 1 percent set-aside; and, given the pressing need to increase employment levels within Tribal memberships, the 1 percent set-aside should be increased to become a 2 percent set-aside, thereby providing more funding for support of more Tribes and Tribal organizations in this important area.

Dave Gipp stressed the need to retain eligibility both for Tribes and for Tribal organizations, where application for the set-aside funds is concerned. John Emhoolah, after listening carefully to discussion by Carol Gibson from the National Advisory Council for Vocational Education and by others, suggested that a fourth issue be emphasized as well -- that an Indian person be included in the membership of NACVE, each time appointments are made to that body. (As it is, there is nothing to compel Vocational Education authorities at the US Department of Education to appoint an Indian to that body, hence there is no guarantee that Indian concerns will always be represented before that body during its deliberations.)

Though the main focus of the presentation to the Conference was Tribal sovereignty and the importance of maintaining the government-to-government relationship between the Tribes and the federal level in this and in every piece of federal legislation affecting Indian Tribes.

We realized, almost as soon as we arrived at Friday morning's session, that there was going to be some strongly worded opposition to the continuation of the (numerous) set-aside provisions currently contained within the Act. The American Vocational Association's representative stated, somewhat directly, that all set-asides should be eliminated, that funds should flow to the state-level in each instance, and that states should then decide how the funds could

best be spent in each instance. I challenged him on the point: Does AVA really intend that states should take on the responsibilities for Vocational Education programs currently being operated by Tribes and Tribal organizations? No, he responded, AVA had no intention of interfering with the BIA. We corrected him on the point -- BIA involvement being something Tribes have yet to see in this area. The spokesman then admitted that AVA really had taken no position on the Indian set-aside. It was the (numerous) other set-aside provisions which AVA is concerned about perpetuating.

And, by their data, for good reason: If all of the set-aside provisions currently in the Act were to be implemented, funds appropriated for the Act would have to be expended two and one-half times just to meet the set-aside responsibilities: Basic funding for basic program support would have to be in addition to all of the set-aside support.

So AVA's position is this: People need to make a choice -- either eliminate the set-aside provisions, and work at the state and local level to get such services included in specific programs, or, pool energy and resources to get the overall level of the appropriation for the Act increased so that all interests can be met effectively under its provisions. AVA noted that it does little good for the American Home Economics Association, the Urban League, the National Vocational Guidance Association, the Coalition of Citizens with Disabilities, and others to fight against each other for increasingly smaller pieces of the pie. Nobody's interests get served through such fighting.

Hence the importance of the position Dave Gipp outlined in his presentation: It is a distortion of treaty rights and the trust responsibility to view the Indian set-aside as "just another set-aside", something equivalent to the requirement that so much of each project's funding must be set aside for guidance, enrichment, or other particular purpose. Rather than trying to justify the one percent set-aside in terms of the uniqueness of the Indian population or the severity of its economic need, Dave stressed, slowly and carefully, the meaning of the government to government relationship and the reasons why, based on that relationship, Tribes are unwilling to go to state sources for support of vocational education programs exclusively.

• Tribes received some very good news when Dave's presentation was concluded. Joan Wills, representing the National Governors' Conference, informed the participants that the NGA agreed with the sovereignty argument and saw no reason why they should not support Tribes in their attempt to keep the 1 percent set-aside in the new legislation. The spokesman for the Council of Chief State Schools Officers (William F. Pierce) immediately echoed the same position: CCSSO, like NGA, will support the Tribal preference on this matter.

I would like to tell you that these are very important endorsements. NGA and CCSSO are respected and influential organizations on the Hill. NGA represents the interests of the governors of almost all 50 states. CCSSO represents the interests of the heads of each state's department of education, department of public instruction, or equivalent. Meetings with both organizations, to follow up on the public commitment and to discuss ways that Tribal interests can be served through these commitments are planned for the immediate future.

• I would also like to tell you that I do not believe that NGA or CCSSO were converted to this position solely as a result of our participation at the Conference. Both representatives are somewhat knowledgeable about Indian education interests. (CCSSO, you will recall, took the NEA position on the transfer of BJA Education into the Department of Education -- though now, Mr. Pierce say

he feels he was mistaken in holding that position.) Other organizations -- especially the American Vocational Association, are not so familiar with Tribal concerns and interests. So it is up to Tribes and Tribal Organizations to make them informed! Why bother -- because AVA and organizations like them are listened to when Congress debates and votes on Vocational Education Authorization. Your job and mine will be much easier if, when AVA represents the interests of its constituency, it could also help Tribes safeguard their interests as well.

• All of the preceding comments operate in terms of the existing legislation and assume that reauthorization of the Act will, in effect, maintain the legislation in much of its current form. It would be unfair of me not to advise you that there was some discussion, carefully presented and cautiously stated, which suggests that some parties are looking to a new kind of delivery system for Vocational Education support -- one where, perhaps, federal funds are targetted to the needs of specific populations, while state and local funds (coming from state and local sources) are used to meet the needs of other groups. The use of a voucher system, to guarantee that funds actually meet the human needs for which they are appropriated, was mentioned as another facet of this alternative plan. And finally -- given the widely recognized need for local planning and local program control -- the possibility of a by-pass of state-level participation in Vocational Education, with funding flowing directly from the federal level to the local constituency.

Such proposals did not find favor with participants who represented the interests of particular institutions or bureaucracies. Such proposals did find favor with those participants who represented segments of the national population for whom the Vocational Education Act was originally intended to serve -- the poor, the jobless, the unemployed, and the un- or under-skilled.

How Tribes and Tribal organizations might fare within any such alternative system needs careful thought out. It is hoped that NCAI and member Tribes will participate in discussions on this theme, perhaps at a "summit conference" on such alternatives to be held in Washington, DC later this summer.

• Several other issues arose during the discussions which I think are worth highlighting here :

- . ALL participants agreed that Vocational Education must have strong, local-level planning and program control. How much control should remain at the state level, or elsewhere, was not a subject for an equal amount of consensus, however. There were participants who made it clear, through their statements, that they see a strong role for their administrative constituency and that they intend to fight to keep that constituency within the reauthorized Act.
- . Many participants do not want to see Vocational Education funds included in the Department of Education's block grant plan -- since doing so would cause the funds (and the commitment) to lose its identity. A compromise proposal did surface -- include Voc Ed in the Block Grant proposal, but as a separate Title; this would streamline the funding process, but would keep Voc Ed as a separate and viable entity unto itself. This would also guarantee a role for state-level participation in the federal program. See preceding point.
- . All participants acknowledged that there is a severe problem with documentation: No one seems to know how large of a population needs to be served through Voc Ed, how many are being served, how well such programs are working, etc. Criteria for evaluation of program effectiveness have yet to be advanced in all states, criteria for certification of instructors likewise.

.We were interested to see how, when NCAI discussed Voc Ed, our discussion focuses on post-secondary Voc Ed programs and does not focus on high school level Voc Ed services.

.Participants noted that, for many, the fear that Voc Ed was some sort of a "tracking system" which keeps good minority students out of the mainstream (e.g. out of college-bound programs) -- this fear is gone. The desire for employment appears to have superceded it.

.Several participants (again those representing persons, not institutional concerns) stressed the need to shift our discussion from the question of access to programs, and toward the question of program outcomes. It is not enough to argue that programs exist, if the training offered by the programs does not help people secure employment and keep them selves employed.

● Finally, let me list the objections I hear to our proposal that the Indian 1 percent set-aside be retained, and the amount of the set-aside be increased:

.Set-asides whittle away the money appropriated for the Act. Local authorities should implement special-interest efforts; they should not be mandated in the law itself.

.Indians will do better if they are mainstreamed, the quicker the better. Special programs for Indians hurt, they do not help .

.The set-aside prevents interested state Voc Ed authorities from setting up programs on Indian reservations or otherwise to meet Tribal needs. (" know many state administrators whose hands are tied.....").

.What unique Indian need ? What unique federal responsibility ?

.State-level control over Voc Ed funding must be aintained at all costs. Anything which pre-empts or side-tracks state-level control has to be eliminated.

Most of these issues were addressed in our position statements and/or in the presentation. But you need to see these, because I am certain we will encounter them when Tribes start stating their position on the set-aside to Congressional authorities this summer.

● The timetable for the reauthorization is not clear, according to the people at the conference. We assumed the matter was open-and-shut. Apparantly, there may be some careful debate amd discussion. The elimination of CETA and other funds may mean that Voc Ed monies could increase; the elimination might also means that the federal level would divest itself of the Voc Ed responsibility entirely, and let states and local agencies assume full administrative and financial control.

● As in other issues, it is clear that Tribal positions on Voc Ed -- needs, solutions, proof that its works, recommendations for strengthening the current options, need to be prepared NOW, in anticipation of whatever form the Congressional debate takes this summer. In hopes of starting something (or further supporting something already started) I am sending this report on the conference to all members of the Education Committee, all Indian Voc Ed projects known to the National Center, to all members Tribes, and to the NCAI Executive Board. The Education staff then awaits your further instruction on this issue.

Wm. L. Leap

Wm. L. Leap
NCAI Education Coordinator

(6/6/81)

NCAI Education Concerns Committee
Midyear Position Statement:

Student Financial Assistance in Higher Education

PROBLEM: The Federal Government has a trust responsibility to provide education to American Indians. Furthermore, American Indian undergraduate and graduate students are very reliant on federal scholarship assistance because of the poverty of Indian people. Presently, the Reagan administration and the Bureau of Indian Affairs are undertaking policy changes which will have a major and deleterious impact on American Indian Access to post-secondary, higher education

By placing the BIA Higher Education scholarships in the " Consolidated Tribal Grants Program," there is a high probability that there will be fewer scholarship dollars, resulting in fewer American Indian students entering college as undergraduates and being able to afford to complete their education. Furthermore, at a time when there is a critical need for graduate level administrators, technicians, medical, legal, and other professionals, the proposals to withdraw support from American Indian Scholarships, the American Indian Law Center, and other such graduate programs and service mechanisms virtually guarantees that the Indian college graduate will be discouraged from aspiring to graduate or professional study.

Exacerbating the problems surrounding Tribal monies, the other Federal dollars in the Bureau of Student Financial Assistance on which Indian students rely are being affected by proposed cuts which would eliminate additional Indian college from the classroom. Student loans are being put on the open market at prime interest rates, which are currently about 20%; mandatory family contributions will be approximately \$600-700; and an end will be made to the in-school interest subsidy.

With more financial burden for higher education being placed directly on the States, tuition is increasing—as high as 70% in some states over last year's figures

CONCLUSIONS: The specific impact of these funding cutbacks are:

1. Fewer Indian students will be able to enter college or be able to remain in college once there.
2. Fewer Indian Students will enter graduate, technical, and professional programs.
3. Tribal colleges and off-reservation education programs benefiting post-secondary-level Indian students will also be forced to reduce their operations and curtail their impact.

RECOMMENDATIONS:

1. Information defining the specific impact of the higher education budget cuts on Tribal self-determining needs to be assembled and disseminated.
2. A strong statement condemning the negative impact of the budget reductions in student financial assistance needs to be prepared, approved, and disseminated by NCAI's Executive Board.

ncai indian education

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NCAI Education Concerns Committee Midyear Position Statement:

Indian Libraries

PROBLEM: At present, there are no existing funds through any agency dedicated to the development and sustained operation of library systems within the boundaries of Indian reservations. Library, cultural and informational resources are urgently needed by Indians and Native Alaskan people living on or near reservations consistent with PL 93-568. All available funds in the past have been inadequate and were usually project oriented to only a few Tribes.

CONCLUSION: Federal agencies must be made aware that their federal trust responsibility relating to the Indian Tribes as Tribes require resource reference and disseminating services, which allow regular full time availability of information and/or reading materials to Indian and Native Alaskan people.

RECOMMENDATION: Because the Snyder Act requirements provide for financial support to Indian Tribes, OIEP must plan for and carry out a "Needs Survey" that will substantiate the need for libraries and resources centers. Funding must also be requested to insure the implementation and sustantion of all the programs and services called for under the proposed National Indians Omnibus Library Bill as developed at the White House Conference for libraries in the fall of 1979. The BIA plan for Library/Media information services sent to Tribes in the fall of 1979 must be implemented immediately.

C. National Endowment for the Humanities

PROBLEM: The National Endowment for the Humanities, a major federal agency, has made little effort to understand the needs of Indians. NEH does not systematically communicate with Indians. It has no Indian people on the advisory board and task force currently developing plans and policies for Indian-related services.

CONCLUSION: NEH needs to become more responsive through all of its activities to the needs of Indian Tribes.

RECOMMENDATIONS:

1. NEH should require Indian representation on each of the state-level Humanities committees.
2. NEH should use bilingual Indian persons as reviewers, readers, panelists, consultants, and in other areas relating to Indian services.
3. NEH should place more emphasis on Indian research done by Indian people and less emphasis on research into Indian issues done by non-Indians.
4. NEH should cease its practice of funding non-Indian researchers to carry out projects "studying" Indian languages and cultures, but which ignore the needs, sensitivities, and concerns of Indian peoples in their planning, proposal submission, and project implementation.
5. NEH should require a sign-off by the Indian Tribes being researched prior to the funding of any Indian research project.
6. NEH should appoint Indian people to the current in-house task force reviewing and making plans for Indian related services.

C



NATIONAL CONGRESS OF AMERICAN INDIANS

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Health

American Indians and Alaskan Natives continue to express strong concerns regarding health services. This document will serve to highlight some of those concerns and to provide resolutions further explaining those concerns.

Major issues related to Indian health services include the following:

1. State Block Grants: Tribes are alarmed that the administration's budget plan to consolidate over 40 categorical health and social service programs into block grants would be given directly to the states with few guidelines or performance standards. With regards to Indian health services, the NCAI Health Committee proposes that, at the minimum, funds which will be spent solely on Indian health programs should be set aside. The Health Committee proposes 2 mechanisms that could be used to administer this set aside. These mechanisms are:
 - a. directly fund the Indian Tribes and organizations for the continuation of the specific services

and programs that they are now providing; and

- b. transfer the funds associated with those Indian projects proposed to be included in state block grants to a specific agency within the Department of Health and Human Services.

(This mechanism is already being used for some National Institute on Alcohol Abuse and Alcoholism projects.)

2. Section 404(a) of P.L. 96-537, Indian Health Care Amendments:

This section facilitates the enrollment of Indian clients in Medicare and Medicaid programs. This section needs to be deleted from the Indian Health Care Amendments of 1980, since section 404(a) "forces" Indians to sign up for Medicare and Medicaid programs which Indian Health Services does not administer. Indian Health Services is designed to be the primary provider of health care to Indians; section 404(a) implies that IHS is only a supplementary provider. State and local health agencies regard IHS as a primary provider and, in effect, this causes denial of services to many Indians.

3. Health Manpower Development: There is a great need throughout the federal government's manpower programs to develop and train Indian health workers. A feasibility study conducted by the Department of Health, Education and Welfare contains a strong recommendation for an American Indian School of Medicine. Tribes support this recommendation, as well as the development of an Indian Health Manpower Resource Center designed specifically to meet the needs of Indian health career programs and Tribal health manpower development efforts.

4. Non-Indian Spouse Eligibility: Indian Health Services has proposed a rule change which would non-Indian spouses to receive health services provided by IHS. Health services have historically been viewed as a negotiated treaty right of individual Tribes. This proposed rule change would substantially reduce the amount of services currently provided to eligible Indian recipients.

The NCAI Health Concerns Committee considered these and other critical health related issues during the 1980 Annual Convention. A copy of the Committee's report is included here to document and further clarify Indian health concerns.



**NATIONAL
CONGRESS
OF
AMERICAN
-INDIANS-**

202 E STREET, N.E., WASHINGTON, D.C. 20002 (202) 546-1168

RESOLUTION NO.

INDIAN HEALTH PROGRAMS

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Russell Jim
Yakima

SACRAMENTO AREA

Joy Sundberg
Trinidad Rancheria

SOUTHEASTERN AREA

Eddie Tullis
Porch Band of Creeks

- WHEREAS,** A cornerstone of the administration's budget plan is the consolidation of over 40 categorical health and social service programs into block grants to be given directly to the states with few guidelines or performance standards; and
- WHEREAS,** As presently drafted, the proposal makes no special provisions for Indians; however, a large number of Indian health programs are now operating on grants under these federal programs; and
- WHEREAS,** As sovereign nations with a special trust relationship with the U.S. Government, Indian Tribes should not be required to seek funding through the states; and
- WHEREAS,** Indian Nations have enjoyed the present relationship and anticipates the continued working relationship with the federal government to maintain the government-to-government relationship; and
- WHEREAS,** Another concern of the affected Tribes is the failure of consulting with the Indian governments as to how the block grants system should be structured. It would seem only appropriate that if the government's concern is economics, then the whole idea of the plan is to design the most effective and successful program. Indian country, through the appropriate body, should play a role in the designing of the block grant structure; and
- WHEREAS,** The Department of Health and Human Services should identify all Indian projects that would otherwise be included in state block grants and set aside at least those funds to be spent solely on Indian health programs;
- NOW THEREFORE, BE IT RESOLVED,** that in light of unanimous opposition to state block granting, the NCAI proposes 2 alternative mechanisms that could be used to administer this set aside. These mechanisms are:
- A. directly fund the Indian Tribes and organizations for the continuation of the specific services and programs that they are now providing;
 - B. transfer the funds associated with those Indian projects that may be included in state block grants to a specific agency within DHHS. The designated agency would administratively pass-through these

RESOLUTION NO.

Page 2.

funds, but would not utilize them for their programs. This mechanism is already being used for mature NIAAA Indian alcoholism projects. At the very least, the previously identified immature NIAAA alcoholism projects should be transferred to IHS for continuation.

CERTIFICATION

The NCAI Executive Council, duly convened at the Mid-Year Convention in Spokane, Washington, May 27-29, 1981 voted to approve this resolution.

NATIONAL CONGRESS OF AMERICAN INDIANS

Ella Mae Horse
Recording Secretary



NATIONAL CONGRESS OF AMERICAN INDIANS

202 E STREET, N.E., WASHINGTON, D.C. 20002 (202) 546-1168

RESOLUTION NO. 81-810-H

SECTION 404 OF S. 2728, INDIAN HEALTH CARE AMENDMENTS

EXECUTIVE DIRECTOR

Ronald P. Andrade
Luiseno-Diegueno

EXECUTIVE COMMITTEE WHEREAS,

PRESIDENT

Edward J. Driving Hawk
Rosebud Sioux

FIRST VICE-PRESIDENT

Delfin J. Lovato
San Juan Pueblo

RECORDING SECRETARY

Ella Mae Horse
Cherokee

TREASURER

Rachel A. Bluestone
Shoshone-Paiute-Mono

AREA VICE PRESIDENTS

ABERDEEN AREA

Enos Poorbear
Oglala Sioux

ALBUQUERQUE AREA

Guy Pinnecoose, Jr.
Southern Ute

ANADARKO AREA

Sammy Tonekei White
Wapiti

ELLINGS AREA

E.W. (Bill) Morigeau
Salish-Kootenai

JUNEAU AREA

Ralph Eluska
Aleut

MINNEAPOLIS AREA

Loretta V. Metoxen
Oneida

MUSKOGEE AREA

Harry F. Gilmore
Quapaw

NORTHEASTERN AREA

Elmer John
Seneca

PHOENIX AREA

Edward C. Johnson
Walker River Paiute

PORTLAND AREA

Russell Jim
Yakima

SACRAMENTO AREA

Robert J. Salgado
Luiseno

SOUTHEASTERN AREA

Eddie Tullis
Poarch Band of Creeks

The Northwest Portland Area Indian Health Board is a recognized body of twenty-four (24) tribal representatives representing thirty-four (34) tribes in the states of Washington, Oregon, and Idaho dedicated to assist and promote the health needs, concerns, and services of Indian people;

WHEREAS, The Northwest Portland Area Indian Health Board is opposed to the required use of alternate health resources by Indian people;

WHEREAS, Section 404 of S. 2728, the Indian Health Care Amendments of 1980, is designed to promote the use of alternate health resources (Medicare and Medicaid);

NOW THEREFORE, BE IT RESOLVED that NCAI supports the Northwest Portland Area Indian Health Board to respectfully request that Congress delete Section 404 from the Indian Health Care Amendments of 1980;

BE IT FURTHER RESOLVED, that if Section 404 is approved by Congress, the Northwest Portland Area Indian Health Board respectfully requests that Medicare premiums be paid for all Indians and not restricted to individuals classified as "needy".

CERTIFICATION

The NCAI Executive Comm. duly convened at the NCAI 37th Annual Convention in Spokane, Washington on October 27th thru the 31st, 1980, voted to approve this resolution.

NATIONAL CONGRESS OF AMERICAN INDIANS

Ella Mae Horse
Recording Secretary



**NATIONAL
CONGRESS
OF
AMERICAN
INDIANS**

202 E STREET, N.E., WASHINGTON, D.C. 20002 (202) 546-1168

RESOLUTION NO. 81-807-H

HEALTH MANPOWER DEVELOPMENT

EXECUTIVE DIRECTOR

Ronald P. Andrade
Luiseno-Diegueno

EXECUTIVE COMMITTEE

PRESIDENT

Edward J. Driving Hawk
Rosebud Sioux

FIRST VICE-PRESIDENT

Delfin J. Lovato
San Juan Pueblo

RECORDING SECRETARY

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Cherokee

TREASURER

Rachel A. Bluestone
Shoshone-Paiute-Mono

AREA VICE PRESIDENTS

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Oglala Sioux

ALBUQUERQUE AREA

Guy Pinnecoose, Jr.
Southern Ute

ANADARKO AREA

Sammy Tonekei White
Kiowa

CLATSOP AREA

(Bill) Morigeau
Salish-Kootenai

JUNEAU AREA

Ralph Eluska
Aleut

MINNEAPOLIS AREA

Loretta V. Metoxen
Oneida

MUSKOGEE AREA

Harry F. Gilmore
Quapaw

NORTHEASTERN AREA

Elmer John
Seneca

PHOENIX AREA

Edward C. Johnson
Walker River Paiute

PORTLAND AREA

Russell Jim
Yakima

SACRAMENTO AREA

Robert J. Salgado
Luiseno

SOUTHEASTERN AREA

Eddie Tullie
Poarch Band of Creeks

WHEREAS, there is a documented shortage of American Indian/Alaskan Native trained health workers; and

WHEREAS, there is a great need for Indian health oriented resource materials for use in recruitment programs nationally, both Tribal and health career programs; and

WHEREAS, there is a need to create a mechanism across the federal departmental structure to interface manpower programs as they relate to the development and training of Indian health workers; and

WHEREAS, a process should be developed that will provide a comprehensive Indian point of view on Indian health manpower development; and

WHEREAS, there currently exists an Indian health manpower organization capable of developing and implementing a structured resource center to meet the needs of Indian health manpower development,

NOW THEREFORE, BE IT RESOLVED that NCAI urges and supports the development of an Indian Health Manpower Resource Center specifically to meet the needs of Indian Health Career programs and Tribal health manpower development efforts.

CERTIFICATION

The NCAI Executive Comm. duly convened at the NCAI 37th Annual Convention in Spokane, Washington on October 27th thru the 31st, 1980, voted to approve this resolution.

NATIONAL CONGRESS OF AMERICAN INDIANS

Ella Mae Horse
Recording Secretary



NATIONAL CONGRESS OF AMERICAN -INDIANS-

202 E STREET, N.E., WASHINGTON, D.C. 20002 (202) 546-1168

RESOLUTION NO.

Additions to the Health Committee Report of the 1980 Annual Convention

EXECUTIVE DIRECTOR

Ronald P. Andrade
Luiseno-Diegueno

EXECUTIVE COMMITTEE

PRESIDENT

Edward J. Drwing Hawk
Rosebud Sioux

FIRST VICE-PRESIDENT

Dellin J. Lovato
San Juan Pueblo

RECORDING SECRETARY

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Cherokee

TREASURER

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Shoshone-Paiute-Mono

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Ojibwa Sioux

ALBUQUERQUE AREA

Guy Pinnecose, Jr.
Southern Ute

ANADARKO AREA

Sammy Toneki White
Kiowa

BRIDGES AREA

Will Morigeau
Kootenai

JUNEAU AREA

Ralph Eluska
Aleut

MINNEAPOLIS AREA

Loretta V. Metoxen
Oneida

MUSKOGEE AREA

Harry F. Gilmore
Quapaw

NORTHEASTERN AREA

Elmer John
Seneca

PHOENIX AREA

Edward C. Johnson
Walker River Parute

PORTLAND AREA

Russell Jim
Yakima

SACRAMENTO AREA

Joy Sundberg
Trinidad Rancheria

SOUTHEASTERN AREA

Eddie Tullis
Pawnee Band of Creeks

WHEREAS, The NCAI Health Committee has met during the 1981 Mid-year Convention to discuss the status of the directives provided in the Health Committee Report which was developed at the 1980 Annual Convention; and

WHEREAS, Several new developments affecting the delivery of health services to Indians have occurred since the Annual Convention and thus were unable to be addressed by the Health Committee and/or included in the Health Committee Report; and

NOW THEREFORE, BE IT RESOLVED, that the NCAI Midyear Convention delegates approve that the following positions of the Health Committee be included as additions to the Health Committee Report of the 1980 Annual Convention:

1. Non-Indian spouse eligibility. The proposed rule change which allows non-Indians to receive health services provided by IHS has greatly alarmed us, particularly in light of the impending budget cuts proposed by the Reagan administration. Health services have historically been viewed as a negotiated treaty right of individual Tribes, and this proposed rule change will substantially reduce the amount of services currently provided to eligible Indian recipients of IHS services. Additionally, the rule change will extend services to non-Indians who were not considered in these negotiated health services.

The Health Committee specifically requests that:

- a. NCAI compile a report on testimony presented by Tribes on the non-Indian spouse eligibility regulations, highlighting the recommendations and concerns of the Tribes;
- b. NCAI insure through all efforts that our Tribal wishes related to the implementation or the rejection of this regulation are enforced; and
- c. NCAI investigate the appropriateness of the current interim policy of providing services to the non-Indian spouse and members of the household.

2. Sanitation. The IHS Sanitation Facilities Construction Program provides funds for the construction of sanitation facilities for homes built by HUD. The administration has proposed to eliminate this program in the FY 1982 budget. In addition, a supplemental request of \$23 million for FY 1981 is to be withdrawn. Without these funds, IHS will be unable to provide sanitation systems for the approximately 12,000 HUD houses which have already been approved for construction in the next four years.

The Health Committee requests that NCAI strongly recommend that the FY 1981 supplemental request be reinstated and that the FY 1982 Sanitation Facilities Construction budget be restored.

3. Title IV of P.L. 94-437. The collection and expenditure of third party funds generated from Indian health care clinics has become a major concern to our Tribes. Currently, funds collected from these third party resources are spent only with the approval of the IHS headquarters. Because these funds are collected primarily through the efforts of Tribes and Indian patients in seeking and utilizing third party resources, and because the need is great for improvement of our Indian clinics, we recommend that the authority for expenditure be delegated to the area level in a cooperative agreement with those affected Tribes.

CERTIFICATION

The NCAI Executive Council, duly convened at the Mid-Year Conference in Spokane, Washington, May 27-29, 1981, voted to approve this resolution.

NATIONAL CONGRESS OF AMERICAN INDIANS

Ella Mae Horse
Recording Secretary



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Harry F. Gilmore
Catawba

NORTHEASTERN AREA

Ernest John
Seneca

PHOENIX AREA

Edward C. Johnson
Walapai River Paute

PORTLAND AREA

Russell Jim
Yakima

SACRAMENTO AREA

Robert J. Salgado
Luiseno

SOUTHEASTERN AREA

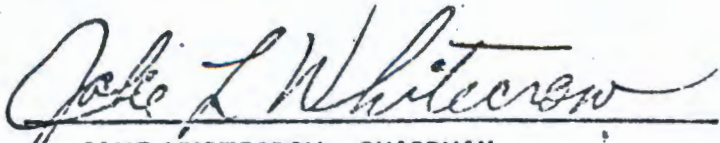
Edgar Tullis
Poncha Band of Creeks

TO: THE GENERAL ASSEMBLY, NCAI
FROM: NCAI HEALTH COMMITTEE

The attached report is submitted for adoption as establishing NCAI Policy on Indian Health and the federal delivery system.

Complete deliberation and discussion was accomplished on each issue. The Committee voted and approved each of the issues presented. Many processes were considered, but not adopted. The democratic process was totally applied.

It is hereby recommended that this position be adopted by the membership of NCAI.


JAKE WHITECROW, CHAIRMAN

MAJOR RECOMMENDATIONS

1. Cabinet level Indian Agency - In order to create a focal point in the Executive Branch of the government and consolidate all Indian programs, including health and environmental services, it is recommended that a cabinet level Indian agency be created. Indian health then would become one of various functions of this agency. The Health Committee feels that current interagency agreements, such as the one between Indian Health Service, HUD, and the Bureau of Indian Affairs, are not working satisfactorily. Consolidation of all programs affecting Indians will be a more effective instrument for providing services to those needing them.

2. Basic health care guarantee package - The NCAI recommends that a comprehensive health care package be available to all Indians as recommended in the Tribal and Urban Specific Health Plans. Such a package should not have an arbitrary funding limit, as presently exists. Such a guaranteed package will ensure that every Indian receives health care. The gap between American Indian Health and that of the general United States population should be closed within two years.

3. Preventative and environmental health program - Environmental conditions were found to be far below an acceptable level, with a high incidence of disease related to water supply and waste disposal. The Committee recommends high priority for preventative and environmental health programs. It is certainly more desirable and less expensive to prevent illness than to provide medical care after an illness occurs. Unless a massive preventative and environmental health program can be undertaken, curative measures will improve the level of Indian health only slightly. These programs must be designed and facilitated with plans and engineering services for provision of safe and adequate water, sewer and waste disposal facilities, and proper health education.

4. Urban Indians - The vast majority of Indians residing in urban areas are deprived of their entitlement to Indian Health Service supported contract health services. This represents an abrogation of federal responsibility previously established. The NCAI recommends that all health services be made available previously entitled regardless of place of residence.

5. Management of Indian Health Service - It is recommended that the lines of authority and areas of responsibility between the central, area, and service unit offices be more clearly defined. A new improved system for data collection and analysis should replace the present inadequate one. A review should

be conducted of administration requirements for records and reports, including but not limited to: a) elimination of useless reports; b) elimination of backlog of medical summaries and indexing; c) insurance that providers contributing the data system will receive data results for return. A unified system for program planning, monitoring and evaluation should be developed.

6. Indian involvement and self-determination in health - It is recommended that an Indian Health Service policy be established with the Indian Health Boards and Tribes, relating to organization, membership, operation and relationship to Indian Health Service. Indian Health Boards should be strengthened to make them more effective with respect to policy making and establishment of priorities at all levels. Indian Health Service should develop a time phased program with adequate training and technical assistance for full implementation of self-determination, gradually shifting the authority, responsibility and adequate funding to the tribes as they so desire.

7. Contract care - Eligibility criteria for contract care should be made simple and uniform to all federally recognized tribes. Indian Health Service should negotiate rates of payment for contract services to other health consumers within the provider area. Coordination with contractors should be improved to insure continuity of care. Evaluation of contract services should be continuous at the service unit level. Funding for adequate contract Indian Health Service staff should be provided. The contractor's record on each patient should be made part of the patient's Indian Health Service Record.

8. Tribal based nutrition program - Malnutrition is one of the major problems among Indians, and the food assistance programs provided to them, such as food stamps and food commodities, are not responsive to Indian needs. Both quality and quantity of food from these programs is extremely low. Because Indian people in many cases depend upon these programs as their primary food source, the NCAI recommends that all available food assistance programs be consolidated into tribally controlled and operated Nutrition Assistance Centers. These centers will insure that Indians receive adequate food, together with education pertaining to proper nutrition, meal planning, and diet control.

9. Indian Health Service as the primary provider of health care to Indians - Indian Health Service should be recognized as the primary provider of health care to Indians. There is a current conflict in which Congress views Indian Health Service as a supplementary provider, and state and local agencies regard it as a primary provider. This causes, in effect, denial of services to many Indians. It is recommended that Indian Health Service should be viewed by the

Congress as the primary provider and fund it adequately.

10. Mental Health - Although a mental health program has been in existence for more than ten years, there has been no significant improvement in the mental health of Indians. There has not even been any significant progress made in terms of identifying mental health needs in an appropriate way. It is recommended that the mental health program be strengthened by funding fully the Mental Health Systems Act as it pertains to Indians.

11. Health, Education, Welfare, Housing, Economic Development and Poverty - Health problems are related to overcrowded and inadequate living conditions, lack of adequate resources to maintain sanitary environments, lack of adequate education to acquire economic resources. In effect, most Indians are caught in the cycle of poverty and deprivation. In order to have a lasting impact on Indian Health it is imperative that a coordinated strategy be implemented to raise the standard of living. It is recommended that preference be given to Indian enterprises for all health related construction projects. Preference should also be given to Indian enterprises in the maintenance and operation of health facilities. This would assist Indian organizations in becoming viable enterprises.

12. An American Indian School of Medicine - An American Indian School of Medicine has been well publicized and possesses important attributes not possessed by standard medical schools, NCAI strongly recommends support for the American Indian School of Medicine as recommended previously by the Department of Health, Education and Welfare feasibility study.

STATUS OF INDIAN HEALTH RECOMMENDATION

1. Additional funding for sanitation and home improvement programs is immediately needed to extend present benefits to all federally recognized tribes. No new legislation would be necessary for this, simply adequate funding for present planned programs.

2. Legislative authorization for a study not to exceed one year, comparing the relationship of American Indians to the federal government with that of other aboriginal groups in other countries. This study would be carried out by an appropriate panel of Indian and non-Indian health professionals.

3. It is imperative to do comparative international studies relating "aboriginal" groups to their respective predominate societies. This would

greatly enlarge the present scope of understanding of Indian Health.

4. Legislative authorization for a study designed to determine a program to compare the health status of Indians of "recognized tribes" with those of "non-recognized" tribes and rural/urban Indians. This study would accomplish a number of objectives, one of which would be an evaluation of the effect of the IHS.

5. Legislation authorizing and funding IHS to actively develop and implement programs designed to combat the personal and social pathology manifested by increasing rates of alcoholism, suicides and accidents. This would mean placing a responsibility of IHS to participate in programs of economic improvement, family support, and self-esteem. It is the position of NCAI that this is well within the support systems needed to improve Indian "well-being".

6. A comprehensive program of research by IHS into the causes and prevention of Indian alcoholism and suicides should be implemented immediately. Data is needed in areas such as drinking patterns, for example.

7. IHS must be immediately funded to a level permitting elimination of the backlog of unmet needs.

8. Comprehensive programs must be greatly strengthened to provide an attack on family disruption, disintegration and anomie.

ENVIRONMENTAL SERVICES RECOMMENDATION

1. Consolidation of responsibility and authority - The tri-agency agreement is not working, and its chances of working are rather slim. The responsibility for water, sewer, solid waste disposal, streets, housing construction, housing rehabilitation and environment should be within the new cabinet level Indian Affairs Agency. This would save time, effort, and resources, and decrease the number of agencies with whom tribes have to deal.

2. Maximum resource utilization - There are several federal agencies which have funds for environmental services. While IHS services are "residual" in theory, in actual fact they are the primary environmental health services to Indians. It is recommended that IHS be recognized as the primary provider of these services and be funded adequately for both existing and newly built houses and the impact of environmental conditions.

3. Improved planning and design of Indian homes - Conventional standards

of HUD and other federal agencies are not suitable to the highly diversified conditions in the various areas where Indians live. An attempt to impose such standards may destroy the very spirit of the community it is supposed to be building. This could have a significant impact on traditional, cultural and family systems. This in turn could have a negative influence on mental health. Otherwise, the authority to decide on the standards, design, and approach to human settlement should rest entirely with the tribes. Federal agencies can provide advisory services. Tribes should not be forced to follow arbitrary standards which are contrary to their basic patterns of living.

4. Training in maintenance of sanitation facilities - Training in the maintenance of sanitation facilities is seriously deficient. On the other hand, IHS cannot devote enough funds to this area, because of financial constraints. At the same time, this results in frequent breakdown of facilities, resulting in a return to the previous unsanitary conditions thus imposing an additional burden on IHS. It is recommended that training and technical assistance for maintenance of sanitation facilities be expanded to insure adequately trained personnel in each community.

5. Economic development and environmental services. Construction of water, sewer, solid waste disposal systems, streets and housing generates a significant amount of economic activity. It is recommended that first preference be given to qualified tribal construction resources so that Indian people can develop and improve their skills and participate in the economic activity, thereby improving their standard of living.

6. Time frame for improvement of sanitation facilities - At the present time, the level of water, sewer and sanitation conditions is far below the accepted normal standard of health and safety. It is the responsibility of the Federal Government to bring these facilities to parity. Funding for this program must be provided so that facilities in Indian communities will equal those in non-Indian communities by the end of fiscal year 1985.

NUTRITION RECOMMENDATIONS

1. The Task Force recommends that the American Indian be allowed to share with the general population the privileges of feeding his own family rather than having an institution do it for him.

2. The Task Force recommends that American Indians themselves conceive

and administer their own plan to feed and nourish their people.

3. The Task Force recommends, as a minimum, a drastic upgrading in offered programs. It strongly recommends the creation of a new, innovative system which eliminates the weaknesses and combines the best features of all previous and existing programs.

4. Numerical eligibility requirements for food programs should be waived to meet tribal elderly needs.

MENTAL HEALTH RECOMMENDATIONS

1. Services aimed specifically at families and children are generally provided in a piecemeal fashion, when what are needed are therapeutic and residential treatment centers, together with family therapy workshops staffed by specially trained professionals. Family and clan are strong traditional in Indian culture, and half the Indian population is under twenty, with most of that half under the age of fourteen.

2. A model dormitory project in one Area has been a successful alternative to the traditional Bureau of Indian Affairs boarding school system, which is generally staffed to cope with them. In the Bureau of Indian Affairs boarding school in Window Rock, Arizona, when the mental health facility provided additional staff trained to work with children, the results were impressive. Successful use of BIA schools for severe cases, as an alternative to distant reform schools, has also been used in areas when it is feasible. There is need for a special treatment program aimed at troubled Indian youth and their families.

3. There are many in the Indian population who are retarded, handicapped, partially or totally deaf or blind, with special problems of adaptation and survival. In addition to surgical restoration when appropriate, these sensory-deprived Indians, and their families, need special counseling and support in coping with their unique problems. Specially-trained staff is needed to carry out such programs.

4. Mental health staff sees as one of its important functions consultation with personnel in other federal agencies providing services other than health to Indians. Mental health staff indicates a readiness of consultation and training, but constant personnel turnover in these other agencies is a continual obstacle, and the little guidance which mental health staff can provide is usually existing programs.

5. Integration of traditional Indian medicine with non-Indian psychotherapeutic methods is being tried in a special Navajo project funded by NIMH. In other areas, however, this approach has met with limited success because of resistance on the part of both Indians and non-Indians, and because not all tribes have a reserve of medicine men. But there is little doubt that traditional Indian therapy is an effective mental health tool in the Indian culture. Traditional healers have been treating people for thousands of years and they come from a tradition considerably older than medical practice. Whether they become a natural resource for mental health workers depends on whether we pay attention to their existence. "The American Indians themselves want to heal their people, using their own religious and cultural resources. But they need access to federal resources, appropriate to them and chosen by them, until this is accomplished."

TRADITIONAL MEDICINE RECOMMENDATIONS

1. An active program appropriately funded on consultative basis should be set up within Indian Health Services whose responsibility is the development of a closer working relationship between medicine men/women and physicians. This program would serve as a catalyst, increasing understanding of each group by the other.

2. Traditional healers should be paid a contract consultant fee. Selection of the traditional healers should be selected by each tribe, the individual person who is ill and/or by his family.

INDIAN HEALTH SERVICE MANAGEMENT RECOMMENDATIONS

1. The goals of IHS which involve elevating Indian health to the highest possible level and assisting the tribes to manage their health programs should be changed. A more appropriate goal statement which integrates the concepts covered in these original goal statements is "to assist Indian people in elevating their health to the highest level".

2. The management structure of IHS must change to fit the present and anticipated needs of the Indian people. The major change which is recommended is that the administrative branches of the area offices be reorganized. Many of the individuals in the area offices should be reassigned to the service units, based on their talents, with new job functions almost entirely devoted to program and project management. This would provide the additional staff personnel which are so desperately needed to develop management systems, to facilitate communication

between headquarters and the service units, to transfer technology from one area to another, to monitor programs and contract services, to develop more appropriate budgeting techniques, to implement R & D programs, to develop useful management reports based on actual data, and to provide training and consultation to tribes wishing to contract for services.

3. The service unit directors must receive High Level management training and orientate to the area before being assigned to posts.

4. Position descriptions must be written for all jobs within the IHS management structure. These descriptions must include the responsibilities for the position in terms of decision making and policy setting. If some decisions or policies are to be made by groups of individuals.

5. Continuing training of all IHS personnel should be a requirement of the job and not considered as a reward. Attendance at National professional meetings is considered appropriate continuing education.

It may not be possible to implement all of the recommendations in this section simultaneously, but it is strongly suggested that a single plan to implement them be developed. This plan should include times and identify the persons responsible for implementation. It is the feeling of the NCAI Task Force that optimum success will result if all recommendations are implemented. Implementation of only part of the recommendations will not insure the best management of IHS.

CONTRACT MEDICAL CARE RECOMMENDATIONS

1. Since the distinction between Indians living on and off reservations is divisive and artificial, it is recommended that Indian Health Service regulations make all federally recognized Indians eligible for contract care, and that the funding provided Indian Health Service reflect the federal obligation to give services to this population.

The only relevant question for eligibility should be whether a particular person is eligible for Indian Health Service services at all - i.e., whether he or she is an Indian member or descendant of a federally recognized tribe.

Congress must relieve Indian Health Service and Indians of the dilemma imposed upon contract services by fulfilling its obligation to Indian people.

2. Indian Health Service should be required to review its contract care program in order to find ways to conserve its contract care funds. Testimony has indicated that, at present, Indian Health Service is not getting the most

for its contract care money. For example, little effort appears to have been made to use Indian Health Service purchasing power to bargain for lower rates from medical facilities. IIMO's, Blue Cross and other major purchasers of care are able to obtain lower rates from hospitals on the basis that they are large purchasers of service and that they guarantee payment to the hospital. Indian Health Service appears not to do so and ends up paying more for its contract care patients than it needs to. For example, at the Bernalillo County Medical Center, Indian Health Service pays the average daily rate for all patients at the hospital and, therefore, gains no benefit from its purchasing power.

TRAINING AND TECHNICAL ASSISTANCE FOR TRIBES AND IHS PERSONNEL RECOMMENDATIONS

1. A reorganization of training functions with a central office in charge of providing information about training programs and coordinating activities should be instituted.
2. The requirements of training Indian Health Service personnel are sufficiently unique and sufficiently specialized that the training and technical assistance activities of Indian Health Service should be greatly expanded: upward mobility funds should be guaranteed to provide training for all employees, including IHS personnel and Tribal/Indian Organizational employees.
3. Recommend a change in IHS policy regarding IHS internships and co-step so that Native American students will be priority one and this should not be based upon receiving a stipend from IHS to provide them this advantageous work experience among their tribal members and to further support the increase of Indians in the health related fields.

COMMUNITY HEALTH REPRESENTATIVE PROGRAM RECOMMENDATIONS

1. Some CHR's should be trained and their skills upgraded to serve as physicians' assistants. They could then take some of the patient load off the doctors who could then spend their time in more complex problems. Another group of CHR's should be trained to become general purpose outreach workers. These would perform a variety of functions, including provision of transportation for patients. Should this training be available through some other governmental agencies than IHS should initiate interagency agreements to promote such training activities (e.g., Department of Navy).

2. CHR's who are charged with the responsibility of transporting patients should be reimbursed fully, and adequate automobile accident liability insurance provided.

3. Ambulances should be provided to tribes where justified. Indian Health Service should expand their program to contract with tribes for provision of ambulance service through Emergency Medical Service funds.

4. Indian Health Service should perform an overall evaluation of mobile clinics and the various other service delivery systems. It is recommended that since permanent facilities cannot be provided at all locations, a mobile clinic network could be developed, so as to make the most effective use of limited resources.

5. Indian Health Service should provide funding to adequately cover through liability and/or malpractice insurance, those CHR's and other tribal health workers, that are involved in direct patient services.

6. Federal funding be provided to the National Association of Community Health Representatives for the purpose of identifying, developing, and implementing needed CHR program revisions.

INDIAN INVOLVEMENT AND INDIAN SELF-DETERMINATION IN HEALTH CARE STATEMENT RECOMMENDATIONS

1. The principle of self-determination requires that each tribe possess the option of exercising as much authority and control over the Federal programs now service them as they desire. For this reason, the recommendations made herein are strictly optional. They should be made available only to those tribes that want to use the new mechanisms. However, tribes should have the right not to do so, to continue to use the mechanisms they are presently using, or to do nothing in regard to Indian involvement in health.

DISCRIMINATION RECOMMENDATIONS

1. A special office for civil rights should be created within the proposed cabinet level agency for Indian Affairs, with authority and responsibility for investigating charges of discrimination and take appropriate remedial measures. DHHS should also require all funded programs to collect data on Indian utilization. This data should be sent to the Indian Agency Civil Rights Office, which has the responsibility of reviewing it and determining which programs were

underserving Indians, and, through the Secretary, require such agencies to take the necessary action to correct the problem.

2. In the absence of such an agency, the newly staffed DHHS intradepartmental council on Indian Affairs should be given the authority to monitor the Memorandum of Agreement and to compel the participating agencies to take necessary action to meet their responsibilities under it.

3. Grant to Indian tribes and urban Indian organizations the power through legislative amendment to require OCR to follow up on all charges of discrimination to their satisfaction.

4. Require IHS to expand and strengthen its information and education programs to better inform Indians as well as state and local officials regarding concepts of dual entitlement and the tri-agency Memorandum of Agreement.

URBAN INDIANS RECOMMENDATIONS

1. Congress should declare its intent, through specific legislation, authorizations and appropriations, to accomplish expansion of its health care systems to include non-reservation and/or Indians without any loss of quality or other benefits to reservation Indians.

2. A timetable should be set up to implement the establishment of a health care system for all federally recognized tribes eligible for services.

3. The Indian Health Service should begin to establish Indian health care facilities in urban areas where they are needed and do not now exist, and in addition, should move immediately to strengthen those that are currently in operation.

4. Health services for urban Indians must be comprehensive and of high quality.

SPECIAL PROBLEMS OF OKLAHOMA INDIANS RECOMMENDATIONS

1. The United States Congress must avoid passing legislation which inadvertently or deliberately discriminates against Oklahoma Indians.

2. The Indians of the State of Oklahoma must be able to approach federal agencies directly without the need for review, and possible disapproval, by state agencies.

3. The Indians of Oklahoma must be accorded a designation as reservation

tribes.

EQUITY HEALTH CARE FUND RECOMMENDATIONS

It is recommended that the Indian Health Service convene the P.L.94-437 Consultants to review the method utilized by IHS in plans to distribute the Equity Health Care Fund and that the P.L.94-437 Consultants in consultation with the tribes develop an equitable distribution formula with a weighting factor for remoteness and accessibility to ensure fair and equitable distribution of FY 81 funds.

Basis for recommendation: Fiscal Year 1981 appropriation requests in both the House and Senate has resulted in the creation of an "Equity Health Care Fund" in response to the P.L.94-437 National Plan and the "Rincon" court decision. This Fund is to bring tribal entities in Level V of the Health Services Priority System priority funding, but IHS has designated distribution of this Fund without consultation with tribal entities or P.L.94-437 Consultants and have arbitrarily designated the fund distribution without regard to the "remoteness or accessibility" factors which excludes several needy tribal health projects from receipt of any funding. Additionally, IHS utilized RAC as the criteria standard for fund distribution even though the Court decision in the Rincon case determined RAC as a "bizarre" method for resource allocation and ordered that IHS develop an equitable formula for fund distribution, which IHS continues to ignore. Indian health services, nationwide, shall be severely retarded, over the short, intermediate and long-range without an equitable formula for fund distribution and it is imperative that the current IHS plan for fund distribution be stopped immediately.

P.L.94-437 AMENDMENT RECOMMENDATIONS

It is recommended that S. 2728, Section 404(a) be deleted based on its intent to facilitate the enrollment of Indian clients in Medicare and Medicaid programs, which would weaken the Federal relationship of tribes and open the doors to assimilation of Indians into mainstream Americana. In the negotiation for deletion of Section 404 of S. 2728 it is found that it is not possible to delete then NCAI respectfully requests that Medicare premiums be paid for all Indians and not restricted to individuals classified as "needy".

It is recommended that S. 2728, Section 507(a) be clarified to describe "rural Indians and non-reservation Indians" as follows: "Indians who are

members of Federally recognized tribes and their enrolled decedents, who are not eligible for services by reason of their dislocation from traditional service areas; Terminated Indians; and non-Federally recognized tribal groups recognized by the BIA or the U.S. Claims Commission as tribal entities."

It is recommended that HR 6629, Section 5 be deleted, as it speaks to the same Indians being served as the Senate version (Section 507(a)) making this language redundant.

Basis for recommendation: Section 404(a) S. 2728 is clearly not in the best interests of Indians receiving health care services because it "forces" the enrollment of Indians into sign-up for Medicare and Medicaid programs, which weakens our special relationship by making IHS less responsible for providing health care services. The amendment in Section 507(a) S. 2728 is to provide assistance to rural and non-reservation Indians who are not currently receiving health services, but the definition of "rural non-reservation" is extremely vague and being wildly misinterpreted by IHS in a Legislative Analysis Report to HSA, limiting the definition of "rural non-reservation" to one group only.

The immediate actions recommended to carry forward the above:

1. The President of NCAI write to Dr. Robert Birch of IHS and demand that he convene a meeting with the P.L.94-437 Consultants to analyze 437 Amendments and the original Act in its entirety.
2. The President of NCAI write the Deputy Director of IHS challenging his mininterpretation of the Amendments in his Legislative Analysis to HSA.
3. The President of NCAI direct his staff to meet with appropriate Congressmen to act in behalf of NCAI's deletions and clarifications within the House and Senate versions of P.L.94-437 Amendments.

LIFTING TRAVEL FREEZE OF INDIAN HEALTH SERVICE RECOMMENDATION

The current travel freeze imposed on Indian Health Service personnel has caused many problems and hardships for tribes and individual Indians in the delivery of health care services. Therefore, it is recommended the freeze be lifted and not imposed in the future.

ESTABLISHMENT OF INDIRECT COST POOL RECOMMENDATION

It is recommended that the Indian Health Service establish an Indirect Cost Pool with sufficient funds set-aside to cover the costs of the administration

of programs/contracts. If additional funds are needed from Congress, then HICAI should address this issue in testimony.

IHS/BIA FUNDING OF SERVICES TO HANDICAPPED INDIAN CHILDREN RECOMMENDATION

It is recommended that the National Congress of American Indians support the joint IHS/BIA project of services to handicapped Indian children and that both agencies be encouraged to provide priority and adequate funding and other resources to the Navajo and Albuquerque Area projects and that IHS take immediate action to solicit funds from Congress for the construction of a diagnostic and treatment facility on lands made available to IHS by the Pueblo of Laguna.



NATIONAL CONGRESS OF AMERICAN -INDIANS-

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Housing

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The provision of decent quality housing is a very high priority among the Indian Tribes and Alaska Natives which has been recognized by the U.S. Congress since 1961. The Department of Housing and Urban Development has proposed that the Indian Housing Program be totally eliminated in 1982. The original proposal for 1981 was for 5000 units; however, at this time Congress is negotiating an even lower number, approximately 2400 units.

Indian housing is the only HUD assisted housing program that is to be completely zeroed out. In fact, it is the only Indian office in the entire Government being zeroed out. The justification offered for this drastic measure is based on three factors:

1. Cost - In 1981, HUD estimated the average total development cost of Indian housing at \$73,000 per unit. This compares with \$58,000 TDC per unit for non-Indian housing. This is an unfair comparison in that Indian housing is almost totally detached large single family dwellings versus the non-Indian high rise multi-unit rental projects.

Over one half of the Indian housing is mutual help home ownership which does not receive any subsidy except a minimal amount for administration. Virtually all non-Indian housing is heavily subsidized to meet fair market rental rates. This amounts to huge subsidies when projects

are authorized up to 40 years. The developers of public housing projects also enjoy substantial taxshelters for construction of these projects.

In addition, it is readily discernible that higher per unit cost is attributable to the high architectural and engineering and other administrative costs associated with development. This currently ranges from \$15,000 to \$20,000 per unit. It is possible to build quality and efficient Indian housing at a reduced cost.

2. Pipeline - The HUD housing backlog extends some 5½ years to the present. The national average time required to process and develop is 36 months. This unusually lengthy period involves site approval in coordination with the Indian Health Services and the development and technical review process by HUD. Those delays in development are reflected in higher construction costs and actual deletion of units from program reservation due to inflation. In fact, the 15,000 pipeline units cannot possibly be built due to inflation and HUD recapture provisions. This is further supported by noting that of the 60,000 units goal established by Congress in 1971 only 37,329 units were completed in 1980 with 15,000 units estimated to be the pipeline for a total of 52,329 units.
3. Housing Authority Management - This is an area which has received additional emphasis in light of the Reagan administration's position on efficiency and management in government programs. The Indian people are acutely aware of the reductions in services due to bureaucratic inefficiency in program delivery and are supportive of improving tribal management commensurate with the opportunities for training.

It is true that Indian Housing Authorities have experienced a number of administrative problems. However, when one assesses the progress made by IHAs in their short history, we would have to conclude that substantial progress has been made. Yes, they still need support and technical assistance, but it should be noted that the provision of technical support from HUD has been very limited. Housing authorities have had to depend upon themselves or their

peers at other reservations to learn what is considered a highly complex program.

3. Housing Need - It appears that the most important factor has been ignored in discussions on Indian housing. The BIA Consolidated Housing Inventory for FY 1979 indicated a need for 60,580 new housing units to be constructed. Even with the recent production, housing construction has not kept pace with the relative size of the housing program.

It is our opinion that the administration has not been fully aware of the need and previously stated problems associated with housing from the Indian point of view. Since the lower level HUD administrative staff are not communicating the true nature of the problems associated with Indian housing delivery, it is also recommended that the responsibility for the Indian Housing Program be moved to the HUD office of Intergovernmental Relations in order to facilitate coordination on a government to government basis.

Impact - The HUD Indian housing program is at least the third largest (782 million) with respect to the total Indian funds in the 1982 budget.

With the elimination of the Economic Development Administration and reduction of BIA economic development funds, and the Indian Housing Program, the impact on the tribal economies will be disastrous.

It is recommended by the National Congress of American Indians that the Indian Housing Program be restored to the 1982 budget to the previous level of 6,000 units per year with increased management training opportunities made available to the Indian Housing Authorities.

HOUSING COMMITTEE REPORT UPDATE

AS OF MAY 1981

The NCAI Housing Committee prepared a report of findings and recommendations which was adopted by NCAI at its convention held October 27-31, 1980, in Spokane, Washington. This paper is a brief report on NCAI's progress and problems with regard to carrying out these recommendations. There are a total of nine recommendations all of which are at varying stages of implementation and completion.

Recommendation #1: Establishing a formal bond between NCAI and the National American Indian Housing Council (NAIHC).

Prior to the convention, NCAI had already established a working relationship with the NAIHC. NCAI has expressed its support of NAIHC's efforts and recognition of NAIHC as the primary organization to speak on Indian housing concerns. However, a formal agreement as outlined in the report has not yet been done. It is hoped that a formal statement may be forthcoming from the NCAI Executive Committee at some point in the near future.

Recommendation #2: Invite IHA association chairpersons to become members of the NCAI Housing Committee.

Letters to all state and regional IHA associations were sent earlier this year. We have received positive responses both written and verbal from five associations:

- Association of Eastern Indian Housing Authorities
- Association of Western Washington Indian Housing Authorities
- East Cascade Association of Indian Housing Authorities
- Northern Plains Indian Housing Authorities Association
- Southwest Indian Housing Authorities Association

Recommendation #3: NCAI study of the effect Davis-Bacon has on Indian projects and tribal economies.

NCAI had begun discussion on this with the Acting Director of the Office of Indian Housing, George Bennett. Since he left, however, NCAI has

not attempted any further dialogue with HUD since the incoming Administration caused political and administrative uncertainties within the agency. Once the internal administrative changes being made are completed, NCAI can assess these changes and decide at what point we can approach the Department.

NCAI has testified during Congressional hearings on the effect Davis-Bacon has on project development costs. We have also proposed, in testimony, that tribes be allowed to decide if and when Davis-Bacon should apply since its benefits and detriments vary from tribe to tribe. Initial responses to this proposal have not been encouraging since it would most likely require amending the existing law. With the present political climate in Congress, any proposed amendments that would be considered controversial are not being enthusiastically received.

Recommendation #4: NCAI to approach HUD about management training of IHA Commissioners and staff.

Same as Recommendation #3, first paragraph.

Recommendation #5: NCAI approach HUD to establish a program to explain the roles and responsibilities of tribal councils, IHAs and program participants.

Same as Recommendation #3, first paragraph.

Recommendation #6: NCAI support for BIA Housing Improvement Program (HIP).

NCAI has testified in support of HIP during hearings held this year on the fiscal year 1982 Interior budget. With regard to the BIA's proposed Consolidated Tribal Governmental Program, NCAI's testimony pointed out the harm that consolidating the program with other will have on Indian housing construction in the future.

Recommendation #7: Proposed rule of HUD to limit total development costs of Indian housing projects.

As recommended by the Committee, NCAI submitted comments on the proposed rule to HUD. The comments submitted were those made by the Committee in

its report under Finding and Recommendation #7.

Recommendation #8: Sensitize HUD.

This is an ongoing process and cannot be considered one which can be accomplished in a specified period of time. Prior to the convention, NCAI was well into working with the agency and had established lines of communication with various offices. However, as explained under Recommendation #3, the new Administration changed all that and most, if not all, of the familiar faces are gone. NCAI has succeeded with establishing some lines of communication with a few of the newcomers in the Department and we are working to develop others.

Recommendation #9: Commend Secretary of HUD for establishing Office of Indian Housing and congratulate new director.

NCAI wrote to Secretary Moon Landrieu expressing our approval and support with the selection of George Bennett as Director of the Office of Indian Housing with a copy going to Mr. Bennett.