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EXECUTIVE  
SUMMARIES

A



# NATIONAL CONGRESS OF AMERICAN -INDIANS-

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

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*Luiseno-Diegueno*

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## RESOURCE DEVELOPMENT

Tribal concerns with Resource Development fall into three general categories: natural resources, human resources, and economic development. Reports and resolutions from the NCAI Concerns Committees dealing with resource development questions outline a series of specific, development-related problems currently being faced by Tribes. These include:

- protection of Tribal water rights
- the fishing rights questions
- Tribal opposition to S.1245, the Public Land Reform Act of 1981
- minimal requirements for protection of services to Tribes under a HHS "block grant" initiative
- the need for support of the newly formed National Businessmen's Association
- the importance of the creation of an American Indian Development Finance Institution to assist Tribes in furthering on-reservation economic development.

Copies of the reports and resolutions outlining concerns on these issues are included in this section. NCAI committee reports from the 1981

midyear Conference and 1980 Annual Convention are also included, to give broader analysis of the Resource Development issue.



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

**RESOLUTION NO. 81-**

**SUPPORT OF WATER ADJUDICATION SUIT OF THE  
PUEBLOS OF JEMEZ, ZIA, AND SANTA ANA**

**EXECUTIVE DIRECTOR**

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WHEREAS, it is vital to the interests of the Indian tribes of the Pueblo of Jemez, the Pueblo of Zia, and the Pueblo of Santa Ana, which have used the water in the Rio Jemez for irrigation of tribal lands since time immemorial; and

WHEREAS, in order to protect the water rights of the tribes it is necessary that a water adjudication proceed by the United States of America on behalf of the three tribes; and

WHEREAS, all of the steps necessary have been taken preliminary to the actual filing of the litigation by the United States, including the gathering of names of all of the non-Indian users who would be the defendants in such a lawsuit; and

WHEREAS, in recent times, by reason of the increased use by non-Indians of water in this system of limited water, immediate action to protect Indian water rights is imperative; and

WHEREAS, the United States of America, at the highest levels in Washington, has vacillated and has retreated from its previous commitment to initiate this litigation, and valuable time has passed with no adjudication suit having been filed;

NOW, THEREFORE BE IT FURTHER RESOLVED, that the NATIONAL CONGRESS OF AMERICAN INDIANS does hereby announce its unequivocal endorsement of the water adjudication suit of the Rio Jemez by the United States of America on behalf of the Pueblos of Jemez, Zia, and Santa Ana, and, further, supports the stand of the three tribes that such water adjudication suit proceed without further delay and that all other steps required to preserve the inherent water rights of these three Pueblos be taken immediately by the United States of America on behalf of these three Pueblos.

**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



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

RESOLUTION NO. 1-74

STEELHEAD TROUT DECOMMERCIALIZATION ACT

**EXECUTIVE DIRECTOR**

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*Luisano-Diegueno*

**EXECUTIVE COMMITTEE**

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Eddie Tullis  
*Poarch Band of Creeks*

WHEREAS, there has been introduced into Congress, S. 874 and H.R. 2978, called the Steelhead Trout Decommmercialization Act; and

WHEREAS, this legislation abrogates or modifies all Indian Treaty Rights to Steelhead Trout; and

WHEREAS, A Treaty cannot be legally, unilaterally modified; and

WHEREAS, the Steelhead Trout is necessary to the Culture, Religion, and Livelihood of certain Indian People; and

WHEREAS, this legislation was introduced by Senator Slade Gorton, and Representative Don Bonker, both of Washington State; and

WHEREAS, Columbia River Tribal Fish Committee is planning a peaceful demonstration to oppose this legislation by means of a Spiritual Walk beginning June 20, 1981 at Celilo Falls toward Oregon continuing to Portland, Salem, Oregon and on to Vancouver, Olympia and Seattle, Washington; ending June 29, 1981; and

WHEREAS, there is need for all Indian People to support this peaceful demonstration.

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians does hereby support and encourage this peaceful, Spiritual demonstration and the persons sacrificing to make this possible; and

BE IT FURTHER RESOLVED, that NCAI urge its individual tribal members to oppose the enactment of S. 874 and H.R. 2978.

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



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

RESOLUTION NO. 81-93

SUPPORT OF THE IMPLEMENTATION OF TREATY FISHING RIGHTS  
OF THE QUILEUTE AND OTHER NORTHWEST INDIAN TRIBES.

**EXECUTIVE DIRECTOR**

Ronald P. Andrade  
Luiseno-Diegueno

**EXECUTIVE COMMITTEE WHEREAS,**

**PRESIDENT**

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Rosebud Sioux

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San Juan Pueblo

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the United States Supreme Court ruled on July 2, 1979, in Washington v. Passenger Fishing Vessel Association, that the Quileute Tribe and certain other Northwest tribes are entitled to half of each run of salmon and steelhead returning to their usual and accustomed fishing places, affirming a decade of earlier federal court decisions in United States v. Washington; and

WHEREAS, the Quillayute River System of the North Washington Coast is the homeland and principal treaty fishing place of the Quileute Indian Tribe; and

WHEREAS, every year non-Indians fishing in the Pacific Ocean under regulations of the Secretary of Commerce have overfished certain salmon runs destined for the treaty fisheries of the Quileute and other North Washington Coastal and Columbia River Tribes and bands so that these tribes have little or no salmon returning to their rivers to fulfill their treaty fishing rights; and

WHEREAS, the Secretary of Commerce and all of the United States is required by the court decisions and by the Fishery Management and Conservation Act of 1976 to manage the ocean fisheries in a way that complies with each tribe's treaty rights; and

WHEREAS, the diminishing returns of salmon to the Quileute and other treaty tribal fisheries because of overfishing in the ocean have caused the Quileute Tribe to close its port to use by ocean recreational fishermen as the only means it has to attempt to reduce non-Indian fishing its salmon runs to achieve compliance with the treaty promises;

NOW, THEREFORE BE IT RESOLVED, that this organization hereby goes on record in full support of the Quileute Tribe's closure of its port and any other measures which the Northwest Treaty tribes may effect to improve the return of fish guaranteed to each tribe by treaty; and

BE IT FURTHER RESOLVED, that this organization hereby goes on record in opposition to the United States' practice of allowing non-Indians to overharvest the native salmon runs destined for certain North Washington Coastal and Puget Sound rivers, and the upper Columbia River system, and the Klamath River Basin of Northern California.



RESOLUTION NO.  
Page 2.

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

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Ella Mae Horse  
Recording Secretary



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

RESOLUTION NO.

OPPOSITION TO S.1245, THE PUBLIC LAND REFORM ACT OF 1981

**EXECUTIVE DIRECTOR**

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*Luiseno-Diegueno*

**EXECUTIVE COMMITTEE**

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WHEREAS,

the NCAI, at its Mid-Year Conference assembled in Spokane, Washington, May 28, 1981, hereby recognizes the need for Indian people to have their voices be heard regarding their affairs; and

WHEREAS,

The U.S. Government officials, Congressmen, Representatives, etc. are in direct conflict with the United States' own constitution by proposing legislation to abrogate Indian treaties by proposing the Senate Bill 1245, 97th Congress, 1st Session and are in direct violation of said Congressional members' oath of office to uphold the Constitution of the United States; and

WHEREAS,

The U.S. Constitution, Article VI, Section II, states that "all treaties, made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and Judges in every State shall be bound thereby;" and

NOW, THEREFORE BE IT RESOLVED, that the NCAI hereby opposes all bills entered in the U.S. Congress which in any way abrogates treaties between Indian Tribes and the U.S.

BE IT FURTHER RESOLVED, that NCAI tribal delegates urge their respected members to voice out on this matter, not only in writing to Congressmen, but to also register and vote against the Congressmen who are dedicated to the abrogation of Indian treaties.

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



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

RESOLUTION NO. 81-99

**OPPOSITION TO S. 1245, THE PUBLIC LAND REFORM ACT OF 1981,  
AND OTHER SAGEBRUSH REBELLION BILLS**

**EXECUTIVE DIRECTOR**

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*Luiseno Diegueno*

**EXECUTIVE COMMITTEE  
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*Poarch Band of Creeks*

WHEREAS,

The National Congress of American Indians is an organization representing Indian Tribes in the United States; and

WHEREAS,

A movement known as the Sagebrush Rebellion has arisen in recent years seeking to transfer ownership of over 500 million acres of federal lands to state governments; and

WHEREAS,

A treaty cannot be legally, unilaterally modified; and

WHEREAS,

Indian Tribes were the original owners of the lands in question and maintain a variety of rights by virtue of aboriginal ownership and applying to these lands solemn treaties and agreements enacted with the United States; and

WHEREAS,

Many Indian Tribes in the western United States will be adversely affected by the enactment of the Sagebrush Rebellion legislation on both federal and state levels; and

WHEREAS,

All Sagebrush Rebellion legislation introduced to date has failed to give attention to the detrimental impact on Indian rights if the transfer of federal lands to state ownership becomes a reality; and

WHEREAS,

The NCAI strongly feels that federal and state lawmakers must responsibly address these important concerns of Indian Tribes; and

WHEREAS,

All legislation proposals have failed to make a policy declaration unequivocally recognizing Indian rights and pledging to protect and preserve such lands; and

WHEREAS,

All legislative proposals have failed to unconditionally and irrevocably require state governments to agree to fully respect and recognize the Indian treaties and aboriginal rights attached to such lands; and

WHEREAS,

All legislative proposals have failed to mandate that all federal lands that are to be transferred to state ownership must be managed and developed in such a way so as not to diminish or destroy a meaningful exercise of Indian rights; and

- WHEREAS, All legislative proposals have failed to guarantee a representative voice to Indian Tribes in managing lands to be transferred to the state; and**
- WHEREAS, All legislative proposals have failed to make provisions for Indian Tribes to apply along with the state for return of federal lands to the Indian Tribes; and**
- WHEREAS, All legislative proposals have failed to guarantee the continued exercise of Indian rights in the event that lands transferred to state governments are sold to private interests;**
- NOW, THEREFORE BE IT RESOLVED, that the NCAI strongly opposes Senate Bill No. 1245 that was referred to committee on May 20, 1981, and also opposes any other Sagebrush Rebellion Bills.**

**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**

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**Ella Mae Horse**  
**Recording Secretary**

## Position Statement

### Tribal Government Access to Health and Human Services Block Grants

Inter Tribal Council of Arizona recommends to Health and Human Services Secretary Richard Schweiker and to the United States Congress that tribal governments be included as eligible for direct DHHS block grants.

Legislation has been proposed by the Department of Health and Human Services to allow implementation of its Social Services Block Grant. The proposed legislation omits any mention of federally recognized tribal governments and residents within their jurisdictions. It is not clear how the administration expects to implement the other three block grants proposed.

To include Indian tribal governments as direct recipients in the proposed block grant programs could be the single most important act that Congress could take toward increasing opportunities for Indian reservations to become more viable and economically productive tribal homelands.

#### I. DEPARTMENT OF HEALTH & HUMAN SERVICES BLOCK GRANTS TO TRIBAL GOVERNMENTS

Tribal access to the four DHHS block grants may be accomplished in the following manner:

##### A. Social Services Block Grants:

- 1) Amend Secretary Schweiker's proposed bill for the Social Services Block Grant to include federally recognized tribal governments in the definition of 'States'.
- 2) Set aside for federally recognized tribal governments funds for the Social Services Block Grant and for the Energy and Emergency Assistance Block Grant.
- 3) Designate the Administration on Native Americans as the administrative pass-through agency.
- 4) Give tribes the option of receiving block grants based upon their desire to do so.
- 5) The "set-aside" should be 2% of each block grant and should be an addition to each block grant proposed.

##### B. Health Block Grant/Preventive Health Block Grant:

- 1) Work on legislation authorizing health block grants to States to include federally recognized tribal governments as recipients of the two health block grants.
- 2) Indian Health Service would administratively pass through these funds to tribal governments, but would not use them for their own programs.
- 3) Again, tribes would have the option to receive these block grants based upon their own desires.

- 4) Set aside funds for federally recognized tribal governments in each of the Health Block Grants.
- 5) The "set-aside" should be 2% of each block and should be an addition to each block grant proposal.

## II. EFFECTS OF THE PROPOSED BLOCK GRANTS

Unless tribal governments are included as eligible entities in the proposed block grants, residents of Indian reservations and the governments responsible for their welfare stand to lose in a number of ways:

- 1) Tribes will no longer have direct access to health and human service funds, even through competition.
- 2) States may elect to divert to other uses funds presently "passed through" to tribal and other local governments for such programs as community health, emergency medical care, and low income energy assistance.
- 3) Local non-Indian governments and private non-profit organizations will not be willing to relinquish to the state controls they currently exercise over program priorities. They can be expected to exert maximum pressure on the state to follow those priorities. The programs given greatest emphasis, therefore, may not be the ones most needed by residents of Indian reservations.
- 4) The problems outlined above will be compounded for the twelve Indian tribal governments whose lands lie in more than one state.
- 5) Tribes are primarily dependent upon the Indian Health Service for funds to support community and environmental health programs on Indian reservations. Reductions in the Indian Health Service budget will preclude IHS from continuing to provide funds for those purposes.

## III. IMPLEMENTING TRIBAL GOVERNMENT BLOCK GRANTS

The Administration for Native Americans, by virtue of its experience with tribes, would be the logical federal agency to administer the Social Service Block Grant and the Energy and Emergency Assistance Block Grant for federally recognized tribal governments. Tribal governments would have the same latitude as states in deciding how the block grant funds would be spent.

Indian Health Service would administer the Preventive Health Block Grant and the Health Block Grant for federally recognized tribal governments. IHS would pass the block grants through to the tribal governments. Tribal governments would decide on the uses for which block grant funds would be spent.

HUMAN RESOURCES COMMITTEE REPORT

1981 Mid-Year Meeting

NATIONAL CONGRESS OF AMERICAN INDIANS

The basic principles which should govern the provision of human resource development services to Indian people recommended by the Human Resources Committee and adopted at the 1980 Convention of the National Congress of American Indians were reaffirmed at the Committee's sessions held during the 1980 NCIA Mid-Year Meeting. Although many federal policies have changed significantly since the 1980 Convention, these principles remain valid. They include such fundamental concepts as:

- \* The recognition of a government-to-government relationship between federal and tribal governments.
- \* The provision of federal funds to tribal governments on an entitlement basis.
- \* The importance of meeting the needs of off-reservation people, especially through Indian-controlled service delivery organizations.
- \* The provision of assistance at levels which meet a substantial portion of the total need for services.
- \* The recognition of special circumstances which affect the delivery of services to all Indian people and which require special and flexible rules guiding program implementation.

While the principles adopted at the 1980 NCAI Convention remain the same, much

has changed since last October. Deep cuts in federal spending on human service programs, coupled with proposals to transform many programs into "block grants" to state governments pose challenges to Indian tribes and organizations and threaten to seriously undermine vital services needed by Indian people. The NCAI Human Resources Committee notes that these problems are compounded by the inter-relationships between different programs and services. For instance, basic services for the elderly can be wiped out by the loss of transportation services provided through a non-elderly program, even if funding is maintained for the program for the elderly. The overall, cumulative impact of the federal budget reductions and block grant programs (as currently proposed, without Indian participation) can only be described as devastating.

The Human Resources Committee reviewed the sections of the 1980 NCAI Convention statement covering each program area -- basic human services, AOA, CETA, ANA, etc. -- and updated the information. The Committee's comments, including specific recommendations for NCAI staff actions, follow.

#### Tribal Governments and Basic Human Services

1. The Reagan Administration has proposed a Social Services Block Grant program which would replace many individual human service programs, including the Title XX program. Other Department of Health and Human Services proposals include an energy and emergency assistance and two health block grants. There is still a question as to whether the Congress will act favorably on these proposals, and act in time for these programs to become effective this coming October 1st. In the event that the block grant proposals are not enacted, the Human Resources Committee believes the policies adopted by the 1980 NCAI Convention should continue to apply.

2. If and when the Congress does enact the HHS block grant proposals, they



should be amended to include:

- a. Provision for the direct funding of tribal governments.
- b. The establishment of an Indian set-aside of not less than 2% of the total funds available for such programs.
- c. Federal administration of the Indian component of such programs by agencies with an exclusive focus on Indian activities, such as the Administration for Native Americans and the Indian Health Service.
- d. The full pass-through of all available funds, including funds for planning and program administration to recipient tribal governments.
- e. The use of an entitlement formula in the allocation of all available funds.
- f. Flexibility to enable tribal governments to decide how such funds should be spent.

Further information on these and related points is contained in the attached recommendations presented to the Committee and developed by Inter-Tribal Council of Arizona. NCAI should vigorously support these points in all its contracts with the federal Administration and the Congress.

3. The Reagan Administration has proposed the total elimination of the BIA general assistance program in the State of Alaska. NCAI should join the Alaska Federation of Natives in strenuously opposing any such move for at least three reasons:

- a. There was no consultation with any Alaskan group prior to announcing the proposed termination of these services.
- b. The proposed termination of BIA general assistance services violates the fundamental principles of the federal trust

responsibility to native people and the government-to-government relationship with the political institutions representing native people.

- c. The proposal constitutes a very dangerous precedent that, if adopted, could be used to strip federal trust services from any Indian group in the "lower 48" states.

4. The Congress is now rewriting the authorization legislation for the food stamp program, seeking to restrict eligibility and benefits in a number of ways. NCAI should play an active role in monitoring these legislative developments, analyzing their potential impact on Indian people and advocating for Indian interests in the reauthorization of the food stamp program.

#### Human Services and Off-Reservation Organizations

The federal budget cuts and proposed shift to block grant programs will have a very negative impact on Indian people living in off-reservation, as well as on-reservation communities. One very likely impact of these federal policy shifts would be the further migration of Indian people from their reservation homes into urban areas that are unprepared and frequently unwilling to receive them as equal citizens with unique rights. The Human Resources Committee reaffirms the policy of the 1980 NCAI Convention regarding services to off-reservation Indian people. Accurate, complete data on their needs must be combined with state level advocacy to force the adoption and implementation of policies setting aside resources at the federal, state and local government levels to insure that the special needs of off-reservation Indian people are met.

#### Administration on Aging (AOA) Programs

Congress is now reauthorizing the programs under the Older Americans Act.

While some of the legislative proposals involved are very constructive, such as providing more flexibility in the definition of eligibility for services and in removing the provision that Indian Title VI funding be deducted from the amounts allocated to non-Indian agencies, nearly all of the points in the 1980 NCAI Convention statement on AOA programs remain unresolved. An increase in the Title VI funding level of \$20 million is needed, both to increase the proportion of the needs being met and to permit the funding of new grantees to reach Indian people now without any services. A fully staffed, permanent office, headed by an Indian, should be created within AOA to administer the program. AOA must vigorously enforce the requirements that off-reservation Indians eligible for AOA-funded services receive them and that the services provided recognize the unique needs of the Indian elderly.

#### Child Welfare Services

The Human Resources Committee reaffirms the points in the 1980 NCAI Convention statement concerning child welfare services. In particular, it is concerned that finalization and implementation of the rules governing grants to tribal governments under the Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) be expedited.

#### Comprehensive Employment and Training Act (CETA) Programs

1. Federal budget cuts in CETA are expected to result in the total elimination of all Public Service Employment (PSE) programs under Title II-D and Title VI. The loss of these resources to Indian communities is triggering catastrophic impacts, involving the loss of scarce jobs to Indian workers, Indian workers, involving the loss of services provided to Indian people, and involving the weakening of the capability of tribal governments to function effectively. NCAI condemns the

callousness with which these cuts were imposed by OMB without any examination of the significance of these programs in Indian Country and without any consultation with Indian governments and organizations. The Senate Select Committee on Indian Affairs has recommended in its Report on S. 1088 that these cuts be partially restored by the creation of a new public employment program component in the Native American Programs Act, ANA's enabling legislation. The Human Resources Committee's comments on that proposal are found in the section of this report covering ANA programs.

2. The precipitous withdrawal of CETA PSE funds from tribal governments has resulted in some Indian grantees having inadvertently incurred valid program costs above the level of their newly reduced PSE allocations. The Human Resources Committee strongly opposes any move by the Department of Labor (DOL) to cover these situations with funds taken from the Indian set-aside portions of the CETA appropriations.

3. The Human Resources Committee continues to support a strong, independent Indian office within DOL, with full authority and capability to administer all Indian CETA programs at the national level. NCAI should insist that DOL comply with the requirements in Section 302 of the CETA law that mandate such an office.

#### Administration for Native Americans (ANA) Programs

With respect to ANA's existing programs, the Human Resources Committee reaffirms the positions taken at the 1980 NCAI Convention. It updates these positions to two respects:

1. ANA's budget for its existing programs must be increased, not reduced as the Administration has proposed. The Committee favors an increase in funding to \$50 million, a level scarcely adequate to compensate ANA programs for inflation and the expansion of ANA's responsibilities.

2. The Committee understands that ANA continues to impose its own definition of service priorities on grantees, sometimes in direct opposition to service priorities set by tribal governments. Such unilateral federal action violates the principle of self-determination that is fundamental to the desire of Indian tribes and organizations for social and economic self-sufficiency. The Committee expressly reaffirms the statements in the 1980 NCAI Convention report on the SEDS initiative and interprets the five points described there as applying to all ANA community programs. In addition, the Committee asks NCAI staff to seek a clarification of ANA policy for denying grantee requests to use ANA funds for grantee-selected projects which are within the activities permitted by federal law and regulations.

With respect to the public employment component (Section 7) of the ANA re-authorization bill (S.1088) reported out of the Senate Select Committee on Indian Affairs, the Human Resources Committee believes that these principles should be incorporated into such a program:

1. The level of resources provided to tribal governments under the CETA PSE program should be maintained. More specifically, NCAI should seek to insure that the funding provided under any new public employment program authorization not be taken out of funds earmarked for other Indian programs remaining under CETA.

2. ANA should be required to consult, openly and continually with all tribal governments eligible for funding on all aspects of program implementation, including fund allocations and the development of regulations.

3. ANA should follow the principles of the 1980 NCAI Convention statement on the approach to fund allocation -- namely, that all program funds be allocated to tribal governments on an entitlement basis, utilizing a formula based on the relative need for services within the area of jurisdiction of each grantee.

4. ANA should strictly respect the determination of tribal governing bodies

concerning the priorities for the use of all available funds. In addition, ANA should recognize the ten years of experience of tribal governments, under CETA and the predecessor program of the Emergency Employment Act 1971, in implementing any new public employment program.

5. ANA should adopt regulations which enable grantees to take full advantage of the flexibility permitted by law in using Section 7 funds. This approach would resolve the issues raised in the NCAI 1980 Convention statement, objecting to the restrictions placed on CETA PSE funds.

#### Community Services Administration (CSA) Programs

1. The 1980 NCAI Convention statement described CSA's continuous denial of the right of tribal governments to designation as community action agencies. NCAI's work on this issue has led to important language in the House Education and Labor Committee's Report on the CSA reauthorization bill (HR 3045), charging CSA to take action on this matter. The Committee commends the efforts on NCAI staff on this issue and encourages the staff to continue to press for CSA compliance with the law.

2. Congress is now reauthorizing the low income energy assistance legislation. Whether this program continues to be administered as a categorical program or becomes incorporated into a block grant-style program, NCAI should advocate the inclusion of legislative provisions consistent with the principles section of the 1980 NCAI Convention statement and the comments on block grant programs in this Human Resources Committee report, adopted at the 1981 NCAI Mid-Year Meeting.

HUMAN RESOURCES COMMITTEE REPORT  
1980  
NATIONAL CONGRESS OF AMERICAN INDIANS

Introduction

The federal government administers a wide variety of programs designed to provide social and employment services to people in need. Nearly all of these federally funded programs provide services relevant to the needs of Indian people. Services for families, youth, older people, unemployed and underemployed workers are important if all Indian people are to achieve their full human potential.

Some federally financed human services are delivered directly by federal agencies; e.g., the Bureau of Indian Affairs, Indian Health Services, and the Veterans Administration.

Some federal funds for human services are distributed through an open competitive grant process open to tribal governments and to private, nonprofit Indian organizations. These would include funds controlled by the Administration for Native Americans and the Community Services Administration.

Most federal funds for human services are provided under block grants to states and are administered through the federal grant-in-aid system. These include funds available for many programs authorized by the Social Security Act, including:

- \* Title IV - Grants to states for aid and services to needy families with children and for child welfare services;
- \* Title V - Maternal and child health and crippled childrens services;
- \* Title XIX- Grants to states for medical assistance programs (Medicaid);
- \* Title XX - Grants to states for services; and
- \* Title III of the Older Americans Act - Grants to states.

States are expected to make available statewide to all eligible individuals the services financed through the federal grant-in-aid system. In those states where the state has no jurisdiction on Indian land, services

## HUMAN RESOURCES COMMITTEE REPORT

which have licensing, legal or regulatory components; e.g., foster care and protective services for children and adults, cannot be provided by the state on Indian reservations. In some instances, states have worked out intergovernmental agreements with Indian tribes for delivery by the tribe of child welfare and protective services on reservations.

There are also problems in those cases where the federal funds do go directly to tribal governments. Under many of the programs of this type, for instance Title VI of the Older Americans Act and the Indian Child Welfare Act program, funds are extremely limited and do not begin to address the total need. Further, such programs often include restrictions written into law and regulations that are intended for non-Indian communities, restrictions that do not fit the conditions of Indian communities.

### Principles

A set of principles should govern all federal human resource programs that have the potential to provide needed services to Indian people. Among these principles are:

#### Human Services and Indian Governments

1. All programs must recognize the unique status of Indian tribal governments and the relationship between tribal governments and the federal government. As used in this report, the term "Indian tribal government" is meant to include native Alaskan entities which have comparable status under the terms of the Indian Self-Determination Act (P.L. 93-638) and federal general revenue-sharing legislation.
2. In keeping with the principles inherent in the concept of Indian self-determination, all programs must recognize the relationship between human resource services and the exercise of the jurisdictional powers of tribal governments. For example, the exercise of jurisdiction in



child custody cases by tribal court systems must be accompanied by the ability to provide related child welfare services.

3. Federal grants to federally recognized tribal governments should be provided on an entitlement basis; that is, made available to all tribal governments with the capacity and desire to administer them and at funding levels which relate the amount of financial assistance to the proportion of the total need served by each tribal government.

#### Human Services and Off-Reservation Indian Organizations

Federal human resource programs must take into account the special needs of Indian people living in areas not directly under the jurisdiction of tribal governments. Such programs must insure that relevant program services reach these Indian people through appropriate mechanisms, especially through urban Indian centers and other Indian controlled organizations.

#### Human Services and All Indian Communities

1. Federal financial assistance for human resource services must be provided at levels which can meet a substantial portion of the need. The amount of federal financial assistance provided to meet the needs of Indian people must increase as the total amount of all such federal support increases.
2. The federal government must use accurate data in calculating the need for human resource programs serving Indian people and in allocating available resources among tribal governments. An accurate and uniform data base is essential, one which includes the total Indian population living in each community.
3. Federal programs must recognize the special circumstances that affect the delivery of human resource services to Indian people on reservations and those in other Indian communities. Program rules must accommodate

## HUMAN RESOURCES COMMITTEE REPORT

such circumstances by providing needed flexibility in the implementation of programs consistent with the principle of Indian self-determination.

4. Federal agencies administering programs intended to reach Indian people must be structured in a way that recognizes the special requirements of Indian programs. These include:
  - a. Sharing the responsibility for the development of program policy, including program regulations, with tribes so that the policy reflects the desires and needs of Indian governments and organizations.
  - b. Providing adequate support mechanisms, including technical assistance and research and development capabilities, to insure that tribal governments and Indian organizations receive the help necessary to improve the effectiveness with which they provide services to their constituents.

All of these basic principles should underly each federal human resource program relevant to Indian needs. Each program should be judged with these principles in mind. Special policy recommendations follow regarding particularly important programs.

### Indian Governments and Basic Human Services

The Committee considered a variety of federal programs which are or should be providing basic human services to Indian people under the direct jurisdiction of tribal governments. The Committee urges NCAI to adopt the following recommendations concerning these programs:

1. Indian governments should have direct access to funds for basic human services under a system of entitlements, with funds provided from the federal government directly to tribal governments based on their status as general purpose governmental bodies. Title XX of the Social Security Act should be amended to provide this type of direct access.

## HUMAN RESOURCES COMMITTEE REPORT

2. Federal funding to Indian governments should be exempt from the requirement that a local matching share be provided.
3. The Administration should seek and the Congress should approve special funding for implementation of the Indian Child Welfare Act (P.L. 95-608). Activities should not be funded through the diversion of existing Bureau of Indian Affairs funds needed to support ongoing services. In consultation with tribes, the Departments of Interior and Health and Human Services should develop interagency mechanisms to support implementation to these programs.

### Human Services and Off-Reservation Organizations

The Committee considered federal programs which should be providing basic human services to Indian populations in off-reservation communities. The Committee urges NCAI to adopt the following policy recommendations:

1. Federal agencies should adopt eligibility criteria for off-reservation Indian populations that take into account their transitional status and need for supportive services, rather than apply the criteria now incorporated in categorical aid programs.
2. Since urban Indian organizations serve vulnerable Indian families from many tribes, they should be allowed access to Indian Child Welfare Act funds without having to obtain resolutions of support from tribal governments.
3. Because off-reservation Indian organizations have been systematically denied access to funds and human service program resources administered by local governments, federal agencies should initiate action and policies to develop set-aside funds and program resources at the levels of municipal, county, state and national government.

### Administration on Aging (AOA) Programs

The Committee considered the two major programs providing Indian communities

## HUMAN RESOURCES COMMITTEE REPORT

with aging services resources, Title III and Title VI of the Older Americans Act. The Committee urges NCAI to adopt the following policy recommendations:

1. The Administration should request and the Congress should approve an increase in the amount of Title VI funds from the present \$6 million level to \$20 million.
2. AOA should immediately expedite the processing of already approved Title VI grants to tribes so that they can immediately initiate approved program services to their constituents.
3. Title VI funding for off-reservation groups should be considered, contingent on a proportional increase in the Title VI funding level in order to be able to meet the needs of off-reservation Indian senior citizens.
4. The Bureau of Indian Affairs must not withdraw funds it has formerly provided for services to the elderly on the grounds a tribe has received a Title VI grant.
5. AOA should establish a fully staffed and permanent office, supervised by an Indian, within its structure to effectively administer the Title VI program.
6. In overseeing AOA Title III programs in off-reservation areas, AOA must vigorously enforce the requirements that off-reservation Indians eligible for services receive such services and that the services provided recognize the unique needs of Indian elderly.

### Child Welfare Services

The Committee considered a number of concerns in the child welfare services area. The Committee urges NCAI to adopt the following recommendations:

1. Some states, such as California, have failed to exercise their responsibility for implementing provisions of the Indian Child Welfare Act. NCAI, in collaboration with other interested Indian organizations (including the American Indian Lawyer Training Program and California Indian groups)

should bring this problem to the attention of the Congress and seek appropriate remedies, including amendments to the basic legislation, if necessary.

2. The National Indian Child Abuse and Neglect Resource Center has made important contributions towards addressing the needs of Indian and non-Indian programs serving Indian children and their families. It is recommended that NCAI support continued funding for NICANRC.
3. The Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), Section 428, provides for direct funding to Indian tribal organizations (tribal governments) for child welfare services as defined in the Act. NCAI should take an active role in encouraging and coordinating tribal participation in the development of rules and regulations implementing the Indian provisions of P.L. 96-272.
4. No monies will be taken out of BIA funded social service programs but additional money be appropriated by Congress to fund the ICW Act.

#### Comprehensive Employment and Training Act (CETA) Programs

The Committee considered the various programs under CETA and the administration of these programs by the Department of Labor. It recommends that NCAI adopt the following policy recommendations:

1. Among the CETA funds available to tribes are funds under the Public Service Employment (PSE) programs authorized by Title II-D and Title VI. The funding available for tribal PSE programs has declined by approximately 38% since Fiscal Year 1979. These funding reductions have had a severe impact on both employment conditions and the ability of tribes to deliver services to reservation residents. DOL should immediately act to release PSE discretionary funds, for which tribes are legally eligible, to offset these funding reductions.

## HUMAN RESOURCES COMMITTEE REPORT

2. Funding for PSE staff slots is now restricted by a provision in the CETA law that limits the wage levels of PSE positions to a level barely above the federal minimum wage. Such salary levels are not adequate to meet the basic human needs of PSE participants or the needs of tribes in attracting employees needed to deliver basic services. Congress should amend the law to raise the wage levels for PSE participants and consider the possibility of adding dependents allowances to the basic wage level.
3. The process by which DOL now makes CETA grants to tribes, native Alaskan organizations and urban Indian groups does not guarantee the continuity of funding from one Fiscal Year to another. As a result, all Indian CETA grantees were recently ordered to terminate their operations on October 1st because of the lack of a "continuing resolution". Non-Indian CETA grantees are not treated in this manner, but assured the continuity of their operations. DOL should change its grant procedures with respect to Indian programs to guarantee the continuity of funding and to permit the release of new Fiscal Year funds within no more than four weeks after money is appropriated by Congress.
4. As a result of a reorganization within DOL, the permanent staff ceiling for the Office of Indian and Native American Programs (OINAP) was reduced by 9 slots, or 28%. The extent of this reduction was proportionately much more severe than the staffing reductions in the units of DOL serving non-Indian prime sponsors. DOL should reexamine the needs of the Indian Office (OINAP) and increase the staff ceiling to insure an adequate level of support for all Indian CETA grantees. In the wake of the reduction in the staff ceiling, DOL promised to augment the staff in OINAP through the use of the mobility program under the Intergovernmental Personnel Act (IPA). Depending on the conditions under which IPA slots are made available to tribes and other grantees, the IPA program may prove

- beneficial in strengthening the OINAP staff. Nonetheless, it should not be used to substitute for permanent staff positions in OINAP.
5. DOL has recently removed the authority, previously held by the Director of OINAP, to approve DOL grants and resolve audit issues for Indian CETA grantees. This power must be returned to the Director of OINAP immediately in order to insure that the full control of the Indian program remains within the DOL Indian Office.
  6. The CETA law expires at the end of Fiscal Year 1982. During the coming year, officials of tribes and other grantees, including CETA program administrators must take an active role in protecting Indian interests as the current law is examined and renewal legislation drafted. DOL officials and the Congress must facilitate the participation of Indian leaders in this process.
  7. The success of Indian CETA programs depends not only on the efforts of tribes and other grantees, but also on the level of support provided to the programs by DOL. An important ingredient of that support includes the provision of technical assistance and training responsive to grantee needs. An internal DOL report found that the present level of TA support for the Indian program is nearly nonexistent. DOL must increase the level of this support and the level of TA funding made available for the Indian program.

#### Administration for Native Americans (ANA) Programs

The Committee considered the programs administered by the Administration for Native Americans (ANA) under Title VIII of the Community Services Act. It urges that NCAI adopt the following policy recommendations:

1. ANA has been unable to meet its diverse responsibilities to tribal governments, urban Indian centers and other Native American groups at the \$32 to \$33.8 million funding level that has prevailed ever since Fiscal

Year 1974. There has been no adjustment, even for inflation, over all these years, causing a major reduction in the amount of real services ANA dollars can provide. The Administration must seek a substantial increase in this funding level. The Appropriations Committees of both the House and Senate should hold special hearings on the ANA budget, taking testimony from Indian governments and organizations. Acting on the basis of the need shown in these hearings, the Congress should approve a funding increase.

2. Tribal governments and off-reservation Indian groups have expressed serious concerns about an ANA policy initiative called Social and Economic Development Strategies (SEDS). These concerns involve many different, but related elements. First, the formulation of new policy must arise from Indian governments and Indian communities themselves and not be dictated by federal officials. Second, ANA should not implement SEDS by defunding existing grantees or reducing the funding level for existing grantees, as ANA clearly has done. Third, ANA must carefully consider the disruption in tribal and urban programs it is causing by forcing changes in program priorities as part of its implementation of the SEDS concept. Tribes and other grantees must be given an opportunity to implement changes in program priorities over time so as not to disrupt ongoing services and destroy long-established capabilities to provide services to Indian people. Fourth, ANA should not impose time limits on the continuation of its ongoing support for tribes and off-reservation groups, since such support is necessary to continue the capability of grantees to deliver needed services to their constituents. Fifth, ANA must protect the principle of self-determination, rather than imposing federal agency ideas of program priorities on tribes or other grantees.
3. The authorization for ANA programs, Title VIII of the Community Services Act, expires at the end of this Fiscal Year. The Administration and the



relevant Committees of the Congress should develop a plan to involve tribes and Indian organizations on the renewal of this authorization law.

Community Services Administration (CSA) Programs

The Committee considered the programs which CSA administers under the Economic Opportunity Act, particularly the community action program under Title II of that legislation. The Committee urges NCAI to adopt the following policy recommendations:

1. CSA has not developed a process to designate tribal governments as community action agencies since the transfer of Indian Community Action Programs to the Office of Native American Programs in the former Department of Health, Education and Welfare. CSA has not established procedures to notify tribes that they qualify for designation as community action agencies under existing law. As a result, no tribal government has received such designation. CSA's lack of policy has not allowed planning grant assistance to go to help tribes enter the community action program. A priority of CSA should be to expedite the development of policies and procedures and to provide the necessary funds to enable tribal governments to be designated or redesignated as eligible CAP agencies. CSA should give particular attention to those geographic areas that have significant Indian populations, but no designated community action agencies.
2. It is reported that CSA has changed its policies with respect to the crisis intervention energy program in such a way that the funding for tribal programs will be reduced and the relationship between tribal and state programs changed. CSA should reconsider these actions to preserve the funding for tribal programs at a level at least as high as last year's level and under terms that provide funds directly to tribes without state government interference.

Economic Development Committee  
Update Report  
and  
Follow up Recommendation  
to  
National Congress of American Indians  
Mid-Year Convention  
Spokane, Washington

During the past 18 months the Economic Development Committee has reviewed and analyzed a wide diversity of legislative issues, federal agency economic development programs and their regulations, new economic development issues, and budget issues relative to economic development.

At the Annual Convention in Spokane, Washington in October, 1980, and Executive Council Meeting on June 21, 1980, the membership adopted our recommendations in the aforementioned areas. Further update is provided below.

Buy Indian Act

The Congress was to be asked to take all necessary and proper steps to comprehensively reform the Buy Indian Act to provide for Indian preference in all federal procurement intended for the benefit of Indians. When the committee formally organized in January, 1981, it decided to marshal its resources to other issues and this was held in abeyance. However, as will be noted later in this report the newly organized National Indian Business Association (NIBA) will take up this issue as one of their projects.

SBA 8(a) Program

Similar to Buy Indian the Congress was to be urged to establish a preference for Indian businessmen in all federal procurements intended for the benefit of Indians both on and off reservations. This issue was also put in abeyance. The NIBA will also through their various state charters bring political leverage to impact on the legislation affecting this SBA Program. NCAI and this Economic Committee will be asked to support this effort once NIBA addresses the issue.

Industrial Development Bonds

The Congress was to be urged to enact amendments to the Internal Revenue Code to enable Indian Tribes and Alaskan Natives to issue Industrial Development Bonds (IDBs). The Committee has previously reviewed Congressman Udall's H.R. 5918, Tribal Governmental Tax Status Act, and has approved with certain provisos, (1) it should provide for federal guarantees, (2) new forms of collateral and (3) technical assistance necessary to enable tribes to successfully issue IDBs. It is the Committee's understanding that various Washington based law firms and Indian organizations are in the process of strategizing to reintroduce the bill in its original form for the 98th Congress (April, 1982). The Committee supports this effort with the provisos.

## American Indian Development Finance Institution (AIDF)

The Committee and its members have been working individually and jointly to create an AIDFI. Through the American Indian Development Corporation (AIDC) this committee's Chairman has brought together a group of economists, development bankers, economic development specialists, lawyers, financiers, and others who have worked to create an initial draft of an AIDFI. The draft must now sustain rigorous analysis of Indian law, private and public sector investment criteria and the Indian people. A legislative strategy is yet to be designed for capitalization and implementation. The Committee fully supports the creation of an AIDFI for Indian economic development.

### AIDC Funding

The Committee and NCAI requested ANA, MBDA, CSA, and the National Rural Development and Finance Corporation continue funding AIDC to create an AIDFI. All entities except CSA have refunded AIDC for FY 81.

### Economic Revitalization Board

The Carter Administration was to be urged that it select at least one Indian for the Economic Revitalization Board. No action was taken after the November 4, 1980 election.

### Permanent Economic Development Committee

At the January 21, 1981 Executive Council meeting the committee adopted a plan of operation fulfilling the October, 1980 NCAI resolution to create a permanent Economic Development Committee. This committee will focus on issues of broad policy and strategy applicable to all Tribes and individuals. NCAI shall have a representative from each of the eleven (11) NCAI regions and the committee shall not exceed 40 people. The plan is contained in the January 31, 1981 NCAI report.

By resolution this permanent Committee was to provide continuance analysis and recommendations by NCAI on such issues as:

#### A. Federal Trust Responsibility as it relates to Economic Development

This issue has been held in abeyance by the Committee pending the receipt of information and analysis from AIDFC as a part of its overall analysis of Indian access to public and private capital.

#### B. Federal Agency Review and Monitor

By resolution NCAI supported the efforts of the Indian Desk of FmHA to effect program changes which would make Indians eligible for certain programs which they are not now eligible.

As of the NCAI Executive Committee Meeting on January 21, 1981 twenty-five (25) of the regulations have been administratively changed. The remaining forty (40) were on hold due to a program freeze ordered by the Reagan Administration. The Secretary of the agency is now in the process of writing a rural development policy. Once the policy is written and accepted by the

current administration and the freeze is lifted (June, 1981 expected date) then the agency may proceed with remaining barriers to Indian participation in the agency's various programs. However, seventeen (17) of the barriers will require legislative amendments. FmHA Indian Desk is awaiting the above prior to proceeding to advocate for the administrative and legislative changes.

#### C. National Consumer Cooperative Bank & Other Financial Institutions° Analysis

As noted above AIDC has analyzed the barriers to accessing private & public capital and why, if accessible, it is the wrong kind of capital. However, the NCCB does have specific functions and can be used by Indian and Alaskan Natives provided that jurisdictional, sovereignty, and collateral problems are overcome. The final report by AIDC on this issue shall be published in September, 1981 and available to this committee.

#### D. Alternative Sources of Debt Capital

Again, as noted throughout this report, AIDC is working on an AIDFI which shall provide long-term development capital as a new source. Much work remains to be done and AIDC looks to the 98th Congress to enact such a institution.

#### BIA Indian Action Team Budget Cut

A resolution from 1980 NCAI Spokane meeting called for the continuation of the Indian Action Team Program of the BIA. NCAI sent letters to and called the following: Senator Pete Dominici, Chairman Senate Budget Committee; Senator William Cohen, Chairman Senate Select Committee on Indian Affairs; Senator Mark Hatfield, Chairman Senate Appropriations Committee; Congressman Morris Udall, Chairman House Committee on the Interior; James Watt, Secretary of the Interior; Ken Smith, Assistant Secretary for Indian Affairs; and Don Pepion, Black Feet Indian Action Team. This program was included in the Bureau's consolidated budget line item. In effect it has been severely reduced and its impact has been rendered very minimal.

#### Economic Development Policy Paper

At the recent National Tribal Governments Conference held in Washington, D.C., representatives of NCAI joined with others at the meeting to formally adopt a set of recommendations and policy initiatives for use by the Reagan Administration.

#### National Indian Businessmen Association (NIBA)

NCAI sponsored the initial organization meeting of NIBA on March 26, 1981 in Las Vegas, Nevada. The purpose of the meeting was to form a national association that would represent Indian businessmen and women, owning or representing an individual business of at least 51% Indian ownership, or a tribe. Forty-eight (48) individual Indian businessmen and women registered for the three day meeting. NCAI representatives included both staff and Executive Committee members. M(s). Joyce Knows-His-Gun who is vice president of First American Associates was elected NIBA President. NIBA approved a constitution which states that the NIBA purpose is to "promote economic

development and economic self-sufficiency for American Indian and Alaskan Natives by assisting them in the development of Indian owned businesses."

Follow Up  
Recommendation

HR 5918 - Industrial Development Bonds

NCAI staff should closely monitor the progress of HR 5918 should it be reintroduced in the next Congress. Staff shall review the committee's analysis which is on file and support the bill with the provisos. Staff shall coordinate with this Committee's Chairman for additional input, analysis and testimony.

NIBA

NCAI should position itself to assist this organization with liason and lobbying efforts in the area of Buy Indian Act and the SBA 8(a) program once NIBA becomes ready to address those issues. The economic committee stands ready to assist with further analysis of both of issues and suggested changes to benefit Indian business owners.

AIDFI

NCAI has supported the creation of an AIDFI by resolution. The American Indian Development Corporation (AIDC) is the facilitator for this proposed organization. NCAI should closely monitor their progress and provide general support in the Washington, D.C. area. It shall coordinate this support with AIDC's Washington, D.C. liason firms.

B



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## EDUCATION

Education continues to be given highest priority by Tribes and Alaskan Native communities. The first document in this section offers a general sense of the education concerns currently being expressed by Indian educators and Tribal officials. The document summarizes the issues discussed by the NCAI Education Concerns Committee during the 1980 NCAI Annual Convention and identifies the positions taken by the Convention delegates in response to those concerns. The following statements outline specific Tribal educational concerns in greater detail. Several supporting documents are also included, to provide greater clarity on these issues:

1. Department of Interior and Department of Education Block Grant proposals

concern: Tribes need to have direct access to education funds, especially if delivered through a block granting mode. S. 1103, H.R. 54, the Senate Labor and Human Resources Committee's budget recommendation for the Department of Education for FY 82, as well as the Consolidated Tribal Grant Program proposed by Interior do NOT provide the safeguards and assurances which guarantee that access.

2. Title XI, PL 95-561 and DOI Education Services

concern: Congress intended, by passing Title

XI, to strengthen the educational services provided by the BIA's Office of Indian Education Programs to Indian students, FULL compliance with the mandates of the Act and with the recommendations developed by the Task Forces set up to guide the implementation has yet to occur. (Note: The full text of these concerns is given as a part of the discussion of the 93-638 Regulations revisions in a previous section.)

3. Title IV, Indian Education Act and the Office of Indian Education, U.S. Department of Education

concern: The identity and the autonomy of the OIEP must not be affected by any change in the internal or the external structure of the U.S. Department of Education.

4. Reauthorization of the Vocational Education Act

concern: The amount of the set-aside for support of Tribal based Vocational education projects must be increased. BIA should also be required to comply with the matching of the set-aside funds as required by the legislation.

5. Indian Higher Education

concern: Clear access of Indian students to the scholarship and fellowship monies required for their post-secondary education must be maintained.

6. Indian Library Services

concern: Indian Tribes and their memberships must have the same access to library and library services which non-Indian communities currently enjoy.

7. National Endowment for the Humanities

concern: NEH (as well as other federal agencies serving education-related functions) cannot exempt themselves from their responsibilities under the treaty obligations and trust agreements to provide education services to Indian Tribes.

Several common themes run through these statements. Indian students of all ages have the right to benefit from quality education programs and quality educational experiences. BIA has a responsibility to act as a "lead agency" and is forbidden both by law and treaty rights to pull back



from meeting all of its educational responsibilities to Indian children and Indian adults. Other agencies within the federal system are likewise responsible for meeting their fair share of the FEDERAL government's responsibilities to the Tribes in Indian education. Diversity of opportunities for services is favored by Tribes, since this strengthens the possibility of constructing programs which can be uniquely sensitive to educational needs of each Tribe's membership. Taken as a whole, the message conveyed by these statements of Tribal concern in Indian education is clear: In NO sense is a departure from a full FEDERAL participation in Indian education ever to be entertained.

NCAI EDUCATION COMMITTEE REPORT  
 1980 ANNUAL CONVENTION :  
 An OVERVIEW

The report was prepared by the NCAI Education Committee to summarize the information presented to the Committee members during NCAI's annual convention in 1980. The report identifies many of the problems and concerns raised by tribal delegates during the committee's four days of discussion. The report is divided into five sections, each of which deals with a general area of Indian education concern. The sections are:

- . Title XI, PL 96-561, the Indian Basic Education Act;
- . Johnson-O'Malley and Impact Aid programs, and other Department of the Interior Indian Education Programs services;
- . Vocational, Adult, and Community Education services;
- . Title IV, Indian Education Act;
- . Bilingual and Bicultural Education services and resources;
- . Research and Information.

Each of these sections was prepared by a subcommittee made up of Indian educators, tribal representatives, and other persons familiar with the problems and issues through firsthand experience. Overall, more than 80 people participated in the work of the Education Committee during this convention. The preparation of this report clearly benefited from the presence, input, and support given by each of those individuals.

Title XI, PL 95-561; JOM, and DOI/OIEP Services:

The first issue discussed is the publication of regulations and education standards under Title XI, PL 95-561. American Indian tribes have been effectively

prohibited from more active participation in the education of their members, and Indian parents in the education of their children, due to long delays in the finalization of regulations governing BIA school boards operations, BIA education standards, and the BIA responsibilities for funding and support generally in Indian education. Our recommendation is that NCAI request the administration to fulfill its legal mandates, publish the Title XI rules and regulations according to the established schedule, and do so in the spirit originally established by the Task Forces which prepared them.

Participation in school boards activities requires particularly intensive involvement in personnel and budgetary management on an ongoing basis. There is a need for the training of school board members in these and related areas. We recommend that a joint training meeting for all school boards be held to review and discuss the Title XI school board regulations, and that common concerns for training be addressed during that session. It is also urged that the funding needed to support the operation of these school boards, as mandated under Title XI, be requested by DOI and be appropriated by the Congress.

Other budgetary issues are identified in this section of the report. Concern is expressed about the apparent attitude within the Congress that Title XI can be used as a means for cutting back on the funding provided to DOI for support of Indian education. JOM funding has experienced similar difficulties. BIA established a special Task Force to determine needs for JOM support after the program was reauthorized under PL 95-561. The BIA should immediately release the Task Force report as a statement of official position on JOM support, and then begin a vigorous program to secure adequate funding at the recommended.

JOM supplemental support has not kept pace with increases in the numbers of students served under this program. This has resulted in a decline in the quantity and quality of services and this trend needs to be reversed -- again by a more aggressive BIA effort to secure appropriate funding and make it available to the schools.

Impact Aid program has similar problems. Proposed regulations governing the funding levels for this program, grievance procedures to ensure the schools spend the funds on Indian education projects, and related issues have been published by the Department of Education. The BIA Task Force looking into this matter submitted a draft of proposed regulations to DOI, but to date they have not been published. The matter needs to be corrected, or tribes need to be told why publication and implementation is not possible.

Problems with school construction funds and the closely related issue -- the unilateral closing of BIA boarding schools -- are discussed. We call for increased levels of funding for school construction. We denounce the lack of consultation with tribes in the recent decisions to close boarding schools in Oklahoma and Alaska.

The need for the BIA to increase its support for the more specially focused education programs serving Indian students is noted in several recommendations. Library, cultural and informational resources need to be made more available to all BIA schools and to the tribes living on reservations or in isolated areas. Federal regulations governing the implementation of services to . . . handicapped, gifted and talented Indian students limit the level and quality of the education these students currently receive, especially if they are enrolled in BIA and tribally contracted schools. Oversight hearings on this matter are needed immediately.

The final area of discussion in this section focuses on support for

Tribal Departments of Education and for Education Codes. To date, some 70 tribes have requested assistance and support in developing TDOE's and establishing education codes to guide their operation. Policies were developed under Title XI in support of this issue, but adequate funding for planning or for implementational purposes has yet to become available. We recommend that funding be appropriated as required for the purpose under Title XI, and request that NCAI draw attention to this matter during Appropriations and other hearings in the spring of 1981.

Vocational, Adult, and Community Education services:

Several of the issues discussed under this section relate to the numerous problems in the funding of the tribally controlled community colleges. The American Indian Higher Education Consortium and several of its member colleges were disqualified from funding in the FY 81, Title III, Higher Education Act competition. This forced these institutions to cut back on their level of services to tribal members quite extensively. We urge that the levels of funding awarded to the tribally controlled colleges be increased and that the review process for applications under Title III be revised as necessary so that tribally controlled colleges will not be excluded from funding in future years.

PL 95-471 can provide a certain degree of security, where support for the tribally controlled colleges is concerned. But its full potential for impact has yet to be felt because of restricted funding levels imposed on the Act by the DOI and the Congress. We urge NCAI to work toward securing longer term funding for PL 95-471 and for increases in the funding levels available to the tribes through this Act. Provisions to make contract support monies available to the tribes for higher education purposes also needs to be

strengthened within DOI.

We also urge NCAI to work toward securing increases in the levels of funding made available to tribes under the Adult Indian Education provisions of Title IV, Indian Education Act and through programs in DOI. Vocational Education is a significant part of many adult Indian education programs. BIA is mandated by law to match the one-percent set-aside of the authorized vocational education funding within the Vocational Education Act of 1963, as amended. This money is to be made specifically available to tribes for support of tribally based vocational education programs. BIA has sought and received a waiver of this mandate in previous years. We demand that the DOI meet its statutory requirements on this matter and match the one-percent set-aside in this and the coming fiscal years.

Title IV, Indian Education Act :

The Education committee discussed and prepared a recommendation on criteria for defining eligibility of services under Title IV, Indian Education Act. The Martinez decision upholds and reinforces the tribes' rights to determine their own membership. We argue, by extension, that the determination of service eligibility for Indian education programs should likewise be established by each tribe. We recommend that NCAI advocate for the appropriate standards and criteria which would include this policy within the Title IV enabling legislation

- A strongly worded NCAI endorsement of the work of the Office of Indian education within the US Department of Education is included in the section as a response to some of the criticisms advanced against OIE and its staff by certain individuals in recent months. Strategies to guide NCAI's support of the reauthorization of Title IV in 1983 are also detailed.

Committee concern is expressed over an ongoing study by the GAO, comparing JOM and Title IV, Part funding and funded programs. We are concerned that the study may become used as an argument that one of these programs should be abolished. We urge that testimony from the tribes be included in the GAO deliberations, so that tribal objections to any such a proposal can be made immediately clear to GAO authority.

Bilingual and Bicultural services and resources :-

A general statement of philosophy, urging that Indian education policies in all areas be made by and endorsed by Indian people, introduces this section. The point is especially crucial where Indian language policies are concerned, since tribal survival on tribal terms is an essential part of all Indian education policy. Tribes and not professional organizations or quasi-governmental agencies should be the spokespersons for defining Indian education needs and policies.

Statements calling for support of Indian language and culture instruction and of programs offering American Indian and Indian-related ethnic studies courses to college students are included. Recommendations are made, outlining criteria which can be used to certify non-Indians who want to teach in schools in Indian communities. Recommendations also call for NCAI to support increased opportunities for in-service and pre-service training programs aimed at strengthening the teaching skills of Indian teacher candidates.

Eligibility of Indian children to participate in Head Start programs is discussed in a separate recommendation. We urge NCAI to endorse the principle that all Indian children on a reservation be allowed to participate in Head Start or Day Care programs operated by their tribes.

Research and Information:

Federal agencies are obligated to provide education services and resources to all federally recognized tribes. But most federal agencies do not attempt to determine how many tribes are served through their programs or whether they are actually meeting their responsibilities to the tribes in those instances. We recommend that NCAI staff determine what provisions agencies use for monitoring their level and quality of Indian services, and then propose alterations in those procedures as needed to heighten their accountability to the tribes. A report on this matter should be prepared in time for presentation at the Mid-year meetings.

An endorsement of increased participation by Indians and Alaskan natives in education research projects is detailed. Particular attention is given to education committee concerns about the National Endowment for the Humanities and its handling of services and support to the tribes.

Finally, because no work in Indian education is possible without adequate funding -- a theme which runs throughout the whole of this report; we recommend that NCAI form a sub-committee which can coordinate and distribute information on the appropriations process during each of its phases and during each session of Congress.