

S. HRG. 111-561

**NOMINATION OF LILLIAN A. SPARKS TO BE
COMMISSIONER OF THE ADMINISTRATION FOR
NATIVE AMERICANS, U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES**

HEARING

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

JANUARY 28, 2010

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**NOMINATION OF LILLIAN A. SPARKS TO BE
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OF HEALTH AND HUMAN SERVICES**

THURSDAY, JANUARY 28, 2010

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

The Committee met, pursuant to notice, at 2:15 p.m. in room 628, Dirksen Senate Office Building, Hon. Byron L. Dorgan, Chairman of the Committee, presiding.

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

The CHAIRMAN. We are going to call the hearing to order. This is a hearing of the Indian Affairs Committee.

Today, the Committee will conduct a nomination hearing on Ms. Lillian Sparks to be the Commissioner of the Administration for Native Americans at the Department of Health and Human Services. Following this hearing, we will conduct an oversight hearing on the longstanding high unemployment rates in Indian Country.

First, Ms. Sparks. She was nominated on October 23, 2009 by President Obama to be the Commissioner of the Administration for Native Americans, and we are pleased to have her with us today. The Administration for Native Americans, ANA, was created to promote self-sufficiency and cultural preservation among Indian tribes in the United States. The ANA Commissioner serves as a key advocate for the Native Americans within the Department of Health and Human Services.

ANA provides competitive funding for community-based projects that are designed to improve social, cultural and economic development. The Commissioner manages the ANA-funded grant programs in Indian Country and also coordinates with the Director of the Indian Health Service to advise the Secretary on matters relating to Indian affairs.

Ms. Sparks is an enrolled member of the Rosebud Sioux Tribe in South Dakota, has served as the Executive Director of the National Indian Education Association for the past six years, and as Executive Director, she has worked to increase educational opportunities and resources for American Indians, Alaska Natives, and Native Hawaiian students. She has also fought to protect American Indian culture and languages on behalf of the NIEA and Indian Country.

Prior to joining NIEA, Ms. Sparks worked at a staff attorney for the Congress of American Indians, NCAI, where she focused on the protection of sacred sites, the promotion of cultural protection, and indigenous rights. She has also advocated on behalf of NCAI in the issue areas of Indian health care, Native youth, and religious protection.

Ms. Sparks' work on these issues and 10 years of professional experience make her a qualified candidate for the Commissioner of the Administration for Native Americans. Her experience closely aligns with the requirements of the position and I look forward to working with my colleagues on this nomination.

I want to thank Ms. Sparks for being here to answer questions, and I want to thank Mr. President, or rather President Bordeaux of the Rosebud Sioux Tribe for traveling here to introduce Ms. Sparks to the Committee.

Are there any other Members who wish to make an opening statement?

Hearing none, let me ask Ms. Sparks and Mr. Bordeaux to take their seats at the witness table.

Mr. Bordeaux, we welcome you from South Dakota. You may proceed. Your entire statement will be made a part of the permanent record.

**STATEMENT OF HON. RODNEY M. BORDEAUX, PRESIDENT,
ROSEBUD SIOUX TRIBE**

Mr. BORDEAUX. Good afternoon, Chairman Dorgan, Senator Johnson, Members of the Senate Committee on Indian Affairs. I am extremely honored today to speak on behalf of Lillian Sparks, a member of the Rosebud Sioux Tribe, and her nomination as Commissioner for the Administration for Native Americans at the U.S. Department of Health and Human Services.

Lillian's Lakota name is Wanakchowie, Flower Woman. She is a member of the Rosebud Sioux Tribe and a descendant of the Oglala Sioux Tribe, and has a longstanding demonstrable record of service to Indian Country and children and families. She is a well respected and highly intelligent woman who is well versed in both her Lakota teaching and national policies and affairs.

As mentioned earlier, she served as a law clerk for the National Indian Gaming Association, Staff Attorney for the National Congress of American Indians, and most recently as the Executive Director of the National Indian Education Association.

Lillian has a wide array of experiences ranging from work on international indigenous rights, sacred sites and religious protection, and issues related to youth and health care. Throughout her career, Lillian has served as a greater intermediary of information to Indian Country policies and legislation happening on the national level.

Lillian has firsthand experience working on national policies designed to increase high school graduation rates, support school-based health and Head Start Programs, and revitalize Native American languages and culture.

Specifically, Lillian has been instrumental in the drafting of provisions for the Elementary and Secondary Education Act, the Esther Martinez Native American Languages Act, a bill to include the

Bureau of Indian Education schools in the Race To The Top funding that was provided in the American Reinvestment and Recovery Act.

Through her tireless efforts on the aforementioned bills, Lillian was able to include provisions to support culturally based education, align standards and assessments, and teacher support. She has increased the resources and program capacity for native language programs in tribal communities and assisted in increasing the number of children served by various Federal programs, including programs at the BIE, BIA, and Indian Health Service, Office of Head Start, and the Administration for Native Americans. Additionally, her efforts have led to increased and restored funding in a number of Federal agencies and departments.

Not only does Lillian have the substantive knowledge and experience to serve as the Commissioner of ANA, she also has good rapport with both tribal leaders and policy makers. Her relationship with tribal governments and national organizations has led her role as a co-facilitator in the Native Children's Agenda, a national policy discussion on comprehensively meeting the health, education and welfare needs of native youth. Through NCA, Lillian continues to examine existing policies and programs that may be implemented in native communities to the benefit of native families and tribal governments.

Her extraordinary ability to analyze concerns, identify program obstacles, and outline necessary courses of action has proven to be invaluable for both the formulation of tribal and national policies.

Lillian's determination and commitment to assist her Nation's most under-served populations is demonstrated by her willingness to serve and tirelessly advocate on behalf of those voices who have not always been heard.

For this reason, I respectfully and happily give my highest recommendation for Lillian Sparks as the Commissioner for Native Americans at the U.S. Department of Health and Human Services. And the Rosebud Sioux Tribe, we have submitted written testimony and our Tribal Council met yesterday and they wholeheartedly support Lillian and her nomination.

Thank you.

The CHAIRMAN. Mr. Bordeaux, thank you for your leadership of the Rosebud Sioux Tribe, and thanks for traveling here today to give us your thoughts on this nomination. We appreciate it very much, and we will excuse you and then call on Ms. Sparks.

So Mr. Bordeaux, thank you very much.

Mr. BORDEAUX. Thank you.

The CHAIRMAN. Ms. Sparks, let me, as a courtesy, call on Senator Johnson from South Dakota before I call on you.

Senator Johnson?

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

Senator JOHNSON. Thank you, Mr. Chairman.

It is a great pleasure to be here today, and I am glad you are holding this nomination hearing today.

I welcome my good friend, President Bordeaux. As President of the Rosebud Sioux Tribe in my home State of South Dakota, we

have had a strong working relationship and it is good to see him here today introducing this nominee.

I also welcome nominee Lillian Sparks to the Committee. An enrolled member of the Rosebud Sioux Tribe and also of Oglala Sioux descent, she has a unique perspective on the needs of Indian Country, especially to those needs in South Dakota.

I am grateful to the President for putting forth nominees that are in tune with the needs of our Indian communities.

Thank you again for this hearing. I look forward to continuing work with President Bordeaux and Ms. Sparks in the future.

Thank you.

The CHAIRMAN. Senator Johnson, thank you very much.

Ms. Sparks, welcome to the Committee. My understanding is you are accompanied by your mother. Is that correct? Would you wish to introduce her to us?

Ms. SPARKS. It would be my honor to introduce her. My mother, Georgeline Brushbreaker Sparks, Oyate Waha Canka YaPi Win, Shield For Her People Woman, is accompanying me today.

The CHAIRMAN. We welcome her.

Ms. SPARKS. And I would like to acknowledge my father as well, Leroy Sparks, who I know is at home watching on the webcast.

The CHAIRMAN. Well, I am sure they are very proud parents, so we welcome your mother.

We will call on you. Your entire record will be made a part of the permanent record, your entire statement, rather, and you may summarize. We will call on you to provide your statement.

**STATEMENT OF LILLIAN A. SPARKS, NOMINEE TO BE
COMMISSIONER OF THE ADMINISTRATION FOR NATIVE
AMERICANS, U.S. DEPARTMENT OF HEALTH AND HUMAN
SERVICES**

Ms. SPARKS. Thank you, Mr. Chairman.

Good afternoon to Members of the Senate Committee on Indian Affairs. My name is Lillian Sparks, and as has been mentioned several times, I am an enrolled member of the Rosebud Sioux Tribe and a descendant of the Oglala Sioux Tribe.

I humbly come before you as the President's nominee to be the Commissioner for the Administration for Native Americans at the Department of Health and Human Services.

I was honored when the President nominated me to the position of the Commissioner for ANA this past October, and I believe my experiences have prepared me well to assume the responsibilities of this important position. Currently, I serve as the Executive Director of the National Indian Education Association, where I lead the efforts of the membership and the Board of Directors on education issues impacting American Indians, Alaska Natives and Native Hawaiians.

I have also worked as a staff attorney for the National Congress of American Indians, where I focused on issues relating to tribal government and youth and families, including health care, early childhood education, international indigenous human rights, and religious protection.

I wish to serve as the Commissioner for ANA because I believe in the goals of self-sufficiency and cultural preservation established

at ANA, and because I share this Administration's support for increasing and strengthening services to families and to youth.

It would be my honor to assist in implementing the President's agenda for tribal communities, including economic and infrastructure development, early childhood education, language preservation, and the principles of self-determination, tribal consultation and tribal inclusion.

I am a strong believer in service leadership and strive to practice service to others over self-interest. Raised in my traditional Lakota values of wisdom, bravery, fortitude and generosity, I was taught to lead by action with humility, and not merely provide direction.

If confirmed, I would commit myself to a number of priorities to strengthen the Department's programs. These priorities include promoting the ANA's priorities and initiatives in Indian Country to ensure that tribal communities are aware of new grant opportunities at the Department; strengthening the Interdepartmental Council on Native American Affairs at HHS to ensure that the Secretary is well informed on issues and best practices in Indian Country as it relates to HHS; collaborating with tribal governments and other stakeholders to provide increased services to ANA grantees and applicants through increased technical assistance, useful program evaluations, trainings, conventions as feasible; strengthening the relationship between ANA and Congress through frequent communication and the development of shared policy priorities; and continuing to foster the development of stable and diversified tribal economies; increase the prevalence of use of native languages; and support programs that support the well being of native youth and families.

I am a firm believer in accountability and integrity in the work of any organization that has stakeholders or membership. It is incredibly important to identify performance goals to measure progress and evaluate the efficiency and effectiveness of the services provided.

If confirmed, I will ensure that regulations developed by ANA follow the tribal consultation policies set forth by HHS and that all stakeholders receive adequate and prompt notification to participate in both the consultation and comment periods.

Additionally, if confirmed, I pledge to implement and adhere to a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria.

I will also work closely with the committees of jurisdiction in Congress, including the Senate Committee on Indian Affairs, to ensure that the regulations are aligned with Congressional intent. I will work collaboratively with Congress and the Committee staff through open and frequent dialogue, information sharing, and meetings to ensure that the policies and regulations promulgated by the Department or Agency are not counteractive to the intent of the law, and work cohesively with legislative provisions to address or strengthen tribal programs.

I believe that my lifelong career in public service, coupled with my extensive experience in policy formulation impacting youth and family in tribal communities qualify me for the appointment of ANA Commissioner.

If confirmed, I look forward to working with the Members of this Committee to provide essential services to Native American communities across the Country.

Again, thank you for the opportunity to appear before you today and I look forward to answering any questions that you may have at this time.

[The prepared statement and biographical information of Ms. Sparks follow:]

PREPARED STATEMENT OF LILLIAN A. SPARKS, NOMINEE TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Good morning Chairman Dorgan, Vice Chairman Barrasso and members of the Senate Committee on Indian Affairs. My name is Lillian Sparks. I am an enrolled member of the Rosebud Sioux Tribe and descendent of the Oglala Sioux Tribe and I humbly come before you today as the President's nominee to be the Commissioner for the Administration for Native Americans (ANA) at the Department of Health and Human Services (HHS).

I was honored when the President nominated me to the position of Commissioner for Administration for Native Americans this past October, and believe my experiences have prepared me well to assume the responsibilities of this important position. Currently, I serve as the executive director of the National Indian Education Association (NIEA), where I lead the efforts of the membership and Board of Directors on education issues impacting American Indian, Alaska Native, and Native Hawaiian communities. I have also worked as a staff attorney for the National Congress of American Indians (NCAI), where I focused on issues relating to tribal governments and youth and families, including health care, early childhood education, international indigenous human rights and religious protection.

I wish to serve as the Commissioner of ANA because I believe in the goals of self-sufficiency and cultural preservation established at ANA, and because I share this Administration's support for increasing and strengthening services for youth and families. It would be my honor to assist in implementing the President's agenda for tribal communities, including economic and infrastructure development, early childhood education, language preservation, and the principles of tribal self-determination, tribal consultation, and tribal inclusion.

I am a strong believer in "service leadership" and strive to practice service to others over self interest. Raised in my traditional Lakota values of wisdom, bravery, fortitude, and generosity, I was taught to lead by action, with humility, and not merely provide direction. If confirmed, I would commit myself to a number of priorities to strengthen the Department's programs. These priorities include:

- Promoting the ANA's priorities and initiatives in Indian Country to ensure that tribal communities are aware of new grant opportunities at the Department;
- Strengthening the Intra-Departmental Council on Native American Affairs at HHS to ensure that Secretary is well informed on issues and best practices in Indian country as it relates to HHS;
- Collaborating with tribal governments and other stakeholders to provide increased services to ANA grantees and applicants through increased technical assistance, useful program evaluations, and convenings (trainings, conventions, etc.) as feasible;
- Strengthening the relationship between ANA and Congress through frequent communication and the development of shared policy priorities; and
- Continuing to foster the development of stable and diversified tribal economies, increase the prevalence of use of Native languages, and support programs that promote the well-being of Native youth and families.

I am a firm believer in accountability and integrity in the work of any organization that has stakeholders or membership. It is incredibly important to identify performance goals to measure progress and evaluate the efficiency and effectiveness of the services provided. If confirmed, I will ensure that regulations developed by ANA follow the tribal consultation policies set forth by HHS and that all stakeholders receive adequate and prompt notification to participate in both the consultations and comment periods. Additionally, if confirmed, I pledge to implement and adhere to a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria.

I will also work closely with the committees of jurisdiction in Congress, including the Senate Committee on Indian Affairs, to ensure that the regulations are aligned with Congressional intent. I will work collaboratively with Congress and the Committee staff through open and frequent dialogue, information sharing, and meetings to ensure that the policies and regulations promulgated by the department/agency are not counteractive to the intent of the law and work cohesively with legislative provisions to address or strengthen tribal programs.

I believe that my lifelong career in public service coupled with my extensive experience in policy formulation impacting youth and children in tribal communities qualifies me for the appointment of ANA Commissioner. If confirmed, I look forward to working with the members of this Committee to provide essential services to Native American communities across the country.

Again, thank you for the opportunity to appear before you today. I look forward to answering any questions you may have.

A. BIOGRAPHICAL INFORMATION

1. **Name: (Include any former names or nicknames used.)** Lillian Azalea Sparks
2. **Position to which nominated:** Commissioner, Administration for Native Americans, U.S. Department of Health and Human Services.
3. **Date of nomination:** October 23, 2009 .
4. **Address: (List current place of residence and office addresses.)**
 Residence: Information not released to the public.
 Office:
 National Indian Education Association
 110 Maryland Avenue NE, #104
 Washington, DC 20002
5. **Date and place of birth:** October 16, 1975, Towson, MD.
6. **Marital status: (Include maiden name of wife or husband's name.)** Single.

7. **Names and ages of children:** (Include stepchildren and children from previous marriages.) N/A.
8. **Education:** (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)
- Georgetown University Law Center
August 1998-May 2001
Juris Doctor, May 2001
- Morgan State University
September 1993-December 1997
Bachelor of Arts, June 1998
9. **Employment record:** (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment, including any military service.)
- Executive Director
National Indian Education Association
Washington, DC
May 2004-Present
- Staff Attorney
National Congress of American Indians
Washington, DC
September 2001-May 2004
- Summer Law Clerk
National Indian Gaming Commission
Washington, DC
May 2000-August 2000
- Summer Law Clerk
Air Force Legal Services Agency, Environmental Law and Litigation
Rosslyn, VA
May 1999-August 1999
- Monitoring Specialist
Amerix
Columbia, MD
June 1996 (approx.)-August 1998
10. **Government experience:** (List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.) None.

- 11. Business relationships:** (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.) None.
- 12. Memberships:** (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.)
- Maryland Bar Association (January 2002- January 2006, October 2009-present)
- National Congress of American Indians, Lifetime Member (2003-present)
- The Links, Incorporated, Member, (2003-present)
- Gathering of Nations, Miss Indian World Committee, Member (2002-present)
- Delta Sigma Theta Sorority, Incorporated, Member (1998-present)
- Federal Bar Association (2004-2009)
- DC Native American Bar Association (2002-2005) (approximate)
- 13. Political affiliations and activities:**
- (a) List all offices with a political party which you have held or any public office for which you have been a candidate. None.
- (b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.
- Volunteer, Obama For America, March 2008-November 2008.
- (c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years. None.
- 14. Honors and awards:** (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.)
- Scholarships
- Morgan State University, Honors Scholarship (1993, 1994)
- Delta Sigma Theta Sorority, Incorporated, Patapsco Chapter (1993)
- American Indian Heritage Foundation (1998)

Special Recognitions

Miss Indian World (2000)

USA Magazine, "Young Leader in Indian Country" (2004)

15. **Published writings:** (List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.) None.

16. **Speeches:** Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of on topics relevant to the position for which you have been nominated. I have not delivered any formal speeches.

17. **Selection:**

(a) Do you know why you were selected for the position to which you have been nominated by the President?

I believe I was selected to be nominated for the Commission for the Administration for Native Americans (ANA) due to my experience working with tribal governments, my understanding of the policies affecting tribal governments at the Department of Health and Human Services (HHS), my knowledge of tribal programs benefiting from HHS initiatives, and my proven strong work ethic and enthusiasm to increase services for youth and families in tribal communities.

(b) What in your background or employment experience do you believe affirmatively qualifies you for this particular appointment?

I believe that my lifelong career in public service coupled with my extensive experience in policy formulation impacting youth and children in tribal communities qualifies me for the appointment of ANA Commissioner. Specifically, I have strengthened provisions in and worked to increase funding for many of the programs at the Administration for Children and Families (ACF) at HHS, including ANA, Office of Head Start, and the Indian Health Service. Additionally, I have visited many of the tribal grantees of ACF and have worked closely with HHS to strategize collaborative efforts between the tribal and federal governments.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations, or business organizations if you are confirmed by the Senate? Yes.
2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? No.
3. Do you have any plans, commitments, or agreements after completing government service to resume employment, affiliation, or practice with your previous employer, business firm, association, or organization? No.
4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.
5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes.

C. POTENTIAL CONFLICTS OF INTEREST

- 1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.**

Other than the retirement account listed on the attached financial statement, I have no financial arrangements, deferred compensation agreements, or other continuing dealings with business associates, clients, or customers.

- 2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Health and Human Services' Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Health and Human Services' Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.**

During the past 10 years, I have engaged in the following activities for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy:

- Advocated for the enactment of the Esther Martinez Native American Languages Act of 2006, including providing testimony before congressional Committees, preparing talking points and briefing papers, and facilitating congressional meetings, resulting in increased funding for Native American language and immersion programs at the Department of Health and Human Services.
- Facilitated a series of field hearings/listening sessions resulting in legislative amendments to the No Child Left Behind Act, which were subsequently included in the base discussion bills drafted by the Senate Health, Education, Labor, and Pensions Committee and the House Education and Labor Committees.

- Strengthened the tribal provisions in the reauthorization of the Head Start Act through partnership with the National Indian Head Start Association and advocated for increased consultation sessions on the new provisions within the Act.
 - Assisted in the facilitation and coordination of annual Department of Health and Human Services tribal budget consultations, and provided testimony on issues relating to the Office of Head Start, Indian Health Service, Child Care Bureau, and the Administration for Native Americans.
 - Coordinated and facilitated a summit on the importance of protecting Native American sacred sites and worked with the staff of the House Resources Committee to introduce the Native American Sacred Lands Act, legislation prohibiting the damage to sacred lands, providing access to sacred lands for Native practitioners, and providing funding to tribes through the Department of Interior to acquire and manage sacred lands.
 - Advocated for the Special Diabetes Project for Indians at the Department of Health and Human Services resulting in continued and increased appropriations for the program.
5. **Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)**
- Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agree that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee.
6. **Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.**

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? No.
2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county, or municipal law, regulation, or ordinance, other than for a minor traffic offense? If so, please explain.

In May of 1994, when I was 18 years old, I was arrested for shoplifting while with "friends" engaging in that activity. I received a probation before judgment and volunteered at my college for 120 hours. My record has since been expunged.

On May 4, 2007, I received a moving traffic violation in Washington, DC on a Maryland driver's license. I paid the ticket on August 17, 2007; however, unbeknownst to me, my license was suspended 60 days after the ticket was issued. On April 21, 2008, when I applied for a DC driver's license, I was informed that my Maryland license was suspended. I paid the restoration fee to DC Department of Motor Vehicles (DMV) on April 21, 2008, and my license was reinstated on that day.

On September 29, 2009, I was pulled over by a Maryland law enforcement officer due to a blown headlight. After running my license and registration, the officer informed me that my license was suspended in Maryland and advised me to call Maryland Motor Vehicle Administration (MVA) to get more information. At that time, I was informed that my license was suspended on November 3, 2008 for the May 4, 2007 ticket, even though all fees were paid and my license was restored seven months prior. After talking with both DC DMV and MD MVA, I was advised that DC DMV failed to notify MD MVA that the suspension was lifted and have since provided proof to MD MVA that the ticket and fees were paid and cleared. However, I still received a court date of January 13, 2010 to appear in court for "driving on a suspended license" on September 29, 2009, despite the fact that my license should not have been listed as suspended at that time.

3. Have you or any entity, partnership or other association, whether incorporated or unincorporated, of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? No.
4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? No.
5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees? Yes.
2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.
3. Will you cooperate in providing the committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.
4. Please explain how if confirmed, you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress.

If confirmed, I will ensure that regulations issued by my department/agency follow the tribal consultation policies set forth by HHS and that all stakeholders receive adequate and prompt notification to participate in both the consultations and comment periods. I will work closely with the Committees of jurisdiction to ensure that the regulations are aligned with legislative intent of the laws, the accompanying reports, and other documents as necessary. I will work collaboratively with Congress and the Committee staff through open, honest, and frequent dialogue, sharing of documents (as permissible), and joint meetings to ensure that the policies and regulations promulgated by the department/agency are not counteractive to the intent of the law and work cohesively with legislative provisions to address or strengthen tribal programs.

5. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How does your previous professional experiences and education qualify you for the position for which you have been nominated?

My previous professional experience includes serving as a staff attorney for the National Congress of American Indians (NCAI), where I worked on issues relating to tribal governments and youth and families, including health care, early childhood education, and religious protection. I have worked in a representative capacity on behalf of NCAI, participating twice as the organizational spokesperson at the United Nations sessions on International Indigenous Human Rights in Geneva, Switzerland. Currently, I serve as the executive director of the National Indian Education Association (NIEA), where I lead the

efforts of the membership and Board of Directors on education issues impacting Native communities. In addition to policy formulation and legislative strategy, I manage and supervise coordination two large annual events, an annual convention with approximately 2,500 attendees, and a legislative summit with approximately 200 attendees. Additionally, I develop and monitor the organization's annual budget, identify and develop funding resources, develop partnerships with similar organizations, establish relationships with key decision makers in Congress and the Administration, implement the strategic plan developed by the Board of Directors, and supervise staff. My education includes a Bachelor of Arts in Political Science from Morgan State University, and a Juris Doctor in Georgetown University Law Center, where I participated in the highly competitive Federal Legislation Clinic.

2. Why do you wish to serve in the position for which you have been nominated?

I wish to serve as the Commissioner of ANA because I believe in the goals of self-sufficiency and cultural preservation established at ANA and the program priorities of increased services for youth and families of the Administration and the Department of Health and Human Services. It would be my honor to assist in implementing the Administration's national policy agenda for tribal communities, including economic and infrastructure development, early childhood education, language preservation, and the principles of tribal self-determination, tribal consultation, and tribal inclusion.

3. What goals have you established for your first two years in this position, if confirmed?

If confirmed, within the first two years as the Commissioner for ANA, I hope to accomplish the following:

- Promote the administration's ACF priorities and initiatives in Indian Country to ensure that tribal communities are aware of new grant opportunities at the Department.
- Strengthen the Intra-Departmental Council on Native American Affairs at HHS to ensure that Secretary of HHS is well informed on issues and best practices in Indian country as it relates to HHS.
- Collaborate with tribal governments and other stakeholders to provide increased services to ANA grantees and applicants through increased technical assistance, useful program evaluations, and convenings (trainings, conventions, etc.) as feasible.
- Strengthen the relationship between the office of ANA and Congress through increased and frequent communication and the development of shared policy priorities.
- Continue to foster the development of stable and diversified tribal economies, increase the prevalence of use of Native languages, and support programs that promote the well being of Native youth and families.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?

A skill that I am looking forward to strengthening is large scale grant administration. I plan to work very closely with the career staff to learn of strengths, challenges, current practices, and efforts to be as efficient and responsive to the grantees, while being fiscally responsible as grant administrators. Although the learning curve may be steep in this particular area, I am a hard worker willing to review past and current practices and confident in my capacities to quickly assume this responsibility.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when society's

problems should be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

As a student of political science and committed worker in the public sector, I am a strong believer that the role of government is to protect all citizens and those within our lands and territories, and to afford everyone equal access to basic human and civil rights. These rights should not be predestined by one's race, religion, color, creed, sex, orientation, abilities, or economic status. When appropriate to protect these rights, government should become involved; where our basic rights are not threatened and proper checks and balances already exist in the private sector, government should not become involved.

Government programs should be evaluated on a number of factors, including their usefulness to the intended beneficiaries, original purpose and current practice, and economic efficiency (cost-benefit analysis). There should not be one deciding factor that determines the efficacy of a government program; rather, the program should be evaluated as a whole, with regard to benefit to society, other opportunities that may be available, and funding levels (i.e., adequate or inadequate to successfully implement the program.)

6. Describe the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated.

The current mission of ANA is "to promote the goal of self-sufficiency and cultural preservation for Native Americans by providing social and economic development opportunities through financial assistance, training, and technical assistance to eligible Tribes and Native American communities." Major programs include competitive discretionary grants for social and economic development, Native language maintenance and preservation, environmental regulatory enhancement, and marriage/fatherhood promotion initiatives. ANA has also partnered with the Indian Health Service to provide Native youth Community Emergency Response Training and First Responder Activities. ANA's major operational objectives include supporting the creation of stable tribal economies and reducing dependency on public funds and social services, supporting tribal access and coordination of Native children and family health and well being programs, and increasing projects in tribal communities involving youth and intergenerational activities.

7. What do you believe to be the top three challenges facing the department/agency and why?

I believe the top three challenges facing ANA are:

- Promotion of eligible grants and opportunities within HHS, outside of Indian Health Service (IHS) and ANA, to tribal communities;
- Working to fulfill the Department's priorities in ways that meet tribal/grantee needs; and
- The need for a stronger relationship with Congressional committees and staff.

I believe that all three challenges are the result of low to poor agency visibility and the need for better communication on the part of ANA. Additionally, stronger coordination among the various agencies in HHS will lead to more cohesive communication to Indian country on HHS programs.

8. In reference to question number six, what factors in your opinion have kept the department/agency from achieving its missions over the past several years?

I believe that ANA has done a fair job of promoting its mission over the past several years in terms of grant distribution for social and economic development and language preservation grants. However, in my opinion, ANA should focus more on policy development than has sometimes been the case in the past so we can build upon successful models funded by ANA grants.

9. Who are the stakeholders in the work of this department/agency?

The stakeholders are tribal governments (federally and non-federally recognized), American Indian and Alaska Native organizations, Native Hawaiian non-profit organizations; and Native populations throughout the Pacific basin.

10. What is the proper relationship between the position to which you have been nominated, and the stakeholders identified in question number nine?

The Commissioner of ANA is responsible to the stakeholders in ensuring that the office is compliant with all federal laws and regulations; is transparent in its grant review process and in the way it provides technical assistance; and fairly evaluates and monitors program grants. The Commissioner should also work diligently to ensure that all stakeholders are aware of similar grant opportunities and initiatives within the Department that are eligible to stakeholders, as well as to ensure that stakeholders are eligible grantees, where appropriate.

11. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices.

a) What do you believe are your responsibilities, if confirmed, to ensure that your department/agency has proper management and accounting controls?

Given that ANA manages a \$46 million budget and administers over 220 projects annually, I believe that it is very important that there are proper management and accounting controls in place to maintain the integrity of the office and of the Department. I will work very hard to ensure that all activities of the office are transparent and clear with regard to the application, review, and funding process of the grants. I will work closely with the Management Operations Staff to ensure that the ANA budget activities, including the collection of data, tracking of grant reports and other requirements, and contract expenditures are monitored and updated frequently. I will also comply with all Freedom of Information Act requests and ensure that our grant portfolios are assessed on a consistent basis so that funding is drawn down by the grantees.

b) What experience do you have in managing a large organization?

For the past five years, I have served as the Executive Director of the National Indian Education Association, where I have supervised and expanded the size of the staff from two full-time employees to five full-time employees and raised the necessary funds to accommodate the growth. Additionally, I have contracted with accounting and legislative consultants and increased membership for the organization through the creation of new participation opportunities and expanded membership categories. Throughout my tenure at NIEA, I have worked hard to improve the national profile of the organization through greater outreach to potential members, increased partnerships

with over a dozen prominent national organizations, and the development of relationships with federal agencies and congressional offices. With assistance of staff, I have also coordinated and supervised the organization's annual Conventions and Legislative Summits, promoting best practices and provide training and technical assistance to the attendees. Lastly, my experience included developing and managing the organization's annual budget of \$1.7 million and providing oversight in the monthly reports detailing expense and revenues.

12. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals.

a) What benefits, if any, do you see in identifying performance goals and reporting on progress in achieving those goals?

I am a firm believer in accountability and integrity in the work of any office, organization, corporation, or entity that has stakeholders or membership. It is incredibly important to identify performance goals to measure progress and evaluate the efficiency and effectiveness of the services provided. Benefits to identifying and reporting on performance goals include identification of challenges or ineffective services, opportunities to reform outdated or outmoded practices, and opportunities to recognize successful and operational practices. It also allows the stakeholders to gain insight on the functions and operations of the office.

b) What steps should Congress consider taking when a department/agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing, or consolidation of departments and/or programs?

When a department/agency fails to achieve its performance goals, Congress should review the leadership and staff of the agency, including the stability of the leadership, staffing needs, funding of the agency compared to goals of the agency's programs, and practices of the agency to improve/increase efficiency.

Before taking steps towards elimination, privatization, downsizing, or consolidating departments or programs, Congress should evaluate the agency to ensure that the agency is designed to serve a societal need, and is receiving the support and resources necessary to be successful in program implementation. Congress should make every effort to partner/meet with the agency to determine why performance goals were not met and discuss strategies on how to increase the efficiency and effectiveness of that agency.

c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

Performance goals applicable to my personal performance, if I am confirmed as Commissioner of ANA, should include:

- Timeliness of notice and distribution of grants;
- Grants oversight and management;

- Technical assistance and program information dissemination to grantees and potential grantees;
- Coordination of the agency's resources for benefit of tribal communities;
- Activities of the Intra-Departmental Council on Native American Affairs (IDCNAA);
- Activities of the ACF Native American Affairs Workgroup (ACF NAAW);
- Number of tribal communities benefiting from the activities of ANA, IDCNAA, and ACF NAAW;
- Partnerships and collaborative activities outside of ACF and HHS;
- Working relationships established with Congress and other Departments;
- Budget management;
- Staff management; and
- Promotion of Department and Administration priorities with stakeholders.

13. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you?

I am a strong believer of "service leadership" and strive to practice service to others over self interest. Raised in my traditional Lakota values of wisdom, bravery, fortitude, and generosity, I was taught to lead by action, with humility, and not merely provide direction. As a supervisor, I aspire to help the staff understand their roles and contributions to the workload, keep morale high, create a comfortable and professional working environment, instill a sense of integrity in the work identified, and lead by example by demonstrating a high work ethic. Additionally, I recognize staff achievement, encourage and support staff to further develop skill sets related to their positions, and support staff in both their professional and personal goals. There have never been any employee complaints brought against me.

14. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please explain.

I have a close working relationship with many committees of Congress including the Senate Committee on Indian Affairs (SCIA); the Senate Health, Education, Labor, and Pensions (HELP) Committee; the House Education and Labor Committee; the House Early Childhood, Elementary and Secondary Education Sub-Committee; the House Labor, Health and Human Services, and Education Appropriations Sub-Committee; and the House Interior Appropriations Sub-Committee. My professional experience working with these committees includes strengthening provisions to include Indian students and communities in a number of proposed bills regarding education, workforce investment, early childhood education, and health care; the drafting of key provisions for the reauthorization of the Elementary and Secondary Education Act related to support for Native languages, culturally based education, aligned standards and assessments, and teacher support; securing funding for tribal schools and programs; and drafting testimony and appearing as a witness for various authorizing and appropriations committee hearings on education issues.

15. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

If confirmed as the Commissioner of ANA, I pledge to work closely and cooperatively with the Inspector General of HHS and will provide full disclosure on all information requested for any and all investigations or audits conducted.

16. In the areas under the department/agency's jurisdiction to which you have been nominated,

what legislative action(s) should Congress consider as priorities? Please state your personal views.

Congress should consider the following as priorities for ANA:

- Funding for the Esther Martinez Native Language grants. The Esther Martinez Act preserves and fosters fluency in Native American languages through grants to tribes, tribal organizations, schools, and universities to develop and bolster Native language immersion and revitalization programs. Native language use is rapidly declining and ANA is the only federal agency that provides funding for these vital Native language activities.
- Funding for the Social and Economic Development Strategies (SEDS) projects. Given the current economic state of our nation, and the funding that has been provided to the states through the American Recovery and Reinvestment Act to spur economic activity, increased funding should be provided to ANA to incentivize tribal governments. Funding for Economic Development projects to foster and develop sustainable projects to support stable and diversified local economies should be prioritized.

17. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria? If yes, please explain what steps you intend to take and a time frame for their implementation. If not, please explain why.

I pledge to adhere to and implement a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria. ANA currently has an open and fair process with established criteria to review grants that results in approximately 220 projects annually. The grant process for ANA is incredibly competitive, so it is highly critical that ANA maintains the integrity of grant review through the continued utilization of peer panel reviewers. I will work with the Division of Program Operations to evaluate the current review process and criteria, and solicit input from the panel review teams on how to strengthen the current grant application assessment process.

(Nominee is to include this signed affidavit along with answers to the above questions.)

AFFIDAVIT

Lillian A. Sparks being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Lillian A. Sparks
Signature of Nominee

Subscribed and sworn before me this 13 day of November, 2009.

J. David Becker
Notary Public

MY COMMISSION EXPIRES MAY 31, 2014

The CHAIRMAN. Ms. Sparks, thank you very much.
Let me call on my colleagues first. Are there questions of Ms. Sparks from the Committee?
Mr. Franken, Senator Franken?

**STATEMENT OF HON. AL FRANKEN,
U.S. SENATOR FROM MINNESOTA**

Senator FRANKEN. Ms. Sparks, congratulations on your nomination. You met with me and my staff recently to talk about Indian school construction issues. This is an issue of great importance to the tribes in my State. We have a tribe, Leech Lake Reservation, that has been scheduled for 10 or 15 years, I think, to have a school rebuilt or built on its reservation and they can't find out where they are on the list. And we discussed this.

And I want to thank you for your commitment to work on this. I mean, we have the same thing at White Earth Reservation. And I am not sure exactly, can you explain how your new position would interact with making sure that we get the—because it is very hard sometimes in the Bureau of Indian Affairs bureaucracy, which I understand you are not part of, but how can you help us get these things, certain kinds of things like this resolved?

Ms. SPARKS. Yes, thank you for the question and thank you for meeting with me previously, Senator Franken.

Certainly, transparency and accountability are high on my list of my priorities, as well as I know the Administration's priorities in terms of making sure that all information is accessible and readily available for our constituents, for our grants and for our tribal governments.

It will certainly be one of my top priorities, if confirmed, within the Administration for Native Americans to make sure that we have all of the information available to both Members of Congress, but also to our grantees and to those that we serve.

And I would say, in another capacity, I pledge to continue working with you and your tribes to make sure that we receive the information needed with regards to where the schools are on the list.

Senator FRANKEN. Thank you.

Yesterday, I had Dr. Donald Warren from Aberdeen, South Dakota, and some members of the American Cancer Society, telling me about the alarming rates of cancer among native people, and life expectancy, the incidence of dying from cancer and how fast. And it has to do with resources. There are Native Americans who are diagnosed with cancer and then they can't be treated because there is no resources. The Indian Health Service has run out of money where they are. And they just simply can't get treated and die because of it.

How are we going to make sure that the Indian Health Service is funded and that we address these disparities in health care?

Ms. SPARKS. Yes, it is very unfortunate with regards to the higher rates that our members of tribal communities die of preventable diseases and diseases where they should be receiving treatment. My grandmother, who is a member of the Oglala Sioux Tribe and would have been served by the Aberdeen area where Dr. Warren serves now, also is a victim of cancer. And so I certainly can understand the heart-wrenching heartache and pains that not just the individual goes through, but the family goes through because the services aren't available and because it is due to resources.

With regards to increasing funding for the Indian Health Services, you know, I know ANA works very closely, hand in hand with IHS in making sure that the Secretary is aware of all of the service

needs of tribal communities within the Department. And so I, if confirmed, will be working very closely with Dr. Yvette Roubideaux through the Interdepartmental Council on Native American Affairs to find out how can we address what are some of the challenges in our tribal communities, not just with regards to health, but throughout all of the programs and services under HHS.

Senator FRANKEN. The Administration for Native Affairs at HHS is mainly a grant-administering body. Is that right?

Ms. SPARKS. That is correct. ANA does administer grants in several categories, those being economic and social development for tribes, Native American languages, healthy families and marriages, and then environmental regulatory and mitigation grants.

Senator FRANKEN. And all these are critical to the well being of struggling native communities on our reservations, and very often these communities are chronically under-funded and services are delivered in an inadequate way.

There are some really good models in our Country, such as the Harlem Children's Zone in New York, that integrate these programs and provide a comprehensive holistic set of services to tackle poverty and health and education issues and economic development.

Would you look at this model and see if we can get a better integration of these services and provide grants to do that?

Ms. SPARKS. Absolutely. I think the Harlem Children's Zone is an excellent model with regards to how do we comprehensively meet the needs of the children in that particular community. It is something that actually NIA in my current position that we have been working on with a number of other organizations, including the National Congress of American Indians, National Indian Child Welfare Association and National Indian Health Board in terms of how can we comprehensively meet the needs of native students, where are some of the best practices, where are some of the best programs out there in tribal communities where education is working with a child welfare office, working with the Indian Health Service clinic, working with the tribal colleges.

And so it is my hope that, if confirmed in my new capacity, that I would be able to continue looking at what are some of those best practices as it is a perfect fit for the Administration for children and families.

Senator FRANKEN. Thank you very much, and congratulations.

Ms. SPARKS. Thank you, Senator Franken.

The CHAIRMAN. Let me call on Senator Johanns.

Let me mention to the Committee that we are doing a second hearing on the issue of jobs and unemployment on Indian reservations. We have four witnesses, I believe, there, and we have two votes that I believe will start in about an hour.

Senator FRANKEN. Is that your way of suggesting that maybe I went too long, Mr. Chairman?

[Laughter.]

The CHAIRMAN. I would have said so directly had I thought that. There was no hidden message here, Senator Franken.

Senator FRANKEN. Okay, well, you would be tactful and I thought it might have been that.

The CHAIRMAN. Senator Johanns is next. Take as much time as you like.

Senator Johanns. Thank you.
[Laughter.]

**STATEMENT OF HON. MIKE JOHANNS,
U.S. SENATOR FROM NEBRASKA**

Senator JOHANNNS. Thank you very much. I am not going to take too much time.

In fact, I looked through your background and thought, you know, how impressive, what a great career you have had so far in your life, and I wasn't going to say anything, but I couldn't pass up the opportunity.

First thing I want to say is your parents can be very, very proud of what you have accomplished, and I know they are. But I know also that your tribe also must be enormously proud that you are sitting there today.

In the State of Nebraska, as you probably know, we have four tribes. And when I was the Governor of Nebraska, we would do something on an annual basis that was very well received and I have decided to continue it now that I am in the Senate, and that is we have a tribal summit. And we will spend many hours together sometime this coming year. And all four tribes are involved. We are now working to build an itinerary of the subjects we want to cover so we make sure that their time is very well spent.

Behind me to my right is Lea Stueve. She works with me on this. And I am going to ask you to exchange email addresses with Lea, if you would. What would be really great is if we could invite you out to Nebraska. I don't know what your travel budget is or your schedule is, but I think that would be great.

And at the risk of speaking for the tribes, I think they would love to see you there. And if the tribal summit works, we would even welcome you to that. And you might be able to not only meet really outstanding people, but then establish an ongoing relationship with them directly.

So if you could keep that in mind, I would appreciate it. I don't have any other questions or comments other than to say congratulations. I am going to be very, very proud to support you as you make your way here through the confirmation process, and then we put you to work. Okay?

Ms. SPARKS. Thank you, Senator, and I will be sure to exchange information with Lea.

Senator JOHANNNS. Okay. Great. Thank you.

The CHAIRMAN. Senator Johanns, thank you very much.

Are there other Senators that wish to have comments or questions?

Senator UDALL. Chairman?

The CHAIRMAN. Senator Udall?

**STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Yes. Chairman Dorgan, thank you.

Just a brief statement. I agree with Senator Johanns about your background and I want to thank you for serving. I would just like

to say that I know you have advocated for the Esther Martinez Native Languages Act. Esther was a woman who lived in New Mexico, and a result of her death, was the passage of the Esther Martinez Native Languages Act.

And one of the important things that I think we all need to focus on is the fact that, and it can't be said strongly enough, that language is culture. And when we lose the language, we lose the culture. There is a real connection there. When we are from another culture, we don't necessarily realize that.

So I hope that as we move down the road, and I know you have been an advocate for this, that we try to do everything we can to give tribes the tools to retain their languages. I see them doing it on their own, but they need a little help. I see grandmas coming into Head Start Centers and working with their grandchildren and other grandchildren to try to preserve those languages. And I think if we just stepped up to the plate on this Esther Martinez Language Act and funded it, we would start giving the tools to the tribes to retain their languages.

So with that, I am not asking you a question because I want to move on with the jobs hearing. I would just urge you to continue in your position when you get in there to be an advocate. I know you will. I know I don't have to say that.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator JOHNSON?

Senator JOHNSON. I would note that besides Ms. Sparks with the ANA, the new head of the IHS is also a Rosebud Sioux member.

Ms. SPARKS. Right.

Senator JOHNSON. And I appreciate the knowledge.

The CHAIRMAN. We will let the record note about the Rosebud Sioux Tribe.

[Laughter.]

The CHAIRMAN. Senator Tester?

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

Senator TESTER. Yes, thank you, Mr. Chairman.

And as with Senator Johanns, when you make that trip to Nebraska, I invite you to come to Montana. We would love to have you up there to take a look around.

I only have one question, and there are a bunch of questions we could ask about the PATH Act and other things that I know you have worked on and have an interest in. But the one question I have is there is going to be grants from ANA that you will be overseeing that you will be sending out the door that hopefully will create some jobs in Indian Country.

Could you give me an idea of what kind of grants you are going to be looking for that you think we get the most bang for the buck for?

Ms. SPARKS. Well, I think, without sounding too premature, definitely we would be looking at grants and programs, if confirmed, that would be aligned with the President's and the Administration's goals. You know, yesterday evening, President Obama talked extensively about the importance of creating jobs and the Jobs Act.

And looking at ANA and the types of grants they already give, a number of the social and economic development grants and the tribal infrastructure grants are aligned already with the President's goals.

And so I would certainly go into the office looking at what grants we are already distributing, visiting with the grantees, finding out what is successful, what works, and by the way, how we can promote and strengthen that to make sure that we are providing the most employment that we can in Indian Country through ANA as feasible.

Senator TESTER. Well, I want to thank you, and I want to thank you for your willingness to serve, and wish you all the best in your capacity. I think you will do a great job.

Ms. SPARKS. Thank you very much, Senator.

The CHAIRMAN. Any other questions?

Ms. Sparks, I will send some written questions to you and ask that you respond to them quickly, and this Committee will then attempt to move your nomination with dispatch as well.

We thank you very much for coming to the hearing today.

Ms. SPARKS. Thank you, Mr. Chairman.

The CHAIRMAN. And we will keep the record open if there are others that wish to submit statements on the nomination.

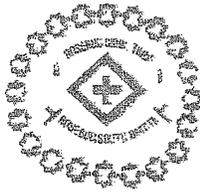
Ms. SPARKS. Thank you.

The CHAIRMAN. Ms. Sparks, thank you very much. You are excused.

And that will end the hearing on Ms. Sparks' nomination and we will begin the hearing now on the issue of unemployment on Indian Reservations.

[Whereupon, at 2:47 p.m., the Committee proceeded to other business.]

A P P E N D I X



ROSEBUD SIOUX TRIBE
POB 430
Rosebud, SD 57570

Website: rosebudsiouxtribe-nsn.gov

Rodney M. Bordeaux, President
William Kindie, Vice President
Louis Wayne Boyd, Treasurer
Linda L. Marshall, Secretary
Glen Yellow Eagle, Sergeant-at-Arms

January 26, 2010

Senator Byron Dorgan, Chairman
United States Senate
Committee on Indian Affairs
838 Hart Office Building
Washington, DC 20510

Honorable Chairman Dorgan and Members of the Committee:

On behalf of the Rosebud Sioux Tribe, the Tribal Council desires to express our support of Lillian Sparks, a candidate for the Commissioner of the Administration for Native Americans, Department of Health and Human Services.

Ms. Sparks is a woman of the Sicangu and Oglala Lakota, the Rosebud and Pine Ridge Sioux Tribes of South Dakota. We encourage and support our people in their pursuit of education as we strongly believe education is the key to the future. Lillian has become a role model for the young people of our Tribe receiving her B.A. in political science from Morgan State University and her Juris Doctorate from Georgetown University.

With her education and experience, serving as the Executive Director of the National Indian Education Association whose goal is to help American Indians, Alaska Natives, and Native Hawaiians improve their access to educational opportunities, and working as a staff attorney for the National Congress of American Indians protecting international indigenous rights, sacred sites, religious protection and issues related to healthcare and youth, we advocate for her confirmation. Ms. Sparks also held the title of Miss Indian World representing all indigenous people of the world. She was later named one of seven young leaders in Indian Country.

The path Lillian has chosen is a path traveled by leaders. Her work and accomplishments exemplify the Lakota values of vision, fortitude, courage, bravery, perseverance, wisdom and compassion for the people. Such values affect the decisions of a leader whose heart is held by the people.

It is our humble privilege and honor to stand with Lillian Sparks as she comes before you today for confirmation. We thank you for your kind consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney M. Bordeaux".

Rodney M. Bordeaux, President
Rosebud Sioux Tribe



ROSEBUD SIOUX TRIBE
 POB 430
 Rosebud, SD 57570

Rodney M. Bordeaux, President
 William Kindle, Vice President
 Louis Wayne Boyd, Treasurer
 Geraldine Night Pipe, Secretary
 Webster Two Hawk, Sr., Sergeant-at-Arms

January 28, 2010

The Honorable Byron Dorgan
 322 Hart Senate Office Building
 United States Senate
 Washington, D.C. 20510

Re: Nomination of Lillian Sparks as Commissioner of the Administration for Native Americans, Department of Health and Human Services

Dear Senator Dorgan:

I am writing on behalf of the Rosebud Sioux Tribe ("Tribe") to express the Tribe's complete support for Lillian Sparks to be confirmed as the next Commissioner of the Administration for Native Americans ("ANA") within the Department of Health and Human Services. The Tribe respectfully requests your support and urges your approval of the nomination of Ms. Sparks.

Ms. Sparks, whose Lakota name is Winacta Winyan (Flower Woman), is a member of the Rosebud Sioux Tribe and descendant of the Oglala Sioux Tribe. She has a long standing and demonstrable record of service to Indian Country, children, and families. She has served as a law clerk for the National Indian Gaming Association, staff attorney for the National Congress of American Indians, and most recently, as the Executive Director of the National Indian Education Association. Ms. Sparks has a wide array of experiences ranging from work on international indigenous rights, sacred sites and religious protection, and issues related to youth, education, welfare and healthcare. Ms. Sparks is a well respected and highly intelligent woman who is well versed in both her traditional Lakota teachings and national policies and affairs.

Throughout her career, Ms. Sparks has served as a great intermediary of information to Indian Country on policies and legislation happening on the national level. Ms. Sparks has first hand experience working on national policies designed to increase high school graduation rates, support school-based health and Head Start programs, and revitalize Native American languages and cultures.

Specifically, Ms. Sparks has been instrumental in the drafting of provisions for the Elementary and Secondary Education Act, the Esther Martinez Native American Languages Act, and a bill to include Bureau of Indian Education schools in Race to the Top funding that was provided in the American Reinvestment and Recovery Act. Through her tireless efforts on the aforementioned bills, Ms. Sparks was able to include provisions to support culturally based education, aligned standards and assessments, and teacher support. She has increased the

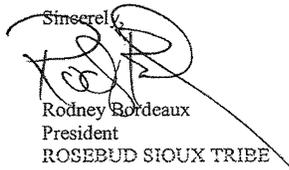
programs at the Bureau of Indian Education, Bureau of Indian Affairs, Indian Health Service, Office of Head Start, and the Administration for Native Americans. Additionally, her efforts have lead to increased and restored funding in a number of federal agencies and departments.

Not only does Ms. Sparks have the substantive knowledge and experience to serve as the Commissioner of ANA, she also has a good rapport with both tribal leaders and policy makers. Her relationships with tribal governments and national organizations has lead to her role as a co-facilitator in Native Children's Agenda ("NCA"), a national policy discussion on comprehensively meeting the education, health and welfare needs of Native youth. Through NCA, Ms. Sparks continues to examine existing policies and programs that may be implemented in Native communities to the benefit of Native families and tribal governments.

Ms. Sparks' extraordinary ability to analyze concerns, identify program obstacles, and outline necessary courses of action has proven to be invaluable for both the formulation of tribal and national policies. Her determination and commitment to assist our Nation's most underserved populations is demonstrated by her willingness to serve and tirelessly advocate on behalf of those who voice is not always heard.

The Tribe is delighted that Ms. Sparks has been nominated by President Obama as Commissioner of the ANA, and we support her nomination whole-heartedly.

In closing, we urge your support of Ms. Sparks' nomination as Commissioner of the ANA.

Sincerely,

Rodney Bordeaux
President
ROSEBUD SIOUX TRIBE



110 MARYLAND AVE. NE
SUITE 104
WASHINGTON, DC 20002

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MISSION

The mission of the National Indian Education Association (NIEA) is to support traditional Native cultures and values; to enable Native learners to become contributing members of their communities; to promote Native control of educational institutions; and to improve educational opportunities and resources for American Indians, Alaska Natives and Native Hawaiians throughout the United States.

The National Indian Education Association, a 501(c)(3) membership-based organization, was founded in 1970.

WWW.NIEA.ORG/MEMBERSHIP

January 27, 2010

Byron Dorgan, Chairman
U.S. Senate Committee for Indian Affairs
352 Hart Senate Office
Washington, D.C. 20510

Dear Senator Dorgan:

As President of the National Indian Education Association (NIEA), the largest and oldest Indian education organization in the nation, it is an honor to support the nomination of our Executive Director, Lillian Sparks, as the Commissioner of the Administration for Native Americans Office (ANA). While it my honor to support her nomination, it is also with gratitude she be considered on behalf of the work contributed to NIEA.

As a nearly 3,000 membership-based education organization, NIEA is committed to increasing the educational opportunities and resources for American Indian, Alaska Native and Native Hawaiian students while protecting the Native cultural and linguistic traditions. Our mission is to "support the traditional Native cultures and values, to enable Native learners to become contributing members of their communities, to promote Native control of educational institutions, and to improve educational opportunities and resources for American Indians, Alaska Natives, and Native Hawaiians throughout the United States."

As the NIEA board and membership awaits the confirmation of Ms. Sparks to the ANA position, the Senate Committee for Indian Affairs is slated to advance our shared mission. During Ms. Spark's tenure with NIEA, the organization was able to advance its agenda on behalf of our members through collaboration with tribes, various education and Native organizations, federal agencies and the Congressional body. As an advocate organization, NIEA maintains the important work of advocacy for the unique educational and culturally related academic needs of Native students.

Ms. Sparks' leadership, in collaboration with the board of directors and constituents, helped to advance some key Indian Education goals in support of Indian Country, as outlined:

- Indian Education Congressional Field Hearings, Field Visits and Listening Sessions.
- NIEA Field Hearings which resulted in draft legislation for the elementary and secondary act reauthorization.
- Introduction and passage of critical Congressional legislation impacting Indian Education, including the Esther Martinez Native American Languages Act (passed) and the Bureau of Indian Education Race to the Top bill (introduced).
- Increased participation, Congressional participation, and technical expertise coordinated, including Congressional meetings, during NIEA's Annual Legislative Summit held in February.

- Over \$760,000 in grants from the Bill & Melinda Gate Foundation for a high school Equity Campaign in collaboration with the National Education Association and various diverse stakeholders.
- Increased services and programs for our NIEA membership, including the Native Language Revitalization Summit, Native Children's Agenda and the High School Policy Program.

These are some highlights of Ms. Sparks' accomplishments as Executive Director with the National Indian Education Association. As Ms. Sparks prepares to transition to the Federal Government with ANA, SCIA can be assured of her quality work ethics, principles, and integrity that provides a firm foundation of excellence for any organization.

It is with sincere gratitude that Ms. Sparks be seriously considered by the Senate Committee for Indian Affairs as Commissioner for the Administration of Native Americans Office under the U.S. Department of Health & Human Services.

Sincerely,

 Patricia L. Whitefoot, President
 National Indian Education Association

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM COBURN, M.D. TO
 LILLIAN A. SPARKS

Question 1. The Indian Education Association was one of the leading proponents of and lobby groups for the Esther Martinez Native Languages Preservation Act, a program under the purview of the Administration for Native Americans. Do you foresee any conflict of interest between your former advocacy role and your new administration position?

Answer. If confirmed, I am confident that my prior role as Director of the National Indian Education Association will not conflict with my responsibilities as Commissioner of the Administration for Native Americans. I appreciate the strong interest in language preservation activities envisioned under the Esther Martinez Language Preservation Act, and look forward to working on these projects as well as all other projects supported by the Native American Programs Act.

In addition, if any questions arise regarding real or perceived conflicts of interest on this or any other issue, I will consult with the Department's designated ethics official.

Question 2. As you know poverty and unemployment are prevalent in Indian Country. As a result, this has prompted greater dependency on federally supported programs. The first goal listed on ANA's website is, in part, to reduce the dependency on public funds and social services. To what extent has the agency achieved this goal since its inception in 1972? How will you measure progress is made during your tenure?

Answer. I share your concern about the prevalence of poverty and unemployment in Indian Country. While I believe the programs administered by the Administration for Native Americans have helped promote self-sufficiency in our native communities, I am committed to ensuring they are efficient and accountable. If confirmed, I will use all the statutory tools available to ANA, including the mandate to conduct impact evaluations of ANA-funded projects, to determine whether we are making progress toward improving the well-being of children and families in Indian Country. In addition, wherever possible, I will establish measurable goals for the agency and its programs in order to ensure that our resources are being allocated effectively.

Question 3. Which programs within the Department, if any, do you think can be eliminated because they are ineffective, duplicative, unnecessary or have outlived their purpose?

Answer. Prior to confirmation, I do not believe I am in a position to determine which ANA programs should be continued or eliminated. However, as I mentioned in my previous response, I intend to move quickly to evaluate the agency and its programs with an eye toward efficiency and accountability, and I will certainly not hesitate to eliminate programs or initiatives that are ineffective or unnecessary. As

you know, the President has expressed a firm commitment to eliminating wasteful programs, and I fully support that objective.

Question 4. More specifically, do you believe there is overlap between programs that will fall under your jurisdiction and Department of Interior programs, and, if so, how will you work to ensure greater coordination and efficiencies?

Answer. I believe that various programs within HHS/ANA and the Interior Department are focused on different aspects of similar issues and challenges, and I agree that interdepartmental collaboration is important to improved program management and outcomes. If confirmed, I look forward to strengthening ANA's partnership with other offices and agencies—both within HHS and across the government—in an effort to ensure we are working together to achieve clearly defined goals.

Question 5. President-elect Obama promised to conduct “an immediate and periodic public inventory of administrative offices and functions and require agency leaders to work together to root out redundancy.” When do you plan to start this and when can we expect you to complete it?

Answer. As I mentioned in a previous response, I intend to move quickly to evaluate the agency and its programs with an eye toward efficiency and accountability. If confirmed, it will be one of my first priorities to conduct a review of ANA's resources and programs to ensure that its mission is clearly defined, and that its spending is in line with that mission.

Question 6. Currently all recipients of federal grants, contracts, and loans are required to be posted online for public review. Do you support making all federal assistance including subcontracts and subgrants transparent in the same manner?

Answer. I share the President's commitment to government transparency, and, if confirmed, I look forward to working with Secretary Sebelius and HHS leadership to bring a new level of transparency to the Department. As you noted in an earlier question, part of ANA's mission is to promote self-sufficiency and reduce dependency on public funds and social services, and I believe that increased transparency and accountability with respect to ANA's program dollars will help measure the agency's progress toward meeting that goal. Toward that end, I am committed to identifying opportunities at ANA where transparency and accountability can be increased, including with respect to how program dollars are being spent.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. AKAKA TO
LILLIAN A. SPARKS

Question 1. The ANA program for more than 30 years has served all of the indigenous peoples of the United States and its territories, including Native Hawaiians, Alaska Natives and American Indians, recognizing the unique cultures, languages and value in supporting community based empowerment.

Will you continue this long standing commitment by ANA to serve the indigenous peoples of the United States, regardless if they are located in Hawaii, Alaska, the lower 48, or the Pacific?

Answer. Yes. If confirmed, I will continue to support all of the eligible populations for ANA programs, regardless of geographic location.

Question 2. The contracts issued by ANA to deliver training and technical assistance across the country and in the Pacific are one of the most important ways that Native communities are not disenfranchised, and able to fully participate in the ANA program. Technical assistance is best delivered by organizations and firms that have a first hand knowledge of the culture and peoples of a particular region. In addition, these contracts are excellent ways of supporting locally owned and controlled firms in the various regions of the country.

How will you ensure that the selection of TTA contractors are representative of the communities they are serving, whether they are American Indian, Alaska Natives, Native Hawaiians, or Pacific Islanders?

Answer. I absolutely agree that ANA must work to identify firms for contracting purposes that are best-suited to performing the job in question, and that first-hand knowledge of the cultures and people of the communities served by ANA is extremely beneficial in providing people with the kind of assistance they need to take full advantage of the agency's programs and services. If confirmed, I will ensure that contracting rules are followed, while also reaching out to encourage firms that represent the communities ANA serves to compete for contracting opportunities.

Question 3. Self-governance has long been one of the cornerstone areas of the ANA program, along with economic and social development, and language preservation.

What are your views on how the strengthening of Native self governance impacts all other areas of community well-being in Native communities, whether represented by a federally recognized tribe or not?

Would you support the use of ANA programs to advance Native peoples that are working toward federal recognition?

Answer. I understand your interest in the important questions surrounding self-governance, and, if confirmed, I intend to work closely with other HHS agencies and offices to review the department's policies in this area with the goal of promoting the well-being of all Native communities. With respect to federal recognition, it is my understanding that ANA does not currently fund projects that are focused on the federal recognition process. If confirmed, I will examine this issue more closely to determine whether such projects fit within ANA's authority and existing program priorities. Of course, if confirmed, I would be happy to work with you and your staff on both of these important issues.

