STATEMENT BY
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NATIONAL JOHNSON O'MALLEY ASSOCIATION (NJOMA)
BEFORE THE SENATE INDIAN AFFAIRS COMMITTEE
ON S. 943
THE JOHNSON O'MALLEY SUPPLEMENTAL INDIAN EDUCATION PROGRAM MODERNIZATION ACT OF 2017
July 12, 2017

Mr. Chairman and Members of the Committee, I am pleased to represent the National Johnson O'Malley Association (NJOMA) before you today in support of S. 943, the Johnson O'Malley Supplemental Indian Education Program Modernization Act of 2017; legislation developed to direct the completion of necessary updates to the Johnson-O'Malley Supplemental Indian Education program (JOM) operated by the Department of Interior, Bureau of Indian Education (BIE).

Mr. Chairman, as I have testified before, NJOMA has for nearly 25 years and through several Administrations advocated for actions to reverse the Department of Interior and BIE's "determined unwillingness" to complete the necessary work to be able to finalize a count of the numbers of Indian students "eligible" for JOM services. In 2012, 2014, 2016 and again in 2017, Members of Congress approved language in the Interior appropriations bills directing the Department and BIE to update and report to the Congress a count of the eligible Indian students for the JOM program. Given this unacceptable situation, I come here again today on behalf of the over 1 million Indian children asking this Committee and the Congress to quickly approve S. 943 so that these children can rightfully obtain the kinds of supplemental educational services and assistance they need to become productive American citizens.

We are extremely pleased and thankful that Senators Heidi Heitkamp, James Langford, Steve Danes have stepped up to reintroduce legislation to direct the Secretary of Interior to acknowledge the 20 plus year gap in data collection for the JOM program, and to select and use one of the widely accepted government data sets such as Census Bureau and/or National Center for Education Statistics (NCES) data, to develop a reasonably reliable projection of the current JOM-eligible student population. This bill will authorize the Secretary to use one these data sets to establish a new baseline count of eligible Indian students for use in help BIE and NJOMA build a modern, more accurate, and uniform allocation funding formula; establish a data reconciliation process-like the one used by HUD in the Indian Housing Block Grant program to work with Tribes, public school districts and other organizations to refine, and establish on an ongoing basis, the requirement for BIE to keep the count accurate and report this information to the Congress on an annual basis.

When NJOMA began our pursuit of legislation to modernize and reform the Johnson O'Malley program, we established four primary goals for this legislation:

- First, we are seeking the Johnson O'Malley Modernization Act to obtain a complete update of the student count for the number of Indian students "eligible for JOM services and assistance";
- Second, we wanted to initiate and conclude an open, honest and reality based discussion about the true cost and funding needed to provide the types of supplemental

learning and educational services and assistance needed by Indian students in today's educational and career environment;

- Third, we wanted to obtain a general update and modernization of JOM's Rules, as reflected in Title 25, Code of Federal Regulations; and
- Finally, we wanted to codify the objective of increasing geographic and Tribal participation in the Johnson-O'Malley Supplementary Education Program.

UPDATING THE JOM STUDENT COUNT

For nearly 25 years and through several Administrations, the Department of Interior and BIE have been unable, or in some peoples' opinion, unwilling to do the necessary work needed to finalize a count of the numbers of Indian students currently enrolled or calculate the true total count of Indian students eligible for JOM services. It should be noted once again that the JOM program has been all but frozen in time since 1995: no updated student count, no update of the program rules, and no real increase in funding to meet the real-time growth in the eligible population as noted from data collected for other Indian education activities and the 2010 Census (and its bi-annual Community Population updates).

Once again, I would remind the Committee that in 2012, 2014, 2016, and again in 2017, the Congress approved language in the Interior appropriations bills directing the Department and BIE to update and report to the Congress a count of the eligible Indian students for the JOM program. Given what I believe we would all agree is a totally unacceptable situation, we firmly believe that the "total eligible student population" for JOM when projected using the accepted factors of "enrollment in a Federally recognized Indian tribe or ¼ blood quantum" that the eligible JOM Indian student count is well over 1 million Indian children verses the 272,000 students counted in 1995, and still in use for funding and allocation purposes today.

NJOMA is totally supportive of the authorization contained in S. 943 that provides the Secretary of Interior with direct authorization to select and use one or more of the widely accepted government data sets such as Census, National Center for Education Statistics (NCES), and data collected by the Office of Indian Education of the Department of Education to develop a reasonably reliable projection of the currently enrolled JOM-eligible student population. We hope to be able to continue working with this Committee, our other Congressional supporters and the Department of Interior and BIE to fully identify and extend JOM services and assistance to the full Indian student population JOM is intended to reach.

DETERMINING TRUE COST AND FUNDING TO PROVIDE SUPPLEMENTAL LEARNING AND EDUCATIONAL SERVICES AND ASSISTANCE NEEDED BY INDIAN STUDENTS IN TODAY'S EDUCATIONAL AND CAREER ENVIRONMENT

Under currently utilized JOM regulations (Title 25 Code of Federal Regulations (CFR) INDIANS, Part 273, 16-17), JOM programs are based on community and student needs assessments, not the needs of the school district and therefore provide specialized educational services to Indian students. As you may know, the JOM program is the only Federally-funded Indian educational program that allows for student, parent, and community involvement in meeting their educational needs which are both academically, culturally and geographically based.

In 1995 when JOM was frozen, the per student allocation amount funded was approximately $125.00 per student, based on the then 272,000 counted students. A review of the nearly 22

years of frozen funding for JOM appearing later in this testimony shows that today's JOM per student allocation is **effectively** $43.00 per student; an amount that is not based on any accepted measurement of the true costs of the goods, services, personnel and transportation costs and types of assistance needed by JOM eligible students.

NJOMA is pleased that S. 943 directs the Secretary to establish, in consultation with contracting parties, a present day per student funding allocation that shall serve as a funding "**target baseline**" for the JOM program going forward. This baseline will enable all of us to remain focused on insuring that the commitments make as far back as the early 1800s, and codified in the 1934 Johnson O'Malley Act, to "ensure that Indian children received the educational opportunities that would not otherwise be provided" are kept.

We are also pleased that S. 943 requests that the Secretary make recommendations for legislation to logically increase the amount of funds available per eligible Indian student through contracts, at amounts equal to or greater than the amount of funds that were available per eligible Indian student for fiscal year 1995, and to identify additional sources of funding that do not reallocate existing funds otherwise utilized by Indian students served by JOM.

Finally, NJOMA is also supportive of the provisions that establish "Hold Harmless" funding conditions in S. 943, and are pleased that they accommodate the need, should it occur, for JOM Contracting Parties to adjust their program and services over a period to accommodate a decrease in enrolled students should it fall below the number of eligible Indian students identified in the initial eligible student count for that program entity.

UPDATING AND MODERNIZATION OF JOM'S RULES

The program operating rules for JOM are terribly outdated and lacking in the kind of guidance generally needed by JOM Contracting Parties. Many of the needed Rule updates are to provisions that have not been reviewed or amended since the 1970s, or are in areas where the Courts have rendered decisions that require JOM Rules to be brought into compliance with the Court's findings such as the definition of "eligible Indian student" as ruled by the Ninth Circuit Federal District Court in Diane Zarr v. Earl Barlow, 800 F.2d 1484 (9th Cir. 1986).

S. 943 instructs the Director of the Bureau of Indian Education to undertake and complete a rulemaking process to determine how the regulatory definition of 'eligible Indian student' may be revised to clarify eligibility requirements for contracting parties; determine, as necessary, how the funding formula may be clarified and revised to ensure full participation of contracting parties and provide clarity on the funding process; and otherwise reconcile and modernize the rules guiding the JOM program.

NJOMA looks forward to working with BIE and other JOM stakeholders to improve and update the JOM program Rules; and are hopeful that this effort will be conducted via a fully engaged and consultative process.

INCREASING GEOGRAPHIC AND TRIBAL PARTICIPATION IN THE JOM PROGRAM

S. 943 instructs the BIE to consult with Indian tribes and contact State educational agencies and local educational agencies that have not previously entered into a contract to determine the

interest of the Indian tribes and State educational agencies and local educational agencies in entering into contracts, and to share information relating to the process for entering into a contract. This mandate is justified because in 1996, BIE stopped accepting and processing applications from Tribes and other potential JOM program contractors, even as inquiries continued to flow into the Bureau from school districts, Tribes and other eligible entities.

NJOMA strongly believes that as the true impact of the likely "total eligible student population" for JOM of well over 1 million Indian children and that the need to increase the number of JOM Contractors, expand resources and otherwise raise funding for this U.S. Government "Trust Responsibility" program will be self-evident. We likewise believe it is important that these and other outreach efforts are critically needed to insure also that "No Indian Child is Left Behind."

What Does the Census Data Tell Us?

In previous testimony NJOMA has spoken to the issues of using widely acknowledged data and a reconciliation process to better determine and establish a viable estimate of the number of JOM eligible Indian students. The Native American population that has been one of the demographic groups experiencing positive population growth for the last 40 plus years. According to the 2010 census, 5.2 million people, or 1.7 percent of all people in the United States, identified as American Indian and Alaska Native, either alone or in combination with one or more races. This population alone grew by 27 percent from 2000 to 2010. In the 2010 census, those who reported being American Indian and Alaska Native alone totaled 2.9 million, an increase of 18 percent from 2000 to 2010. The multiple race American Indian and Alaska Native population, as well as both the alone and alone-or-in-combination populations, all grew at a faster rate than the total U.S. population, which increased by 9.7 percent from 2000 to 2010. The data also shows us the steady growth that has occurred and is forecast to continue to happen within the ages 3-12 years old demographic, and the forecasts up to and beyond 2020 present this same picture.

In 2014, the U.S. Census Bureau provided Representative Tom Cole (R-OK) with census data regarding American Indian and Alaska Native child populations. The information provided included data tables that reflect American Indian and Alaska Native population aged 3 to 18 years by selected tribe from the 2000 Census, the 2006-2010 American Community Survey, the 2010 Census, and the 2008-2012 American Community Survey. In addition, the Census Bureau provided population projections of the American Indian and Alaska Native population aged 3 to 18 years for 2010 through 2020. According to the most reliable numbers available from the 2010 Census, there are at least 798,000 Indian and Alaskan Native students who are counted as having been enrolled in a single, federally recognized tribe. That number is over 1.0 million eligible Indian children who, based on meeting the current JOM 1/4thquantum requirement, and attending Public Schools who we believe, should also be receiving JOM services today.

Because of bureaucratic fumbling and Administration neglect, JOM's student count has been frozen at 272,000 students since 1994. The Senate Indian Affairs Committee stated in its 2012 Report accompanying S. 1262 (Senate Report 112-262), "[that] currently, 620,000 or 93% of Native students attend public schools and approximately 45,000, or 7%, attend BIE schools." It was clear then, and remains true, that there are many JOM-eligible students being denied or

deprived of services that they are legally entitled to, amounting to a failure of the Federal Government to meet its trust responsibility.

NJOMA has lead an effort- that we are pleased that the BIE has now embraced- to temporarily set-aside BIE's once used annual student count process, and replace their count with U.S. Census or other data to build a new baseline count of JOM Indian students. We have argued that Census data is reliable, comprehensive information that is provided without any additional funding or resources for the Bureau. There are many federally funded programs, including ones specifically for Native American populations, which use U.S. Census data for the apportionment of funds. Census information is reliable data upon which Congress and the Administration regularly rely including for the Reading First State Grants (Dept. Ed), Career and Technical Education – Basic Grants to States (Dept. Ed), Tech-Prep Education (Dept. of Ed), Safe and Drug-Free Schools and Communities State Grants (Dept. Ed), Water and Waste Disposal Systems for Rural Communities (USDA), Grant Program to Establish a Fund for Financing Water and Wastewater Projects (USDA), Special Programs for the Aging Title VI, Part A, Grants to Indian Tribes Part B, Grants to Native Hawaiians (HHS), Urban Indian Health Services (HHS), Low-Income Home Energy Assistance (HHS), Head Start (HHS), Family Violence Prevention and Services/Grants for Battered Women's Shelters Grants to States and Indian Tribes (HHS), Preventive Health and Health Services Block Grant (HHS), Violence Against Women Formula Grants (DOJ), State Public Water System Supervision (EPA), Water Pollution Control State, Interstate, and Tribal Program Support (EPA), Nonpoint Source Implementation Grants (EPA), Economic Adjustment Assistance (DOC), National Fire Plan - Wildland Urban Interface Community Fire Assistance (DOI), Americorps (CNCS), Native American Employment and Training (DOL).

The Federal Government, including the Department of Interior and the Bureau of Indian Affairs use Census data for other Indian programs including tribal housing, tribal roads, law enforcement, and labor force reports. BIA currently uses Census data for its American Indian Population and Labor Force Reports and Congress regularly uses this data to inform policymaking decisions. Census data is also widely used locally for planning and program purposes to identify appropriate economic development approaches and gauge particular community needs and resources. Another critical use of this data is to determine levels of federal funding for tribes under the Workforce Investment Act, the Indian Housing Block Grant program, the BIA Tribal Transportation program, and many other Indian programs. Using Census data would reduce duplicitous spending by BIA to perform a count for which data already exists. Any significant changes to data collection (or lack thereof) and the continued non-collection of data impact the ability of tribal governments to adequately provide for their citizens, and affect the federal government from carrying out its trust responsibility in essential social and economic areas.

In 1997, OMB issued a ***Federal Register*** notice regarding revisions to the standards for the classification of federal data on race and ethnicity. OMB developed race and ethnic standards in order to provide "consistent data on race and ethnicity throughout the Federal Government. The development of the data standards stem in large measure from new responsibilities to enforce civil rights laws." Among the changes, OMB issued the instruction to "mark one or more races" after noting evidence of increasing numbers of interracial children and wanting to capture the diversity in a measurable way and having received requests by people who wanted to be able to acknowledge their or their children's full ancestry rather than identifying with only one group. Prior to this decision, the Census and other government data collections asked people to report only one race.

The OMB states, "many federal programs are put into effect based on the race data obtained from the decennial census (i.e., promoting equal employment opportunities; assessing racial disparities in health and environmental risks). Race data are also critical for the basic research behind many policy decisions. States require these data to meet legislative redistricting requirements. The data are needed to monitor compliance with the Voting Rights Act by local jurisdictions".

While BIE has traditionally relied on tribes to provide data for the student count, tribes should not bear sole or primary responsibility for providing quality data with little to no resources, training, or other support from the Bureau to do so. It is clearly essential that student count data be available for monitoring the quality of services that the BIE and JOM contractors are responsible for providing to American Indian and Alaska Native students. Going forward, there needs to be greater coordination between the BIE, Census Bureau, and the Office of Management and Budget to address the widespread problems that plague data collection generally in Indian Country, and especially JOM.

For the record, BIA/BIE's 2012 and 2014 counts - as imperfect as they were – made it clear that there have been increases in the number of students needing and being serviced by JOM since 1995. The only real issues in dispute today are how much of a student increase has occurred, and what the cost would be of adequately serving this population. As the number of students served by JOM has grown, so too must the funding in order for JOM to continue to operate and offer the much needed services it provides to an already underserved Native American population.

In our view, at this point in time, it is clear that this data is a more comprehensive compilation of population data and more accurately reports the demographics of the client group that JOM is intended to serve. The BIE has more than proven that is not capable of performing and reporting student counts as mandated by Congress. S. 943 will direct the use of Census and/or other data to bridge the over 20-year gap since the last true JOM student count, but does serve as a replacement for a BIE count altogether.

We look forward to working with BIE, the current JOM contractors and all new program providers in providing Congress with accurate and compelling justifications for increases in funding and expansion of the allowable-but badly needed-program activities that JOM can operate that will advance the attainment of the goal of enhancing the education and training of Indian students.

JOM Funding and Student Count History

For over 60 years, the JOM program constituted a separate appropriation under the Federal budget and appropriations bills. However, in 1995, the Bureau of Indian Affairs moved the JOM program into the TPA budget category of the BIA. The TPA is a block grant to tribes of a number of program allocations and authorities which originally were separate programs. Theoretically, the TPA system allows tribes flexibility to move funds between activities within the program to meet locally, tribally designated priorities. However, as with most block grant schemes, the TPA has been used as a budget regulatory tool, with amounts for the TPA account limited and not increasing with the needs of various components. In fact, the TPA has allowed the Federal government to flat-line funds for the account for years, while the needs of the constituent programs have increased. The tribes and the JOM Indian community resisted

the proposed Bureau addition of the JOM to the TPA. Despite tribal and educator opposition, the BIA added the JOM program to the TPA, creating the current program.

Prior to the 1995 freeze, the BIA had a full time JOM Director in the D.C. office. This director collected the program annual reports, student count information, and provided technical assistance the programs. While there were local JOM managers in the regional BIA offices that oversaw the local JOM programs and provided direct technical assistance, the JOM program administrators had a direct line to the Director in D.C. The Director's primary task was to provide the JOM programs with their annual funding based on the student count received from the local JOM managers. The Director makes a funding distribution based on the national budget divided by the student count, taking into consideration the cost of living in each state. For example, Alaska received the highest per student cost based on the high cost of living in that state.

The regional JOM managers would collect the information from the local JOM programs; they would put out notices of deadlines, hold JOM forums, and conduct annual evaluations of each program, including a random student certification verification and financial audit review. These regional managers would provide their findings of non-compliance to the programs and provide them a timeline to comply or funding would be withheld until such time as the individual program was compliant with federal regulations and BIA policies and procedures. Compliance included annual reports, student count certificates, or lack of Local Indian Education Committee (LIEC) involvement.

The LIEC is comprised of parents of eligible Indian students enrolled in the public school district. Choices are made at the local level, with scarce resources going to locally determined needs. The regional JOM managers also reviewed each JOM program application and ensured that there were measurable goals and objectives based on an actual needs assessment that was conducted annually. In addition, the managers reviewed their prospective budgets before forwarding them to the Director in D.C. The managers collected the following from each program and sent them to the Director: annual needs assessment, program application with measurable goals and objectives, budgets, student count verifications, LIEC bylaws, and LIEC election process.

In 1982, the BIA proposed eliminating the JOM, arguing duplication of Indian Education Act. Congress soundly refuted this reasoning, stating the programmatic differences in local Indian control and scope, and difference in student eligibility. In 1983, the Department of Education (DOE) proposed eliminating the Indian Education Act, arguing similar funding was available from DOE and the lack of accountability for how the funding was used.

The U.S. Department of Education oversees the Title VII Indian Education Act programs and Title VIII Impact Aid funding which Congress considers duplicate funding sources for Indian Education. The Title VII program is run directly through the school districts and is not subject to tribal control. The tribes have no actual authority over the design or implementation of the Title VII programs.

Under the JOM regulations, parents of eligible JOM Indian students are 'vested with authority" to design and implement local JOM programs. 25 Code of Federal Regulations (CFR) INDIANS, Part 273, 16-17, states JOM programs are based on community needs assessments, not the needs of the school district and therefore provide specialized educational services to Indian students. The JOM program is the only Federally-funded educational program that allows for student, parent, and community involvement in meeting their educational needs which are both academic and cultural based.

The eligibility for Title VII students is not based on students being an enrolled member of Federally-recognized tribe; they simply need to identify themselves on a DOE Form #506. Congress reacted so negatively to this proposal that any further debate on these two programs was shelved and put to rest.

However, the effort to eliminate JOM was resurrected in 1995. The effort to eliminate JOM began with the reduction and eventual phasing out of the regional JOM manager positions, and eventually, the Director's position in D.C. The Director went from a full time coordinator, to a quarter time position, and then phased out altogether. At this time, there was an effort by the BIA to put more emphasis and efforts into the Bureau-operated schools and wanted to direct JOM funds to those schools.

JOM funding has been in a state of "suspended animation" since 1995. The funding formula and the movement of JOM into TPA has caused many tribes and other grantee/contractors under JOM to be frozen at the 1995 student count and funding figures, indefinitely. In 1994 the eligible Indian student count was 272,000 and now there is an unmet financial need for the additional JOM students currently being served by public schools throughout the nation. This student count is not an accurate representation of the number of Indian students served today.

Since the freeze in 1994, there has been no correlation of educational services with the lack of an accurate Indian student count. The JOM programs are not able to show due to the freeze and those Indian students attending public schools are being overlooked for services. Without a current JOM student count, there is no way to estimate the current percentage of JOM students being served in comparison to the BIE.

Many in Indian country believe that the Department of Interior and the BIE have mismanaged the JOM count for over two decades, a situation they many contend is a clear violation of the Federal Government's Trust Responsibility to Indian Country. Evidence of this mismanagement by BIA occurred with the FY 2007 Budget submission. Lack of program performance accountability, duplication of other state and federal programs and implementation of management efficiencies were among the reasons given in the budget documents for the reprogramming of twenty-five percent of JOM funds by the BIA Tribal Budget Advisory Council (TBAC). The BIA has not monitored the JOM program properly since 1995, and thus these reasons are invalid and unverifiable. The JOM program is the one remaining Federal program that puts the program under the strict control of a LIEC.

Legislative History of JOM and the House Subcommittee on the Department of Interior FY 1993-2017
Source: Dept. of Interior Budget Justifications and Performance Information

DATE	SOURCE	AMOUNT REQUESTED	# STUDENTS FUNDED	NOTES	CITATION
1992	BIA Budget Justification FY 1993	Base: $22,817,000 **FY 1993 Request: $22,177,000**	228,681 in 32 states	• JOM funds home-school coordinators and academic remediation. • JOM has blood quantum and eligibility requirements. • Although JOM has a base of $22,817,000, $644,000 transferred to tribes so as to let them manage their educational needs.	ISBN 0-16-037580-0; pg. 1066 (BIA-184)
	Testimony re: FY 1993			• In oral testimony, Committee asks why BIA did not request more money for education even though it's a priority for the Clinton Administration. • In the "additional questions" section, the BIA answers basic questions about the feasibility of transferring JOM funds to tribes.	ISBN 0-16-038719-1 pgs. 172-76; 211-12
1993	BIA Budget Justification FY 1994	Base: $22,826,000 **FY 1994 Request: $22,826,000**	First reported as 229,728 students in 1993; later revised to 245,102.	• JOM-funded home-school coordinators work with families to motivate students to stay in school. • JOM also helps parents meet school-related expenses.	ISBN 0-16-040785-0 pgs. 954, 1193 (BIA pgs. 83, 319)
	Testimony re: FY 1994			• To justify why its request matched its base, BIA explains that JOM enrollment increased by only .5 percent in the previous year. • BIA expects JOM enrollment to increase to approximately 245,000 students in FY 1994 because private and tribal schools now receive JOM funds.	ISBN 0-16-041023-1 (pg. 228-29)
1994	BIA Budget Justification FY 1995	Base: $24,326,000 **FY 1995 Request: $24,406,000**	259,813	• Nothing in green book re: JOM activities.	Pg. 1044 of the FY95 budget justifications (BIA pg. 79)
	Testimony re: FY 1995			• ASIA Ada Deer discusses education at the beginning of her testimony and mentions JOM by name. • Committee notes that the amount requested for JOM is about the same as for FY 1994; BIA explains that it expects JOM to fund only a few more students than the year before.	Part 10, Pgs. 93; 228-29

DATE	SOURCE	AMOUNT REQUESTED	# STUDENTS FUNDED	NOTES	CITATION
1995	BIA Budget Justification FY 1996	Base: $24,359,000 **FY 1996 Request: $22,752,00**	271,857	• State-by-state breakdown shows that JOM primarily funding students in Alaska, Arizona, and New Mexico.	Part 2, pgs. 839; 1144-45 (BIA pgs. 61, appendix)
	Testimony re: FY 1996			• ASIA Ada Deer once again mentions education and JOM at the beginning of her testimony. • BIA explains JOM incentivizes non-Indian schools to share in the responsibility of educating Indian students.	Part 11 pg. 955
1996	BIA Budget Justification FY 1997	Estimated Base: $19,634,000 **FY 1997 Request: $22,570,000**	"nearly 272,000 students in 33 states"	• BIA notes that it received 14 percent less than its FY 1996 request. • Some JOM funds were transferred to self-governance compacts.	Part 4, 54-56
	Testimony re: FY 1997			JOM is mentioned nowhere in the testimony.	Part 5
1997	BIA Budget Justification FY 1998	Estimated Base: $18,177,000 **FY 1998 Request: $17,216,000**	"272,000 students in 33 states"	• JOM "is the only Bureau program that provides for the culturally related and supplementary academic needs of Indian children attending public schools." • Explains that JOM transferred to the TPA part of the Tribal Budget System in FY 1996. • BIA used the FY 1995 student count to distribute JOM funds to tribal TPA bases.	Part 2, pg. 692 (BIA pgs. 57-58)
	Testimony re: FY 1998			• JOM mentioned once in the oral testimony, but nothing else beyond that.	Part 8, pg. 304
1998	BIA Budget Justification FY 1999	Base: $18,534,000 **FY 1999 Request: $18,080,000**	a "constant population" of 272,000 students in 33 states	• Same information as previous year.	Part 2, pg. 878 (BIA 74)
	Testimony re: FY 1999			• Although Indian education discussed at length, JOM not mentioned.	
1999	BIA Budget Justification FY 2000	Base: $18,080,000 **FY 2000 Request: $17,469,000**	a "constant population" of 272,000 students in 33 states	• Same information as previous year.	Part 2, pg. 924-25 (BIA pg. 60-61)
	Testimony re: FY 2000			• JOM mentioned once, but nothing else beyond that.	Part 8, pg. 215

DATE	SOURCE	AMOUNT REQUESTED	# STUDENTS FUNDED	NOTES	CITATION
2000	BIA Budget Justification FY 2001	Base: $17,387,000 **FY 2001 Request: $17,035,000**	a "constant population" of 272,000 students in 33 states	• Essentially the same information as in previous years. • JOM funds "tutoring and counseling and parental involvement programs."	Part 2, pg. 789 (BIA pg. 63)
	BIA Testimony re: FY 2001			• JOM mentioned nowhere in the testimony. • At a couple of points, ASIA Kevin Gover concedes that BIA has struggled to keep up with student counts.	Part 8, pgs. 194, 255
2001	BIA Budget Justification FY 2002	Base: $16,998,000 **FY 2002 Request: $17,113,000**	a "constant population" of 272,000 students in 33 states	• JOM meets "the unique and specialized educational needs of Indian children in public school systems" • JOM for PreK-12 students, excludes "those who are enrolled in Bureau- or sectarian-operated schools"	Pg. 51-52
	BIA Testimony re: FY 2002			• JOM designed to meet "specialized and unique educational needs, including programs supplemental to the regular school program and school operational support."	Part 6, pg. 351
2002	BIA Budget Justification FY 2003	Base: $17,113,000 **FY 2003 Request: $17,019,000**	"about of 272,000 students in 33 states"	• "The program supports the Bureau's Annual Performance Plan goal of improving the succession of students to each educational level by providing tutoring and counseling and parental involvement programs.	Pg. 56
	BIA Testimony re: FY 2003			• JOM is not discussed	
2003	BIA Budget Justification FY 2004	**FY 2004 Request: $16,874,000**	"about of 272,000 students in 33 states"	• Approximately the same information as previous year.	Pg. 44-45
	BIA Testimony re: FY 2004			• JOM is not discussed	
2004	BIA Budget Justification FY 2005	2003 Actual: $16,908,000 2004 Enacted: $16,666,000 **FY 2005 Request: $16,743,000**	"about of 272,000 students in 33 states"	• Explains that "the programs in public schools are often not designed to provide ethnic Indians with the support systems they need to be successful."	Pg. 57-58
	BIA Testimony re: FY 2005			• JOM is not discussed	

DATE	SOURCE	AMOUNT REQUESTED	# STUDENTS FUNDED	NOTES	CITATION
2005	BIA Budget Justification FY 2006	FY 2004 Actual: $16,666,000 FY 2005 Enacted: $16,510,000 **FY 2006 Request: $7,777,000**	Not discussed	• To justify cutting JOM funds in half, BIA says its core responsibility is to operate federally funded schools; in light of scarcity, BIA wants to cut down on supplemental education funding.	Pgs. BIA-TPA 21-23
	BIA Testimony re: FY 2006			• BIA explains that JOM "grants for Indian children attending public schools do not currently address a focused goal for academic achievement and duplicate similar funding made available by the Department of Education." • Example of duplicate funding: DOE has $150 million in funding specifically targeted to Indian students attending public schools. • Remaining JOM funding will go toward "the highest-priority components" of the program	Pgs. 18, 74
DATE	SOURCE	AMOUNT REQUESTED	# STUDENTS FUNDED	NOTES	CITATION
2006	BIA Budget Justification FY 2007	FY 2005 Enacted: $16,510,000 FY 2006 Enacted: $16,371,000 **FY 2007 Request: $0**	Not discussed	• "These grants are duplicative of other Federal and State assistance programs and do not address a focused goal for academic achievement. Eliminating the $16.4 million JOM grants allows the Bureau to realign funds and focus resources on the requirements of the Bureau funded school system, while also reducing redundancy with other Federal programs."	Pgs. BIA-SUM-12,13; BIA-ED-1
	BIA Testimony re: FY 2007			• Sen. Dorgan (D-ND) asks why JOM is cut, says this is a mistake, points out that BIA does not seem to increase education spending elsewhere so as to "refocus" itself. • BIA explains that it is phasing out JOM because DOE programs can now provide the same types of grants.	Part 5, pg. 74

DATE	SOURCE	AMOUNT REQUESTED	# STUDENTS FUNDED	NOTES	CITATION
2007	BIA Budget Justification for FY 2008	FY 2006 Enacted: $16,371,000 FY 2007 CR: $0 **FY 2008 Request: $0**	Not discussed	"The FY 2008 request proposes corresponding reductions to Self-Governance Compacts and Consolidated Tribal Government Programs funding related to JOM. This reduction eliminates $6.7 million from Self-Governance Compacts. Public school districts will continue to receive funding and are eligible for grants similar to JOM under Title VII of the Indian Education Act (Public Law 107-110) through the US Department of Education. Title VII funding addresses the special academic and culturally relevant education needs of Indian children."	Pg. IA-TG-3; IA-EDUC-1
	BIA Testimony re: FY 2008		• Testimony from Umatilla: Restore JOM to 2004 levels • Umatilla questions BIA's argument that JOM was duplicative of Title VII funding available through DOE, saying that JOM monies go to tribes whereas Title VII monies are managed by non-Indian school districts. • Umatilla attributes underperformance of its students to lack of JOM programs. • Confederated Tribes of the Warm Springs Reservation in Oregon also testifies, asks that BIA restore JOM to $17 million • Warm Springs: "(JOM) is the only tool available to our Tribe to directly participate in the K-12 education of our children." • Fond du Lac Band: JOM not duplicative; unlike other programs, JOM had a cultural enrichment and Native language component unavailable elsewhere. Asks that BIA "restore full funding." • NCAI: JOM not duplicative; valuable because it gave tribes a foothold in the K-12 public school systems. • Nisqually: "While we support the administration's initiative to improve performance at BIA schools, we cannot support balancing these increases with cuts that would harm children attending public schools and our youth who are pursuing a college education." Asks that BIA restore JOM to $16.3M. • Puyallup: Restore JOM funding to $16 million. • Shoshone-Bannock Fort Hall: Restore JOM funding to $16.4 million. • Skokomish: JOM key to the tribe's ability to track students' academic progress.		Pgs. 194, 195-97, 292, 328, 358, 369,

DATE	SOURCE	AMOUNT REQUESTED	# STUDENTS FUNDED	NOTES	CITATION
2008	BIA Budget Justification for FY 2009	FY 2007 Operating Budget for JOM: $19,700,000 total • Grants: $12,000,000 • For Self-Governance Tribes: $6,689,000 • For Consolidated Tribal Programs: $1,011,000 FY 2008 Request: $0 FY 2008 Enacted: $21,341,000 total • Grants: $13,782,000 • Self-Gov: $6,570,000 • Consolidated Tribal Programs: $995 **FY 2009 Request: $0**	Not discussed	• BIA justifies elimination of JOM, points out that DOE's Office of Indian Education provides cultural and educational support akin to JOM's. • Reports that in 2008, DOE's Office of Indian Education administered $119.6 million in grants for improving Indian student achievement, special programs, and research activity	Pg. IA-OVW-9; IA-EDU-2
	BIA Testimony re: FY 2009		• When asked about the elimination of JOM, Secretary Kempthorne said that such funding could be replaced through DOE. • Alamo Navajo School Board: BIA's reasoning for cutting JOM is unsubstantiated; cutting JOM means letting go of a staff member integral to Indian learning. • Umatilla: Same information as previous year. • Fond du Lac: JOM key to helping Indian kids keep up with the achievement goals of No Child Left Behind. • Jamestown S'Klallam: Restore JOM to $21.4 million. • Lac Du Flambeau: JOM funds help tribal kids make the transition from an Indian-majority elementary school into a predominately white high school; points out that DOE has not increased its funding for Indian programs in years. • Lummi: Restore JOM to $21.4 M. • NCAI: "What is different about JOM is that its "special and unique needs" are determined not by the school boards, but		Pg. 195, 222, 291, 325, 369, 374-75, 384, 403, 443, 445, 453, 460, 464,

			instead through parent committees that each JOM program is required to have ..." ; Restore JOM to $21.4 million. • Puyallup: Restore JOM to $16M. • Quinault: Restore JOM to $21.4M • Skokomish: "remain disappointed" re: cutting JOM. • Squaxin Island: Restore JOM to $21.4 M. • Standing Rock: Opposes JOM cuts.	

DATE	SOURCE	AMOUNT REQUESTED	NOTES	CITATION
2009	BIA Budget Justification for 2010	FY 2008 Enacted: $13,782,000 FY 2009 Enacted: $13,797,000 FY 2009 Funding: $21,425,000 total • Education: $13,589,000 • Self-gov: $6,882,000 • Consolidated Tribal Programs: $954,000 **FY 2010 Request: $13,589,000**	• Explains that JOM can be used for small expenses such as school supplies. • Priority given to schools on or adjacent to Indian reservations or schools that are Oklahoma- or Alaska-based. • Appendix has a region-by-region breakdown of JOM funds distribution	IA-EDU-25
	BIA Testimony re: FY 2010		• Sen. Dicks (D-Washington) said JOM was "corrected" the previous year through a bipartisan effort. • Lummi: Restore JOM to $21.4 million • NCAI: Supports $24.3 million proposed for JOM • National Indian Education Association: calls for population re-count so as to reformulate program dollars; reports that JOM programs help Indian students build self-esteem through various means such as providing eyeglasses, resume review, etc. • Warm Springs: Restore JOM at $25 million; JOM important because it gives tribes a say in public schools • National Indian Education Association: Program dollars need updating because of growth in Oklahoma. • Navajo Nation: Restore JOM at $24.3 million to factor in "inflationary costs of additional students;" 50,000 Navajo students covered by JOM. • Cherokee Nation: mentions JOM in passing • National JOM Association (Harold Dustybull): Congress saved JOM; JOM effective because it is so flexible; JOM funds need to be stabilized to avoid mid-	Part 7: 2, 18, 78, 92-93, 96-97, 145, 209, 217, 255-57, 340, 344, 356, 800, 943,

			year re-adjustment; at least 300,000 students covered by JOM • Sault Ste. Marie Tribe of Chippewa Indians: lift the funding freeze, restore JOM to $24 million. • Cook Inlet: JOM funds core curriculum, including calculus; direct, positive correlation between JOM participation and GPAs. • Siletz Tribe: restore JOM to $24.3 million; $83,000 of JOM funds not enough for tribe's needs, which span 11 counties • Fond du Lac: Continue funding JOM because it addresses unique needs. • Squaxin: $21.4 million for JOM	

DATE	SOURCE	AMOUNT REQUESTED	NOTES	CITATION
2010	BIA Budget Justification for FY 2011	FY 2009 Enacted: $13,797,000 (TPA) FY 2010 Enacted: $13,589,000 (TPA) **FY 2011 Request: $21,273,000 total** • Education: $13,434,000 • Self-Governance: $7,074,000 • Consolidated Tribal Programs: $ 765,000	• Same information as previous year. • Does not mention how many students benefit.	IA-EDU-21,22
	BIA Testimony re: FY 2011		• Committee on Appropriations asks ASIA Larry Echo Hawk about the future of JOM; Echo Hawk says he is "just starting to learn more" about the program's significance; recognizes that program dollars do not match growing student population. • Lummi Nation: $21.4 million for JOM • Warm Springs: $25 million for JOM; criticizes $13.4 million requested for TPA in FY 2011; suggests JOM can counter dropout rates. • Siletz: $24.4 million for JOM; program helps tribal youth in Oregon's urban centers; numbers growing since 1995; covers scholastic and athletic school fees. • National Indian Education Association: $24 million for JOM; says tribal involvement is key to students' success. • National Johnson-O'Malley Association's Harold Dustybull: Blackfeet dedicates JOM monies to parental instruction classes; seeks $24 million for JOM. • Tribal Education Departments National Assembly: requested $2 million to help its members administer JOM and other programs.	Part 6: 20-21; Part 7: 8, 70, 76, 80, 91, 96-97, 209-211, 438-37

DATE	SOURCE	AMOUNT REQUESTED	NOTES	CITATION
2011	BIA Budget Justification for FY 2012	FY 2010 Enacted/ 2011 CR: $13,589,000 (TPA) **FY 2012 Request: $21,510,000 total** • Education: $13,402,000 • Self-governance: $7,189,000 • Consolidated Tribal Programs: $ 919,000	• Same information as in previous years. • 88% of JOM funding distributed directly to tribes via base funding through Self-Governance compacts or Consolidated Tribal Programs. •	IA-EDU-23, 24
	BIA Testimony re: FY 2012		• JOM not discussed with ASIA Echo Hawk. • Pueblo of Acoma: requests $24.3 million for JOM; student recount for accuracy purposes • Cherokee: mentions JOM. • National Johnson-O'Malley Association: requests $24 million for JOM, asks that funding freeze be lifted; asks that Interior dedicate one staff position to JOM. • Standing Rock: $24.3 million for JOM • Lac Du Flambeau: JOM merits full funding. • Rep. Laura Richardson (D-Calif.): $24 million for JOM • Warm Springs: requests $27 million for JOM; notes that 85% of Indian children attend public school; says "doubling JOM to $27 million is a modest but helpful • gesture in recognition of the U.S. treaty and trust obligation to assist all Indian school children." • Siletz: $89,000 in JOM monies not enough; requests $24.3 million for JOM • Lummi: $24.3 million for JOM; • Cook Inlet: JOM funds health and wellness classes. • National Indian Education Association: notes that BIA request for FY 2012 less than its FY 1994 request; emphasizes importance of Indian parent committees. • Sac and Fox: requests $24.3 million for JOM, emphasizes importance of Indian parent committees.	Part 8, 274, 278-79, 334, 344-45, 376, 418, 522, 542, 546-47, 569, 616, 621, 784, 951, 1038

DATE	SOURCE	AMOUNT REQUESTED	NOTES	CITATION
2012	BIA Budget Justification for FY 2013	FY 2012 (TPA) Enacted: $13,304,000 **FY 2013 Request: $21,396,000 total** • Education: $13,286,000 • Self-governance: $7,197,000 • Consolidated tribal programs: $895,000	• Same information as previous years.	IA-BIE-30-31

	BIA Testimony re: FY 2013		• JOM not discussed with ASIA Echo Hawk
			• Choctaw: compacts w/BIA re: JOM
			• National Johnson-O'Malley Association: four major concerns include:
			  ○ Combining JOM with Title VII would take JOM out of tribes' control
			  ○ Restore JOM funds to $24 million
			  ○ Order a new student population count
			  ○ Reinstate JOM position at BIE
			• Ute: JOM needs to be a permanent fixture on BIA budget.
			• Siletz: same information as previous year
			• Pueblo of Acoma: JOM program tailored for pueblo children
			• Santa Clara Pueblo: $24.3 million for JOM;
				Part 8: 429, 445-50, 506, 855, 993-94, 1008,

DATE	SOURCE	AMOUNT REQUESTED	NOTES	CITATION
2013	Budget Justification for FY 2014	FY 2012 Enacted: $13,304,000 FY 2013 CR: $13,396,000 **FY 2014 Request: $21,484,000 total** • Education: $13,134,000 • Self-governance: $7,197,000 • Consolidated Tribal Programs: $1,153,000	• Same information as previous year.	IA-BIE-32, 33
	Testimony re: BIA Budget FY 2014		• JOM student count mentioned in Washburn testimony as a topic discussed between BIE and tribal governments	
2014	Budget Justification for FY 2015	FY 2013 Enacted: $12,615,000	• Increase JOM funds for a JOM Coordination position and to update the 2012 student count	

		FY 2014 Enacted: $14,338,000 FY 2014 Request: $14,739,000	• Biennially update student count of all eligible students • Intends to implements the updated 2014 student count in FY 2015	
2015	Budget Justification for FY 2015	FY 2014 Enacted: $14,338,000 FY 2015 Enacted: $14,739,000 FY 2015 Request: $14,739,000	• Increase JOM funds $500,000 for a JOM Coordination position and to update the 2012 student count • Biennially update student count of all eligible students • Intends to implements the updated 2014 student count in FY 2015	
2016	Budget Justification for FY 2016	FY 2015 Enacted: $14,739,000 FY 2016 Enacted: $14,778,000 FY 2016 Request: $17,376,000	• Increase JOM funds $2.6 million to fund increased 2012 student count • Biennially update student count of all eligible students • Intends to implement the updated 2014 student count in FY 2016	
2017	Budget Justification for FY 2017	FY 2016 Enacted: $14,778,000 FY 2017 Enacted: $14, 750,000 FY 2017 Request: $18,533,000	• Biennially update student count of all eligible students • Intends to implement the updated 2014 student count in FY 2017	
2018	Budget Justification for FY 2018	FY 2016 Enacted: $14,778,000 FY 2017 Enacted: $14, 750,000 FY 2018 Request: $10,152,000	• A base reduction of $4.6 million.	

Conclusion

On behalf of the over 1.0 million Indian children eligible for JOM, NJOMA is elated by the Committee's speedy consideration of S. 943, and would urge its immediate approval. After 25 years of waiting for any action by Congress or the Administration to rectify this shameful condition that the JOM program exists today, we are encouraged by today's hearing and the Committee's pending approval of this legislation.

We are hopeful that this Committee and the Senate will take quick action on this bill so that the House would have the opportunity to also quickly act on the bill. Given the number of tasks that

are prescribed in the bill, we pray that all this work can be completed and put in place in time for the 2018-2019 school year. To meet this proposed schedule, we need this bill enacted and signed by the President as soon as possible.

Thank you.