

**Testimony of
John E. Echohawk, Executive Director
Native American Rights Fund**

**Hearing on S.2436, a bill to reauthorize
the Native American Programs Act**

**Committee on Indian Affairs
United State Senate
June 8, 2004**

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Good morning, Chairman Campbell, Vice-Chairman Inouye, Members of the Committee. Thank you for inviting me here today to discuss S. 2436, a bill to reauthorize the Native American Programs Act of 1974. The Act is administered by the Administration for Native Americans (ANA) in the Department of Health and Human Services.

Both the Native American Rights Fund and I have had a long association with ANA. I went to law school on a scholarship program started in 1967 by ANA's predecessor agency, the Indian Division of the Office of Economic Opportunity. The purpose of the pilot program was to increase the number of Native American attorneys in this country - there were only a handful at the time and we should have had 1,000 to be proportionally represented in the legal profession. The pilot program was later picked up by other government agencies and private scholarship providers and has helped to produce over 2000 Native American attorneys today. I think that all of the Committee members are aware of the important role that Native American attorneys have played in helping the tribes improve their social and economic conditions substantially during the Indian self-determination era which has occurred during this time. This is the kind of social and economic development that ANA has done and can continue to do in Indian country.

The Native American Rights Fund, a non-profit national Native American legal organization, has been receiving funding from ANA and its predecessor agencies almost continuously since 1971 to assist tribes, Native American organizations and individuals in removing and resolving legal barriers to social and economic development. In recent years with ANA support, the Native American Rights Fund assisted the Chippewa-Cree Tribe of the Rocky Boy's Reservation in Montana in negotiating a water rights settlement compact with the State of Montana that was approved by Congress and provided \$47 million to the Tribe to provide for its present and future water needs. With ANA support, the Native American Rights Fund assisted the Alabama-Coushatta Tribe of Texas in securing a recommendation from the U.S. Court of Federal Claims that Congress should provide over \$270 million in compensation to the Tribe for the failure of the United States to protect the Tribe's aboriginal lands. In Alaska, the Native American Rights Fund provided assistance to Alaskan Natives in protecting their subsistence hunting and fishing rights which were upheld in court decisions and which provide an annual harvest of 34-40 million pounds of game and fish to over 200 Native villages. These are just a few recent examples of the social and economic development projects that the Native American Rights Fund has done with ANA support.

I am therefore very supportive of this bill to reauthorize the Native American Programs Act of 1974 and keep the ANA program going to provide financial assistance to Native Americans for social and economic development, environmental protection and language revitalization. As an executive director of a Native American non-profit organization, I know how difficult it is to raise funds for Native American social and economic development projects from the public and private sectors. I know that ANA has the largest amount of funds and the greatest flexibility in supporting Native American social and economic development projects anywhere. Despite ANA's long history of supporting these projects, there is still a significant unmet need for funding for Native American social and economic development projects as evidenced by the huge volume of grant applications that ANA still receives annually. The Native American Programs Act of 1974 needs to be reauthorized so that ANA can continue its important role in trying to meet this unmet need and

promote Native American social and economic development across the country.

ANA's primary grant program for meeting these social and economic development needs is their Social and Economic Development Strategies (SEDS) program. I was pleased to be part of a work group put together by ANA back in the 1970s that helped to formulate the SEDS program. The key element of SEDS was the self-determination policy which recognizes the right and the responsibility of each tribe and Native American community to create its own strategy for social and economic development. The flexibility built into the SEDS program to allow consideration of these tribal and community based strategies for funding has allowed ANA to achieve the success that it has in promoting social and economic development projects in Indian country.

Unfortunately, I believe that this flexibility in the ANA SEDS program was compromised when ANA released its 2004 program announcement late last year which it finalized earlier this year. I shared my concerns about the new program announcement with ANA Commissioner Quannah Stamps but unfortunately they were not addressed in the final program announcement. My first concern was that the upper limit on grant awards was reduced from \$1 million per year, which is about what the Native American Rights Fund has been receiving in grants in recent years, to \$500,000, a reduction of \$500,000. My other concern was the new restriction against funding any project that had been funded in whole or part before, which basically means that ANA SEDS funding is now limited to projects that can be completed in three years or less. In past years, ANA would fund Native American Rights Fund projects in parts, so that a project requiring more than three years to complete could be funded and eventually completed. Now we are required to propose SEDS projects that take three years or less and we do not have very many of those to propose on behalf of the tribes and Native American communities that we serve. These two changes mean that ANA has gone to a SEDS program that limits the flexibility of tribes and Native American communities and requires smaller grants and smaller projects. These two changes have impacted the Native American Rights Fund severely and I hope that ANA will reconsider them in future SEDS program announcements.

Thank you, Mr. Chairman, for this opportunity to testify and I will be pleased to answer any questions that you or the other Committee members may have.