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## Reauthorization of the Older Americans Act Testimony of James T. DeLaCruz, NICOA Board Chairman AOA Listening Forums On behalf of the National Indian Council on Aging February 25, 2010

Assistant Secretary Greenlee and members of the committee, I thank you for the opportunity to present input on the Reauthorization of the Older Americans Act. I am James T. DeLaCruz, Sr., Board Chairman of the National Indian Council on Aging, the only national organization dedicated to the well being of Indian and Alaskan Native elders. NICOA was founded in 1976 by the National Tribal Chairmen's Association.

The National Indian Council on Aging, representing Older Americans from across Indian Country, recommends the following reauthorizations to the Older Americans Act. These recommendations are presented to you today with new hope and greater prospects for American Indian and Alaskan Native Older Americans. The previous Administration listened to our words, but today you have the ability to help Americans indigenous to this country live better by creating more options and accessibility to aging services local to our communities. The following information will provide you with a brief description of the hardships Older American Indians and Alaskan Natives encounter, as this population grows and the funding to tribes under Title VI remains insufficient to provide adequate services to our Older Americans. A vast majority of lands inhabited by American Indians and Alaskan Natives are geographically remote and not easily accessible. Indian Country continues to struggle with high unemployment, poor access to medical care, little or no options for long term care or aging services, and little or no funding for elder rights and protection programs - living in America can be a great challenge, especially in communities with limited services and resources. I am an Older American and I see the hardships and struggles that our elderly encounter from day-to-day.

The Older Americans Act is considered to be the major vehicle for the organization and delivery of social and nutrition services to Older Americans and their caregivers. It authorizes a wide array of service programs through a national network of 56 State agencies on aging, 629 area agencies on aging, nearly 20,000 service providers, 246 Tribal organizations, representing 400 Tribes, and 2 Native Hawaiian organizations. The OAA also includes community service employment for low-income older Americans; training, research, and demonstration activities



in the field of aging; and vulnerable elder rights protection activities.

The Older American Act specifically states "it is the purpose of this Title to promote the delivery of supportive services, including nutrition services, to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under Title III (grants for state and community programs on aging). The provision of "comparable services," however, has not been achievable due to insufficient funds for this entitlement.

**Title VI –Services to American Indian, Alaskan Native, and Native Hawaiians should be comparable to services under Title III**

With the growing population of Elders in Tribal communities, NICOA, along with the broader aging network, supports a 25% baseline increase in all OAA authorization levels to negate the downward trend in flat funding levels and possible rescissions, so programs can adequately provide for the needs of the Elders they serve. For Title VI, providing nutrition and other supportive services to Native American Elders, however, NICOA requests an authorized base funding level at \$100 million to be reached incrementally to address the lack of funding that has plagued these programs for decades, impeding the ability of Tribes and Tribal organizations to provide the necessary services for their Elders.

With the U.S. Chamber of Commerce citing 9 million seniors of the baby boom generation as not having graduated from high school, the need for nutrition and other supportive services is even more critical now. Funds for grants to Indian tribes have a history of being well spent and at the same time being woefully inadequate. At stake is the dignity and quality of life for a segment of the American population that is sorely in need of assistance.

Approximately 2/3 of the grants to Indian tribes or consortia of tribes are for less than \$100,000. This funding level is expected to provide services for a minimum of 50 elders for an entire year. Those tribes receiving \$100,000 serve between 200 and 300 elders. Many tribes are unable to meet the five days a week meal requirement because of insufficient funding and are serving congregate meals only two or three days per week. Tribes are also reducing home delivered meals because of the sharp increase in gasoline prices.

Indians comprise the most economically disadvantaged elderly minority in the nation. Even so, their needs for in-home and community-based services are not available through Title VI programs, although funding for these services is provided to other populations through Title III. Some Title VI programs are forced to close for several days each week, unable to provide basic services such as transportation, information and referral, legal assistance, ombudsman, respite or adult day care, home telephone visits, homemaker services, or home health aide service. Recent gasoline price increases also severely reduces the ability of Title VI service providers to provide



home delivered meals and related supportive services to home bound Indian elders. Additionally, the Administration on Aging takes a percentage of the Title VI funding off the top to fund training for Title VI staff.

An additional barrier to service delivery in Indian Country is that the vast majority of the lands inhabited by American Indian and Alaska Native tribes are geographically remote and not easily accessible. A delivery of one meal could encompass travel of more than 45 miles one-way. The rugged roads and terrain make meals delivery and service delivery a severe challenge for many programs in Indian Country.

Nutrition in Indian Country is critical to the health and well-being of elders. According to the Food, Research and Action Center, the ability to obtain enough food for an active, healthy life is the most basic of human needs. Food insecure households cannot achieve this fundamental element of well-being. They are the ones in our country most likely to be hungry, undernourished, and in poor health, and the ones most in need of assistance.

Furthermore, NICOA recommends that the training, which is critical to have skilled personnel working with Indian elders, have its own line item and funding in order to ensure the maximum amount of resources are available to support nutrition and other supportive services for Indian elders.

Funding for the Native American Family Caregiver program is inadequate in two respects; 1) The grant amount provided to particular tribes is often so low to make it practical to plan and implement adequate caregiver programs in the tribes, and 2) There is practically no training to tribes to use caregiver funds effectively. Therefore, NICOA recommends increased funding for training to assist Native American Family Caregiver Support Program grantees.

Indian Country is experiencing a multitude of need for aging services local to their communities and as a request NICOA recommends that the Assistant Secretary make grants to eligible tribal organizations to pay all of the costs for delivery of supportive services, and nutrition services for older individuals who are Indians (42 U.S.C. 3057d). The Assistant Secretary shall make grants which includes separate funding for:

1. Supportive Services including in home services
2. Nutrition Services to include Congregate & Home Delivered meals
3. Health Promotion and Disease Prevention
4. Family Care Giver Support Services
5. Vulnerable Elder rights protection activities
6. Native Elder Community Service Employment Program(NECSEP)



NICOA contends that Title VI services should equal services provided to States under Title III to effectively meet the needs of the growing populations of Older Indians and Alaskan Natives. The Administration must consider the challenges that all Older Americans encounter whether they live in metropolitan America, rural America or Indian Country and support the desire of equal treatment and opportunities for all Americans.

### **Title V – Senior Community Service Employment Program**

NICOA supports maintaining the dual structure and purpose of Title V, the Senior Community Service Employment Program (SCSEP), in the Older Americans Act. This program illustrates the nature of work of organizations such as ours which are committed to serving Elders. SCSEP is directed to a particularly difficult to serve segment of older Americans – low-income seniors. While all low-income seniors are difficult to serve, American Indian Elders are especially difficult to serve because of language barriers, cultural barriers, and the geographical isolation of most reservation Elders.

NICOA is a sponsor of DOL SCSEP in seven states; AZ, CA, MN, NM, OK, SD, and WI with high unemployment rates. According to the 2005 Bureau of Indian Affairs American Indian Population and Labor Force Report, the number of American Indians Unemployed as of % of labor force in each state served by NICOA; Arizona 57%, California 47%, Minnesota 40%, New Mexico 32%, Oklahoma 31%; South Dakota 83%, and Wisconsin 59%. This alarming statistic is well above the high record reported nationally at 10% in 2009.

It is also reported by the same 2005 Bureau of Indian Affairs American Indian Population and Labor Force Report, that the tribal service area population in the United States grew 9.0 percent from 2003 to 2005; more importantly, there was a 19.0 percent increase in the number of individuals age 65 and over reported in the service area population. Therefore, NICOA requests that the Secretary of Labor reserves no less than 3.5 percent (\$21,000,000 in FY 10) of the total funds appropriated for Title V SCSEP for American Indian and Asian Pacific Islander organizations.

NICOA also supports retaining the National Indian organization, which is the National Indian Council on Aging, as the Title V sponsor directed to serve American Indian Elders. In the reauthorization of the Older Americans Act, NICOA requests that Congress retain Section 506(a)(3) relating to Reservations for Organizations. Without this section of the law, low income American Indian Elders will be less likely to be served. Second, NICOA requests that Congress require that the federal agency administering SCSEP take into account the specific economic and cultural environment of seniors in assessing and evaluating placement performance in unsubsidized employment.

Placement rates tend to move in concert with employment rates in a community; and, community differences must be accounted for in program evaluation and assessment. Placing enrollees in unsubsidized employment is a monumental task in reservation communities with unemployment rates in excess of 50 percent. With organizations like ours, which have most of our allocations in



reservation and rural areas, the ability is limited to meet performance standards that give disproportionate weight to unsubsidized placement versus community service (the most prevalent form of training opportunities for our participants). Similarly, with high rates of health

disparities, the ability to continue serving Elders between the ages of 55-64 is very important in American Indian communities as the life expectancy is on average 8-10 years less than the general population of the nation.

Furthermore, in recognition of the unique legal and political status of American Indians, the law currently allows our organization to have a separate plan to be developed in consultation with the Secretary. This would provide our organization the opportunity to serve American Indians regardless of the county where we have been assigned by the U.S. Department of Labor (DOL). This is important as reservation boundaries often cross several counties and our American Indian Elders in urban locations do not congregate in specific areas like other ethnic groups. So the need to go where the Indian Elders are is critical to their participation and SCSEP's success in serving low-income American Indians. DOL, however, has never worked with NICOA to allow this planning service to occur, so our organization is restricted to serving in counties assigned by DOL instead of following the law.

NICOA respectfully requests that Congress strengthen the language requiring DOL to develop a separate plan related to equitable distribution, priorities, performance and services with the National Indian organization, thus allowing for greater access to SCSEP by American Indian Elders. Regarding eligibility, sometimes the most in need are Native Americans, Alaskan Natives, or other who are minimally employed with no public assistance or disability income to assist them, NICOA recommends that such individuals be deemed eligible to participate in SCSEP. NICOA also recommends specific language requiring closer coordination between DOL and the AoA to ensure the program continues to complement the other programs within the broader aging network.

NICOA, recommends the transfer Title V grant authority to the Assistant Secretary for Aging. The Assistant Secretary may make grants to public and nonprofit private agencies and organizations, agencies of a State, and tribal aging organizations, therefore NICOA requests to include the Older Americans Act Title VI Grantees to carry out the program established under subsection (A). This would create funding and community service employment opportunities to Title VI grantees under this program.

#### **Title IV- Community-based (Tribal) Capacity Building in Indian Country**

Language and cultural barriers severely restrict Indian elder access to federal programs to which they are eligible. Typically these senior Americans have limited access to and participation in programs such as Social Security, Medicare, and Medicaid. The National Indian Council on Aging (NICOA) has a long history of working with tribal and other community-based aging



organizations to increase their capacities to serve Indian elders. Funds are needed to advance minority organization capacity building activities that began in the 1990s but have been suspended for the past several years due to a shift in emphasis by the Administration on Aging. Funding will enable minority organizations to restart its work with existing community-based aging organizations to prepare communities to better match seniors' needs with existing services. These efforts in Indian Country will include training tribal staff on assisting Indian elders' access to Medicare, Medicaid, housing, senior nutrition programs, and veteran benefits. Efforts will also include working with tribal leaders to leverage existing funds and programs to sustain support for elders. The overall intent is to strengthen local organizations in serving seniors.

### **Title VII, Subtitle B – Prevention of Elder Abuse and Neglect**

Subtitle B of Title VII of the Older Americans Act authorizes a program for Tribes, public agencies, or nonprofit organizations serving Indian Elders to assist in prioritizing issues relating to Elder rights and to carry out activities in support of these priorities. Funds have never been appropriated for this purpose. While funds have been appropriated to states for similar purposes, these programs seldom reach Indian Elders due to cultural, jurisdictional, and geographical barriers. Indian Tribes have little or no access to the agencies, departments, ombudsman, or other programs that are available to states. Further, Tribes have no additional source of mandated federal funding for Elder protection activities. Anecdotal evidence provided by those involved with Elder services in Indian Country as well as a 2004 report produced by NICOA, suggests a high incidence of Elder abuse in Indian Country, particularly financial abuse due to high poverty rates. To complicate matters further, it is commonly acknowledged that “abusers” are often family members; and, Elders often do not realize they are being abused. If they do know, they are reluctant to disclose this information to the authorities as they do not want to cause a family member to get into trouble.

*A 1999 report on American Indians and Crime prepared by the Bureau of Justice Statistics (BJS), U.S. Department of Justice (DOJ), provided the following statistics (3). Annually, 41.9 crime victimizations per 1,000 persons over the age of 50 for American Indians, 16.6 for whites, 15.4 for blacks, and 7.4 for Asians were reported.*

NICOA also found that in 2002, the National Research Council convened a panel to review the risks and prevalence of elder abuse and neglect. The panel concluded that the magnitude of elder abuse in this country is unknown.

Outreach and demonstration programs are needed to increase awareness of Elder abuse among American Indians and Alaskan Natives and to help Tribes devise ways to minimize abusive behavior in their communities. On behalf of American Indian and Alaskan Native Elders across Indian Country, NICOA respectfully requests that Congress retain this subtitle and authorize a



baseline appropriation of \$10 million. NICOA requests this first-time funding for Title VII, Part B to provide elder abuse awareness and protection grants in Indian Country.

NICOA recommends the following changes to the Older Americans Act to support and assist in prioritizing issues relating to Elder rights in Indian Country. It is further proposed that the Deputy Assistant Secretary be vested with the authority to directly oversee the proposed Center for American Indians, Alaskan Native, and Native Hawaiian programs for the Elder Justice Provisions.

Subtitle B-Native American Organization and Elder Justice Provisions Section. 751.  
NATIVE AMERICAN PROGRAM.

(a) ESTABLISHMENT.—The Assistant Secretary, acting through the Deputy Assistant Secretary of the Center for American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for—

(1) Assisting eligible entities in prioritizing, on a continuing basis, the needs of the service population of the entities relating to elder rights;

(2) Making grants to eligible OAA Title VI Grantees to carry out vulnerable elder rights protection activities that the entities determine to be priorities;

ELIGIBLE ENTITY.—An entity eligible to receive assistance under this section shall be—(1) An Indian tribe; or OAA Title VI Grantee.

NICOA recommends the following for considerations of the Reauthorization of the Older Americans Act:

- Elevate the Director of Native American, Alaskan Native, and Native Hawaiians Affairs with the Administration on Aging to the Deputy Secretary level in recognition of the Government-to-Government relationship.
- Establish in the Administration a Center for American Indian, Alaskan Native and Native Hawaiian Programs in recognition of the Government-to-Government relationship.
- Re-establish the process of engagement of the Indian White House Conference on Aging as previously provided in the OAA to honor the commitment to the principles of government to government consultation between the federal government and Indian Nations in the provision of services for Indian elders at least one year prior to the next WHCoA.
- The Assistant Secretary, acting through the Deputy Assistant Secretary of the Center for American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for vulnerable elder rights protection activities that the entities determine to be priorities.
- On behalf of American Indian and Alaskan Native Elders across Indian Country, NICOA respectfully requests that Congress retain this subtitle B section 751 and authorize a baseline appropriation of \$10 million.



- TRAINING GRANTS—The Assistant Secretary shall make grants and enter into contracts to provide in-service training opportunities and courses of instruction on aging to Indian tribes through public or nonprofit Indian aging organizations and to provide and fund annually Title VI Grantee participation in a national meeting to train directors of programs under this title.
- Increase funding for training to assist Native American Family Caregiver Support Program grantees.
- The Assistant Secretary shall make a contract available for an annual National Leadership Institute training to be held in Washington D.C. for Title VI Directors.
- Transfer Title V grant authority to the Assistant Secretary for Aging.
- NICOA requests that Congress retain Section 506(a)(3) relating to Reservations for Organizations. Without this section of the law, low income American Indian Elders will be less likely to be served.
- NICOA requests that Congress require that the federal agency administering SCSEP take into account the specific economic and cultural environment of seniors in assessing and evaluating placement performance in unsubsidized employment.
- Include opportunities for Older Americans Act Title VI Grantees to apply and participate in grants provided through AoA to expand culturally capable services to their communities.
- It is the purpose of the OAA to promote the delivery of supportive services, including nutrition services, in-home and community based services, and community service employment and programs promoting elder rights opportunities to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under title III such services as, B, C1 and C2, D, E, title VII, and title V. The Assistant Secretary shall make grants which includes separate funding for:
  1. Supportive Services including in home services
  2. Nutrition Services to include Congregate & Home Delivered meals
  3. Health Promotion and Disease Prevention
  4. Family Care Giver Support Services
  5. Vulnerable Elder rights protection activities
  6. Native Elder Community Service Employment Program (NECSEP)

Assistant Secretary Greenlee, on behalf of the National Indian Council on Aging and Older American Indians and Alaskan Natives, we thank you for the opportunity to discuss the services and issues important to our communities. We look forward to working with you to reauthorize the Older Americans Act.