



National Indian Council on Aging

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Testimony for the Reauthorization of the Older Americans Act
Senate Health, Education, Labor, and Pensions Committee
Michael B. Enzi, Chairman
Submitted in written form, February 24, 2006
Traci McClellan, Executive Director

Mr. Chairman, Members of the HELP Committee, and fellow aging advocacy colleagues, my name is Traci L. McClellan; and, I am Executive Director of the National Indian Council on Aging (NICOA), the only national organization dedicated to the well being of American Indian and Alaska Native Elders. I welcome the opportunity to offer comments on the reauthorization of the Older Americans Act (OAA) from the perspective of the seniors I serve since much of the services on which our Elders depend are derived from this legislation. Given that NICOA's mission is to bring about "improved comprehensive services to American Indian and Alaska Native Elders," the service authorities in the Older Americans Act are paramount.

As a member of the Leadership Council on Aging, NICOA supports the reauthorization principles articulated by this coalition of aging advocates. Rather than going into these principles, I attach them for the record and focus my comments identifying portions of the Older Americans Act that are especially important to the constituents I serve. Specifically, I highlight in my testimony: the Indian specific provisions in the OAA adopted by the 1200 delegates at the White House Conference on Aging (WHCOA); Title V, the Senior Community Services Employment Program (SCSEP); Title VI, Nutrition and Supportive Services for Indian Tribes, including caregiver provisions; and, Title VII, Subtitle B, the provision that addresses elder abuse prevention and awareness in Indian Country. I also include three resolutions adopted by the National Congress of American Indians over the past year that relate specifically to the Older Americans Act for the record.

OAA Funding Levels

In a year when baby boomers are turning 60, Congress must address the needs of vulnerable older Americans who benefit greatly from programs funded through the Older Americans Act. The reauthorization provides an opportunity to create base funding levels and authorize services that current seniors and those just turning 60 require to age well in

their communities. Due to this changing demographic landscape of aging America, NICOA strongly opposes any further cuts or rescissions to OAA programs and any other entitlement or discretionary programs that provide a safety net for vulnerable older individuals. With high poverty rates, geographic isolation, and low education levels among most of our American Indian and Alaska Native Elders, further cuts to critical programs greatly impact the ability of the wisdomkeepers to remain healthy and contributing members in the Tribal communities that they live in. This same reality is present for African American, Asian and Hispanic Elders who often face similar challenges in their ability to access much needed services and programs. Therefore, NICOA supports a 25% increase in all OAA authorization levels to negate the downward trend in flat funding levels and rescissions and allow for inflation, 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, impeding the ability of Tribes and Tribal organizations to provide the necessary services for their Elders.

White House Conference on Aging (WHCOA)

Twelve hundred delegates from across the United States appointed by Members of Congress, state Governors, the National Congress of American Indians and the WHCOA Policy Committee through the at-large process participated in the December 2005 conference. This four-day event yielded a set of resolutions and practical implementation strategies that will inform and guide the President, Congress, States and Tribes as they work together to address the needs of older Americans. The number one resolution at the WHCOA receiving the most votes was the reauthorization of the Older Americans Act. Delegates regardless of age, income, or race ranked its importance first among the final 50 resolutions adopted. The delegates also provided a number of practical implementation strategies for OAA reauthorization, focusing on provisions they wanted to see included by Congress, which are available on the WHCOA website at www.whcoa.gov. Some of the strategies adopted include:

1. Maintain the dual purpose of SCSEP program with emphasis for program performance on community service;
2. Retain the National Indian organization as Title V sponsor and the participation of cultural and ethnically diverse organizations;
3. Provide \$1 million for Title VII, Part B for elder abuse awareness grants to Tribes, Tribal organizations and Indian organizations;
4. Provide \$1.3 million for training and technical assistance to Title VI grantees;
5. Reestablish the Indian White House Conference on Aging to be held prior to the next WHCOA to allow Tribes to present their issues directly to the President and WHCOA Policy Committee in recognition of the federal trust responsibility and the government-to-government relationship that the federal government and Tribes enjoy;

6. Elevate the Director of the American Indian, Alaska Native and Native Hawaiian Affairs with the Administration on Aging to the Deputy Secretary level in recognition of the government-to-government relationship; and,
7. Integrate delivery systems to allow Area Agencies on Aging under Title III to assist Tribal councils and Title VI programs in planning for the aging baby boomer population on reservations and how best to provide services to them.

Again, NICOA would request that the committee members review the resolutions and implementation strategies adopted by the WHCOA delegates as they consider provisions to strengthen within the Older Americans Act during reauthorization.

Title V – Senior Community Service Employment Program (SCSEP)

On Friday, February 24, 2006, in a briefing with the national sponsors of SCSEP, U.S. Department of Labor (DOL) Deputy Assistant Secretary Mason Bishop stated that if the program is to be administered by the DOL, then it needs to employment focused with goals of unsubsidized employment. He also stated that if Congress decides it is primarily a human resource supplement for non-profit and community organizations, then it should probably reside elsewhere and not within DOL. Frankly, NICOA agrees with Mr. Bishop's statement. If the Department is not willing to honor the intent of Congress as expressly stated in the prior reauthorization and over the 40 year history of the Senior Community Service Employment Program, then Congress should move it to the Administration on Aging to be administered along with the other aging network programs. This would mitigate the disruption in services currently experienced in SCSEP and the overall lack of cohesion with other programs under the OAA. The Senate Committee Report 106-399 for the 2000 reauthorization clearly states that "It is not the Committee's intent to disrupt sections or parts of a grantee's overall program or operation that is serving enrollees and communities well." That has occurred repeatedly with the changes in income guidelines, data collection requirements and final regulations not being published until April 2004 since the 2000 reauthorization.

As mentioned previously, the WHCOA delegates overwhelmingly supported maintaining the dual structure and purpose of Title V, the Senior Community Service Employment Program (SCSEP). The attached NCAI resolution also demonstrates the intent of Tribal leaders, who value the program, to maintain its dual structure and on and retention of a national Indian organization as well. 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 geographical isolation of many reservation Elders. This is precisely the group of Elders that NICOA has worked hardest to serve and advocate for over our 30 year history. NICOA is one of the national sponsors actively participating in SCSEP. We are passionate about this program because we strongly believe that if we were not conducting this program, seniors in Indian Country would not have access to the program and the mostly rural and reservation communities they reside in would not benefit from their service.

We aggressively defend the need for a national sponsor, such as NICOA, dedicated to serving seniors in Indian Country since just the language barriers for this segment of seniors make it impractical, if not impossible, for mainstream organizations to serve our constituents. Similarly, geographic isolation and lack of services provided to Tribal communities by states will severely limit the number of American Indian Elders that will be served by states operating SCSEP. The national sponsors have a proven track record of serving the most vulnerable older Americans, which generally include minorities and American Indian Elders. To eliminate their participation in the program's administration would leave these Elders under served; and, that has never been Congress' intent since the program was created.

In the reauthorization of the Older Americans Act, NICOA urges the committee to retain Sections 506(a) (2) and 506(a)(3) relating to Reservations for Territories and Organizations. Without this section of the law, low income Indian Elders will be less likely to be served.

Second, we also urge the Committee to require that the federal agency administering SCSEP take into account the specific economic and cultural environment of seniors in assessing and evaluating placement 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 to meet performance standards that give disproportionate weight to unsubsidized placement versus community service (the most prevalent form of training opportunities for our participants) is difficult.

Third, in recognition of the unique legal and political status of American Indians, the law allows our organization to have a separate equitable distribution to be developed in consultation with the Secretary. This allows our organization to serve American Indians regardless of location where we have been assigned by the U.S. Department of Labor. DOL, however, has never worked with us to allow this service to occur, so we are restricted to serving in counties assigned by DOL instead of following the law. We would urge the committee to strengthen this language during the reauthorization, thus allowing for greater access to SCSEP by American Indian Elders.

Fourth, income calculation changes and constant revisions to the data collection system since the regulations were finalized in 2004 have caused more staff time to be spent on administrative tasks than on direct service to the Elders, host agencies and prospective employers, which is the focus of SCSEP. The SCSEP participants suffer for these continual disruptions and changes mandated by the agency. NICOA would strongly recommend that Congress not allow the agency to make changes to the program that are unrelated to identified problems without first seeking Congressional approval. Similarly, NICOA requests that Congress require greater cooperation between DOL and the Administration on Aging to ensure Title V is meeting the needs of low-income older Americans first and foremost. If the DOL is not committed to ensuring the program

retains its dual structure and purpose as expressly stated in the Senate Committee Report 106-399, which accompanied S. 1536 reauthorizing the OAA on September 7, 2000, then NICOA would request the Committee consider moving the program under the Administration on Aging, which oversees all other OAA programs, in order to keep the program's primary focus on community service. The Administration on Aging's mission is closely aligned with serving the vulnerable, hard-to-serve seniors we work with everyday, whereas the Department of Labor primarily focuses on and serves the labor force under the age of 60.

As such, both agencies must work together if those low-income, hard-to-serve Elders over age 60 will benefit from the training and community service opportunities provided by SCSEP.

Finally, we cannot overemphasize the importance of the dual nature of SCSEP. Community service and employment training go hand in hand. Unfortunately, program assessment and measurement places more emphasis on unsubsidized employment than on community service which constitutes 80 percent of the program's focus and should be assessed on a greater scale. I am including the specific language adopted by the WHCOA delegates about SCSEP below for the record.

“Reauthorize Title V of the Older Americans Act, (the Senior Community Service Employment Program) which provides part-time employment opportunities for low-income individuals over the age of 55, to ensure the oldest, poorest and least skilled older workers do not fall through the cracks.”

“Maintain the dual structure of state, minority, and national [SCSEP] grantees; retain the vital, historic focus on community services to support local community organizations and the aging network; streamline program eligibility to promote increased participation to meet demographic changes and the growing ethnic and culturally diverse population to include tribal organizations.”

NICOA recently participated in discussions of SCSEP with other aging organizations on ways to improve how we serve low income seniors. The outcome of this self-evaluation and forward looking discussion is contained in a statement entitled “A Vision for America's Low-Income Senior Workers and Their Communities” which NICOA endorses and I include for the record.

Title VI - Grants to Native Americans

Since its inception in 1980, Title VI of the Older Americans Act has been the primary vehicle for providing OAA services in Indian Country. However, funding has been so inadequate that reservation services have never been “comparable to those provided under Title III,” as the title mandates. Nevertheless, this program currently serves 243 reservation projects and remains the cornerstone of Older Americans Act services to Indian Elders.

While funding per project ranges from \$73,000 to \$180,000, two-thirds, approximately 50 percent of projects, receive less than \$100,000. This amount is intended to provide meals and other supportive services for a minimum of 50 Elders for an entire year! Projects funded at the highest level (\$180,000) need to serve 1,500 or more Elders! Further, with the aging of the population in Indian Country, more Tribes are qualifying for Title VI funding but cannot be served due to fund limitations. Thirteen programs were denied funding this year because of the FY 2005 budget shortfall.

These (primarily Title VI) programs are established to provide nutrition and other supportive services to Native American Elders throughout the United States. Title VI service providers not only have daily contact with Elders but are often the Elders' only contact with services providers.

While federal funding for substantive aspects of this program is extremely inadequate, funding to strengthen the capacity of these community-based organizations is practically nonexistent. A most glaring example is the 2005 appropriation of \$6.3 million for Native American caregivers through the National Family Caregivers Support Program, which continues to operate—despite repeated requests from Indian Elder advocates—without any provisions for training service providers to effectively provide these services. More than 100 Title VI providers struggle to operate these grant programs with little federal direction and technical assistance.

On behalf of the Elders in Indian Country, I ask the support of the Committee to retain all aspects of Title VI as currently enacted. In addition, I urge the Committee to provide for increased training for Title VI service providers and to support demonstration of new ways to improve Elder Indian access to social services across all of Indian Country. Such an initiative could include but not be limited to the following objectives:

- Training to improve Title VI program management and delivery;
- Title VI staff development to improve morale and retention;
- Training on information dissemination of health care, preventative medicine, illness-coping, and caregiving strategies;
- Training to improve Elder access to social services at federal, state, and Tribal levels;
- Training to assist Native American National Family Caregiver Support Program grantees.

Currently, the Administration on Aging takes one percent of Title VI funding off the top of the appropriated amount for training and technical assistance of Title VI staff. This limits meals and other services the Title VI programs can offer to the Elders and often does not allow enough resources for adequate training for all Title VI staff. Separate funding is required to address the training needs of Title VI staff.

Concurrently, funded projects are struggling with relentless increases in the cost of providing nutrition and other supportive services to their clientele. These conditions dictate that current funding of \$26.4 million is grossly inadequate and an incremental increase in funding to \$100 million is in order. I ask the Committee's assistance in authorizing appropriations to this level and to also maintain language that the level of

services provided under Title VI be raised to a level comparable to those provided under Title III.

In FY 2005, NICOA conducted a pilot/demonstration project in the State of Washington to assist Title VI grantees to access social and other supportive services by training Tribal members to serve as Benefits Counselors to provide assistance to American Indian Elders. It is NICOA's goal to implement a similar program nationwide if funding is available once the Washington demonstration project is completed and evaluated. Due to the outcomes experienced thus far and the large increase in Elders accessing services they are entitled to receive, NICOA recommends that this program be made permanent with grants available to Title VI programs across the nation.

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 geographic 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.

Outreach and demonstration programs are needed to increase awareness of Elder abuse and to help Tribes devise ways to minimize abusive behavior. On behalf of Elders in Indian Country, I strongly urge the committee to retain this subtitle, to authorize an appropriation of \$10 million, and to encourage an appropriation in 2007.

Mr. Chairman and members of the Committee, I thank you for the opportunity to offer my views on behalf of American Indian and Alaska Native Elders. I would be happy to provide any additional information that might be useful to you and your committee staff as you consider the reauthorization this session.