

**Tribal Consultation/Listening Session on the NPRM for the OAA**

**ALISON BARKOFF:** Okay, great. Hi, everyone. Good afternoon. I'm Alison Barkoff and I lead ACL and it's truly my honor and great pleasure to welcome you to this tribal briefing. I want to really apologize that we have had technical difficulties, but really, really appreciate you being here today with us to provide your input.

As we've shared with you at prior consultations that we've convened in conjunction with the Title VI Conference in 2022 and our in-person consultation at the conference in April this year, as well as the title-- tribal briefing that we held on June 22<sup>nd</sup>, ACL has been working on proposed updates to the regulations for the Older Americans Act programs.

Your feedback and guidance has informed our approach in publishing a Notice of Proposed Rulemaking. And I just want to share that this-- these updates, this Notice of Proposed Rulemaking is truly a historic and important step forward as the last time we updated these program regulations was in 1988. And, of course, as you all know, the world has changed so dramatically in the last 35 years.

Many new programs, such as the Native American Caregiver Support Program, have been added to the Older Americans Act since we last updated the regulations, and the number of tribes and tribal organizations receiving funding directly from ACL under Title VI of the Older Americans Act has grown substantially, now up to 290 tribes and tribal organizations.

We know from hearing from you that outdated regulations can result in inconsistencies and lack of clarity and make it harder for the aging networks, including tribal aging services, to manage programs. Updating these regulations also has provided us an opportunity to highlight the Older American Act's focus on reaching the most underserved and those most in need, and to incorporate lessons we've all learned together from the COVID pandemic.

So we are truly pleased today to hold this formal tribal consultation on the Older Americans Act Notice of Proposed Rulemaking. Before we proceed, I just want to thank the Older Americans Act and PRM team and the Office of American Indian Alaska Native and Native Hawaiian Programs at ACL, and particularly Cynthia LaCounte.

A core group of dedicated ACL staff has been working tirelessly to make sure that these proposed regulations will be as helpful as possible in the important work that you all do to support tribal elders and family caregivers. And I'm really proud of ACL's focus on how these regulations can support effective implementation of the Older Americans Act, with the ultimate goal of better serving older adults, elders and family caregivers.

So we are really excited today to receive your comments and encourage you to share the opportunity to comment. You'll hear more from Amy about all the different ways you can do that. And I will now turn it to Edwin Walker, our Deputy Assistant Secretary for Aging, for some additional welcoming remarks. Edwin?

**EDWIN WALKER:** Thank you, Alison. As Alison indicated, we are really excited that this NPRM has been published in the Federal Register. And I must say that I've been so pleased to work with the entire ACL team that's been involved in preparing this NPRM with a focus on proposed regulations that would best help the aging network, including our tribal aging services, in the delivery of services and supports under the Older Americans Act.

This Notice of Proposed Rulemaking was really developed based on a number of years of engagement in formal tribal consultation listening sessions and interactions with the broad aging network in responses to our formal request for information issued in 2022 and in comments received at various conferences, including our Title VI Conference and our Tribal Consultations.

It also addresses Title VI as well as Titles 3 and 7 to advance a number of priorities, which include clarifying the Title VI programs' requirements, services, and expectations, highlighting coordination between Title III and Title VI, and improving consistency of definitions and operations between state and tribal Older Americans Act programs. Today we are hoping to brief you on how to navigate through the Notice of Proposed Rulemaking and really to encourage you to comment on it as part of this Tribal Consultation.

I want to thank you on behalf of the elders and the family caregivers that- that Older Americans Act programs serve each and every day. You know, we have a rich history of great success in the Older Americans Act programs, and we really intend that these proposed regulations would just strengthen them and build on that history of success. So I want to turn to Cynthia to give a few opening remarks and to officially greet you.

And, Cynthia, I don't know if you can see the computer screen or not, but I'm looking at the participant list, and I see that there are nine participants other than the panelists. And so, if you can't see that screen, I can tell you who they are so that you can-- I see that you can see that list, so great.

So, in addition to that, I hope that we do have some tribal leaders that may be signing in, either through phone or through some other mechanism. But I don't even need to introduce Cynthia, but I want to turn to her and just thank her for her years of service and for her dedication to tribal elder programs.

**CYNTHIA LACOUNTE:** You're welcome. Oh, did you want me to say more?

**EDWIN WALKER:** Yes, I think you should say a few more things.

**CYNTHIA LACOUNTE:** I'm sorry, I'm trying to give some levity to this a little bit today, Edwin. It's kind of been scary thus far. As you know everyone Title VI of the Older Americans Act authorizes grants that provide nutrition and supportive services to American Indians, Alaskan Natives, and Native Hawaiian elders to help them remain in our homes and communities.

Key provisions of this rule allow-- or the proposed rule will be to clarify and to reduce confusion and improve consistency, and in the provision of services to our tribal elders, specification of programs and fiscal requirements, expectations for collaboration and coordination between tribal programs and other entities.

And we also in this proposed rule are proposing policies and procedures that Title VI grantees are required to have, and making your potential greater, but also making your programs more specific and to be certain that we're being consistent in our service delivery. Edwin, I don't know where I stop here. Should I just keep doing the whole thing?

**EDWIN WALKER:** Well, I think the next thing would be-- thank you, Cynthia.

**CYNTHIA LACOUNTE:** Okay, I'm done then. Thank you, everyone. Thank you for attending and please provide comments today. We are recording this session, but we also need your comments. Thank you, Edwin Walker.

**EDWIN WALKER:** And so, I know that we're having technical difficulties and we may not be able to show you the slides. Unless Laura or someone in the room has a way to show the slide deck as Amy goes through it, but that won't benefit those who are on the Zoom call. So, Amy, I think you-- we're going to turn to you to do the best you can with explaining without the actual slides being visible.

**AMY WIATR-RODRIGUEZ:** Yes, thank you so much, Alison and Edwin and Cynthia. And we'll do our best. I would love to share my screen with you, but I do not see that option.

**EDWIN WALKER:** I might be able to-- wait.

**AMY WIATR-RODRIGUEZ:** If Edwin is able to--

**EDWIN WALKER:** I'm going to try it. It's giving me the option to share. I have--

**AMY WIATR-RODRIGUEZ:** Oh, wait, maybe I do. Okay, let me see it. Let me see if I can. [Pause] Any success here?

**EDWIN WALKER:** It showed, well, for a second--

**AMY WIATR-RODRIGUEZ:** Oh, wait, hold on. Let's see. How about now?

**EDWIN WALKER:** Yes, we're good.

**AMY WIATR-RODRIGUEZ:** Success?

**EDWIN WALKER:** Yes!

**AMY WIATR-RODRIGUEZ:** Success! Okay. All right. Well, I-- and I will try to be brief in the interest of time because we-- the whole reason why we're here is really to hear from you. But to do that, I'll give just a little bit of background. So I'm Amy Wiatr-Rodriguez. I direct our Center for Regional Operations, and that means I work with ACL's regional administrators, like Derek Lee, who is in the room there with you today.

And I'm pleased to be a part of the team that has worked with my colleagues in the Administration On Aging and across ACL in working on this proposed rule. So I'm going to move here-- along our slides here. We did our welcome. A very brief agenda, we're just going to do some overview, again, so that we can get to hearing from you.

To do that, I'm going to first talk about kind of what is the difference between laws and regulations. As Alison noted, we haven't done this in 35 years, so to make sure that we're all on the same page, we're going-- I'll- I'll just give this overview that the Older Americans Act is a

federal law. So this means that it has passed both houses of Congress, and it has been signed into law by the President. And regulations are the rules made by federal agencies like ACL to guide the implementation of the law. So you might think about this as the law gives an outline and the regulations help fill in the details. So speaking about that Older Americans Act law, it was first passed in 1965, and it was most recently reauthorized in 2020.

And the Act currently has seven titles, and the proposed rule focuses on three of those titles, so firstly Title VI, which is the funding for supportive, nutrition, and family caregiver services for Native American elders and caregivers. And the proposed rule also focuses on the Title III grants to states, territories and area agencies on aging for supportive nutrition, disease prevention and health promotion, and family caregiver services, as well as Title VII, which provides grants to states and territories for the Long-Term Care Ombudsman Program and elder abuse prevention activities, and it also outlines some state responsibilities in promoting elder rights.

So just to get into the mindset of where we were at in 1988, this slide shows some trivia, again, 35 years ago when the current regulations for the Title VI and Title III programs were created. So while the law, the Older Americans Act was most recently updated in 2020, the last update to the program regulations was in 1988. And other than the Ombudsman Program regulations, which were updated and created in in 2015, there have not been any changes. But a lot has changed. The world has changed.

Back in 1988, Internet access was not really a common thing. We could not have done a session like this. And smartphones were the stuff of science fiction. However, one important thing has not changed, and that's that older adults overwhelmingly want to continue to live independently in the community, and nearly 95% of them do.

So as the prior speakers mentioned, we had a number of considerations in updating our regulations. We wanted to align them to the current statute to address emerging needs and again to better support the national aging network that delivers Older Americans Act services, including through tribal aging programs. As was noted, the proposed rule is the culmination of many years of engagement with the national aging network, including a formal request for information that we conducted in 2022, a series of listening sessions, including formal tribal consultations and other engagement with Native American grantees.

So with that background, I'll share a little bit about the actual Notice of Proposed Rulemaking that was published in the Federal Register on Friday, June 16th. And since this isn't something we do all the time and the- the proposed rule is lengthy, it's about 83 pages, but we want to break it down into pieces that are easier to navigate. And so I'll focus on kind of our table of contents, which is broken into eight parts that are indicated in the Roman numerals. And the first, you know, one through three is really the background.

When we get into Roman numeral number four, this is where we begin to explain what we are proposing to change in each of Titles III, VI, and VII. So the Roman numeral four over-- does an overview of the Title III programs. And you'll note that this is divided into three areas, what we are proposing to revise, what we are proposing that is brand new, and what we are proposing to delete.

Roman numeral five is the grants to the tribes and tribal aging programs for Title VI, and you'll note here again it's divided into three areas, what we're revising, what is brand new, and what we are proposing to delete. Roman numeral six on this slide is conveniently for the Title VI

program and actually specific to the Part B program, which is specific to services for older Hawaiian Natives. And you will note that there is just one item here as we are proposing to delete this and combine regulations for Title A-- Title VI Part A and Part B.

So in other words, to combine all of Title VI into one set of regulations to reduce confusion and improve consistency in the provision of services under Title VI of the Act. Title VII is for Title VII, and we have both revised and new provisions proposed. We have a section, Roman numeral eight that has some regulatory requirements that we address. And then, at the very end, you will see the proposed regulatory text in its entirety for each of the parts, and with page numbers here to help you navigate.

So, in other words, the first 40 pages of the proposed rule are background and are explanations, and the last 40 pages are this is what the regulatory text says specifically. So with that formatting reviewed, I'll give some examples of the content areas and areas of focus of the proposed rule. And these are included in expanded fact sheets that ACL has prepared and I'll share where to find those and other information at the end of the presentation.

So on the slide here, I'm showing that the proposed regulations for programs funded under Title VI of the act include combining the sections as I mentioned, so those Part A programs serving American Indian and Alaska Native elders with section 1323, which currently is the Part B program serving Native Hawaiians. And we also propose to add content on Part C programs to those programs that serve Native American caregivers. And so, in doing this in these sections, we would specify those program and fiscal requirements and set expectations for collaboration and coordination with Title III programs.

And I'll note here we also include expectations for collaboration and coordination with Title VI programs in the other sections under Title III and under Title VII, so that we are talking about coordination in the various titles. We also request specific input and-- or a specific comment, and so one example throughout the proposed rule is that we request comment on the specific policies and procedures that Title VI grantees must have, as well as any potential alternative approaches to serving Native American elders and family caregivers.

And again, we-- your-- we welcome comment on anything in the proposed rule but also have specific areas where we ask for comment. Another example of what is in the proposed rule is informed by our experience during the COVID pandemic and as we know, emergencies and disasters have distinct and disproportionate impacts on tribal communities as well as elders and family caregivers, and they often create unique challenges for the aging services network as a whole.

So, in particular, key proposed provisions include new sections under both the section for Title VI, as well as under Title III, specific to emergency preparedness and response. And as an example of comment where we-- that we requested, we want to know are these new provisions sufficient and are there any alternative approaches that we could-- should consider regarding emergency preparedness and response?

For the last example that I'll review is regarding prioritizing people who have the greatest economic and social needs, and this is one of the basic tenets of the Older Americans Act. The proposed rule clarifies requirements for states' definitions of greatest economic need and greatest social need as well as setting expectations for serving those who meet those definitions. It also clarifies expectations for ensuring that the perspectives of older people and

elders with the greatest economic and social needs are incorporated into planning efforts under Title III of the Act.

So, again, as an example of specific input that we're seeking, we want to know whether these approaches that we propose in state plans on aging sufficiently identify all population states must include while allowing state flexibility to include additional populations. So as we conclude our overview of some of the areas of focus and key provisions of the proposed rule, please note that ACL has a number of resources available.

We have the link here and it's on our website. We do have a web page where we have the various resources listed, like we have two fact sheets that we prepared to help guide people through the larger document. We also have slides from a June 22nd stakeholder webinar and we also included-- sorry, here, we also have included information here on the Older Indians website. We had a tribal briefing on June 22nd as well, and of course today we have the information on our consultation listening session right now.

So to submit comments-- oh, sorry, my slide is out of order here. I'll note we also have links here to the current regulations, again, so you can see what currently is in place and use that in your reviewing what we are proposing. So we hope that this review of what was in the proposed rule is helpful to you and that it will help you in giving us your comments. We want to hear from you things that you like that are in the proposed rule, things that you don't like or things you think we could do better, things that you think we missed, that we should include. We want to-- we're open to all of your comments and feedback.

Our principles for these changes include that we want the regulations to be practical, we want them to help you in doing the critically important work you do in your communities. As I believe Cynthia noted, we have a-- we will have a transcript of today's tribal consultation that will be submitted to regulations.gov, and we also encourage your written comments, if you'd like to comment outside of this, this slide includes details how you can submit comments. And please note that the comments, for us to consider them, must be submitted in writing.

So, again, they can either be submitted through regulations.gov or via postal mail. And please note that whatever in whatever form you submit comments, we must receive them by August 15th at 11:59 p.m. Eastern. The closing slide, I'll just note that in terms of our timeline, once we receive comments, we will review and analyze them. We will make any needed changes and prepare for publication of the final rule.

Proposed effective date is typically within 60 days of publishing of a final rule with a compliance date specified, such as the start of the next fiscal year or some other time frame, and we welcome comments on anything regarding the proposed rule, including effective and compliance states.

We also recognize that we'll need to be prepared to provide technical assistance regarding implementation of the final rule when we get to that point. And we will be pleased to do so then. So, at this point, without any further ado, I will conclude my portion of the presentation. We are so excited by this opportunity to refresh our now 35 year old regulations and we so welcome your comments. Thank you.

**CYNTHIA LACOUNTE:** Thank you so much, Amy. Are we set to begin comments? We have several people on the line and we have some here-- are there any tribal leaders or people who

are authorized to speak on behalf of tribal leaders, anyone on the call? I want to make sure we follow federal rules and allow leadership to speak first.

Please let us know in the chat or raise your hand on the chat if you are representing a tribal leader. As we wait for that acknowledgement, so-- are there any-- anyone else in this room besides Sara Candelaria, San Felipe, here to speak on behalf of leadership? [Pause] All right. Again, we will announce this several times during the comment period to make sure that we allow time for tribal leaders. But, Sara, please, Laura will bring you the microphone. Again, Sara Candelaria, San Felipe Pueblo, New Mexico.

**SARA CANDELARIA, PUEBLO OF SAN FELIPE:** Good afternoon, everyone. Good afternoon, Ms. Barkoff. Good to hear you. I wish I could see you again, but it's good to hear you, and as well as Mr. Edwin Walker. I'm here today on behalf of my governor, Carl Valencia, who could not be with us today, and he has authorized me through proxy to go ahead and speak on behalf of the tribe and our program.

So we're still reviewing a lot of the changes that you are proposing or incorporating in this process, and on behalf of the governor, he asked for continued collaboration and not just, you know, any kind of collaboration but more so meaningful collaboration where you actually sit and visit with the tribes to discuss a lot of how these decisions are made.

I understand that in the process of tribal consultation this is a requirement and I know that you had stated that there was an opportunity on June 22nd in Oklahoma, which unfortunately many of us-- well, me and my staff couldn't be out there, but today is also an opportunity.

But first point that I want to make with regard to that is really not having the consideration of making sure that there's effective tribal consultation and then making sure that there's enough time for review and assessment of the impacts of these decisions to gain feedback on how these processes are going to impact us, not only at the service level, but also at the funding level because sometimes a lot of what comes out is unfunded mandates and you expect us to fulfill these mandates without providing any additional funding.

So those are some of the things that need to be considered in this process, too, is how much of a financial impact is this going to have on programs, especially programs who don't already have the capacity to even offer any kind of input or comment during this period because they're so short staffed that they don't have time to sit down and actually review these things, and really depend on larger programs who do have some of the capacity to take care of it. And for me, I guess that's part of the reason why I'm speaking today.

And one of the things that I've always talked about in these tribal consultations is the need for cultural awareness. How are these decisions or how are these proposed changes going to impact our communities, culturally and traditionally? Because a lot of our programs are based on cultural and traditional practices, so how much consideration is put into that to determine how you establish these new rule changes?

And I think that, you know, we need ample time. It's not a few month process, it should be longer than that. We should have an opportunity to at least sit down and go back and forth and at least come to a consensus together instead of the decision being one sided. The other thing that I was looking at was under Title III, I know that we've had a lot of questions on behalf of San Felipe, we've had a lot of questions about Title III, Title VI, coordination within our state,

and it's taken about 12 years to get to where I'm at today with some of the questions that I've had.

And over the years, I've had many different responses, many different explanations, and I feel like we're finally getting somewhere with getting some kind of progress towards pueblos and tribes accessing that support and coordination through the state, but one of the things that concerns me is the oversight. Who has the oversight to make sure these things are being enforced? These rules that you're making and creating, who makes sure that those rules are followed by the people receiving Title III funding to ensure that that Title III, Title VI coordination is in fact occurring?

I understand state plans are submitted. I understand there's public hearings for these state plans, but in all the years that I've attended a public hearing here in New Mexico, we've never had a federal representative to hear some of the things that are offered during these consultation processes. Just like with the federal side, the state hardly makes an effort to make those tribal consultation or meaningful tribal consultation happened, and I think that that is a huge impact on programs such as ours.

And those are the things that need to be considered as you're making these- these rule changes and these rule proposals is really looking at who's going to make sure that oversight is occurring and who's going to make sure that the state is following the plan that they- they submit. One of the concerns that I have is how quick the state is ready to penalize our programs when we're in non-compliance, but what kind of penalties do they face when they don't meet the standards that the federal has under the rules?

And again, it goes back to the oversight of the whole Title III section of the Older Americans Act, and I think we're just looking for equity and equality here. So I'm-- that's one of my biggest concerns. I know the state of New Mexico opened up Title III RFP's last year, but there was no technical support provided to be able to assist tribes in going through the process and helping them develop an RFP, and that was one of the things that our tribal leadership was concerned with was, yeah, they gave you the opportunity to apply, but nobody really explained how that process go.

And being new to a lot of this, many tribes didn't apply. They chose to forego the opportunity because, again, the lack of capacity and lack of technical support. The other thing that I wanted to share on behalf of the Pueblo of San Felipe is how much effort is put into making the decision on these rule changes or making these proposals to rule changes? How often are pueblos and tribes consulted to really talk about, okay, this is what we're planning, this is what we're looking at in the future?

You know, and how do you feel about it? What are your thoughts about it? Can you offer us some type of cultural awareness support as we create these proposed rule changes? Again, really going back to the tribal consultation process, we feel that it doesn't effectively occur at both state and federal levels, especially when it comes to Title III. It's really until after the fact that tribes are brought into the process or called to the table to offer this input, and it truly doesn't allow ample time for us to really consider the whole picture.

And it's basically setting us up to fail in some cases, which isn't right. I don't feel that that's how a federal government should be run. You know, like I mentioned earlier, it's really holding us accountable at a very high standard, but who holds you all accountable? Who imposes those penalties to you to make sure you're doing your jobs?



And with all due respect, this is what I've been involved in the last 12 years, and it's taken 12 years to get where we're at today, which is honestly kind of sad. You know, we've been voicing some of these concerns year after year after year at the National Conference when there's tribal consultation there. And I know that in my time I've encouraged our governors, whoever's in the position at that particular time, to come and voice-- and you would think that hearing it straight from your leadership would have some kind of impact.

So all I ask is that you consider a lot of these implications and a lot of what I'm pointing out in this process because again this is my 12th year and I am so thankful to my colleagues, to representatives from the Office of Native American Programs, who have taught me to be strong and to really speak on what I believe in. I owe them so much gratitude because I can still remember the first time that I went up to speak, and I can guarantee you I wasn't as strong as I am today.

For those of us who fulfill our roles in the capacities that we have within our programs, this isn't just a job. This is the compassion and the love that we have for those that we hold in high regard. And we're not making these asks for us and for our own need. We're doing it for our elders because we want them to see something better. When the pandemic hit, there was so much change that was basically forced into our communities, the isolation, the separation was something that we were not used to.

We've never known that in our communities, and in turn, after these last three years as service providers, now we're having to deal with the repercussions of this pandemic. We have new needs. We have new concerns. Our elders are trying to put their lives back together with our help. And all we're asking for is that same support and help from both federal and state levels to make sure that these transitions go as smoothly as they can for our elders.

I ask for continued discussion, and if at all possible, for an extension of the August 15th deadline to give us more time to really, truly make our statements meaningful and effective so that we can ensure success of our programs within our community. And I also would like to ask for explanation on what really consultation means or constitutes at the federal level because I would like to have a better-- I understand what tribal consultation or a consultation process is, but to me it's sitting down with these individual leaderships and councils to discuss everything openly and honestly and to truly consider the bigger picture as opposed to a small piece of the puzzle. Thank you.

**ALISON BARKOFF:** Thank you very much. This is- this is Alison, and again--

**CYNTHIA LACOUNTE:** Thank you very much. Oh, Alison, go ahead.

**ALISON BARKOFF:** Yep, sorry. Thanks, Cynthia. And I'm really sorry that I can't turn on the screen. I really feel like being a talking black box is not the respect that I would like to give. But first I want to just thank you for your comments and for your strong advocacy. It's incredibly important. And why we are holding this session.

I just wanted to comment on a couple of things and then I'd invite Edwin to add anything. First, in terms of your comments about the need for formal tribal consultation, I do want to share that we are working on a more formalized plan and we can address your comments on that as that moves forward. Thank you for your--

**CYNTHIA LACOUNTE:** We're unable to hear your comments back.

**ALISON BARKOFF:** Oh, you-- Cynthia, you can't hear me?

**CYNTHIA LACOUNTE:** Hang on, we're trying something else.

**ALISON BARKOFF:** Okay.

**CYNTHIA LACOUNTE:** Go ahead, Alison. Let's try.

**ALISON BARKOFF:** Okay. Can you hear me now?

**CYNTHIA LACOUNTE:** Can you hear better now? [Pause] No.

**ALISON BARKOFF:** Cynthia, can you hear me?

**CYNTHIA LACOUNTE:** I can, but I'm right next to the mic or to the computer as well. The participants--

**ALISON BARKOFF:** Could someone maybe put a microphone next to the speaker-- whatever you did before--

**CYNTHIA LACOUNTE:** The technician is helping us now.

**ALISON BARKOFF:** Okay. Thank you, Cynthia.

**CYNTHIA LACOUNTE:** One moment, Alison.

**MELISSA SZASZ:** Can you try again, Alison?

**ALISON BARKOFF:** Sure. Can you hear me now? Can you hear me?

**CYNTHIA LACOUNTE:** Alison, are you there?

**ALISON BARKOFF:** Yep, I'm here, can you hear me? Can you hear me?

**CYNTHIA LACOUNTE:** No, no.

[Unintelligible]

**MELISSA SZASZ:** The next person comment, Alison said.

**CYNTHIA LACOUNTE:** What?

**MELISSA SZASZ:** Alison said for the next person to comment.

**CYNTHIA LACOUNTE:** Okay, go ahead with the next person. I believe that is--

**LAURA STEVENSON:** Chandra Wilson.

**CYNTHIA LACOUNTE:** Chandra, from Portland-- Northwest Portland Area Health Board. Chandra, are you on the line? I don't know, Edwin. I don't know. Chandra, are you on the line?

**EDWIN WALKER:** She says she has no comment --

**CYNTHIA LACOUNTE:** Let's go ahead with Vanessa, from Alaska. Vanessa, would you give your name, please, as well? Chandra, we will come back to you. Okay, no comment from Chandra. Thank you, Chandra. Go ahead, Vanessa.

**VANESSA HIRATSUKA:** Thank you for this opportunity. My name is Vanessa Hiratsuka. I have-- I'm an enrolled member of the Navajo Nation. Although I am not speaking on their behalf, my tribal background is Diné and Winnemem Wintu. I'm also an assistant professor and the co-director of the National Resource Center for-- on Alaska Native Elders at the University of Alaska Anchorage. I am a Doctor of Public Health, and I'd like to provide several very specific comments in regards to the proposed changes.

First off, I'm very grateful that we have the opportunity after several decades to provide feedback on this particular act and these proposed legislative changes. I am also concerned that this opportunity will not come again within my lifetime. I strongly encourage that there be regular opportunity, particularly maybe within a decade or less, to provide ongoing feedback. I recognize that tribal governments do have the opportunity to call specific tribal consultations, as well as national consultations such as this, and I will be encouraging the 229 federally recognized tribes of Alaska to either individually or as a group request tribal consultation on this matter with ACL as well as on other matters given the short comment period.

Regarding that short comment period, I would like to-- and I realize with these comments that the weight is not necessarily what matters, the individual comments and the interest of ACL in how important they feel the comments are will change things, but I do wish to echo and strongly endorse the comments made by the proxy representative of San Felipe Pueblo, insofar as the-- all of them, but specifically the concern regarding tribal consultation. I see that we have had consultation on this matter in Tulsa, Oklahoma, as well as here right now in Albuquerque, New Mexico.

However, again, with 229 federally recognized tribes in Alaska who my group is supporting, having no tribal consultation in Alaska nor in Hawaii for these matters is of great concern to me. I do not feel that adequate tribal consultation is currently occurring given the lack of consultation in those regions, and again, given the weight to the number of federally recognized tribes that are impacted by the lack of good consultation in those areas.

Given that, I am strongly requesting a reply period in addition to the requested extension of the deadline of August 15<sup>th</sup>. A reply period would allow all Americans, including

our tribal nations who have our tribal sovereignty, an opportunity to reply to not just those issues that are impacting our tribal nations, but to all sorts of other things that-- other interests that might be there within the comment that we might wish to endorse and expand upon.

I am especially concerned with the eligibility criteria as it still remains with the population of at least 50 people over the age of 60. Again, thinking back to the region of Alaska that I come from, but also the region of my birth in Northern California on the Big Bend Rancheria, the idea of having 50 people in a community that often has less than 100 people that are over 60, right, this-- the math doesn't work out.

Thus, at least a quarter to a third of Alaska Native tribes, again 229, are not able to even apply for or have the eligibility to receive these funds unless they enter into some type of consortium. I believe that the tribal sovereignty of our tribes indicates that we should be at least eligible to apply and have a base amount of funding that would allow us to maintain quality and equitable services for our elders in those communities as they see fit.

I do have several comments in regards to definitions. First off, regarding the definition of immediate family, I believe that should be inclusive of non-relative individuals that are socially related individuals. Example being clan members, maybe they're not directly related, but you could have clan relationship as, for instance, within a cultural definition.

Regarding the family caregiver definition, individuals-- I would suggest there be an amendment there such that individuals of working age who are caring for the individual, be it the individual that is with Alzheimer's disease or related disorders or caring for the older individual be considered. I can speak for myself. I was an individual, a young individual, who was not an adult, but although of working age, who was providing care for the elders of my community, not just my immediate relatives, again, in the cultural way that we can do, and we often do in tribal communities.

I believe that the extension of family caregiver into what is considered culturally appropriate would be most advantageous for our communities. Regarding the definition of greatest social needs, I believe that we should have, in addition of that-- in that definition for American Indian, Alaska Native, Native Hawaiians to those-- being those that are able and permitted to set policies to define non-economic conditions. And I believe that should be true for all definitions, as indicated in the policy.

For instance, the definition of program development and coordination activities currently doesn't directly seem to indicate that American Indian, Alaska Native, Native Hawaiian groups can set the definition for those policies. Regarding public participation in a state plan, not only should that be public, but it should be given a reasonable period of time to review and also have an addition in public participation as to who should-- what the establishment of the reply period be in that.

Regarding Section 1321.75 on confidentiality and disclosure of information, right now there is a terminology that says encourage agencies, I suggest that it be require agencies, not encourage but require agencies to abide by tribal policies. For instance, regarding-- tribal policies regarding confidentiality and disclosure of information in honor of data sovereignty of those tribes. I would also request the addition of text regarding enforcement of tribal laws when the tribal laws are violated in the way of what information is being transferred at an agency's request.

In Section 1321.93 regarding legal assistance, I suggest that we add Native American to the list of individual populations and tribes being added to the list of eligible groups that are the groups that are eligible for technical assistance. And also I support the clarifications that are currently being made or suggested regarding a section 1327.87 in the way of nutritional services. Those additional clarifications I think are a benefit and more descriptive and accurate for our tribal communities.

One thing that I especially wish to highlight and this is in Section 1321.89, this is a section that speaks to evidence-based disease prevention and health promotion services. Since these evidence-based often does not include Native American populations, I request an addition of something in the way of promising practices. As an Indigenous researcher, I'm well aware that there is a lack and there's a gap in the literature around the evidence base for our elders, for individuals with disabilities, for individuals that have a declining brain activity and other related disorders, et cetera.

If we were allowed to have, in the absence of that evidence base, there are promising practices, this is of particular importance given that there's a separate formula that may be provided to target specific populations. And so if promising practices could be included for not just Native American populations, but other populations where there is a large evidence gap, I believe that we could have more equity when a separate formula is being used.

In regards to Section 1321.95, service provider of Title III and Title VI coordination responsibilities, in Subpart E there is a description of emergency and disaster requirements. I encourage the expansion-- I'm encouraged by the expansion of the emergency and disaster terminology to include tribal government determination.

And to allow-- I request there to be an allowance of climate-related and human-caused disasters occurring in our tribal communities, be it through historical disadvantages, a leaking of mines into our rivers, or climate change, such as the decline, the horrible fish disasters that are occurring right now in our Alaska Native communities, where we are unable to do subsistence fishing in many, many of our rivers due to climate change.

Regarding section 1321.97, coordination with state and tribal and local EMS, I commend the addition of tribal EMS in that- in that definition. And I believe that- that section as well as others really give a great example of how tribal coordination should be alluded to and quickly described, succinctly described in all sections.

Now moving on to Section 1322.5, application requirements of section 1322.13, regarding the data collection and reporting requirements, I would like to see some text in that area and the way of respecting data sovereignty regarding tribal laws and that tribal laws ought to supersede the other reporting requirements. I would also like to request, regarding the 2020 reauthorization, new requirements for state and area agencies to add required outreach to populations that include individuals with intellectual and developmental disabilities.

Currently, tribal government-- tribes are included in that list. However, I do note a disturbing nonexistence of outreach to populations of individuals with intellectual and developmental disabilities. It just seems to be a gap that is unaddressed currently but noted in other areas, so just internal consistency of the document. Provide-- one other thing that I'd like to speak to is the cost transfer.

This is an II proposed rule, Section A, revision of policies and procedures, paragraph on monetizing costs per entity, it's not inclusive of tribal editions proposed these tribal regulations

that are proposed in that area. The estimate doesn't seem to be inclusive of client eligibility assessments, access to different services described in Section 1322.13, Subset C, Subset I. The cost needs to be inclusive of I think at least 10 hours of supervision of the supervisor to get policies and procedures approved by our tribal governments.

And also a one-time training would only be advisable for probably at least a third of the section of the grantees of Title VI grantees given high turnover, which is very common in our regions. So I would suggest doubling the number of times at least that training be allowed for two-thirds of the entities. Also, five hours does not seem to be enough for staff and volunteers to be trained on cultural and traditional person-centered and trauma-centered service provision alone, let alone additional policies and procedures that will be required by this language.

So thank you for that. And I really appreciate the opportunity again to provide this level of specificity. I am-- and this is just of one person that has familiarity with this, I am very discouraged that Alaska Native leadership was not given the opportunity to provide-- to be present for tribal consultation. I think that is a-- I don't even have a word in English for what it is, but it's not right I guess would be my phrase there. We can do better. We ought to do better. And I really would again strongly encourage a reply period be added to this process since there isn't opportunity at this time to do tribal consultation with Alaska tribes. Thank you.

**CYNTHIA LACOUNTE:** Thank you very much, Vanessa. I need to ask and I-- could you make sure they each have a mic, Laura. I need to ask permission for both Sara and Vanessa, Teya is recording this and I need your permission verbally if we can record your transcript and write it up so that it can be submitted as comment.

**VANESSA HIRATSUKA:** Yes please.

**CYNTHIA LACOUNTE:** Thank you, Vanessa. Sara? [Pause] Absolutely, absolutely. And again, we need to-- you to speak into the mic, Sara.

**SARA CANDELARIA:** Yes, please, but I am requesting a transcript-- a copy of the transcript.

**CYNTHIA LACOUNTE:** Thank you. We will provide that, Vanessa, as well. Thank you. Who's next? Anyone-- any tribal leaders on the chat, on the call, on the line? Okay. Now we've got everyone signed up, so we're going to start calling your name. I think before I start calling names, I'm going to introduce Mr. Dave Baldrige. Dave Baldrige is a past director for the National Indian Council on Aging.

Dave has been super involved in Title VI and healthcare and tribes for many, many years and definitely has been involved in policy and regulation development. Dave, we are honored to have you with us. And Laura-- did you want to make a few comments, Dave? Thank you, Dave. Dave Baldrige. He's Cherokee from Albuquerque, New Mexico. Retired NICOA director.

**DAVE BALDRIDGE:** Oh, thank you, Cynthia. It's always a great pleasure and an honor to work with you. I'm really a fan of all the tremendous work you've done for Title VI and Indian elders

over the years. And I'm really happy to have this chance to sit in. Thank you all for those things you do.

**CYNTHIA LACOUNTE:** I don't know what happened to the old Dave Baldrige, but that was really quick. (Chuckles) Who is on the list? I'm just going to go down the list. Eric Yahola from Muskogee Creek. There he is. Guy in the red shirt in the front row. Thank you, Eric. And again, Eric, if we can have your permission to record. Eric says, no comment. Quiet gentleman. Marina, Taos Pueblo. There, Marina, thank you.

**MARINA ROUGH, TAOS PUEBLO:** I really don't have a comment other than I liked everything that Vanessa and Sara had stated. I think everything what they said should apply to everybody that's here today and all the other tribes within the region as well as out of the regions. I hope all these comments that were made are responded to quickly. I don't know much about it. I've only been here for a year and I'm sort of learning the basics of everything, going through all of this. And it's a lot of information to process right now, so-- but I'm very interested.

**CYNTHIA LACOUNTE:** Thank you very much, Marina. And can we have permission to--

**MARINA ROUGH, TAOS PUEBLO:** Yes, you have permission.

**CYNTHIA LACOUNTE:** Thank you. Rita Jojola. [Pause] Okay, we'll come back to Rita. Rebecca? There she is, Rebecca from Laguna Pueblo, New Mexico.

**REBECCA GUTIERREZ, LAGUNA PUEBLO:** Good afternoon, everyone. Thank you for having me. I really don't have much of a comment, just I didn't have enough time to view all this. But I agree with Sara and Vanessa for their speaking out for most of us, there is a great need for more funding for the Title VI program. I do appreciate what the state has provided for us this fiscal year coming up and I just hope the Title VI can do the same thing in the next year or sooner, if possible. Thank you.

**CYNTHIA LACOUNTE:** Thank you, Becky. And can we add your comments?

**REBECCA GUTIERREZ, LAGUNA PUEBLO:** Yes, absolutely.

**CYNTHIA LACOUNTE:** Thank you very much. Florence Calabaza, where's my Florence, from Santo Domingo. No comment, Florence? Nope. She's bringing the mic to her. Nope. Okay. I'm so sorry, I'm murdering your name, Laetitia Kaniatobe, Tesuque, from Pueblo of Tesuque, who's here from Tesuque?

**LAETITIA KANIATOBÉ, PUEBLO OF TESUQUE:** No comment.

**CYNTHIA LACOUNTE:** Thank you. No comment. Okay. Is that because I couldn't say your name? Roberta Dundas, from Tlingit and Haida, Juneau? No comment? No? Oh, thank you. Thank you.

**ROBERTA DUNDAS, TLINGIT & HAIDA CENTRAL COUNCIL:** I really don't have a comment, but I'd like to thank Sara and Vanessa on behalf of the programs for voicing their opinions. I'm too new to the program to comment. Thank you.

**CYNTHIA LACOUNTE:** Thank you very much. Carol from Tlingit, comment? [Pause] No? [Pause] Audrey, from Zuni. Audrey-- pronounce your name, and may we record your comments?

**AUDREY SIMPLICIO, ZUNI TRIBE:** Hi, my name is Audrey Simplicio. Yeah, I just want- I just want to make a comment on thanking Sara and Vanessa and others that have commented and speaking on our behalf, too, as well. I am fairly new, too, as well, so I'm learning the process, but just wanting to, you know, let the Title VI know to look at the increasing amounts that we've received so that way we'll be able to pay our staff what they're worth.

And I think that's the thing is that, because of the pay, a lot of it is that we have staff turnovers once they find a better job that's, you know, they're offering more. But it's also part of who they are, and if they have the compassion, they will stay. But it's also a lot of time that they put in that that I would like to see getting more so that way they can also provide for their own homes, whatever they may be needing. So that's my comment. Thank you.

**CYNTHIA LACOUNTE:** Thank you, Audrey.

**AUDREY SIMPLICIO, ZUNI TRIBE:** Oh, yes, my permission to record.

**CYNTHIA LACOUNTE:** Thank you. Thank you, Laura. I've got a bunch from Isleta, is Yvette Jojola. Did you want to speak? All right! Good job, Yvette.

**YVETTE JOJOLA, ISLETA PUEBLO:** So, for me, I've been working with Rita, too, on the whole Title III aspect of it, so I agree with Sara. I've been with the Elder Center three years, but I recently just started to get into the involvement of why the tribes aren't getting the Title III. And like Sara had mentioned, she's been working on this for quite a bit and same with Rita. And what I've noticed is, is we've had a meeting at the beginning of this year with the County of Bernalillo.

And at that time, we had-- we were under the assumption that we could still apply for the Title III funding. And to my understanding from yesterday's comments being made in one of the settings was when we're entering our numbers into the Wellsky, it was stated that those numbers are also given to the state for the state to apply for that under the Title III. So meaning our tribes are getting counted, but we're not getting the allowance of being able to apply for the funds.

Recently, they're letting us apply for the funds. But when you're holding a meeting this year and turns out it should have been already due by last year November, but only given a month and a half to even fill through-- go through the application and fill it in, I mean, not many tribes are very lucky to have the staffing that's going to be counting these numbers, that is going to be entering this data that's required from us.

And there's only so much manpower that, you know, some of these senior centers have that it's unfortunate because of what's all required into it, there's not- there's not the



manpower to do all of that. And then when you finally do get word, oh, you can apply for it, you're only giving a month and a half, how is that fair? And as tribes, if they're counting our people into the state dollars and requesting from the feds, how is it that the tribes aren't receiving it?

And after so many years of the states being awarded the Title III funds and you keep hearing and seeing on the slides Title III, Title III, Title III, at what point, it's like, okay, so when do we get Title III funds? When can we apply for it? Oh wait, you can't apply for it until five more years down the road and it's like really right when we get into this meeting with the county, we can't even get those Title III dollars because, oh, it already passed, it's closed, now you have to wait another five years.

So then that puts us back on that back burner of why are they even counting us when they shouldn't be, if we're not allowed to even get that funding? So this whole Title III issue, I agree with Sara, it's a big issue because don't be counting our Native people if you guys aren't going to include us to be getting the Title III funds.

And at the end of it, too, my understanding is the counties get the Title III funds and then they disperse it, but you have-- you're on that point system. And then you fill out the application, you put in all this work, all this data collecting, all this information inputting, and then it turns out you don't even get the money to-- at the end. It's all these other programs within the county. So that's the unfairness that I'm now learning, so that's my comment.

**CYNTHIA LACOUNTE:** Thank you. And do we have your permission to--

**YVETTE JOJOLA, ISLETA PUEBLO:** Sure.

**CYNTHIA LACOUNTE:** Thank you very much, Yvette. Can we call on Joseph Ray? Can we bring Joseph Ray in to make comments? Joseph, are you still on the call?

**MELISSA SZASZ:** I just put him on.

**CYNTHIA LACOUNTE:** Joseph?

**JOSEPH RAY, PUEBLO OF LAGUNA:** Yes, ma'am.

**CYNTHIA LACOUNTE:** Speak loudly if you would, Joseph. Thank you.

**JOSEPH RAY, PUEBLO OF LAGUNA:** Testing.

**CYNTHIA LACOUNTE:** Thank you.

**JOSEPH RAY, PUEBLO OF LAGUNA:** Thank you for this opportunity to give personal testimony on behalf of people with disabilities here in New Mexico, specifically my Pueblo of Laguna and also other people with disabilities I represent. I want to thank ACL for being here, Assistant Secretary Barkoff and Mr. Walker and all those that I've met in previous years. Thank you to Sara and other advocates for speaking up, speaking up on behalf of our tribal elders.

I've lived with a disability, spinal cord injury, for 35 years. And back in November 15th, I turned 60 years old, but, you know, I've always been thankful for the opportunity to receive services through the Pueblo of Laguna, Laguna Rainbow Center specifically, as far as Title VI services. I have not benefited from Title III, but then again, as I've heard, those services have been hard to receive in tribal communities.

I had an accident that has made me a little bit more dependent on other people for my care, for caregiving. I'm currently residing at the Laguna Rainbow Center Elderly Care Center, which is a 58-bed nursing facility here at the Pueblo of Laguna. But what I wanted to again say is that these efforts are greatly appreciated.

And while I agree with other speakers that lack of tribal consultation is a major concern, I also want to put the responsibility back on the federal government to again recognize that the systems of government and services that we've received over the last 100 years, perhaps, have primarily come through the-- excuse me-- the Indian Health Service. And I've always felt that the lack of coordination between the Indian Health Service, the State of New Mexico, and other local entities has really been a barrier to people with disabilities, young and old, receiving services, proper services.

For example, through the State of New Mexico, the burden is placed upon consumers or clients of the Division of Vocational Rehabilitation to access those services. The burden has placed on the consumer of the services. While we have a local program here at Laguna, Pueblo Laguna for vocational rehab, it's somewhat limited because of the lack of understanding and compassion I've always felt from that tribal entity.

They in the past have tried to serve me and they've provided some dollars to support me in my efforts to remain- remain employed or seek employment, also to seek- to seek education through the community-based colleges in Albuquerque and the University of New Mexico and other universities.

But again, for me, as a person living with a disability who has now aged into being a recipient of Title VI and Title III services, again, that-- these changes proposed to the rules to the Older Americans Act, inclusion and deletion of language, we again need to be-- please, if you could give consideration for people with disabilities who they themselves seek to remain as part of our communities.

And if I'm not providing testimony in the proper place, then please again help us as tribal members to find that outlet. I'm so, again, thankful for the Laguna Rainbow Corporation for being a provider of the Title VI and Title III services to our people here at Laguna, and maybe all along they should have been the ones managing also the vocational rehabilitation contract. Because, again, due to the median age of American Indians, the, I guess you would say, and I hate to be so blunt, you know, men seem to be passing away at a younger age.

And we only have so many-- so few years to do our earning, our wage earning, and at times the burden and that weight of that responsibility ages us. Many of us like myself are still fighting our-- those demons that may perhaps led to our disability, like substance abuse and alcoholism.

And we, again, we because of the lack of, again, support what that we-- I shouldn't say support, I say coordination of services through not only the Pueblo itself, our county governments, our state governments, and then on the on top of that, the federal government, you know, again, so many people have been left behind or have passed away because of the

their mortality age, reaching that age where a lot of us pass away, we never are able to fully benefit from services.

So, again, I put it back on the federal government to really know who the tribal people are that are receiving services and as it was said, that lack of capacity amongst the tribes, well, it's not the tribes fault because of lack of capacity. Many tribes here in New Mexico and throughout the nation, throughout Indian Country, we-- when we made our treaties and our compacts with the federal government to turn over our land, those dollars never followed to be the-- provide the dollars for staffing amongst our own people, the creation of an office at the various levels for federal, state, and local governments to be able to coordinate and implement these programs.

That has-- to me, that's the failure, it's the lack of follow through from our great White father, as they were referred to, because again, it seems that the hat is passed amongst all these entities and no one has been truly accountable to the people as to why we are not fully served. Again, it's- it's tough for me to be pointing fingers or passing blame, but again, as a person with a disability living 35 years now with a spinal cord injury and having to still struggle to receive proper services, you know, somebody has failed us.

I've always been, despite my disability, I've wanted to remain part of the community. Well, I have been able to, excuse me, have been able to remain part of the community, but again, the burden has always been placed on the individual rather than- rather than our tribes or various government service providers to reach out to us where we live. You know, American Indians have the highest rate-- many of the highest rates of poverty in the nation.

My county, Cibola County, here in New Mexico, we have one of the highest rates of poverty and unemployment in the nation. Whose fault is that? I don't believe it's the people's fault. Again, it's that passing of blame when-- I would say that it's everyone's responsibility to hold people accountable. Myself, as an individual, when we are given the opportunity to speak, we need to take that opportunity. Tribal leaders, when-- they need to be able to understand the need for these services that the people need.

Local governments again here in Cibola County, my county seat in Grants, New Mexico, they barely take the time for tribal consultation. State of New Mexico, again, who is-- I know we have a state program for long-term care services, but again that to me there has never been that coordination between the state and the federal government. We might be able, as states to receive funds from the federal government, but truly implementing that follow through and the flow through of those dollars, as someone from Zuni I believe said, you know, don't count us in your numbers if you're not truly going to make the effort to bring those services to my community.

You do not have my permission to include our numbers because, again, where is the state? I'm left holding the bag-- the example I provided, such as vocational rehabilitation, that follow through. Also again the independent living programs. We have a center based in Albuquerque, New Mexico, and they did recruit me maybe 15 years ago to begin an effort, but I don't think it was all-- that responsibility was on-- should have been on my shoulders to be the one to lead the way for independent living services and the education that follows to be through one person or one little office that we ran out of the Pueblo of Laguna.

It cannot just be a token effort, it has to be a thorough effort from all, again, all the parties that are responsible to provide care and services to tribal members, we have-- American

Indian and Alaska Natives have a long list of items that we've never been truly served-- a list of offices and entities that should have been serving us.

And then as I have stated in many other opportunities, I'm doing a lot of this advocacy work by myself. While I appreciate the leadership, such as what Sara Candelaria has provided, she is 1 of 19 pueblos here in New Mexico. It cannot be a single pueblo leading that effort. We need to be able through our local entities, through our federal and state partners, to create that awareness of this need to have more tribal consultations throughout the United States and Alaska and Hawaii, being fully inclusive of the thoughts and ideas that we all have to improve the lives of our elders and people with disabilities.

Again, I thank you for this opportunity, Title VI, ACL, Assistant Secretary Barkoff, we truly appreciate this opportunity, but again we-- I'll keep doing my advocacy as long as I can, and hopefully that we'll be able to collaborate and be able to coordinate the wishes and desires of our tribal elders whose main wish is really to age in their own homes, age in place, live the lives that they always thought they would have in their own communities.

One last thing I want to make a-- bring note to is again how our tribal elders, because of the lack of tribal nursing homes, we are forced to go to the cities, go to bigger communities that do provide services like nursing homes. Laguna Rainbow Center at the Pueblo of Laguna is one of only a handful of tribally run nursing homes.

Where is that coordination of that level of care from the federal and state governments and local governments? Also, tribes are having to do it on their own when there is really no road map for that for that provision of care. So, again, I'll close and maybe, again, maybe I'm speaking in the wrong place, but again, this is really-- Title VI has given me this opportunity to speak up on behalf of tribal members with disabilities who have aged and are aging. So again, thank you, my friend, Cynthia LaCounte, and thank you to everyone for listening today. I appreciate that.

**CYNTHIA LACOUNTE:** Thank you, Joseph Ray. May we have your permission to transcribe your words?

**JOSEPH RAY, PUEBLO OF LAGUNA:** If you can make a make a-- get a-- yes, make a-- decipher my words, if I wasn't too all over the map, please do. Thank you.

**CYNTHIA LACOUNTE:** Thank you very much, Joseph Ray. All right. We have a few more folks signed up for comments. If there's anyone, Jasmine, if you have anyone over there on the line, please let us know. Good to have you here, Nevaeh Dodge from Isleta. No comment? How about Evangeline Lente from Isleta? No comment? Okay. How about Jeanette, from Acoma? Wait for the mic.

**JENNETTE SALVADOR, PUEBLO OF ACOMA:** Of course I'm from the Pueblo of Acoma. I just got one year in as the director for the Senior Center. And so I'm still learning a lot of this, but I have met with Sara and her- her Senior Center staff and you know, visiting with them and just hearing her and I'm just, you know, I give her kudos because she's been at this and she does advocate on the tribes' behalf, you know, and just as Mr. Ray had mentioned, you know, we shouldn't leave it to one individual to do that.

And I would like to sit down with her one day just to get educated on this because she's full of knowledge. I just love that about her. And it was actually my governor that told me reach out to Sara, she knows a lot. So anyhow, she's educated my governor as well on Title VI and the Older Americans Act. So I just need to sit down with her and visit with her.

**CYNTHIA LACOUNTE:** Excellent. Thank you. And do we have your permission to add your comments--

**JEANETTE SALVADOR, PUEBLO OF ACOMA:** Sure.

**CYNTHIA LACOUNTE:** --in support of Sarah's comments. Thank you. How about Victoria Wells, Little River Band? Right behind you. Thank you, Victoria. And will we have permission, please?

**VICTORIA WELLS, LITTLE RIVER BAND OF OTTAWA INDIANS:** Yes.

**CYNTHIA LACOUNTE:** Thank you.

**VICTORIA WELLS, LITTLE RIVER BAND OF OTTAWA INDIANS:** All right, so I'm-- I've been in my position for 10 months, so I'm still kind of a newbie here, but I have under the nutrition end of it for Title VI, it brings up the nutrition services incentive program, and I know it is, it states to purchase domestically produced foods. I would like to see it where these funds could be allowed to purchase through-- like say I get my wild rice through Red Lake Nation, be able to purchase my traditional foods through other tribes and be able to purchase foods like that instead of having to go through big places like Cisco or other places.

Because I feel that that's more important to start bringing back our traditional foods and bring back healing of our souls and of our bodies. And the other thing I have is. This collaboration with Title III, we're always asked to be doing, I am still pretty clueless on that, so maybe clarifying it because like others have said that if we are going to have to give them our numbers to count towards their funding, but we don't really see money come back to us for that or any other kind of benefit, then to me it sits wrong. And it's wrong with quite a few others, I think.

So maybe some clarification on how we're supposed to be working with Title III a little bit more clear because that's confusing. I'm over here like I know of Title III and I talked to them in my area, but they're kind of confused too. So we're both-- on both ends. So just more clarification on that. But the other thing on the changes proposed about letting us make the pickups and stuff like that, that I'm in agreement with. That's all I have. [Speaks Native American language].

**CYNTHIA LACOUNTE:** [Speaks Native American language], Victoria Wells. I am so powerful within the federal government that I can give you permission already to purchase food from other tribal nations and our concern is just that it be processed according to tribal or state guidelines. And in fact, Sonya wants to talk with you more about that while we're here, we've got a program we've initiated to do just exactly what you're talking about.

**VICTORIA WELLS, LITTLE RIVER BAND OF OTTAWA INDIANS:** Yeah, I figure if I'm wrong, you'll correct me.

(Chuckling)

**CYNTHIA LACOUNTE:** Nope, you were so right. Thank you, my dear. Next is Carrie LaDeaux. Sac and Fox.

**CARRIE LADEAUX:** I haven't got comment-- or, I haven't got approval yet.

**CYNTHIA LACOUNTE:** All right, you can-- I'm going to encourage you to send in written comment once you get approval, please. Marcia Hall, Shoshone Bannock tribes. Did you know you had signed up to make comment?

**MARCIA HALL:** No, I didn't know that.

**CYNTHIA LACOUNTE:** Did you want to make a comment?

**MARCIA HALL:** No comment.

**CYNTHIA LACOUNTE:** No comment from Marcia Hall. Molita Yazzie, did you know you had signed up to comment?

**MOLITA YAZZIE, NAVAJO NATION:** I'll comment, though.

**CYNTHIA LACOUNTE:** Okay, thank you, Molita.

**MOLITA YAZZIE, NAVAJO NATION:** Good afternoon, everybody. My name is Molita Yazzie. I'm from the Diné Nation. I grew up in, Tuba City, Arizona, in a Western agency, and I'm listening to my fellow Indigenous people here talking about their concerns with these regulations. As much as I would want to have some input as far as the regulations, I started to read it as a really long read. It's very complicated and I agree with some of the people here that have commented that the deadline should be extended so that those like myself who need extra time to read into these regulations can do so and respond appropriately and in the best way possible. Thank you.

**CYNTHIA LACOUNTE:** Thank you Molita and do you we have your permission to add—

**MOLITA YAZZIE, NAVAJO NATION:** Yes

**CYNTHIA LACOUNTE:** Thank you. Next up we have Alice from Shoshone-Paiute.

**ALICE GENNETTE, SHOSHONE-PAIUTE TRIBES:** Hi. I would just like to say that I'm grateful for all of the comments that have been made. They're so passionate. They're-- the integrity of them is amazing, and I would like to also comment that the short amount of time for the comment

period is, to me, it shows lack of respect for our elders and our tribal leaders. It is the federal government's responsibility to communicate with our leaders and to the public, to the community, the reservation, the tribal members to get their feedback.

They're making the rules for us, so I feel like we hold ourselves in pretty high regards. You know, we like to follow the rules as long as the rules do apply to us, and as long as the other-- the person writing the rules, that they apply to us. And like, historically, the tribes, you have lots of discussions, lots of meetings, lots of, you know, interaction with your tribal members and stuff, especially when it comes to such a precious commodity like our elders. And that's where I feel like there's lack of respect from the federal government because that's what we are talking about are our elders.

Another comment would be to consider the age limit for our elders. Most of the tribes sitting in here, the tribes' age limit is 55. However, the government's is 60, so if they could consider lowering that to 55, that would be great. That would also help with the smaller tribes in the villages that don't have 50, you know, 60-year-olds and above. And it would help them to apply for the Title VI grants.

And lastly, the service area needs to be included, the urban Indians, the Native Americans that do that do not live on the reservation, they also struggle out there, you know, when they don't live on the reservation, they're still counted as a tribal member through the federal government, so why can't Title VI provide services for them too?

And like I said, I'm grateful and I'm thankful for having this opportunity to comment on something that is so important to us. And it looks like we're kind of on the verge of being an elder, maybe a senior in here, but we don't do it for us, we do it for our elders. And I just would like the government, whoever's online listing and stuff to take that into consideration, we're doing it for our elders. And yes, Cynthia, you can use my comments.

**CYNTHIA LACOUNTE:** Thank you, Alice. Marcia Hall, Shoshone-Bannock changed her mind.

**MARCIA HALL:** Good afternoon, everybody. My name is Marcia Hall. I am representing myself. I'm not representing the Shoshone-Bannock tribes. One of the comments that I'd like to make is that it would be nice to have more representation of our Native American tribes in essence of all across the board. You know, when you're presenting at a workshop and stuff, it would be nice to have a Native American presenting about a subject matter that is important to them. I take a lot of pride in what I do as adult protection services because I've worked this field and I and I love my elders.

I love what I do. It's a privilege and an honor. And one of the things that really kind of opens my-- you know when you have individuals that don't know, that have never worked in that field that speak on a subject matter that could eventually affect somebody along the way that might be a legislature or some higher up, they might take that person's comment to heart like they know what they're talking about when people like us that have done the work, our opinions don't matter.

The other thing, too, is cultural sensitivity. Understanding that there's reasons why certain tribes do things a certain way. And the other thing, too, is I like what Alice just said about the age limit. I think that, you know, to have more opportunity for people at the age of 55, it brings in more opportunities for the government to see that, hey, they do have a lot of

Native Americans in this age group versus the 60 and over. So those are several areas that I think need to be addressed.

On top of that, I think that looking at, especially with regards to elder abuse, one of the things that I would like to see is more opportunity for training for different departments to understand, especially with dementia and Alzheimer's, I'm glad that Title VI is starting to look at stuff like that because those are areas that that we need to address.

It's one of those silent medical conditions that nobody wants to talk about, even though we see somebody in the community that is starting the signs of dementia and-- but one of the-- I'm really thankful to be here and have the opportunity to actually voice these concerns. And so thank you. And yes, you have my permission to publish.

**CYNTHIA LACOUNTE:** Thank you. Marcia Hall, [speaks Native American language]. How about Alvina? Thank you.

**ALVINA THOMAS, SHOSHONE-PAIUTE TRIBES:** I'd just like to thank everyone that has spoken up for the elders and we would-- or I would like to ask for more funding for the elders. We live 100 miles from both towns, so me and Alice were on a meeting and we went and we visited Elko, the city Senior Center, and they had a room for a library. They had a puzzle room. They had a movie theater. They had transportation, like three trucks.

They had, you know, three handicap vans and multiple staff, like we only have limited staff, but they had like 10 staff working in the kitchen and they had all of these resources and I asked, you know, how do they get all those things? And they said, oh, state funding, but why can't we get state funding for the same thing? You know our seniors on the reservations are very small and limited and we are also by ourselves, so you know we would just like to see if we can get more funding from the state.

And, you know, state Medicaid does come out to the Senior Center in Hawaii(?), but it's only once every two months. And as for Elko, at their city Senior Center, they have them there every other day, every day, they have, you know, them helping their elders. But for us, they only come out just very minimum, you know, and there's no support from the state or anything. And if we do ask for support, they're like, well, you got to find it online.

So there's really no assistance there where we don't have the opportunity to get the funding even though we are a headcount for the state. And since we are so far away, you know, I would like to see if there is funding for a nursing home on a reservation. A lot of our elders do like to be home their last days and we would like to see if there's more opportunities for getting a nursing home in our tribal community.

And I would also like to comment more on funding for the caregivers to assist them with training to care, the grandparents that are raising their grandchildren, and when they first get them in the home, you know, what do they need to prepare for to take care of the grandchildren? You know, we need a lot of support for training and opportunities, counseling for the grandparents, and more funding for the grandparents to have advocates while they're in court.

And going through the court cases to protect their grandchildren and gain protection for themselves as they raise their grandchildren, a lot of the adults, the kids nowadays are going through addiction, and they are a main threat to their own mother that are raising their



grandchildren. So, you know, we need more funding for the caregivers to protect them, to give them assistance, to support them more.

And with the limited funding you, you know, can't help 30 grandparents that are raising grandchildren and also the- the people that are-- the caregivers that are taking care of the frail elders, the ones that are disabled and stuff, so I think asking for more funding for the caregivers to have support and protection for the grandparents. That's what I'd like to see. Yes, you can share.

**CYNTHIA LACOUNTE:** Okay. Next we have Teresa Fox. Pamela Mann. No comment from—Lyle Lomayma, Tohono O'odham, Santa Clara.

**LYLE LOMAYMA:** Good afternoon, everybody. My name is Lyle Lomayma. I'm from the Pueblo of Santa Clara and also from the village of Moenkopi, Arizona, so Tuba City, Arizona, but I work for Ohkay Owingeh Senior Center, but I'm not speaking on their behalf. Recently, I just transferred over from Rio Arriba, the non-metro side from the state and from the state to [unintelligible] side is so much different. You know, the Title III funding comes down through the state. There's only one report that is done through them.

Why can't Title VI be funded through the state as well, so we're only doing one report instead of doing two? The state allows us to have our-- I don't know if they allow the tribes now to have what they used to call senior employment workers. They were only allowed to have them for five years, but non-metro can have them up to 14-- 12, 13 years, which is not equitable for us and it's not right, you know.

Ms. Secretary Alison Barkoff, if you could please let your superiors know that they sit on top of that table over there and they sit up there using the platform of seniors to get to where they're at, to get elected to be on those senators, to be the representatives, to be what they are, our leaders of this country, but yet they stop and they don't fulfill their obligations that they have to the people of the United States, as we are the people of the United States too, as us being Native Americans.

You know, you guys-- and I know you guys have an agenda to follow too as well up there and the agenda is not that of the people, it is that of your lobbyists where you guys get your \$50 million, your \$100 million for you guys to run, to sit in these in these high places, you know, so if you could-- and none of you guys sitting up there in Capitol Hill are ever going to utilize these services in your life. So how do you guys know that you these services are working?

You know, even with Medicaid and Medicare, you guys are never going to use those services, but yet you want seniors to stay in their homes, but you don't allow them to have dentures, hearing aids, eyeglasses, and those are essential needs for them to live a healthy daily life. If they don't have teeth, they can't eat. If they can't see, they can't read what they're signing. They can't hear. You know, you're already putting them at a disadvantage by dis-including that.

So just be mindful and cognizant of how much power you guys hold just by signing a name to a piece of paper, that there's millions and millions of people in the palm of your hands that you guys could save. But you know who are we? But we are the people just like you, you know, so be mindful and be heart-- do it with a happy heart and everything, because we are

people and we all bleed the same air, we all bleed the same blood, and who says that you guys will never have a grandchild, a nephew or somebody that's Native American as well?

You know, so what we do here today, as long as it lasts for 150 years down the line for the sake and the good of our people, we've done our job, and make sure that you're part of it too, because you guys play the biggest part in what how we live here in the United States. The biggest lie that you guys tell us is that we're sovereign.

We are not a sovereign nation because you guys still give us direction and how we how we have to live our lives. If we don't abide by your rules, you guys take the funding. You guys take everything away from us. And just remember, we didn't ask you guys for that stuff. You guys promised it to us, so thank you. I give you permission.

**CYNTHIA LACOUNTE:** Thank you, Lyle. I have one more signed up to speak. If there is anyone else, please let us know on the chat or let Laura know here. Carol Sewell, California Elder Justice. Oh, now I find out who you are. I've been wondering. Thank you, Carol.

**CAROL SEWELL, CALIFORNIA ELDER JUSTICE COALITION:** Thank you and I appreciate the chance to speak, the California Elder Justice Coalition already submitted written comments, but I did want to raise the comments that we made regarding references throughout the regulations to coordination with Title VI programs, whether it be in regard to Title III and Title VI coordination or to the emergency work that is being done in emergencies.

I would recommend we would recommend that any procedures that are developed for coordination and any policies that are developed by the area agency or by the state units on aging be done in consultation with the tribes, that the state and the area agency should not be developing outreach proposals and programmatic coordination policies without working with those tribes, so they have the appropriate approach when they make those ventures and so that the work that they do is effective. Thank you and you have permission to record my comments.

**CYNTHIA LACOUNTE:** Thank you very much, Carol, and thank you for attending for these comments. We really, really appreciate it. Anyone else choose to comment right now? Sara Candelaria. Thank you, Sara.

**SARA CANDELARIA:** Hello again. This time I'm not representing my tribal leadership. I'm representing myself as an individual as well as a program director for Title VI program. Much of what has been shared I've been sharing over the years. I mentioned yesterday at this training session as I sat here looking around at all the different faces that I see, not one is familiar, and I think we all understand that there's a huge turnover rate with senior program employees due to the lack of training and support.

And I think that's something that's really needed, not just every few months with cluster trainings. I feel like there's a lot of support that could be provided in many of the special circumstances and situations that we as service providers are faced with on a daily basis, majorly one of them being self-care for our staff.

We've gone through so much traumatic events these last three years that as a director, I've had to find ways to remedy those situations with my staff, and I think that having the

opportunity to have it on the larger scale with Title VI colleagues and professionals would really offer a lot of support to those that need it. You know, we're coming out of this pandemic with so much more need not just for our elders, but also for our staff.

I do echo the point of increased funding to support salaries and wages that are competitive with those outside of our communities, local towns, cities, and municipalities, because you must understand that we don't get support from these entities. We don't get county funding, we don't get municipality funding to support and sustain our programs. We're on our own trying to figure all this out.

And I think with working towards increasing the retention rate for our employees comes that training support on, you know, more than quarterly, more than monthly. I think it is a great need and I think that should be part of the tribal consultation process to sit down with tribes and ask them what their training needs are instead of sitting there making the decisions on your own, not knowing how we run our programs or the things that we go through, the challenges that we face.

I do my best to be an advocate not only for my elders, but also for my colleagues. A lot of them are brand new and I've done my best to be there to support them as best as I can with the knowledge that I've gained over 12 years, but I don't sit here claiming to know everything and that I have all the answers. What I do is do my best to share with what's worked for our program and help them tweak it to where it helps them and works for them.

And I've already mentioned this at the state level, too, where there should be a level of consistency across the board and the support services that we offer the staff that we have in our programs and you know there should be some level of consistency, not one program should have more than the other because we're serving the same people. We're providing support to the same people. So I think those are some of the things that need to be considered.

And it's-- there's just so much and there's not enough time to sit here and go through everything, but I just wanted to support all the new directors that had the courage to stand up and speak today. This is a start. This is something that you're going to get better at. I was in your shoes 12 years ago. And, Lord, I'm going to tell you, I broke down and cried because I wasn't strong.

But through gaining the knowledge that I have and working with people at the Office of Native American Programs and working with different colleagues across the state, you learn and you grow and you become stronger to be able to stand before DC officials. Edwin Walker is I would like to think my best friend. I know sometimes he doesn't like to hear the truth from me, but I'm open and honest so that he understands what we go through. And those are the kind of relationships we should have.

We shouldn't be afraid to speak up. We shouldn't be afraid to share what our challenges are, what obstacles we face. We should be there to work together, to work through them, to have a better outcome and be more successful in Title VI and Title III and Title V and Title VII. Every single person in this room should have some knowledge of those titles and how to gain and access resources.

I don't think it should only be put on Native American programs. It should be across the board. It should mean having that meaningful consultation, having that communication. I give credit to Ms. Barkoff who came to our community to see first-hand what we deal with, but I

can't speak to really anybody else that has really come to sit down with me and to take a ride through my community to show them what we do on a daily basis.

Ms. Kathy Greenly came out to see me along with Cynthia. That's how you gain the cultural awareness. That's how you gain the knowledge of how you can help us as the service providers. Lyle made a good point. You have the authority to make the decisions that you do, but are you truly considering the impacts of those decisions on people like us and more importantly on our elders who depend and rely on our services and supports?

I ask that you consider one day you're going to be in their shoes. We all are. What kind of services are you going to be expecting? What kind of supports are you going to be wanting? And what kind of decisions which you want people like yourselves and your positions to make on your behalf. My grandma always told me never think about yourself, think about who you're doing it for. That is the reason why I have the compassion to speak the way I do and to share the information that I do.

And none of it is intended with any disrespect or any kind of animosity towards anyone. All we're doing is trying to create a better tomorrow for our elders. Because like I always say, to me, my elders are my world. Because of them is the reason why I'm sitting here today. It's my turn to give back. It's my turn to offer them a better quality of life. They've earned it. We're still working to get there. But in that process, think of it as you creating that opportunity for yourself when you're sitting in their shoes. Thank you.

**CYNTHIA LACOUNTE:** Thank you, Sara, very much. Alison, Edwin, Amy, we're going to try and bring you in if you have any closing comments for us.

**ALISON BARKOFF:** Cynthia, can you hear us? Can you hear us, Cynthia?

**CYNTHIA LACOUNTE:** Go ahead, Alison.

**ALISON BARKOFF:** I'm talking. Can you hear us, Cynthia?

**CYNTHIA LACOUNTE:** People are shaking their heads, yes, they can--

**ALISON BARKOFF:** Okay. Thank you. And again, I wanted to start again by apologizing for the technical difficulties. This is definitely not what we had planned. And thank you, Cynthia, for your flexibility, and everyone. I just want to thank everyone for your comments, for each of the speakers who have given permission for us to transcribe your comments and have them part of the formal record, where we'll be able to respond in the formal way that's required as part of rulemaking and just want to thank you for your incredibly strong advocacy for the Title VI programs. So I will just end with that. I know we are over. Cynthia, I think I heard you had something at 5:00 today.

But these comments were incredibly helpful. You know, we started this process two years ago and had the opportunity to hear from many of you as we were developing these rules, so this was not really the first time we were talking about this, but as I mentioned in my opening comments, really hearing from you both at the Title VI conferences, the information that you share regularly with Cynthia's team, the opportunities that I and others have had to

Speak with you, to meet with some of you, I hope when you look at what is in the document, it really reflects what we have heard from you.

What some of your priorities are, what some of your concerns are, and particularly an issue that we've heard so much from you today and in the past is that intersection of Title VI programs and Title III programs, and hopefully you'll see what is in the rule as helpful. So I really just want to thank you all today.

Again, I know this went much longer than we had scheduled but thank you again for your really important comments that will inform the rule and for your strong advocacy and partnership, and to Cynthia and her team for everything that they do to support the Title VI programs and the really, really impactful work that each of you do. So Cynthia, I will turn it back to you to close this out and we look forward to our ongoing engagement and partnership with you and continued conversations and consultation.

**CYNTHIA LACOUNTE:** Thank you, Alison. Edwin, are you still there to comment?

**EDWIN WALKER:** Yes, I am still here and it was-- can you hear me?

**CYNTHIA LACOUNTE:** Yeah, but since you're Sara's best friend, I want to make sure you comment.

**EDWIN WALKER:** That's what I was going to comment on, the fact that I'm Sara's best friend. And I appreciate the comments that we've heard today. I really want to thank each of you for your comments and to reassure you that we will take them all under advisement and we will continue to work on behalf of tribal elders. So thank you for your dedication and your commitment.

**CYNTHIA LACOUNTE:** Thank you, Mr. Walker. Don't hang up yet. Amy, did you have comment?

**AMY WIATR-RODRIGUEZ:** Sure. I just echo what Alison and Edwin said and want to thank you all for your comments, your advocacy, and your efforts on behalf of elders and family caregivers. And just thank you for the opportunity to be with you today.

**CYNTHIA LACOUNTE:** Thank you very much, Amy. And this is not part of the record, but with Mr. Walker on the phone, I am going to tell you all that Mr. Walker will be retiring this year. Edwin, you didn't consult Sara.

**EDWIN WALKER:** I didn't consult Sara? Okay, well, Sara, we have to work on that tribal consultation plan.

**CYNTHIA LACOUNTE:** I am-- it's hard for us in our offices in DC to even say those words that Edwin Walker will be retiring. I want you all to know and appreciate the work and the support he has given to Title VI over all of these years, and he has absolutely gone out of his way and been definitely a pillar of strength for us at ACL and AOA in administering and managing Title VI and tribal programs. So I'm going to ask you all to keep Edwin in your prayers.

And I'm hoping we're all going to see him, that you will be able to see him again before he leaves because he's-- you know, Edwin's my work husband and we get along just like a husband and wife. We go for days without speaking sometimes and just sort of stick our noses up in the hallways. And other days, we just love each other to pieces and we're in agreement on everything. So he's really been vital to my employment and my tenure at ACL. So can we give Edwin a great big thank you?

**EDWIN WALKER:** Thank you all very much. I appreciate that. But you haven't gotten rid of me just yet. I'm going to be around until January, so I look forward to seeing you and communicating with you. Take care.

**CYNTHIA LACOUNTE:** New Mexico says we need to come back in November or December.

**EDWIN WALKER:** Okay.

**CYNTHIA LACOUNTE:** Thank you, Edwin.

**EDWIN WALKER:** All right. Thank you all.

**CYNTHIA LACOUNTE:** Thank you, Alison.

**ALISON BARKOFF:** Thank you very much--

**CYNTHIA LACOUNTE:** Thank you, Amy, and thank you everyone who has called in and been a part of this session. We appreciate you very much. Thank you for putting up with us through our technical difficulties. Send in written comments, yes, please. We will record your comments that we've heard today, but please, please, please send in written comments to the address we've all given you, and to the Older Indians mailbox. Okay, now if you want to say anything else, you say it yourself. Thank you, everyone. We will formally close.