

Testimony of Victor Joseph, President and Chairman
Tanana Chiefs Conference

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Hearing on the Fiscal Year 2015 Budget
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Chairman Calvert, Ranking Member Moran, and Members of the Committee, thank you for inviting me to testify today. It is an honor to be here with you. My name is Victor Joseph, and I was recently elected President of the Tanana Chiefs Conference. Before that, I spent seven years as TCC's Health Director, where I oversaw a major initiative to expand our health services. This expansion included our construction and the opening of our new Chief Andrew Isaac Health Center, as well as the building of four new village clinics. And the efforts continue—we are getting ready to begin construction on another village clinic this spring and are in the initial stages of planning for five more village clinics. As you can see, it is an exciting time for TCC.

TCC is a non-profit intertribal consortium of 39 federally recognized Tribes located in Alaska's interior. TCC serves approximately 13,000 Native American people in Fairbanks and the surrounding rural villages. Our traditional territory and current service area occupy a mostly roadless region that is nearly the size of Texas, which stretches from Fairbanks clear up to the Brooks Range and over to the Canadian border. The size and remoteness of TCC's service area provides unique challenges in the provision of health, safety and other services, but we are up to the task and I am constantly impressed by what we are able to accomplish. And with your help, we can do even more.

We have a lot to thank this Committee for already. The last time we testified here, we requested the Committee's support in securing the rest of the staffing package necessary to run the Chief Andrew Isaac Health Center and in securing full funding for our contract support cost requirements. We are so pleased to be able to thank you today for considering these requests and for accomplishing both tasks. These two changes will directly translate into enormous service expansions for our people. With the staffing package, we will hire new doctors and hire staff for everything from our labs to our radiology department. And full funding of our overhead costs to run our contract with IHS means we can now stop diverting our program dollars to pay those fixed costs. After 30 years, finally we can devote all of our service funds to services, be it health care, rights protection, realty, and other key programs.

But our work, like yours, is never done. Today I want to also talk about how this Committee can help us continue to improve the lives of our tribal members.

CONTRACT SUPPORT COSTS

First, we are deeply thankful for the Committee's vision and courage in leading the charge to guarantee that our contracts with the IHS and BIA would finally be paid in full.

Through this achievement, this Committee has once again demonstrated its commitment to upholding the Federal Government's trust responsibility to Indian Tribes.

Although we would like to close the books on this chapter, we cannot yet. This is because IHS still owes us damages for failing to pay our contracts in full since as long ago as 1999. Yes, you heard me correctly: since the late 1990s we have not had the service funds we should have had because IHS underpaid our overhead (our "contract support costs"). Some of our claims have been pending with the agency for a decade! What has IHS been doing all that time? It devoted the first seven years to fighting us in the courts, until the Supreme Court in 2012 put an end to the litigation and said the government must pay.

But even after we won this Supreme Court case, the Indian Health Service has still not paid up. This is a complete mystery. Worse, it is a tragedy. After all, the fact that Tribes were never fully paid is no secret. IHS has been telling Congress about it for years -- every year reporting to Congress how much TCC was underpaid to the penny. But two years later we are still waiting for justice. Why? Because instead of using its certified reports, IHS found a new way to underpay us: it said it would only pay up on the money we spent. But we couldn't spend what we didn't have, so this makes no sense.

Let me be clear: IHS refuses to settle up based on what IHS agreed at the time we were due. And so the claims remain unresolved.

Our claims against the BIA will be resolved as part of a nationwide class action lawsuit called the Ramah case. But TCC has to carry on, on its own, fighting against IHS. To break the current stalemate in the IHS settlement process, we ask that you insert language into the Appropriations Act that will instruct IHS to settle up based on its own certified reports. If there are mistakes to the reports, let's spend our time working to correct them. And then, let's be done with this fight.

INDIAN HEALTH SERVICE

1. Purchased and Referred Care

We also urge you to continue growing the Purchased and Referred Care (PRC) program (formerly Contract Health Services). Healthcare costs continue to rise, particularly the professional fees of private providers. At the same time, our demand for referred care grows. This leads to an ever-increasing burden on our PRC program.

The recent bump in PRC funding is especially appreciated, but it is still insufficient to meet our growing needs in this vast region. We have already spent 63% of our PRC funds for 2014, while we are only 50% through the year. At this rate, we will run out of our PRC funds in June. To address this issue, we have taken steps to optimize our resources and to keep our care within our Alaska Tribal Health System. But even with those changes, we will continue to run out of PRC dollars and be unable to provide for important medical services, such as emergency surgeries, emergency room care for inpatient admits, and local treatments for specialized care, such as cancer treatments that allow patients to stay close to home.

2. Domestic Violence Prevention Initiative

We further encourage the Committee to increase funds for the Domestic Violence Prevention Initiative. Domestic violence affects a disproportionately high percentage of our community. The Indian Law and Order Commission reported that women in tribal villages and Native communities in Alaska have reported rates of domestic violence up to 10 times higher than in the rest of the United States. Physical assault victimization rates are up to 12 times higher. On average, in 2003-2004 an Alaska Native female became a victim of reported sexual assault or of child sexual abuse every 29.8 hours, as compared to once every 46.6 hours for non-Native females. Despite these horrific statistics, in our entire State there is only one shelter dedicated to domestic violence prevention in an Alaska Native community.

Alaska Native women need Congress's help and they need it now. The DVPI program should be substantially increased, even tripled. Please direct IHS to continue funding this important program.

DEPARTMENT OF THE INTERIOR

1. Trust—Real Estate Services

We ask the Committee to consider increasing funds allocated for Probate in the Trust—Real Estate Services budget. These funds are used for the critically important work of improving the accuracy and efficiency of estate distribution through the preparation and submission of probate documentation. Without good trust ownership records, trust beneficiaries cannot benefit from their interests.

Despite the importance of the program, there are not enough funds to cover the need. In 2013, this program received \$11.9 million. In 2014, funding stayed essentially flat. The FY 2015 budget again keeps it essentially flatly funded at \$12 million. This is unacceptable. For Self-Governance Tribes alone, there is an \$823,000 probate backlog.

TCC itself requires \$120,000 to deal with a probate backlog of 230 cases. We need an additional full-time employee to focus on probate processing, in order to improve our service to Alaska Native people who own trust or restricted property in the Doyon Alaska Region. Without this increase, economic development is hamstrung. A probate backlog locks up the title on the property and transactions cannot be processed on lands with pending probates. In contrast, current probates allow the fractional heirs to better plan and subdivide their lands so they have a place to live and to build homes. Home ownership, in turn, contributes to the economic well-being of Alaska Natives in their own communities. Please help us help our people achieve home ownership and self-sufficiency by increasing funds for the probate program.

We also encourage Congress to increase funding for Rights Protection and Litigation Support. This program helps Tribes defend and protect their trust lands and resources through funding to support litigation, negotiation, and administrative proceedings. At TCC, we have an ongoing need to provide such protection, as we receive 40 trespass complaints a year, often

involving the abuse of an access policy called RS-2477. In 2013, we incurred \$100,000 on a single case in federal district court to protect our members' lands against private individuals and the state of Alaska.

With proper support, we can continue to help allotment owners so that their rights are not violated and their resources are not damaged or stolen. However, the Rights Protection and Litigation Support program only received \$1.5 million in FY 2014, and the current FY 2015 budget keeps it at this same amount. This current funding level does not meet current needs.

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Last, we encourage the Committee to continue support for the Environmental Quality program. This program is critical to our ability to use our lands. Development—for housing, leasing, timber, and resource extraction, among other activities—requires completion of an archaeological investigation, and that investigation must then be approved by the BIA and the State Historic Preservation Officer. Environmental Quality funds support this activity, which is the first step in any land development. Of course, this same step is vital to protecting our cultural resources. Despite its importance, the program is poorly funded. TCC, alone, needs additional funds to support two additional archaeologists with fieldwork and investigation. With Congress' support, we can safeguard our cultural heritage while also developing our land and resources to better the lives of our people.

Thank you for the honor of appearing here today.

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