

**Testimony of Nick Gasca, Deputy General Counsel
Tanana Chiefs Conference**

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

**Hearing on the Fiscal Year 2017 Budget
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My name is Nick Gasca and I serve as the Deputy General Counsel for the Tanana Chiefs Conference's (TCC). I am honored to be here to testify before this Committee about TCC's priorities and I thank Chairman Calvert, Ranking Member McCollum, and all members of the Committee for the opportunity to do so.

TCC is a non-profit intertribal consortium of 37 federally recognized Tribes and 41 communities located across Alaska's vast interior. TCC serves approximately 13,000 Alaska Natives 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. It stretches from Fairbanks clear up to the Brooks Range and over to the Canadian border.

Remoteness poses many challenges, but I can assure you TCC meets those challenges every day. TCC's priorities over the coming years include substantially expanding public safety and court services, improving health care quality with a renewed focus on wellness and prevention, growing tribal influence in fish and game management, ensuring responsible economic development, and increasing employment in the villages. The FY 2017 appropriations process provides this Subcommittee with the opportunity to provide vital resources to help us achieve these goals. Today, I would like to highlight a few key areas, including the need for additional funds for the Indian Health Service, the importance of funding for Tribal Courts and hunting and fishing management, and the critical role of the federal government in funding responses to climate change in in-river – not just coastal – Alaska.

IHS BUDGET

TCC was very pleased to see that the President's budget contains a 6.5% increase over 2016 enacted levels. These additional funds are vital to addressing the critical need for health services for Alaska Natives and we hope the Committee is able to find the funds to meet these targets.

Similarly, TCC supports the \$48 million increase targeted to Purchased and Referred Care (PRC). These funds are used to buy health care when a tribal organization or IHS cannot provide the services. As we reported to you over the last several years, the demand on PRC funding has increased as health care costs, especially provider fees, have increased. These dollars will provide much needed relief to PRC programs across the country and especially for TCC—one of the only tribal health entities in Alaska that does not have a regional hospital and relies heavily on PRC.

TCC supports the President's budget request for IHS which includes \$10 million in small health clinic funding for the Small Ambulatory Program. In remote Alaska, where hub clinics are sometimes hundreds of miles from a patient-the village clinics play an integral role in providing not only the everyday health care, but the emergency care needed to support the health care impacts from an area that contains the highest rates of accidents and violence in the nation. The funding would be used for grants to 8-10 tribes to construct new small ambulatory health clinics, and we are optimistic that some of these funds will be used to create additional healthcare facilities in the villages we serve.

And finally, TCC is relieved to see that, unlike last year, the President's Budget contains an increase of \$4 million for the Domestic Violence and Prevention Initiative (DVPI). These funds support efforts to reduce the incidence of domestic violence, which affects Alaska Native women at a much higher rate than other populations. The statistics are not new. The Indian Law and Order Commission's report made clear just how bad the situation was: Women in Alaska's rural villages report rates of domestic violence up to 10 times higher than in the rest of the United States. Physical assault victimizations rates are 12 times higher. We request that you meet the President's request for expansion of this very successful and urgently needed program.

TRIBAL COURTS FUNDING

One of TCC's strongest priorities is to see that our villages receive adequate public safety services. As the Indian Law and Order Commission's report made clear, there is a lot of work to be done to ensure public safety in Alaska's rural communities. Alaska is one of six States, called P.L. 280 States, in which jurisdiction over crimes in Native American communities rests mainly with the States. The BIA doesn't have enough funding to go around and so it prioritizes its public safety efforts in non P.L. 280 States on the assumption that P.L. 280 States are investing sufficiently in public safety and law enforcement in Native and rural communities. But this is simply not so. The Alaska Department of Public Safety, which has primary responsibility for providing law enforcement in rural Alaska, provides only 1.0 to 1.4 field officers for every one million acres. This means that at least 75 communities in Alaska lack any law enforcement presence at all. In most Alaska villages, the tribal courts are the only meaningful judicial voice for anything other than the most serious and violent of crimes.

Tribal courts allow our villages to address public safety concerns in a way that is more responsive, more culturally appropriate, more attuned to local concerns than the State system, and most importantly seeks to heal and end criminal activity through a holistic community approach rather than incarceration which perpetuates criminal activity and creates more victims. Therefore, TCC was very disappointed to see that the President's budget requests an \$8 million reduction in funding for tribal courts in P.L. 280 States. The BIA estimated that it would need around \$17 million in funding to maintain parity in federal funding – which is itself only a fraction of actual need – for tribal courts in P.L. 280 and non-P.L. 280 states. Reducing this funding further will only exacerbate this disparity and is a terrible step in the wrong direction. We ask that the Subcommittee find the funds necessary to maintain and expand this important initiative.

CLIMATE CHANGE

As this Subcommittee has long heard from TCC and other Tribes and Tribal organizations, Indian and Alaska Native communities are bearing the brunt of the existing – and accelerating – effects of climate change. For us, this is not about future effects. We are being impacted now. Therefore, we are pleased to see that the President’s budget includes \$3.1 million in additional funds for Tribal Climate Resilience.

However, the budget justification for this request places a strong emphasis on combating the effects of climate change on coastal Arctic villages, such as coastal erosion, and notes that the proposed increase “will be set aside to support Alaska Native Villages in the Arctic and other critically vulnerable communities to improve the long-term resilience of their communities.” Although we understand the serious difficulties faced by our fellow Alaska Native communities on the coast, it is important to understand that our communities are currently facing a massive increase in wildfires, riverbank erosions, spring flooding, substantial changes to flora and fauna distributions, and other major threats to physical and food security in our communities, all due to climate change.

It can be stated with certainty that in the spring and summer months, with flooding threats and millions of acres on fire at a given time, Interior Alaska experiences the most impacts of climate change of any place in the nation. Senator Murkowski and I visited the hub village of McGrath this past October and saw first-hand how the already vulnerable Kuskokwim River bank is threatened by erosion and the community’s response. This past summer, wildfires came literally within feet of destroying the villages of Nulato and Tanana and today there is a lot of work to be done towards rehabilitation of specific burned sites which impact these two villages. Therefore we ask the Subcommittee to direct the BIA to make sure that this much-needed increase is also used to combat the effects of climate change on in-river villages as well.

SUBSISTENCE MANAGEMENT

The number one priority for not only Athabascans of Interior, but for all Alaska Natives is to continue traditional hunting and fishing practices which promote the social, cultural and spiritual well-being of our people. TCC and the Tribes along with Doyon and Fairbanks Native Association have partnered to ensure Alaska Natives and tribes have an increased role in hunting and fishing management. King Salmon have been a staple food source for many rural Alaskans across the state, yet failed management has recently prevented adequate subsistence harvests to meet our well-being needs. Tribal ability to manage hunting and fishing resources has been crippled by the Alaska Native Claims Settlement Act, but because of our dedicated unity towards this issue, tribes are increasingly proving to fill a necessary role in order for the state and federal managers to achieve success.

TCC has endeavored to take a stronger role in oversight and management of subsistence resources, including taking an active part in the establishment of intertribal fish commissions for the Yukon and Kuskokwim rivers respectively. The sole reason, the State of Alaska achieved for the first time in years, its Yukon River salmon treaty obligations to Canada is because the Yukon River Intertribal Fish Commission called for a river-wide moratorium on King Salmon fishing.

The Tribes are the most dedicated stakeholders in the efforts to save the King Salmon and should be given the proper funding and authority to carry out those stewardship duties that we will never turn our backs to. Therefore, TCC supports proposed increase of \$5 million for the Tribal Management/Development Program, with \$2 million of this increase to address subsistence management in Alaska. We ask that you meet this important request and ensure the funding will go towards *tribal* projects rather than state, federal or other projects that have continued to disenfranchise those most dependent on the resources-the rural Alaska Native people.

CONTRACT SUPPORT COSTS

Finally, let me address the contract support cost issue. It has long been recognized that TCC provides far better services to our communities than the BIA or IHS ever did, and this is why supporting and honoring our TCC contracts with the BIA and IHS is so important. Our ability to maximize the results of our self-governance and to run robust programs depends on our receiving full contract support cost (CSC) reimbursements.

In the past few years, significant strides have been made in this area. Thanks in large part to this Subcommittee, we are now in an era of full CSC funding. We were delighted that the President's budget estimate for CSC again provides for full funding. However, we ask that the Committee discontinue a proviso that was included in last year's bill and in the President's request because it is counter to existing law. Specifically, the proviso would direct that CSC amounts that were obligated but not expended by a tribe for the current fiscal year be applied to CSCs otherwise due in subsequent fiscal years. The Indian Self-Determination Act already addresses the use and disposition of unexpended contract and compact funds. Therefore, the proviso is unnecessary. Further, the proviso will cause unnecessary accounting difficulties.

On a related note, we ask the Committee to include language in the appropriations act making clear that IHS must pay contract support costs on MSPI and DVPI program funds. Despite years of acknowledging that CSCs are due on these program funds, IHS in 2013 reversed course and started requiring Tribes to cover these CSC costs with program funds. This position is in clear conflict the Indian Self-Determination Act, and nothing separates these programs from any other program within the Indian Health Service. Further, these program funds should be transferred to us through our existing self-governance compact, and it shouldn't be necessary for us to execute separate grant agreements with IHS. The whole idea of the 1988 and 1994 amendments to the Indian Self-Determination Act was to get away from having multiple different contracts and grants, and to consolidate and streamline our relationship with IHS.

Thank you again for the opportunity to testify on behalf of TCC. We believe that the proposed increases will have a deep, meaningful, impact for the tribal members of Interior Alaska, and for the betterment of all Alaskans.