

**TESTIMONY OF ‘**

**RALPH ANDERSEN, PRESIDENT & CEO  
BRISTOL BAY NATIVE ASSOCIATION**

**Before**

**THE SENATE COMMITTEE ON INDIAN AFFAIRS  
OVERSIGHT HEARING ON P.L. 102 - 477**

**NOVEMBER 6, 2019**

Good afternoon, Chairman Hoeven, Vice-Chairman Udall, Senator Murkowski, and distinguished Committee members. I am honored to be here today to testify in regard to the implementation of P.L. 102-477.

My name is Ralph Andersen, and I am the President and Chief Executive Officer of the Bristol Bay Native Association (BBNA), based in Dillingham, Alaska. I am a tribal member of the village of Clarks Point, where I grew up. Clarks Point is a very a small community of about 60 people, 15 miles from Dillingham across the Nushagak Bay. I left my home and family when I was 13 years old to attend high school at a BIA boarding school in Oregon. After college, and after spending 20 years in Barrow, Alaska, I came back home to Bristol Bay in 1998 when I was 43 years old and began working for BBNA as its Natural Resources Program Manager. I became the President & CEO in 2005.

BBNA is a non-profit tribal consortium representing 31 federally recognized tribes within the Bristol Bay Region, a geographic area in southwest Alaska the size of the State of Ohio. Our regional population is about 7,000 people, of whom roughly 70% are Alaska Native. BBNA operates a variety of service programs for our member tribes, including the full range of Bureau of Indian Affairs programs. We provide BIA services, and our 477 Plan, through a self-governance compact that has been in effect since 1995. BBNA took advantage of PL 102-477 not long after we compacted BIA programs – before my time at BBNA.

## **Successes of PL 102-477**

Our organization is a strong proponent of the ideas behind self-governance compacting and the 477 Program – consolidation of funding streams, local control and flexibility, and reducing the administrative burden. Traditional grants, even non-competitive recurring grants, can seem like straight jackets when a remote rural service provider tries to apply nationally designed programs in local conditions, when the dollar amounts may be small, and several funding agencies with differing rules may be providing funds for similar services. Traditional grants tend to run up overhead costs and divert too much of an organization’s energy to grant management as opposed to providing services.

BBNA was already operating the service programs we rolled into our 477 Plan. In our experience the increased efficiency of having a 477 Plan was a great, but qualified, success. Very early on we were able to combine services into a “one-stop shop” with a consolidated application process, and forms. We can provide services designed to remove barriers to employment, provide training, and assist with job placement without making multiple referrals or requiring multiple applications even though the particular services may come from different funding sources.

The 477 Plan really did streamline service delivery. It also had advantages administratively. At the front end, the money is consolidated and added to our compact by the BIA, so we have fewer agencies to deal with. The reporting requirements are reduced except for DHHS; 477 requires one annual report as opposed to the quarterly reports which are typically required of grants and is still required by DHHS.

Today, BBNA’s 477 programs serve more than 500 clients annually, about half with short-term cash assistance and half with employment, training and education services designed to bring people into the workplace or improve the earning capacity of those already employed.

## **Problem Areas**

Not everything has worked smoothly. The 477 Program is not as flexible as Self-Governance Compacting; the separate program regulations and policies remain in effect. Back in 2008 both DOI and the DHSS decided to no longer use PL 93-638 contracts and

compacts as the funding mechanism for distributing 477 funds. They eventually changed their minds.

For years there was a disagreement between the Tribes and the funding agencies, particularly DHHS, about whether our 477 Plans had to be audited to the requirements of the Plan, or back to the separate program regulations and requirements of the different agencies. The Tribes eventually won those battles, through an appropriations rider and through negotiations essentially forced on the agencies by Congress.

In more recent years DHHS would not allow BBNA to include the Temporary Assistance for Needy Families (TANF) in our 477 Plan, even though we were already operating the program and it was clearly eligible for inclusion. It was finally included during our last plan submittal in 2017, but we weren't authorized to receive the funding through our 477 Plan until 2018.

As for reporting, 477 now provides for annual reports to DOI that are shared with the federal partners, but DHHS won't honor the single reporting provision in the law. They want quarterly reports only to them.

It was because of these and similar problems experienced by other tribes across Indian Country, plus the desire to expand the program and make it permanent, that led Tribes nationally to request the legislation that became P.L. 115-93, the *Indian Employment, Training and Related Services Consolidation Act of 2017*.

### **Problems with Implementing the 2017 Act.**

As this Committee well knows, Tribes nationally are extremely disappointed in the implementation of the 2017 law to date. The law was intended to expand 477 to other agencies and programs, make it more flexible and user-friendly to tribes, and make the law permanent. While the law is now permanent, the federal agencies appear to have used the MOA required by Congress as a means of undercutting the purpose and intent of the law.

BBNA has not had to renew its Plan under the new rules, and we have taken a "wait and see" approach to adding programs, to see how other Tribes fare. We would like to add programs we already operate including LIHEAP, Prisoner Reentry (a DOJ program), and some Vocational Rehabilitation services.

We are very displeased with what the federal agencies have done in the MOA. One simply stunning decision that is that the BIA relinquished its approval role to the different agencies. The law is clear that the BIA has the exclusive authority to approve 477 Plans; yet the MOA gives the decision whether to include programs, and on what terms, to the various agencies. That is the same thing as approving the Plan. This an appalling abdication of responsibility by BIA – its approval role is a key structural component of the law!

Otherwise, the MOA appears to limit the scope of 477 by limiting the kinds of programs included and by limiting the inclusion of competitive grant programs to those that are exclusively for tribes. It appears to give the agencies almost unfettered ability to extend the plan review process indefinitely by declaring a plan “incomplete” and asking for more information. This is not what Congress intended.

BBNA is concerned that expanding our 477 Plan to include additional programs will be an adversarial, bureaucratic nightmare. Worse, we fear DHHS and perhaps other agencies will attempt to roll back the gains we have already made with our existing plan.

We urge the BIA to reopen the MOA and start over to make it consistent with the law, and that this Committee take such steps as it can to ensure that happens. Next time, the interests of the Tribes should be at the table.

Thank you again for the opportunity to testify.