

Tanana Chiefs Conference

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UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS

SUBREGIONS

UPPER

KUSKOKWIM

McGrath
Medfra
Nikolai
Takatna
Telida

LOWER YUKON

Anvik
Grayling
Holy Cross
Shageluk

UPPER TANANA

Dot Lake
Eagle
Healy Lake
Northway
Tanacross
Tetlin
Tok

YUKON FLATS

Arctic Village
Beaver
Birch Creek
Canyon Village
Chalkyitsik
Circle
Fort Yukon
Venetie

YUKON KOYUKUK

Galena
Huslia
Kaltag
Koyukuk
Nulato
Ruby

YUKON TANANA

Aiatna
Allakaket
Evansville
Fairbanks
Hughes
Lake
Minchumina
Manley Hot
Springs
Minto
Nenana
Rampart
Stevens Village
Tanana

Hearing in S. 919, the proposed "Department of the Interior Tribal Self-Governance Act of 2013"

January 29, 2014

Testimony of Jerry Isaac, President, Tanana Chiefs Conference

Chairwoman Cantwell, Vice-Chairman Barrasso and distinguished Members of the Committee, thank you so much for holding today's hearing on S. 919, a bill that would finally conform the rules for compacting with the Department of the Interior, to the rules which have long controlled tribal compacting with the Department of Health and Human Services.

My name is Jerry Isaac, and I am the President of the Tanana Chiefs Conference. TCC is an intertribal consortium of 37 federally recognized Tribes located in the Interior of Alaska. We serve approximately 13,000 tribal members in our villages and in Fairbanks. Our traditional territory occupies a largely road less area that is almost the size of Texas, stretching from Fairbanks clear up to the Brooks Range, and over to the Canadian border.

TCC was one of the first tribal organizations to move from self-determination contracting to self-governance compacting. We made this move shortly after passage of the 1988 Tribal Self-Governance Demonstration Project Act, and we continued after the demonstration program became permanent with the 1994 enactment of Title IV.

TCC is unique in its relationship with its Member Tribes. This is because, as an inter-tribal organization, our mission is to do everything possible to facilitate maximum local self-governance by the Tribes. To carry out that mission, we have extensive inter-tribal agreements with each of our Member Tribes so that each Village develops the right mix of locally and regionally administered programs. As a result of our local empowerment strategies, our Member Tribes have substantially enhanced their self-governing capabilities in a wide range of areas including tribal courts, child welfare and family services, housing, welfare assistance, roads, and education. The flexibility provided by the self-governance rules has been a vital part of that success.

There is no question in anyone's mind that tribal self-governance works, and for this reason TCC strongly supports prompt enactment of S. 919. This legislation is needed because the controlling legislation (Title IV) has failed to keep up with the times, so that today we operate under two very different self-governance regimes: one for the Interior Department,

and the other (Title V) with the Department of Health and Human Services. This makes no sense, and at times it has created an administrative and legal nightmare for TCC.

Let me offer just one example. When there are negotiation delays in the execution of a new funding agreement with IHS, our old funding agreement with IHS remains in place and the funding continues to flow. Services continue uninterrupted. But with Interior, the absence of an executed new funding agreement means everything stops. This is not just a timing issue: because of these different rules, Interior can—and in the past Interior has—refused to sign a new agreement and refused to release funding unless we first accepted Interior’s demands for unilateral changes in our agreements—or even mid-term changes in footnotes to the so-called “reprogramming” requests. This kind of pressure tactic is contrary to the policy of self-governance and has long been eliminated in the IHS self-governance world. While the current Administration has not pressured Tribes in this fashion, the new bill makes certain these on-the-ground improvements will be permanent and a matter of law.

We applaud the work of the Committee’s staff, the Department’s lawyers, and the tribal drafting team for working so hard over so many years to develop an amended bill that is acceptable to everyone. It is an important compromise where each side has had to give a little to achieve an acceptable whole. For TCC, we believe the time is long past to promptly move the bill through mark-up and final passage.

Before closing I do need to pause and note a critical related issue, because it impacts the funding that comes to TCC under its self-governance compact. As things stand today, Alaska tribes and tribal consortiums are unable to access BIA tribal courts funding. While this has been a problem before, the absence of that funding has been worsened by recently-enacted section 910 of the Violence Against Women Act. Section 910 now blocks our villages from taking critical steps to protect Native women, and it takes away a major tool that our villages had used to protect vulnerable and battered women. It is imperative that Congress promptly repeal section 910, and if that is possible in this bill, TCC would urge that it be done.

Finally, I note that the one area where self-governance has faltered is in the area of contract support costs. This Committee has been a true champion for Tribes on this issue and held, not one, but two, hearings on this issue last year. We salute the Committee and the very positive outcome reflected in the FY 2014 Omnibus appropriation. Now what remains is to facilitate the resolution of past claims, so that we can turn the page on this unfortunate chapter in our march forward to greater tribal self-determination and self-governance.

This is likely my last opportunity to testify before Congress as President of TCC, since my term concludes in a few weeks. It has been a privilege and a true honor to represent our Tribes, and to work with this remarkable Committee to protect and enhance the interests of all Native American Tribes. I have witnessed incredible change in the past decades, all for the good. Our villages are stronger, our futures are brighter, and our vision remains unchanged for Tribes in Alaska to be vested with the full power and resources necessary to assure safe, healthy and sustainable communities.