

**Testimony of Alfred Ketzler, Sr., CAO, Tanana Chiefs
Conference, Inc.
To the Senate Committee On Indian Affairs, Washington D.C.
May 10,2001**

Thank you, Mr. Chairman, members of the Committee. I speak today to several issues. The first subject is subsistence and subsistence management. Two decades ago, we saw wildlife shortages within the TCC region that drove us to seek protections in Congress. We now see some of the fruits of those congressional actions in our hunting areas as a result of federal and state co-management. Unfortunately, the salmon in western Alaska are now in similar straits as moose from years past.

The success of co-management in navigable waters is partially dependent upon the cooperation of both partners. The language in federal law at the moment is sometimes unclear or the meaning and intent is not spelled out. The resultant confusion can easily complicate an already disastrous situation such as we have with the salmon. Climate changes and warming trends in the arctic will continue to plague our fisheries resources and you are just as likely to see a shark as a salmon.

Although the State of Alaska has enacted a Memorandum of Understanding with the Federal Office of Subsistence Management with regard to subsistence fishing, both parties are drawn in two distinctly different directions as managers. This renders solutions at the Board of Fisheries and Federal Subsistence Board level difficult or unlikely. Clear Congressional directives drawn hard and fast to protect the resource and subsistence uses becomes increasingly important.

Congress should not enact any amendments to Title VIII of ANILCA that weakens current federal protections of subsistence, in particular, the Congress should not incorporate into federal law: the current definition of customary and traditional (the key term in defining subsistence); nor diminish the current federal requirement that subsistence regulations cause the least adverse impact on local customary and traditional practices; not diminish the powers of federal courts or administrative agencies to oversee and enforce Title VIII protections; nor, require federal judicial deference to state decision or eliminate secretarial oversight or authority when the state is in compliance with federal law or allow state agencies discretion to define customary trade.

Congress should require that, at any time the state is out of compliance, federal jurisdiction shall include all federal public lands and reserved navigable waters, all selected but un conveyed lands under the Statehood Act and the Alaska Native Claims Settlement Act, Native lands considered Indian Country, any conveyed ANCSA lands agreed to by the Native Corporations owning them, and federal lands and waters in order to provide for subsistence on federal lands and waters.

Finally, Congress should require that federal agencies and the state contract to Native institutions, particularly to tribes and tribal consortia, as many subsistence management functions as are feasible and proper---and that such delegated functions of co-management include effective roles in the regulatory process itself and in enforcement on the ground, not just for counting fish runs, gathering soil samples, and monitoring harvests.

Seeds for Suicide

A quiet crisis is going on in rural Alaska and the Native people face a grave and precarious future. Although Alaska Natives constitute 15.6% of the statewide population, they are disproportionately represented with negative health indicators such as high rates of child abuse and neglect, sexual abuse, domestic violence, school failure, unemployment, incarceration, fetal alcohol syndrome and suicide. Though many factors may have contributed to this crisis, the cultural disruption instigated by the change from subsistence to a cash economy, a greater degree of environmental and social stressors including multi-generational trauma and grief from the epidemics such as the early 1900 TB epidemic, followed more recently by the "epidemic" of alcohol abuse as well as cultural dislocation, poverty, depression and anti-social behavior are certainly among leading causes.

As pointed out in AFN's "A Call to Action" (1989), "*...in recent years, the pace of economic, social and cultural change in Native villages has been so rapid and the change so profound that many Natives have been overwhelmed by a world not of their making—a world of conflicting values and increasingly limited economic opportunity. For many Natives, the sense of personal, familial and cultural identity that is prerequisite to healthy and productive life is being lost in a haze of alcohol-induced despair that not infrequently results in violence perpetrated on self and family. ...Whatever words are chosen to depict the situation of Alaska's Native people, there can be little doubt that an entire population is at risk...of being permanently imprisoned in America's underclass, mired in physical and spiritual poverty; of leading lives, generation to generation, characterized by violence, alcohol abuse and cycles of personal and social destruction; of losing the cultural strengths essential to... social order; of permanently losing the capacity to self-govern...*" Moreover, the plight of Alaska Natives was identified over 13 years ago in a sequence of reports, beginning with the Pulitzer Prize winning Anchorage Daily News series, "A People in Peril" (1988).

Following on the heels of the two seminal reports cited above, Congress prompted the formation of the Alaska Native Commission (1994), a joint federal-state commission of programs and policies affecting Alaska Natives.

A few critical findings from the Commission are listed:

- Poverty. Lack of income is a primary stressor of Native families. Rates of unemployment in villages are well over 50%. The State's executive workforce is less than 5% Native. 21.5% of Native families are below the poverty line in rural areas with high cost-of-living. Many Native families are dependent on welfare.

Suicide typically occurs when an individual experiences overwhelming pain that exceeds their coping capacities. It also can happen when there is a death or terminal illness of a relative or friend and when divorce, separation or a broken relationship occurs. Stress on the family, loss of health, job, home, money, status, or personal security can cause an individual to commit suicide. Moreover, feeling powerless and hopeless that pain will continue, get worse or never get better leads a person to suicide. Clinical depression, where a person feels worthlessness, hopelessness, shame, guilt, and self-hatred,

etc., is highly correlated with suicide. It is also well known that prolonged alcohol abuse leads to depression and therefore can lead to suicide. Given these reasons why one may commit suicide coupled with Alaska Native Commission's findings it is more than apparent why suicide is happening in epidemic proportions among rural Alaskan Natives. That is, every possible reason for a person to commit suicide is operating in many Alaska Native communities.

At this point, there is no Federal, state or local system of trained professionals or assistance programs to rapidly respond to a suicide in the remote villages. This leaves an already decimated village to their own limited devices to deal with the terrible aftermath of a suicide. In a majority of the villages, no professional staff is immediately available to help the family and community to begin to heal and no monetary resources are available to assist with burial expenses, carry out a memorial potlatch or other social requirements.

Recommendations :

Recruit and hire a dedicated Suicide Prevention Specialist. This person should have a bachelor's degree and specialized experience in suicide prevention and will oversee the suicide prevention program.

This Suicide Prevention Specialist will work with the existing mental health, health aide, school counselors and village groups to develop an advisory group to guide the efforts of the Suicide Prevention Specialist.

The Suicide Prevention Specialist and the Advisory Committee will develop a Suicide Rapid Response Team. This team of 5-7 reliable and available people from a variety of personal and professional backgrounds will be responsible for deploying quickly to any village within a region that has just experienced a suicide. The team will respond to a suicide at the request of the village chief or president. This team will be trained and empowered to work on behalf of the Suicide Prevention Committee. They will work with local community members in the areas of: individual debriefing, community debriefing, coordinating assistance for the family as well as assisting materially with village specific issues such as grave digging and pot-latch preparation. The response team will meet to debrief themselves once returning to their community to alleviate any mental/emotions associated with the response.

The over-riding principal of the Suicide Prevention Program will be to implement a community based and driven work to prevent suicides.

Raise knowledge of suicide prevention in caregivers.

The responders will be trained in Critical Incident Response Debriefing as well as Applied Suicide Intervention Skills Training. Both of these training systems focus on the need to work with individuals, families and the community to work through issues associated with a fatality due to suicide or other trauma.

The suicide prevention specialist and the suicide intervention team will function as a continuing resource to all villages statewide.

Tribal Access to funding under Title IV -E of the Social Security Act

Title IV-E is a critical source of funding for foster care and adoption services in the United States. Title IV-E programs provide billions of dollars of funding which can be used to support such child welfare services. The protection of children from maltreatment in the United States is primarily under the jurisdictional authority of states, territories and tribes. However, tribal access to IV-E has been unequal to that of states. Although the IV-E program was intended by Congress to serve all eligible children, American Indian children under tribal court jurisdiction do not enjoy the same entitlement to IV-E as other children in the U.S. Title IV-E does not provide funds for children placed by tribal courts or for tribal governments providing foster care and adoption services to children under their jurisdiction.

For the past 15 years, 227 tribes in Alaska (40% of all tribes in the country) have engaged the State of Alaska in discussions regarding pass through access to Title IV-E funding to help pay for the cost of foster care for children in tribal custody. The State of Alaska has just recently negotiated a pilot project which passes through Title IV-E reimbursements to three regional Alaska Native non-profit organizations for administrative and training costs only and even then only in regards to tribal children in state (not tribal) custody.

For over 20 years, many Alaskan tribes such as the 37 federally recognized tribes in the TCC service area, have actively asserted their jurisdictional authorities under the Indian Child Welfare Act and have been placing children into protective tribal custody to prevent the occurrence or reoccurrence of abuse and neglect.

Over the past seven years, approximately half of all the tribal children in protective custody in regions like the TCC service area have been under the jurisdiction of its member tribes and half under the jurisdiction of the state of Alaska and other states.

Annual expenditures for foster care for children in tribal custody in the TCC region of Alaska alone averages between \$650,000 and \$800,000. Tribes in Alaska have been financing foster care for children in tribal custody through funding under BIA Social Services and the Temporary Assistance for Needy Families programs.

It is estimated that 75-85% of the children currently in tribal foster care would be eligible for maintenance reimbursements under Title IV-E.

The inability of tribes to directly access Title IV-E foster care maintenance funding creates an unfair burden on other state or tribal programs (such as the TANF program) which end up paying for these child welfare services even though the Congress intended these programs to focus on other important social issues.

This situation is further exacerbated by the fact that in Alaska the state TANF payment rate for relatives who are the primary care providers for children is one third the amount of the state foster care rate and results in direct relatives who are the priority foster care providers under ICWA receiving 1/3 of the amount that a non-relative (lowest placement priority under ICWA) receives for providing the same foster care.

If tribes had direct access to Title IV-E funding, relatives providing foster care for children in tribal custody would receive much needed foster care payments at the state foster care rate, an amount equal to what all other foster care providers receive. Likewise, more tribal adoptive homes would be available for tribal children needing adoption if tribes had access to Title IV-E funding.

Senators Daschle, Baucus, McCain, Inouye, Feinstein and Cochran have submitted S.550 which allows states to continue providing these services or allows tribes to either continue their current state-tribal agreements regarding Title IV-E programming or allow tribes with the capacity and motivation to do so to administer their own Title IV-E programming through direct funding. We recommend that this committee lend its full support of this bill.

Self-Governance

I strongly urge this committee to work closely with tribal leaders to strengthen the self-governing powers of Alaska Native Tribes. I would like to ask this committee to work diligently with tribal leaders to endorse amendments to Title IV. Amendments that would empower tribes to extend their capacities to operate tribal governments, enabling more effective performance when battling difficult community problems such as alcohol, child welfare, education, public safety, resource management and environmental protection. Also, the BIA and the IHS have different policies implementing the ISDEAA's provisions on contract support costs. This results in confusion and inconsistent treatment of the same statutory provisions by both agencies. We propose that the BIA be directed to work with the IHS to jointly develop rules implementing the ISDEAA's contract support provisions in a consistent and uniform manner. Passage of these amendments should also reverse the impediments and restrictions included in the Title IV Self-Governance Regulations. Many of the provisions in these regulations were strongly opposed by tribal leaders yet were promulgated in violation of the past administrations' Executive Order on Indian Consultation.

This committee must continue endorsing the past Administration's Indian Consultation Policy. Any significant changes to Federal statute, regulation or policy must be the result of "true" consultation meetings with tribal leaders using consensual mechanisms for developing these changes. It cannot be a "listen to tribes and proceed as usual" approach. This is especially true with DOI non-BIA agencies. Tribal consultation defines the government-to-government relationship between tribes and the Federal government.

Pursuant to P .L. 93-638 Title IV, Alaskan tribes insist on better efforts from the DOI non-BIA agencies to negotiate with tribes in developing self-governance compacts and funding agreements. Agencies that are reluctant to work with tribes in developing this government-to-government

relationship need to extend themselves further to learn the history, goals and purpose of self-governance. Alaskan tribes would like to also work with DHHS non-IHS agencies to negotiate and enter into compacts and funding agreements, and therefore urge this committee to endorse passage of Title VI to P.L. 93-638 that would allow tribes to negotiate self-governance compacts and funding agreements with these DHHS agencies.

We will at a later date submit the amendments as part of our testimony. Thank you for the opportunity to testify .