

INUPIAT COMMUNITY of the ARCTIC SLOPE

an IRA Regional Tribal Government

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TESTIMONY OF DOREEN LEAVITT SECRETARY AND DIRECTOR OF NATURAL RESOURCES INUPIAT COMMUNITY OF THE ARCTIC SLOPE

Before the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies Regarding the FY 2025 Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and Bureau of Land Management (BLM) Budgets

May 8, 2024

Chairman Mike Simpson, Ranking Member Chellie Pingree, and distinguished members of the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies:

On behalf of the Inupiat Community of the Arctic Slope (ICAS) Tribal Council, I want to thank you for this important opportunity to discuss our appropriation priorities for FY 2025 with you.

ICAS is one of two federally recognized regional Alaska Native tribal governments in Alaska that operates under a federally approved constitution pursuant to the Indian Reorganization Act (IRA) of 1934 (25 U.S.C. 461 et seq). Since August 26, 1971, ICAS has provided direct support to our Tribal members directly through shared program administration and indirectly by creating social service programs and economic development opportunities that benefit more than 13,478 ICAS tribal members, about half of whom are also dually enrolled in the Village Tribes of Anaktuvuk Pass, Atqasuk, Barrow, Kaktovik, Nuiqsut, Point Hope, Point Lay, and Wainwright.

ICAS is a landless Tribe with a service delivery area larger than the State of Minnesota. Being the regional Alaska Native tribal government located in America's arctic, ICAS is often faced with unique obstacles - weather, location, a changing landscape, reliance on planes and barges to ship in basic supplies and food, lack of redundancy in critical broadband infrastructure, workforce and housing shortages, and much more. All of these obstacles make economic and infrastructure development challenging. For this reason, ICAS strategically uses its federal funding provided to the Tribe as part of the federal government's trust obligation to support the needs of ICAS Tribal members. While we do our best, federal funding always falls short forcing ICAS to offset these shortages with our own pool of financial resources and seek additional, burdensome grants, which further put a strain on the limited workforce we have access to.

Bureau of Indian Affairs

Fully fund the BIA and provide additional earmarked funds to end ICAS' 30+ years of flat, inadequate funding. For the past 30+ years, ICAS has received little to no increases in our federal

funding.¹ And of the funding we receive, there is often not enough dollars to make an impact on our community beyond paying salaries, or portions thereof, for staff who are doing the best they can with the limited resources available to them. As you'll hear from every Tribal government, when the BIA is short, it is the Tribe that invests its own money to deliver federal services.

With the resources Congress provided to us to respond to the COVID-19 pandemic, ICAS strategically bolstered our governance infrastructure, improved the delivery of our services, and hired additional staff to manage the increased workload. However, this funding will run out by the end of 2026 forcing ICAS to look for innovative ways to offset our revenue. This however, should not be our sole responsibility. Your trust obligation requires you to provide meaningful services to our people and we need your support to find long-term solutions to chronic underfunding.

Bureau of Indian Education

ICAS is proud of the Qargi Academy Tribal School, an independent school formed under ICAS law and located in one of ICAS' eight Village Tribes - the Village of Wainwright, for the impact it is having on the Arctic Slope community. The school has been operating for over two years and currently serves secondary students. Qargi Academy hires local educators who serve as culture bearers, facilitate learning, and manage daily operations in the Inupiat language and based on Inupiat culture and ways of being. The community culture in the school is the same as the community culture outside of the school.

Qargi Academy attracts students who have not been successful in the public school system or who desire an education based in the Inupiat language, culture and ways of being. In the second year of operation, Qargi Academy graduated three students who previously dropped out of the public school system. Our students find Qargi Academy to be a welcoming and peaceful place of learning as they experience daily programming that provides academic rigor, local cultural language and skill development. This approach fosters students who are confident in their cultural identity and adults who are prepared to lead and live a healthy, productive life in or outside of their communities.

Despite our success at Qargi Academy, ICAS is hindered in its ability to expand upon the services currently provided at Qargi Academy and expand these education opportunities to new schools in each of ICAS' seven other Village Tribes. This is in part due to provisions, specifically prohibiting BIE dollars from being used to uphold the Department's trust obligations to Alaska Natives regarding their education. As a result, Alaska Native youth do not receive the same education support as Native American youth in the lower 48.

For this reason, ICAS urges this Subcommittee to repeal the Steven's rider codified at 25 U.S.C. 292b. As part of Sen. Ted Stevens (R-AK) campaign to terminate the federal status of Alaska

¹ Note that this funding received by ICAS does not include pass-through funding received for ICAS' Village Tribes, including Point Lay, Anaktuvak, and Kaktovik. However, in order to better serve all of its Village Tribes, ICAS needs additional dollars appropriated specifically for ICAS.

Native Tribes, Sen. Stevens successfully included an appropriations rider that prohibits federal funds from being used to fulfill BIE's trust obligation of providing education to members of Alaska Native Tribes. The rider reads: "*The Bureau of Indian Affairs shall not expend any other funds for the operation of any secondary education program or facility in the State of Alaska after June 30, 1983....*"² Tribal organizations have largely stood unified in their opposition to this discriminatory rider because it has significantly hindered the ability of Alaska Native tribes to access BIE dollars which would enable us to fully develop educational programs that enhance and transform the disproportionately negative educational outcomes that Native students in the state currently experience in the public education system.³ It is time to move away from this discriminatory past and into a future that supports and uplifts all Native youth.

Additionally, ICAS encourages this Subcommittee to fully fund BIE and provide additional earmarked funds for Alaska Native Tribes upon removal of the Steven's rider. ICAS knows far too well the limitations on existing funding for the BIE and other federal programs serving Indians. And we actively oppose appropriation changes that essentially "rob Peter to pay Paul". ICAS recognizes that the removal of the Steven's rider alone will not change the ability of Alaska Native tribes to access BIE funding. This is only the first step. We will need Congress' help to first and foremost, fully fund the BIE, but secondly to increase the BIE budget that provides additional dollars specifically for the onboarding of Alaska Native Tribes to BIE. This will ensure that the current Tribes served by BIE will not see a reduction in their own funding and Alaska Native Tribes will have parity with those Tribes in the lower 48. While it will be difficult to fund all Alaska Native Tribes in one sweep, we encourage you to take the first step in righting this wrong.

In lieu of a Steven's rider fix, ICAS requests this Subcommittee include report language that recognizes Alaska Native Tribal schools as "public" schools. An issue unique to Alaska is that because Alaska Native Tribes do not receive funding from BIE, the State defines and considers any Tribally-established and operated school to be a "private" school.⁴ In effect, this means that Alaska Native Tribes are not only hindered in their ability to access BIE dollars because of the Steven's rider mentioned above, but also from State dollars that are desperately needed to support our education efforts. We are doing the best we can with limited dollars, but frankly, we do not have enough financial resources to meet our education obligation. For this reason, we need this Subcommittee to help us ensure that the State of Alaska cannot interpret an Alaska Native Tribal school as "private" just because it does not receive public federal dollars from BIE.

² 25 U.S.C. 292b.

³ See National Indian Education Association, *Resolution 2014-18: Support of Tribally-Operated Schools and Culturally-Appropriate Education Opportunities for American Indian and Alaska Native Youth* (Oct. 18, 2014), available at <https://static1.squarespace.com/static/5cfff319973d7000185377f/t/5fd10475d387d5556362bb5f/16075336860/2014-18.pdf>.

⁴ See Title 14 of AK State Statute: (34) "public school" means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of those officials and that is supported by public funds;".

Finally, ICAS urges this Subcommittee to provide \$55.2 million for the Johnson O'Malley (JOM) program. JOM is one of the sole accounts that ICAS receives federal dollars from BIE. As you are well aware, JOM is critically underfunded and the cost per student is far below what it should be given inflation. For this reason, ICAS supports the requests of the National Indian Education Association to increase funding for JOM.

Bureau of Land Management

Put Teeth into BLM's Tribal Consultation Efforts. The success of economic development projects in America's arctic, including, but not limited to, oil, gas, and mineral development, largely depend on BLM's permitting and approval process. However, BLM has failed to engage in meaningful consultation with Alaska Native tribal governments when it comes to development projects within our traditional homelands. This is why Congress specifically directed BLM to consult with us as part of your six-bill appropriations package for FY 2024 (P.L. 118-42).⁵ However, we need your continued support holding their feet to the fire. Too often, BLM only consults with us after we go to our Congressional delegation and the media, and this consultation is nothing but a check the box exercise. In the case of the National Petroleum Reserve in Alaska (NPRA), BLM only consulted when you directed them to. Yet, it did not change anything. ICAS, the regional Alaska Native tribal government, knows what is best for our community. And our community is unlike most in this country. Being located in America's arctic, we are faced with limited opportunities for economic development, difficult terrains for building infrastructure, and an abundance of natural resources that can be used to only benefit our people. Yet, politicians and career staff in Washington, D.C. continue to tell us that they know better than us when it comes to our homeland. For this reason, we urge you to codify language that puts teeth into BLM's consultation policy by withholding funding if meaningful consultation does not occur.

⁵ The explanatory statement for the Interior-Environment bill, which was among the measures included, contains the following direction to the Department: *Consultation.—Prior to the finalization of the Proposed Rule for Management and Protection of the National Petroleum Reserve in Alaska (Fed. Register Number 2023-18990), the Committees direct the Secretary to consider engaging in additional meaningful, in-person consultations with any federally recognized Tribes and Alaska Native Claims Settlement Act Corporations affected by the proposed rule.*