

**Testimony of Julie Kitka, President, Alaska Federation of Natives
FY2023 Regional Tribal Organizations Public Witness Day
April 6, 2022**

Thank you for this opportunity to testify. Formed almost 55 years ago to achieve a fair and just settlement of Alaska Native aboriginal land claims, AFN is the oldest and largest statewide Native membership organization in Alaska. Our membership includes 158 sovereign Alaska Native tribes, 141 for-profit village Native corporations, 10 for-profit regional Native corporations established pursuant to the Alaska Native Claims Settlement Act, and 12 regional nonprofit tribal consortia that contract and compact to administer federal programs under the Indian Self-Determination and Education Assistance Act. The mission of AFN, among other things, is to advance and enhance the political voice of Alaska Natives on issues of mutual concern.

Today, we represent more than 120,000 Alaska Natives through our members, which we interface with year-round and each October during our three-day Annual Convention to set the Alaska Native community's federal, state, local, and tribal priorities for the coming year.

AFN would like to offer testimony today on the need to create equity among indigenous peoples, federal agencies, policies, and programs in the FY23 budget. More specifically, the Department of the Interior FY 23 budget. AFN was pleased to see President Biden's historic investments in programs and activities benefiting Tribal Nations, organizations, communities, and Native American individuals. This investment comes at a critical time for our Native communities as we recover from the Covid-19 pandemic.

First, I would like to offer an overview of Alaska's unique form of Tribal Self-Governance and Native Self-Determination. Alaska is different. The state and its people, as observed by the U.S. Supreme Court in *Sturgeon v. Frost*, are often the exception, not the rule. This is especially true for Alaska Natives as compared to American Indians. While both Alaska Natives and American Indians are distinct sovereign entities that predate the formation of the United States, they differ in the way they govern their lands and members. American Indians generally operate through a single entity—their respective tribe—which exercises both inherent self-governance powers and self-determination rights over the tribe's lands and members. Alaska Natives, on the other hand, generally operate through three distinct but interrelated entities—the respective tribe, corporation (regional and village), and tribal nonprofit organization—which share self-governance and self-determination responsibilities for Alaska Native lands and peoples. Under Alaska's unique form of tribal self-governance and Native self-determination, Alaska Native tribes retain the inherent sovereign authority to govern their members. ANCs and tribal organizations do not possess self-governance powers. Rather, ANCs manage (and own) Alaska Native lands, and tribal organizations provide social services to Alaska Natives in their respective 'service population' and 'service delivery area,' and through this join Alaska Native tribes in furthering the self-determination of Alaska Natives.

For this reason, it is critical to ensure that Alaska Native Corporations are included in the FY 23 budget where appropriate. Excluding our organizations does a disservice to our Alaska Native Communities and organizations. As such, I ask this committee to use AFN and our Alaska Congressional delegation as a resource when deciding what organizations should be included in programs. AFN fully supports the definition of “tribe” in the Indian Self-Determination and Education Assistance Act as a holistic approach to ensure that all Alaska Native organizations are included in public policies and programs.

Public Safety

AFN appreciates President Biden’s \$1.1 billion increase above the 2021 enacted level for the Department of the Interior to support public safety and justice, social services, climate resilience, and educational needs to uphold Federal trust and treaty responsibilities and advance equity for Native communities. The additional \$632 million in Tribal Public Safety and Justice funding at the Department of the Interior is also a welcome addition to the FY 23 budget request.

Many Alaska Native villages have no local law enforcement or police of any kind. For example, in May of 2019, 98 tribal communities in Alaska had no state-funded law enforcement, and about 70 of those communities had no local police of any kind. Jurisdictional and geographic barriers consistently prove too high a burden for traditional law enforcement, and health systems to overcome, resulting in disproportionate rates of health, physical and sexual violence. According to the Indian Law Resource Center, nearly half of all Native women have experienced sexual violence. Alaska Native women continue to suffer the highest rate of forcible sexual assault and have reported rates of domestic violence up to 10 times higher than in the rest of the United States. A new approach with more tribal input, authority, and control is needed to address the inequities in our public safety system.

The public safety crisis in rural Alaska was elevated, on June 28, 2019, when former U.S. Attorney General William Barr took a significant step to remedy the public safety plight of hundreds of thousands of Alaskans, the majority of which are Alaska Natives, by declaring a federal law enforcement emergency in rural Alaska. The historic declaration made more than \$10 million dollars in U.S. Department of Justice (DOJ) funds immediately available to Alaska Native tribes and tribal organizations to address short-term critical law enforcement needs in the state’s more than 200 rural Native villages and identified almost \$175 million more than tribes and tribal organizations could utilize to support long-term public safety efforts.

Following former U.S. Attorney General William Barr emergency declaration, U.S. Senator Lisa Murkowski introduced S. 2616, The Alaska Tribal Public Safety Empowerment Act. S. 2612, alongside Congressman Young’s pilot program, was received favorably by the Alaska Native community as an innovative step to address the public safety crisis in our Alaska Native communities. The legislation, which builds on the pilot program U.S. Congressman Don Young inserted into the House-passed version of the Violence Against Women Act of 2013, would allow five federally recognized Alaska Native tribes to prosecute individuals who commit certain

offenses within their villages on a pilot basis regardless of tribal citizenship. S. 2616 authorizes the pilot tribes and inter-tribal organizations to exercise civil jurisdiction over all persons in their villages for all civil crimes; and authorizes the tribes and tribal organizations to exercise special criminal jurisdiction over all persons—including non-Natives—for crimes involving domestic violence; dating violence; sexual violence; violation of a protective order; stalking; sex trafficking; obstruction of justice; assault of a law enforcement or corrections officers; any crime against a child; and any crime involving the illegal possession, transportation, or sale of alcohol or drugs. AFN strongly encourages the Senate Committee on Indian Affairs to support the passage of the Alaska Tribal Public Safety Empowerment Act or similar language in the 117th Congress.¹

AFN does not believe a tribal public safety network can be funded through short term grants, this is not an equitable solution. AFN urges the House Interior, Environment, and Related Agencies Appropriations Subcommittee to support the expansion of compacting and contracting authority for Department of Justice programs and other funds in the Department of the Interior to tribes to ensure a stable funding source as opposed to grants. More specially, such as fully supporting and expanding the \$632 million in Tribal Public Safety and Justice funding at the Department of the Interior.

Recovering from the Covid-19 pandemic

The COVID-19 pandemic has underscored the faultiness in Alaska's government services and the weaknesses of Alaska's rural economy, hitting Alaska Natives especially hard. Persistent poverty and severe economic hardship have plagued our communities for generations. In Alaska 23.8 percent of American Indian or Alaska Natives lived in poverty in 2017.² As it is nationally, the percentage of American Indian or Alaska Natives is higher than any other group. As of today, I am happy to report that Alaska and specifically, the Alaska Tribal Health system leads the nation in vaccination rates. While this is great news and trend, it does not diminish the damage and trauma that this pandemic has caused.

Alaska tribes, along with their tribal health organizations, corporations, and nonprofits, are playing a critical role in responding to Alaska's novel coronavirus challenges, working diligently to stop the spread of, and promote recovery from, the COVID-19 pandemic. Alaska Native communities have historically been disproportionately impacted by pandemics. Because of the health conditions that the Centers for Disease Control and Prevention (CDC) notes increase the risk for a more serious COVID-19 illness, including respiratory illnesses, diabetes, and other health conditions, we are extremely concerned. As a result, Alaska tribes are currently providing essential services to their communities and dedicating resources to the unique circumstances of COVID-19 response that would otherwise be used on economic development opportunities.

¹ AFN Convention Resolution 20-10

² Data from the 2017 U.S. Census Bureau American Community Survey

AFN is confident that Alaska Natives have the track record, capabilities, and knowledge to help get Alaska back on track. The Biden Administration with oversight and input from the Senate Committee on Indian Affairs can partner with Alaska tribes to identify effective economic stimulus programs that can be tailored to the unique circumstances in our Native communities including Alaska's unique system of self-determination and tribal governance. U.S. financial and tax incentives can increase both local and expanded investment in their villages — which can lead to stronger and more responsive economic performance levels and desperately needed jobs — and overcome the challenges posed by low population and lack of economies of scale.

With the support of AFN, the Alaska and Hawaiian Congressional Delegation introduced legislation to create a domestic version of the Millennium Challenge Corporation (MCC) in the 116th Congress. MCC is an independent federal agency established in January 2004 to deliver foreign aid in an innovative way. It provides time-limited grants to developing countries that meet certain standards of governance. The aid is designed to promote economic growth, reduce poverty, and strengthen institutions. MCC's focus areas include health, education, energy and power, and transportation infrastructure. The legislation introduced in the 116th Congress directs the Secretary of the Interior to establish demonstration projects like the MCC to assist remote Alaska Native and Native Hawaiian communities with economic development and poverty reduction in a manner that promotes self-determination and self-sufficiency and authorizes \$8 million in funding for fiscal years 2020 through 2025. Neither the House nor Senate bill was heard in Committee and as such, AFN urges Congress to consider this option as an innovative solution to help our Native communities recover from the Covid-19 pandemic and as an option to implement the Infrastructure Bill and FY 23 budget.

Conclusion

AFN deeply appreciates the opportunity to present our communities priorities for the FY 23 budget. We look forward to working with this Committee and its members during the rest of the 117th Congress to advance the interests, and priorities, and redress inequities in the policies and programs that serve as barriers to equal opportunities for American Indian, Alaska Natives, and Native Hawaiians.

Quyana, Gunalchéesh, Haw'aa, Baasee, Thank you.

