



Testimony of Julie Kitka, President, Alaska Federation of Natives
Senate Indian Affairs Committee
February 24, 2021

Thank you for this opportunity to testify. Before I begin, I want to congratulate Senator Schatz and Senator Murkowski for being unanimously elected as the Chairman and the Vice-Chairman of the Senate Committee on Indian Affairs for the 117th Congress. I would also like to welcome Senator Ben Ray Luján to the Committee. On behalf of the Alaska Federation of Natives, we look forward to working with the Committee and thank you for making your first oversight hearing a call to action on the priorities of American Indian, Alaska Native, and Native Hawaiian communities. I would also like to thank Chairman Senator Schatz, Vice-Chair Senator Murkowski, and the Committee for being flexible and allowing me to testify today. I additionally appreciate the hearing record being kept open for the two week period to allow us to supplement our statement for the Congressional record.

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 168 sovereign Alaska Native tribes, 166 for-profit village Native corporations, 9 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. AFN was pleased to see President Biden's Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. Ensuring equity in federal programs is critical, because as you will hear from our communities, disparities entrenched in our laws and policies, and in our public and private institutions, have created barriers for individuals and our Native communities to overcome. As such, AFN asks the Committee on Senate Committee on Indian Affairs to seriously consider increasing your time and investment in interagency or "whole of government" initiatives to root out systemic barriers and create holistic cross-cutting solutions for key outcomes for increasing equity among federal programs, services, and policies that affect our American Indian, Alaska Native, and Native Hawaiian Communities. Further, AFN requests the

Committee to encourage inter-tribal and inter-regional tribal coordination and collaboration to empower all Native Americans to address serious needs and come back from this pandemic stronger and able to help our people and continue to contribute to the larger society.

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.

Housing

2021 marks the 25th anniversary of Congress passing the Native American Housing and Self Determination Act (NAHASDA). This legislation was and continues to recognize tribal sovereign rights to develop housing that meets the needs of our communities. Housing conditions in Indian country are well documented as being some of the worst of the worst in our Nation. Alaska Natives suffer from escalating and above national average rates of overcrowding, inadequate housing, and unemployment, in comparison to the general U.S. population, as well within the Native American population. The rate of overcrowding, or severe overcrowding, is such that Alaska needs more than 16,100 housing units to alleviate overcrowding¹. Having adequate and safe housing is part of the bedrock for our communities, without safe and adequate housing, our communities suffer. Due to stalemates in funding housing in our communities has become less available, and overcrowding and poor housing has shown to not only affect our children performance, but it also puts our way of life at risk. In my ability to address the housing shortage in our Native communities, AFN would like to highlight the first-ever Senate Committee on Indian Affairs field hearing in rural Alaska. The hearing was held in Savoonga Alaska, a small, isolated community on St. Lawrence Island between Russia and mainland Alaska in the Bering Sea. The field hearing addressed overcrowded housing and the impacts on American Indian and Alaska Natives, a panel of witnesses gave testimonials to the issue as well as solutions to overcrowded housing and housing affordability across Alaska.

¹ Association of Alaska Housing Authorities 2021 Federal Priorities

As such, AFN urges the Senate Committee on Indian Affairs to review the recommendations from the witness panel and to host an oversight hearing on the inequities in housing programs and policies in our communities in the 117th Congress.

Another immediate Committee recommendation is to prioritize the reauthorization of the NAHASDA² and to authorize funding for the Indian Housing Block Grant at no less than \$800 million, with subsequent fiscal year increases of \$50 million per year until inflationary reductions have been recovered.³ NAHASDA allocates over \$90 million each year to Alaskan Tribes and communities and is the primary vehicle for meeting critical housing needs. These efforts are driven through Alaska's Tribes and Tribally Designated Housing Entities which are sophisticated in leveraging funds to develop projects with multi-layered funding sources with NAHASDA as the foundation for building these complex funding packages.

AFN also encourages the Committee to review the Bureau of Indian Affairs Housing Improvement Program (BIA HIP) as an opportunity to address the housing needs of our communities. After being funded at \$23.1 million in 2005, the BIA HIP was eliminated from the FY 2008 budget to fund other high priorities. In FY 2020, the BIA HIP program was funded at approximately \$11 million. For additional background, Alaska's demonstrated need in 2019, based on eligible applicants, exceeded \$436 million⁴. As such, AFN urges Congress to fund the BIA HIP with an appropriation amount of \$23 million⁵.

Public Safety

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

² AFN Convention Resolution 19-27

³ AFN Convention Resolution 19-26

⁴ Association of Alaska Housing Authorities 2021 Federal Priorities

⁵ AFN Convention Resolution 19-25

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. U.S. Attorney General William Barr also pledged to support a more efficient funding mechanism within DOJ to include compacting authority. It is critical that we move off grant funded public safety to a more durable path of compacting. In our last meeting with AG Barr, he requested the legal tools to have DOJ be able to compact. Unfortunately this was not accomplished, and should be a Committee priority to authorize.

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.⁶

AFN commends the passage of Savannas Act and the Not Invisible Act of 2019 in the 116th Congress. AFN urges this Committee to continue its efforts to address the public safety crisis in our Native communities in the 117th Congress. As stated above, 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 Senate Committee on Indian Affairs to support the expansion of compacting and contracting authority for Department of Justice programs and funds to tribes to ensure a stable funding source as opposed to grants.

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

⁶ AFN Convention Resolution 20-10

2017.⁷ 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.

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.

One immediate solution is to support Native participation in the New Market Tax Credit by creating a 10% set aside in the program for tribal communities. The NMTC program was established in 2000 to encourage private investment in impoverished, low-income communities that traditionally lack access to capital for infrastructure projects of the kind needed for broadband buildout. Investors who make qualified equity investments reduce their federal income tax liability by claiming the credit. Unfortunately, NMTC activity has been highly concentrated in just a few states, with the 10 states with the highest activity accounting for over 50 percent of all NMTC activity. The 25 states with the least NMTC activity, including Alaska, account for less than 13 percent of all activity. Furthermore, the current NMTC program has no built-in mechanism to ensure that NMTC investments reach Native American communities.

Additionally, 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

⁷ Date from the 2017 U.S. Census Bureau American Community Survey

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 or Senate bill were heard in Committee and as such, AFN urges the Senate Committee on Indian Affairs to consider this option as an innovative solution to help our Native communities recover from the Covid-19 pandemic.

Broadband

The digital divide among Alaska Native, American Indian, and Native Hawaiian communities is among the worst in the nation. According to a 2019 report by the Federal Communication Commission (FCC), nearly half of all Native American and Alaska Native rural households do not have broadband, leading to poorer health, education, and economic security.⁸ In rural Alaska, where remote villages lie beyond the state's limited road system, internet connectivity serves as the primary link to the rest of the world, thus supporting that community's economic and social vitality, just as physical roads do elsewhere. If that link is unavailable or too slow, too costly, or too unreliable, entire communities suffer the consequences. This has made COVID-19 prevention and mitigation efforts especially trying. As a direct or indirect result of this digital disparity, Alaska Natives and American Indians have succumbed to the virus at a rate two times higher than non-Natives.

In January 2021, the National Tribal Broadband Strategy (NTBS) was published by the Department of the Interior. The NTBS includes 28 recommended actions that agencies should take to help address the digital divide in American Indian/Alaska Native/Native Hawaiian (AI/AN/NH) communities. The first of these recommendations is to create a new Broadband Development Program (BDP) within the Office of Indian Energy and Economic Development. One of the main purposes of the BDP is to implement the NTBS and coordinate efforts within and beyond the Department of Interior to drive broadband development. As such, AFN requests the Senate Committee on Indian Affairs hold an oversight hearing on broadband deployment in AI/AN/NH communities. Access to broadband is a barrier for your communities to equally participate in the world around us and the Senate Committee on Indian Affairs should seriously consider whether new policies, regulations, or guidance from the federal government may be necessary to advance equity and urgency in the deployment of broadband in our Native communities. We also ask that such a hearing includes a review of the NTBS to gather feedback on the recommendations contained within the strategy. Additionally, AFN respectfully requests that Alaska and Hawaii be equally represented in such hearings.

Conclusion

⁸ Federal Communications Commission, Report on Broadband Deployment in Indian Country, Pursuant to the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (May 1, 2019), available at https://www.fcc.gov/sites/default/files/nnctf_tribal_broadband_report.pdf (last visited Feb. 12, 2021).

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

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