



ALASKA FEDERATION OF NATIVES 2008 Federal Priorities



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Alaska Federation of Natives

Who We Are: The Alaska Federation of Natives (AFN) is the largest Native organization in Alaska. Its membership includes 244 Native villages, 13 regional for-profit Native corporations (established pursuant to the Alaska Native Claims Settlement Act) and 12 regional Native non-profit tribal consortia that offer a broad range of human services to their member villages.

Much of our work is guided by resolutions passed at AFN's annual convention. The convention, held in October of each year, is the largest representative annual gathering in the United States of any Native peoples, as well as the largest event held in Alaska each year. More than 4,000 Alaska Native delegates attend the Convention each year, and live statewide television and radio broadcasts reach thousands of others, both Natives and non-Natives alike, across the nation's largest state. During the convention, the entire state of Alaska is blanketed with discussion of the most pressing current issues facing the Alaska Native community.

According to the 2000 Census, Alaska Natives numbered almost 120,000 people, or 19% of Alaska's total population. In the succeeding seven years, our population has risen to approximately 127,000.

Our History: The Alaska Federation of Natives was formed in October, 1966, when more than 400 Alaska Natives representing 17 Native organizations gathered for a three-day conference to address Alaska Native aboriginal land rights. From 1966 to 1971, AFN worked primarily to achieve passage of a just land settlement in the U.S. Congress. On December 18, 1971, the Alaska Native Claims Settlement Act (ANCSA) was signed into law. When this goal was achieved, it was not an end for AFN, but a new beginning.

As Alaska Natives began the task of implementing ANCSA, the Alaska Federation of Natives provided technical assistance to help Natives set up the corporations mandated by the Act. It also managed a number of statewide service programs. As the strength and independence of the regional non-profit associations grew, the human services programs were transferred to those associations. Since then, AFN has evolved to meet the changing needs of Alaska Natives and to respond to new challenges as they emerge.

AFN was instrumental in the development and passage of federal laws, including the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), and the 1988 Amendments to ANCSA (the "1991 legislation"). AFN continues to play an active role in the legislative process - promoting laws, policies and programs in health, education, resource development, labor and government. More recently, AFN has turned its attention to social, tribal and economic issues.

Our Mission: Alaska Native people began as members of full sovereign nations and continue to enjoy a unique political relationship with the federal government. We will survive and prosper as distinct ethnic and cultural groups and will participate fully as members of the overall society. The mission of AFN is to enhance and promote the cultural, economic and political voice of the Alaska Native community. The Alaska Federation of Natives' major goals are to:

- Advocate for Alaska Native people, their governments and their organizations, with respect to federal, state and local laws and policies;
- Foster and encourage preservation of Alaska Native cultures;
- Promote understanding of the economic needs of Alaska Natives and encourage development to meet those needs;
- Protect, retain and enhance all lands owned by Alaska Natives and their organizations; and
- Promote and advocate for programs and systems which instill pride and confidence in individual Native people.

Our Priorities: The Alaska Federation of Natives priorities for the year are decided through the resolutions process on the floor of our Annual Convention.

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Alaska Federation of Natives 2008 Federal Priorities



Protection of Subsistence Hunting, Fishing and Gathering in Alaska

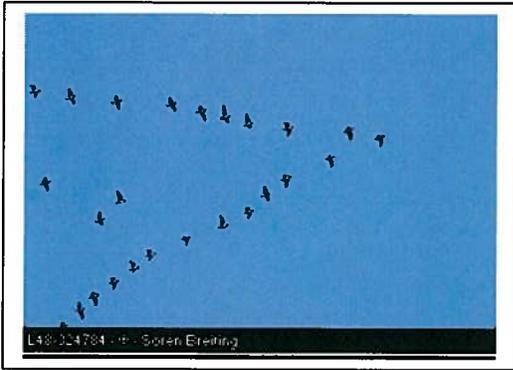
Federal Regulatory Protections for Subsistence Hunting and Fishing

The subsistence protections Congress intended in passage of the Alaska Native Claims Settlement Act (ANCSA), and those specified in the enactment of the Alaska National Interest Lands Conservation Act (ANILCA), are being weakened and may be in danger of failing entirely. AFN believes it is imperative that the Federal government once

again act to safeguard our villages' essential food resources and traditional way of life. Without adequate subsistence resources, most villages would not be able to feed themselves and will slowly disappear through out-migration. The cost of the resulting economic collapse and social dislocation would fall on every Alaskan - Native or non-Native, urban or rural and State and Federal agencies. Government has a vested interest in the survival of the villages through their own productive labor, rather than through greater welfare dependency.

Key Recommendations:

1. Consider regulatory and statutory changes that will protect our way of life, in light of growing urban pressures on finite resources. Several federal laws now provide a "Native" or "Native-plus-rural" or "Native-plus-local" subsistence priority in Alaska (e.g., for marine mammals, migratory birds, and under the Endangered Species Protection Act).
2. Consider amending ANILCA to extend its protections to Native corporation lands and Native allotments, while maintaining control and authority by the Native corporations and allotment owners to develop or otherwise utilize their lands.
3. Defend the subsistence regulations adopted in January, 1999 to implement the *Katie John* decision. We urge the Secretary to interpret broadly the scope of federal jurisdiction to fulfill the federal government's trust responsibility to Alaska Natives.
4. Amend Title VIII of ANILA in order to exempt the membership of its Regional Advisory Councils from the requirements of the Federal Administrative Committees Act (FACA).
5. Amend Federal regulations implementing the rural priority (50 CFR 100.15 and 36 CFR 242.15) to ensure that Saxman and other communities do not lose their right to the subsistence priority based on questionable interpretations of socio-economic data.



Federal Migratory Bird Hunting and Conservation Stamps

Requiring Alaska Natives to purchase federal licenses - known as Duck Stamps- in order to hunt migratory waterfowl is inconsistent with the 1996 protocol amending the migratory bird treaty between the United States and Canada and the Migratory Bird Treaty Act, 16 U.S.C. 708, which implements the treaty. The protocol requires that any “regulations implementing the non-wasteful taking of migratory birds and the collection of their eggs by indigenous inhabitants of

the State of Alaska shall be consistent with the customary and traditional uses of such indigenous inhabitants for their own nutritional and other essential needs.” Alaska Native hunters have long viewed the subsistence harvest of migratory birds and their eggs as a community tradition, and not as an individual entitlement that can be reduced to a system of individual permits. Requiring the purchase of duck stamps is inconsistent with custom and tradition and therefore inconsistent with the Treaty protocol.

Key Recommendation:

Amend the Duck Stamp Act by adding an exemption for “eligible indigenous inhabitants of the State of Alaska engaged in the customary and traditional harvest of waterfowl and their eggs.” We urge the Department of the Interior to support this amendment.

Migratory Bird Co-Management

The protocol in the amended treaties between the United States, Canada and Mexico recognizes the traditional subsistence harvest of migratory birds by indigenous inhabitants of Alaska and provides that they “shall be afforded an effective and meaningful role” in “the development and implementation of regulations affecting the non-wasteful taking of migratory birds and the collection of eggs” through their participation in co-management bodies. In 2000, the Fish and Wildlife Service established the Alaska Migratory Bird Co-Management Council and 12 regional management bodies. But neither the Council nor the regional bodies have been adequately funded.

Key Recommendation:

The Secretaries of State and Interior should support the implementation of the Migratory Bird Treaty Act and its co-management councils by including a treaty-implementation line-item in the appropriate agency budget. We also urge Congress to ensure adequate funding in the annual appropriations to the agencies to cover the costs of these co-management bodies.

Reauthorization of the Marine Mammal Protection Act

The Indigenous Peoples’ Commission on Marine Mammals (IPCoMM), an AFN subcommittee, has negotiated with the federal agencies amendments to section 119 of the MMPA. Section 119 currently authorizes agreements between Alaska Native Organizations and federal agencies in order to conserve marine mammals and to provide for co-management of their subsistence uses by Alaska Natives. It also authorizes funding for the Secretaries of Commerce and Interior each year to carry out these purposes. The proposed amendments would allow the agencies, in coordination with Native organizations, to jointly develop harvest management plans within existing or newly developed cooperative agreements. These plans would implement measures

taken by Native organizations and their member tribes to regulate the subsistence take of marine mammals prior to a finding of depletion. The proposed legislation also provides for an increase in the annual amount authorized for implementation of Section 119 to cover the funding needs of IPCoMM and Alaska Native Organizations engaged in co-management of marine mammals.

Key Recommendation:

Congressman Don Young has introduced HR 5429, a stand-alone bill that incorporates a package of amendments to the MMPA that strengthen the co-management role of Alaska's Native organizations engaged in co-management of marine mammals, and that enable the Federal agencies and Alaska Native organizations to develop marine mammal conservation regimes collaboratively in order to avert management crises that can arise under the current system. AFN urges passage of this bill during this Congress.



The Education of Alaska Native Students

Alaska's public education system is failing to teach Alaska Native children. While Natives account for almost one of every four children enrolled in K-12 schools, they are dropping out of school at a rate of 7.8%, which is twice the rate of other students. Native youth are graduating from high school at a rate of only 47%. In the past several years, regions with Native enrollments greater than 80% often had the lowest proportion of schools meeting the Adequate Yearly Progress ("AYP") benchmarks under the No Child Left Behind Act, and the percentage of Native students passing the reading, writing and math

benchmark exams are below all other students statewide.

These statistics compel a new approach to education for Alaska Natives if they are to raise their level of educational achievement. We know that part of the reason for poor academic achievement among Native students is the lack of more culturally-based programs. The federal law must give us the flexibility to integrate Native culture into the curriculum in our schools.

Key Recommendations: AFN and its member organizations urge Congress and the Administration to take the following actions:

1. Increase appropriations for the Administration for Native Americans (ANA) to ensure adequate funding for programs implementing the Esther Martinez Native American Languages Preservation Act of 2006. AFN joins NCAI in recommending a \$10 million increase in funding for ANA to fund the Esther Martinez language programs, and an additional \$6 million to the ANA for its existing programs, which promote self-sufficiency through competitive grants for community-based social and economic development.

2. Substantially Increase Head Start funding. Federal Head Start funds have remained static since FY 2002 which, when adjusted for inflation, has resulted in an overall real decline of 13% for FY 2008. Decreased funding has forced nine Alaska Head Start programs to cut 361 Head Start slots since FY 2003, while the number of eligible children has remained steady. We strongly urge Congress to increase the FY 2009 Head Start appropriation to support current program operations and the new mandates outlined in the 2007 Head Start Reauthorization Act.

3. Restore Funding for the Even Start Program. The Even Start program is a key program that supports early childhood development in some of the most remote regions of Alaska. The program provides participating families with an integrated program of early childhood education, adult basic skills training or secondary education and parent education. Even Start works with both parents and children to improve literacy skills and encourage reading at home. The President's 2009 budget calls for elimination of this program. We urge Congress to retain the program and to restore funding to at least the FY 2004 levels.

4. Reauthorize funding for the Alaska Native Education Equity Act and the Strengthening Alaska Native and Native Hawaiian-Serving Institutions Programs. The Administration's FY 2009 budget eliminates funding for both programs. The programs have enabled the five campuses of the College of Rural and Community Development to prepare hundreds of students who will be leaders of their own communities in the future. These programs have developed a variety of culturally appropriate courses; strengthened Early Childhood Education programs; developed Certificate programs in Tribal Management, Construction Trades and Para-Professional Education; provided faculty to teach in the Alaska Native-Serving campuses; and established partnerships with regional organizations and businesses. It is imperative that these programs remain intact.

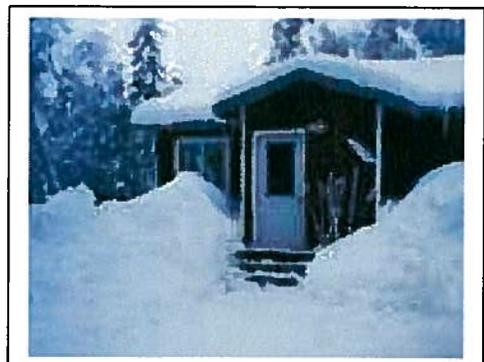
5. Amend the requirements for school accountability and teaching credentials in Title I of the No Child Left Behind Act to ensure that these requirements do not eclipse implementation of the culturally based educational approach embodied in Title VII Congress should amend the NCLB to:

- Include goals and accountability measures within Title I (AYP benchmarks) that measure school development and implementation of culturally based educational approaches for Native youth; and
- Include a mechanism within Title VII that aligns all of the NCLB titles to meet the unique needs of Native students.

6. Congress should amend the definition of High Quality Teachers in the No Child Left Behind Act to take into account the need for educators who are experts in local Native languages and cultures and help develop future educators from the local Native population. Providing opportunities for Native educators to work in their own communities offers the additional benefit of reducing teacher turnover in rural communities – a systemic problem in rural Alaska.

Rural Energy Crisis

Current winter heating costs for rural Alaska families can be thousands of dollars in regions that have the highest poverty rates in the state. The cost of energy is causing serious hardship for many Alaskan families. If left unaddressed, it threatens the long-term economic and social fabric of rural Alaska, and in particular villages in the broad swath of Western and Interior Alaska, which are among the most economic depressed communities in



the country. This is exacerbated by higher electricity costs, also driven by oil prices, higher air travel costs, food and basic supplies, and higher gasoline prices at the pump. Inflated fuel prices put a tremendous squeeze on already economically depressed communities, including businesses, government offices and service agencies as well as families. It is critical for the continued viability of rural communities that this energy crisis is addressed; that dependence on petroleum is reduced; that local power generation shift to alternative energy sources; and adoption of a variety of conservation methods.

Key Recommendations:

1. Establish and fund an Alaska Native Energy Program within the Department of the Interior or the Department of Energy to develop energy resource centers in rural Alaska. Appropriate at least \$5 million per year to establish energy resource centers that will:
 - Serve as clearing-houses for information regarding potential energy sources and alternative energy options that work in rural Alaska; energy use and cost reduction strategies; and best practices;
 - Provide technical assistance- tailored to rural communities- aimed at increasing successful energy projects and proposals; and
 - Conduct outreach and training in regard to conservation.

2. Fund a rural Alaska energy initiative to identify and implement appropriate alternative energy resources and projects. Congress, through a state-federal partnership, should fund a rural Alaska energy initiative to identify alternative energy resources throughout rural Alaska and provide the capital funding to transition rural Alaska communities within 20 years to alternative energy sources for electric power generation, wherever it is feasible to do so.

Telecommunications

Universal Services Subsidies to Remote Tribal Governments and Tribal Consortia

The high cost of telecommunications technology in rural Alaska prevents tribes that provide essential human services from accessing such technology because they do not qualify for Universal Service Fund subsidies as *rural health providers, schools or libraries* under the Telecommunications Act. Tribes and tribal consortia serving rural Alaska provide a wide array of essential services not available from any other entities.

For example, although Universal Fund subsidies are given to rural health care providers, the Universal Service Administrative Company that administers the Fund narrowly defines “rural health care providers.” Subsidies are not provided to organizations that provide services for wellness, public safety, alcohol abuse treatment and other social services vital to individual and community health. Those services are provided by tribal governments and tribal consortia such as Alaska’s regional nonprofits. Subsidies are also provided to schools and libraries, but those receiving the subsidies do not support the Head Start programs, post secondary education, adult basic education or GED programs. Many tribal governments in rural Alaska provide all of the above services and more, yet because of a narrow



administrative interpretation, they are prevented from obtaining the financial assistance needed to provide telecommunication connectivity at low cost to their tribal members. Access to low-cost telecommunications technology would enhance their ability to deliver these services more efficiently and would improve the general wellness of such regions of the state.

Key Recommendation:

The Federal Communications Commission (FCC) should include within its list of entities eligible to receive Universal Service Funds, those Tribal Human/Social Service Providers and Tribal Educational Service Providers that are providing essential health and education services to their members. If administrative relief is not available, we urge Congress to amend the Telecommunications Act to expand the list of service providers eligible to receive federal subsidies under the Universal Service Fund to include Tribal Human/Social Service Providers and Tribal Educational Service Providers.



Stimulating Competition Among Internet Providers

Lack of competition among Internet service providers has resulted in substandard IT service in many rural Alaska communities, where large companies receive federal subsidies to develop infrastructure in areas that are completely un-served. But there are no federal subsidies available to ISPs in under-served areas.

The high cost of telecommunications technology in rural Alaska has prevented competition between Internet Service Providers and has forced some of them to cease rural operations. Lack of competition among ISPs has resulted in gross disparities between communities that have access to terrestrial lines and internet and those that do not - the latter having no choice but to tolerate substandard service for which there is no readily available technical support.

Key Recommendation:

Congress, in its reauthorization of the Telecommunications Act, should designate Native American tribes and tribal consortia as entities eligible for federal subsidies for the purpose of developing and enhancing telecommunications infrastructure in both “un-served” and “under-served” areas of the country where terrestrial telecommunications lines are not available.

Utilization of modern telecommunications by court systems

Federal laws and appropriations should enable Alaska’s state court system, as well as the courts of other states with large Native American populations, to utilize modern telecommunications (such as tele-video transmissions) during trials and hearings on criminal prosecutions, probation, sentencing, etc.). This would make the judicial process more understandable to the families and peers of the people charged. For decades, the judicial process has been largely a mystery to Natives in Alaska’s villages; and they have not seen themselves as having any opportunity to participate in the process, even to the extent of actually seeing and hearing it.

Key Recommendation: In reauthorizing the Telecommunications Act, and in the appropriations process, Congress is urged to provide modern, effective telecommunications to the judicial process for remote Native American communities nationwide.



Federal Erosion and Flood Control Assistance for Alaska Native Villages

Seventy-five percent (184 of the 244) of Alaska Native villages in rural Alaska are affected by serious erosion and flooding and must address imminent threats to community health and well being as a result. They have been denied assistance under federal erosion/flood prevention and control programs because agencies utilize cost/benefit analyses that fail to take into account the unique

geographic, climatic and economic circumstances of the villages. At least four of these villages are in imminent danger from flooding and erosion and must relocate as soon as possible. There is also an immediate need to assist other affected communities to undertake preventive measures that will mitigate future damage and restore infrastructure that is critical to their health and safety. A well-coordinated approach to mitigate current and future damage is essential.

Key Recommendations:

Congress should implement the four alternatives listed in the 2003 GAO Report to lower barriers that villages face in obtaining federal assistance:

- Expand the role of the Denali Commission to include responsibility for managing a flooding and erosion assistance program;
- Direct the U.S. Army Corps of Engineers and the Natural Resources Conservation Service to consider social and environmental factors in their cost-benefit analyses for projects requested by Alaska Native villages;
- Waive the federal cost-sharing requirement for flooding and erosion programs for Alaska Native villages that don't have matching resources; and
- Combine funds from various agencies to address flooding and erosion problems in Alaska Native villages.



Bureau of Indian Affairs Funding

Tribal Government Funding

The president's FY 2009 budget request calls for an overall net reduction of \$64.3 million in Tribal Priority Allocations, which is 8.3% below the 2008 enacted level. This reduction comes at a time when Alaska's compactors and contractors are experiencing a significant increase in

inflation and an increase in the Alaska Native population to be served. The BIA's failure to

request full funding for fixed or uncontrollable costs (i.e., pay costs, leases, etc.) has resulted in tribes and tribal organizations having to absorb millions of dollars in unfunded costs thus impacting the "operational abilities" of the programs. At Congress' urging, the BIA finally requested, and received, full funding for fixed costs in FY 2008 but the several years of neglect translates into a huge deficit, or need, at the program level. In addition, the budget priorities advanced by the BIA have at times not been in sync with our needs. Our communities have a great need for "people" programs for which the BIA has proposed drastic cuts or elimination in its recent budget submittals. For example, there is a \$22 million cut to welfare assistance, a \$12.5 million cut to roads maintenance, a \$10.6 million cut for self-governance compacts, a \$5.9 million cut to scholarships and adult education, a \$2.3 million cut to tribal courts and a \$989,000 cut to Indian Child Welfare Act services. In addition, two key programs important to the welfare and education of our people - the Housing Improvement Program (HIP) and the Johnson O'Malley Program- are slated for outright elimination.

Key Recommendations:

Increase funding for Tribal Priority Allocations in the BIA appropriations for FY 2009 to a level that at least keeps pace with the rate of inflation, and that covers other built-in costs;

Reinstate funding for FY 2009 for the BIA HIP program and the Johnson O'Malley Education Grants program and oppose funding cuts to vital human services programs.

BIA should amend its funding distribution process under HIP to take into account the soaring costs of energy efficient home construction in Alaska and the extraordinary costs of basic necessities such as fuel, electricity and food.

Contract Support Costs

Contract support, which we utilize to cover the direct and indirect costs related to operating a contract or compact, has not been fully funded for several years, and no separate Indian Self-Determination funds for new and expanded contracts has been requested in recent budget proposals. The President's FY 2009 budget request maintains funding for contract support at FY 2008 levels. In this time of inflating costs and a growing population, Tribes and tribal organizations are under pressure to decrease direct services just to keep up with the ordinary costs of doing business.

Key Recommendation:

Provide full funding for contract support costs.

Increased Funding for the Indian Health Service for FY 2009.

Alaska Native tribes and organizations are in the forefront of the Native self-determination movement, administering 99 percent of the Indian Health Service funds in Alaska. Through the authority of the Indian Self-Determination and Education Assistance Act (ISDEAA), Alaska Native health organizations administer the Alaska Native Medical Center in Anchorage, seven additional hospitals throughout the state, 25 health centers, and 176 village clinics. Through this network of facilities and the use of



telemedicine, Alaska Native access to health care has increased. Progress is being made through compacting and ongoing initiatives designed to improve the health of Alaska Natives but funds are inadequate. There are significant increases in rates of diabetes and obesity. Almost 40% of Alaska Natives smoke and deaths from cancer are on the rise. Substance abuse among Alaska Natives is very high which contributes to a myriad of physical health problems and to child abuse and neglect, violence, sexual assault and suicide. There must be an increase in the IHS budget to take into account all of these health concerns. The budget needs to reflect population growth, inflation and other built-in costs that are not subject to rescission and provide for full funding of contract support costs.

Key Recommendations:

- Increase the IHS budget to fully take into account population growth, medical inflation, non-medical inflation, required pay raises and other built-in costs. Do not subject the IHS budget to rescission. Adding \$666 million to the IHS budget over the FY 2008 level – a 20% increase – would restore a significant amount of the unfunded fixed costs since FY 2000. According to IHS' conservative estimates, tribal and IHS health programs absorbed \$738 million in unfunded fixed costs from FY 2000 through 2006.
- Fully fund IHS Contract Support Costs. Provide full funding for contract support costs – at least a \$100 million increase – and require IHS to utilize the authorized funding under the Indian Self Determination Fund (\$5 million currently) for new and expanded funding agreements.
- Fully fund SAMHSA Behavioral Health Services Grants for American Indians and Alaska Natives at \$15 million.
- Increase funding for Urban Indian health Programs in FY2009.

Native American Challenge Demonstration Project Act of 2007

America's Native peoples --- American Indians, Alaska Natives and Native Hawaiians --- continue to suffer disproportionately high rates of unemployment and poverty, poor health, substandard housing, and associated social ills when compared to any other group in our nation. Although there has been steady improvement in absolute terms, particularly in the area of health, the fact remains there has been little progress in the last



30 years towards closing the gap between Native peoples and the American public at large in most indicators of well-being. The Demonstration project will seek to re-invigorate Native economies by building on the concepts and principles of the Millennium Challenge Corporation, and using a compacting model to channel a significant amount of development funds to implement locally designed economic development strategies. The objectives are to enhance the long-term job creation and revenue generation potential of Native economies by creating investment-favorable climates and increasing Native productivity and to improve the effectiveness of *existing* Federal economic development assistance by encouraging the integration and coordination of such assistance for the benefit of Native economies.

Key Recommendation:

Enact H. R. 3351, Native American Challenge Demonstration Project Act of 2007. S. 2232 “Foreign Aid Lessons for Domestic Economic Assistance Act of 2007.”

As proposed, the project would authorize \$100 million over five years, for disbursement to a total of five pilot projects; one each in Alaska and Hawaii and three in the Lower 48 states.

Expand Opportunities for Contracting and Compacting of Federal Programs

Tribal self-governance has proven to be one of the most successful policies ever enacted for Native people. It has allowed Tribes and tribal consortia to assume and manage programs, services, functions and activities at the local level. Tribal self-governance has empowered Tribes to prioritize their needs and plan their futures consistent with their culture, traditions and institutions. Remarkable gains have been made over the last decade, but some of



those gains have bypassed rural Alaska, particularly in the development of rural economies. AFN has been actively working on economic development initiatives, and one of our priorities has been to open the possibility for tribes to compact for providing additional Federal programs within Alaska.

In order to aid Alaska Natives and Native Americans in addressing these long enduring socio-economic disparities, we encourage Congress to continue to support tribal self-determination.

Key Recommendation: AFN urges Congress to continue to build on the solid success of tribal self-governance by expanding the opportunities for tribes and tribal consortia in Alaska to contract for federal programs administered by the DHHS and non-BIA programs within the Department of the Interior. Specifically, we call upon Congress and the Administration to support the following self-governance initiatives:

Tribal Self-Governance Demonstration Project for non-BIA programs within the Department of Interior: AFN urges Congress to enact a package of amendments like those contained in S.1715 so that Tribes can streamline the delivery of services to their people and carry out their governmental responsibilities in an efficient and coordinated manner.

Alaska Federal Lands Management Demonstration Project Act: AFN urges Congress to enact legislation like HR 1810, directing the Secretary to implement sections 1307 and 1308 of ANILCA and to enter into demonstration projects with no less than six eligible Alaska Native Tribes or their organizations. We also request the Department of Interior to lend its full support to passage of such legislation. Enactment of this bill would further the Administration’s economic agenda of creating jobs and expanding economic opportunities for Native Americans.

DHHS Tribal Self-Governance Amendments: AFN strongly supports amending the ISDEAA to allow for the contracting of programs within the DHHS, and urges Congress to move forward with such legislation during the 110th Congress.



Housing

Alaska Native Housing Assistance Demonstration Project

NAHASDA has made strides that support tribal self determination and quality Alaska Native/Indian housing programs but it is still and is exceedingly inefficient relative to other service delivery models such as P.L. 93-638, Titles IV & V, under which most of the existing BIA and IHS programs and services are delivered in Alaska and throughout much of Indian Country. AFN is proposing that a P.L. 93-638 *type* demonstration model of housing service delivery be established and implemented. Self-determination / Self-Governance models have been successfully practiced in Alaska since 1992 and are the primary service delivery vehicle for both BIA and IHS programs and services.

Key Recommendation:

Enact and fund the Alaska Native Housing Assistance Demonstration Project as proposed by the Association of Alaska Housing Authorities.

NAHASDA was clearly an improvement over opportunities provided under the 1937 Housing Act. This proposal is the next evolutionary step in the process of advancing our mutual interests in creating better service delivery models. We respectfully request Congressional support to move the proposed demonstration project forward as expeditiously as possible, whether through an amendment to NAHASDA or as an independent bill. We further support expansion of the opportunity to NAHASDA recipients in other HUD regions as soon as is administratively practicable.

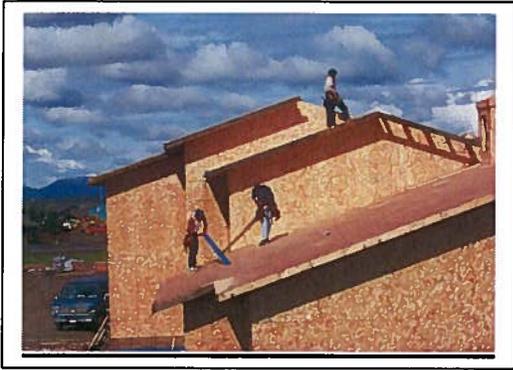
Funding for Indian Housing Block Grant Program FY 2009

Alaska Native Housing Authorities have made progress in relieving extreme overcrowding but it remains a problem in the rural areas and there continues to be a critical need for adequate housing. There are also still too many who cannot find affordable housing or rentals in urban areas. A great deal of home repair has been accomplished throughout the state but there are still too many living in sub-standard housing or without running water or septic systems. The needs vary across the state and include new housing, rental units, water and septic systems and assistance to families to achieve homeownership. Several HUD programs are key to our continued progress in alleviating the overcrowding, lack of sanitation, other inadequate housing and infrastructure needs in Native communities.

Key Recommendations:

- (1) Fund IHBG at a minimum of \$750 million, which when adjusted for inflation is, at best, level funding compared to FY 2002;

- (2) Fund Title VI at \$6 million to provide IHB recipients (borrowers) with an additional resource to leverage limited dollars; and
 - (3) Fund the Section 184 Program at \$7.5 million.
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Increased Funding for the Denali Commission for FY 2009

The Denali Commission—a unique, federal-state-tribal partnership to address the needs of Alaska's distressed communities—is an important agency for both Alaska Natives and for Alaska's rural communities. Not only does the Commission endeavor to enhance the economies of our villages, but it is also tasked as one of the entities responsible for building and ensuring the adequate maintenance of Alaska's basic infrastructure.

The Commission's programs, including its various infrastructure programs and its planning and community support activities for economic development, job training, education, and capacity building must receive adequate funding in order to provide critical utilities, infrastructure, and economic support to economically distressed communities throughout Alaska.

Key Recommendations:

1. Reinstate Denali Commission funding at \$50 million annually to meet energy and infrastructure needs of Alaska Native villages;
2. Provide funding of the Energy Policy Act renewable energy programs at \$10 million annually; and
3. Draft a comprehensive Alaska Energy Policy.



Indian Child Protection and Family Violence Prevention Act

The Indian Child Protection and Family Violence Prevention Act (ICPA), 25 U.S.C. § 3207, was enacted in 1990 to address child abuse in Indian country by requiring character and criminal background investigations of current and prospective employees whose jobs involve regular contact with or control over Indian children, among other provisions. The Act requires that any Indian tribe or tribal organization that receives funding from the federal government under the Indian Self-Determination and Education Assistance Act must

conduct such background investigations. In the course of conducting background investigations, many of the AFN member tribes have reported that individuals convicted of felony or misdemeanor offenses enumerated in ICPA include offenses that did not involve children or

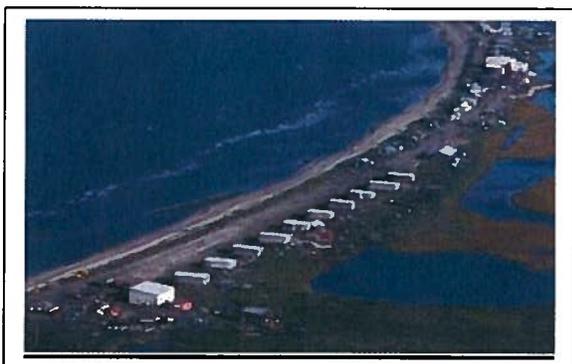
sexual crimes; that some crimes occurred many years ago or arose out of youthful indiscretions; and some of these individuals have become model citizens in their communities and have contributed greatly to their communities for many years. Nevertheless, under ICPA, such individuals cannot be hired in covered positions. For tribes and tribal organizations in rural areas with low populations, it can be difficult to find individuals who do not somehow fall within the ICPA prohibitions and having some measure of discretion to consider mitigating circumstances and retain certain individuals in covered positions would be helpful.

AFN and its member organizations fully support the goals of protecting Native children and providing them with a strong measure of safety in their Native communities as provided under the ICPA. Any changes made to ICPA should be narrowly drafted to preserve the overall goal of reducing child abuse and protecting Indian children from harm.

Key Recommendation:

Amend the Indian Child Protection and Family Violence Prevention Act of 2007 to Allow Consideration of Mitigating Circumstances in Limited Situations.

In creating this flexibility, it is not the intent to change the ICPA limitations on persons who have committed sexual assaults; such persons should continue to be forbidden employment in covered positions regardless of mitigating circumstances. Language implementing the proposed flexibility would not undermine the key policy objective of the ICPA, but would streamline the framework for conducting background investigations and create flexibility in a very narrow set of circumstances for remote and rural tribal communities.



Rural Law Enforcement in Alaska

Restore Authority to Alaska's Tribal Governments to enact and enforce laws regulating alcohol and illegal drugs.

The issue of more effective alcohol and drug control at the local level has long been and continues to be a top priority for AFN. For more than a decade AFN has sought to bring attention, understanding and solutions to the problems of substance abuse and

associated violence among Alaska Natives. Many remote rural residents in Alaska lack a law enforcement presence in their communities. Yet, they face the highest alcohol abuse and family violence rates in the country. Authority must be restored to Alaska's Tribal Governments to enact and enforce laws regulating the sale, importation and possession of alcohol and illegal drugs within the boundaries of the respective village.

Key Recommendation: Congress should enact, on a pilot basis, legislation giving authority to participating Alaska Native villages to enact and enforce local alcohol and interdiction ordinances within the boundaries of their respective villages. We believe the solution to this systemic problem can only be addressed effectively at the local village level.

Federal Funding for the Village Public Safety Officer (VPSO) Program.

The VPSO program was implemented in 1981 as a way to provide rural, predominately Native villages in Alaska with a broad range of local public safety services. As such, the VPSO program is an integral component of law enforcement in rural Alaska. In its first ten years, the VPSO program grew from supporting 52 positions to supporting 125 positions with a budget of \$6.5 million. However, over the last fifteen years, the number of funded VPSO positions has gradually decreased by almost half. Currently there are 130 rural communities without a VPSO or other law enforcement presence. Federal funds were targeted to supplement state dollars and help support this critical program since 2004, but the Native Regional Non-profits that operate the VPSO program were not able to access these funds. Virtually none of the money put into VPSO law enforcement efforts through programs within the Interior and Justice Departments reach Alaska. Yet our villages have the same unmet needs.

Key Recommendation: Congress should continue to provide federal funding for the VPSO program but to provide the funding directly to the regional non-profits that operate the program.

Implementation of the Recommendations of the Alaska Rural Justice and Law Enforcement Commission. Congress established the Alaska Rural Justice and Law Enforcement Commission, Omnibus Appropriations Act of 2004 (P.L. 108-199), §112, and asked that it review Federal, State, local and tribal jurisdiction over civil and criminal matters in rural areas of Alaska, and make recommendations to Congress and the Alaska State Legislature on a variety of law enforcement, justice and public safety issues in rural Alaska.

In 2007, the Justice Commission released its Initial Report and Recommendations. Given the relative lack of law enforcement in rural Alaska to enforce State and Tribal orders related to child protection, child abuse, domestic violence and sexual assault, the Commission recommended that "federal funding be obtained for tribal law enforcement." Report at 41. Additionally, in order to develop a statewide, uniform and tiered system of certification and training for police and public safety officers with a reasonable opportunity for advancement that could culminate in full APSC police officer certification, the Commission recommended that Congress provide additional federal funding to augment training and certification of rural police and public safety officers.

Key Recommendation: AFN and its member organizations support these and the many other recommendations of the Commission designed to improve law enforcement and judicial services in rural Alaska, and call upon Congress to implement those recommendations.

Community Oriented Policing Services (COPS) Funding. COPS grants are funded by the U.S. Department of Justice to advance the practice of community policing as an effective strategy in communities' efforts to improve public safety. Community policing encourages the use of crime-fighting technology and operational strategies and the development of mutually beneficial relationships between law enforcement and the community. The COPS program not only provides grants to Tribal governments, but also helps Alaska's law local enforcement agencies hire police officers, enhance crime fighting technology, and support crime prevention initiatives. There are currently five active 2007 COPS Tribal Resources Grant Program recipients in Alaska: Akiachak Native Community, Kasigluk Traditional Council, Pilot Point Tribal Council, the Native Village of Chuathbaluk and the Native Village of Karluk IRA Traditional Council. Total grant awards through this program amounted to \$339,947 for the 2007 funding

cycle. The total grant awards nationwide amounted to over \$14 million. Although there was a slight increase in the COPS funding for 2008, the President's FY 2009 budget eliminates all funding for the COPS program.

Key Recommendation: Reinstate funding for the COPS program.