



# ALASKA FEDERATION OF NATIVES 2017 FEDERAL PRIORITIES

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The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska. Our membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs. AFN is governed by a 38-member board, which is elected by its membership at the annual convention held each October. Formed over 50 years ago, AFN continues to be the principal forum for Alaska Native peoples in dealing with critical issues of public policy and government.

## OUR BEGINNING

AFN was formed in October of 1966 as 400 Alaska Natives representing 17 organizations gathered for a three day conference to address Alaska Native aboriginal land claims issues that arose after Alaska's statehood in 1959. AFN was instrumental in lobbying for the Alaska Native Claims Settlement Act (ANCSA), which was signed into law on December 18, 1971. ANCSA conveyed over 40 million acres of land and nearly \$1 billion dollars in compensation to Alaska Native peoples. After successfully passing ANCSA, AFN worked to ensure its successful implementation. Since the 1970's, AFN turned its attention to economic, social, cultural, and legal issues arising in Native communities.

## 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 entire Alaska Native community. AFN's major goals are to:

- Advocate for Alaska Native people, their governments and organizations, with respect to federal, state and local laws;
- Foster and encourage preservation of Alaska Native cultures;
- Promote understanding of the economic needs of Alaska Natives and encourage development consistent with 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 Alaska Natives.

# ANNUAL AFN CONVENTION

Held in October of each year, our convention is the largest annual gathering of Native people in the United States and the largest event held in Alaska. More than 4,000 delegates, government officials, and guests attend the Convention. This year's Convention will take place at the Den'ina Center in Anchorage, Alaska, October 19-21.

## ALASKA QUICK FACTS

### ALASKA'S LAND

- Land area: 571,641 square miles (>2 times the size of Texas)
- Coastline: 6,640 miles
- 15 National Parks/Monuments
- 13 National wild rivers 365,000 miles of rivers
- 15,000 miles of roads

### Land Ownership

- Federal: 58.6%
- State: 28.5%
- Alaska Native Corporations: 12.5%
- Individual Alaskans and Other: 0.4%

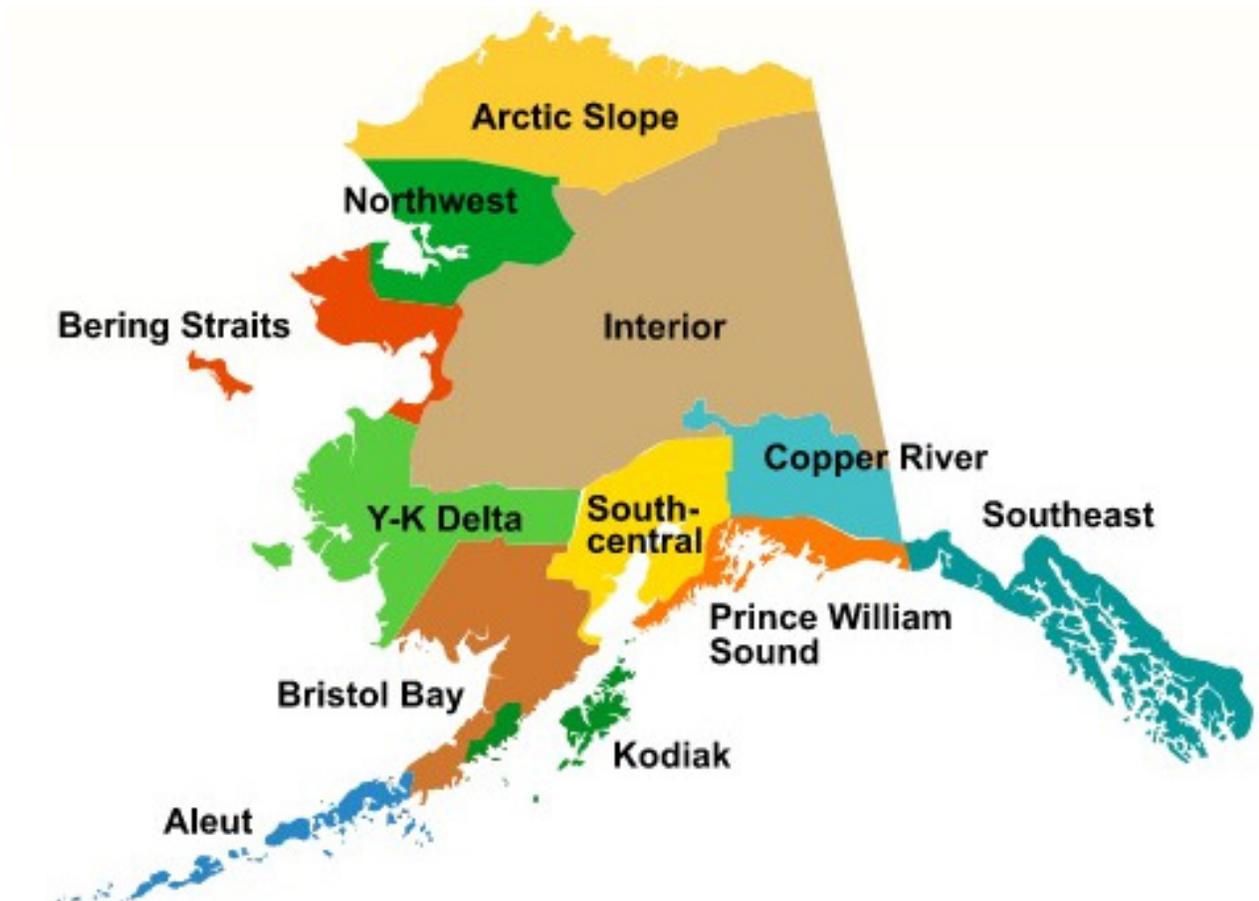
The BLM manages approximately 80.8 million acres of public land in Alaska.

### ALASKA'S PEOPLE

Total 2010 population: 710,231

- Alaska Native pop: 138,312 or 19.5%
- State Capitol: Juneau, (pop 31,275)
- Median household income: \$69,014

[akrdc.org](http://akrdc.org), [nps.gov](http://nps.gov), and [census.gov](http://census.gov)





# ALASKA NATIVE PEOPLES

ALASKA NATIVES have lived a traditional subsistence lifestyle for more than 10,000 years, hunting, fishing and gathering food so they may thrive in some of the world's harshest and most challenging natural conditions.

Different indigenous cultures participate in and continue their traditional ways of life across the vast geography of the state. There are 11 distinct cultures which can be described geographically: Eyak, Tlingit, Haida, Tsimshian peoples live in the Southeast; the Inupiaq and St. Lawrence Island Yupik live in the north and northwest parts of Alaska; Yup'ik and Cup'ik Alaska Natives live in southwest Alaska; the Athabaskan peoples live in Alaska's interior; and south-central Alaska and the Aleutian Islands are the home of the Alutiiq (Sugpiaq) and Unangax peoples.

Alaska Natives make up a large community. Nearly half of all federally recognized tribes are Alaska Native, and spanning the State of Alaska. They face a wide array of environmental and land management issues. Subsistence and traditional gathering of salmon, caribou, elk, berries, seal, and other natural foods and resources are central to their culture.



## ALASKA NATIVE CLAIMS SETTLEMENT ACT (ANCSA)

ENACTED IN 1971, ANCSA was a land claims settlement that transferred 43.7 million acres of land and \$962.5 million dollars in compensation for extinguishment of Alaska Native claims to additional lands based on aboriginal title.

ANCSA created 13 regional corporations (1 of which is based in Seattle) and over 200 village corporations for Alaska Natives. Each corporation was granted land and money. These corporations administer federal and state health, housing, and other services to Alaska Natives in their respective regions. AFN was instrumental in securing this far reaching and unique settlement.

## ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT (ANILCA)

IN 1980, ANILCA reaffirmed land claims under ANCSA, and title VIII of ANILCA created a "rural" subsistence preference rather than a "Native" one. However, the State of Alaska's Constitution includes a provision for equal access to natural resources for all citizens, thereby making the "rural" preference in violation of State law. Since 1989, all efforts to amend the State's Constitution in order to protect Alaska Natives' way of life as ANILCA intended have failed.



In 2009, Secretary Salazar called to "ensure that the federal management structures, procedure, operations, and budgets... meet the goals of ANILCA and serve rural subsistence users." Yet proposed changes to the federal management program need to address the fundamental discrepancy in the State law in order to protect traditional subsistence, the foundation of Alaska Natives' cultures.

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# REGIONAL ALCOHOL AND DRUG TREATMENT CENTERS IN RURAL ALASKA

## THE ALASKA FEDERATION OF NATIVES:

Urges our Congressional Delegation and other members of Congress to seek amendments to the Indian Health Care Improvement Act which would allow for the creation and funding of regional drug and alcohol abuse treatment and detox centers in Alaska; and

- Respectfully requests that a work group be formed consisting of representatives from the US Postal Service, the Alaska State Troopers, airline operators, the US Attorney's Office and others who could help identify what additional steps could and should be taken to reduce the flood of illegal drugs and other intoxicating substances to rural Alaska.

## BACKGROUND:

Alcohol and drug abuse are the biggest health and social concerns in the Native American population nationwide. Substance abuse in rural Alaska has increased to epidemic levels, leading to and compounding the many problems already facing rural Alaska Native people. Rural villages have the highest rates of suicide, domestic violence, and sexual abuse in the nation, and high rates of sexually transmitted diseases, fetal alcohol syndrome, unemployment, and poverty. In 2014, Alaska Natives comprised 36.9% of the population incarcerated in Alaska. Most Alaska Native individuals were incarcerated for acts committed while under the influence of alcohol and drugs. 60% of the children in State's Custody were Alaska Native. Alaska Natives as a whole constitute only 19% of the state's population.

Heroin is a relatively new problem in rural Alaska. Anecdotal information suggests that the abuse of heroin and other dangerous drugs in Alaska have become worse in recent years as illustrated by high numbers of arrests, deaths, and word of mouth in our communities. Heroin abuse is so recent there is little or no documentation of actual rates of abuse and related information. The easy accessibility to heroin in rural villages is due to its relative ease of transport. With very few exceptions, all of the illegal drugs flooding rural Alaska are coming in either through the mail system or being hand carried by passengers on airplanes. Anecdotally, folks have stated that even when illegal drugs are identified when being shipped through the postal system, if the amount is small, the recipient will basically receive a letter from the US Postal Service saying "don't do this." The individuals are not being prosecuted.

Problems are exacerbated by a number of rural challenges including:

- Inpatient alcohol treatment and drug detox services are not available in rural Alaska – even at the regional level;
- Patients who seek or require treatment for substance abuse get placed on a long waiting list and by the time their name comes up for services, many have relapsed and are no longer interested in receiving treatment;
- Rural first responders or the rural clinic staff may have limited experience in providing care to a patient with a drug overdose.

There are only a small handful of alcohol and drug treatment centers in Alaska. All are located in Anchorage. Because alcohol and drug addiction is so widespread in Alaska and the number of inpatient alcohol/drug treatment centers is so small, those requiring or requesting treatment face a waiting list spanning many months. Some of the regional health corporations provide outpatient alcohol counseling, but these require village residents to travel into the regional centers and find a place to stay while undergoing outpatient treatment. Many of the regional centers allow alcohol sales, which compounds the problems of those seeking treatment who come from smaller villages that have banned alcohol.

There are some outpatient regional substance abuse treatment centers in rural Alaska operated by IHS compactors, but their primary focus is on alcohol abuse treatment. None are focused on heroin and other drug treatment. They operate on a shoestring of small state and federal grants (most of which are competitive and lapse after the grant period) and some private insurance payments not normally paid by tribal IHS beneficiaries.

Individuals who are so intoxicated or under the influence of drugs that they are unable to care for themselves are routinely picked up and placed in correctional facilities on title 47 holds. Correctional facility staff do not have the medical training to care for these individuals, and some of these individuals have died while in protective custody.

The Indian Health Care Improvement Act (IHCIA) is the key legal authority for the provision of health care to American Indians and Alaska Natives (AI/ANs). We recommend that the IHCIA be amended such that comprehensive regional alcohol and drug treatment centers would be a core fundable activity of Tribal contractors. The initiative could be structured to give contractors wide discretionary authority to design their program with a solid evaluation component, such that the program design and methodology could be fully evaluated for effectiveness and replicated elsewhere.

# SUICIDE PREVENTION THROUGH SUBSTANCE ABUSE & MENTAL HEALTH SERVICES ADMINISTRATION

The Alaska Federation of Natives requests our Congressional Delegation's support for continued funding of suicide prevention activities through the Department of Health and Social Services, Substance Abuse & Mental Health Services Administration (SAMHSA), and other wellness programs.

## BACKGROUND:

In 2012, a twenty-year study by Wexler found that the Alaska suicide rate of 19.8 per 100,000 is nearly twice the national rate of 10.7. According to data gathered by the Alaska Bureau of Vital Statistics (2002-2011), the rate of suicide death for Alaska Natives was more than 2 times the Alaska State rate, and nearly 4 times the national rate (40.3 per 100,000). In one of Alaska's 12 regions, the rate is nearly 8 times the national average (81.6 per 100,000). We request that Congress help us to reduce these staggering rates.

For example, through SAMHSA funding Kawerak, Inc. of the Norton Sound Region and Maniilaq Association of the Northwest Arctic Region have partnered to develop and implement a multi-disciplinary, holistic, community-driven strategy that is culturally relevant, builds on current efforts, and targets the highest at-risk group – Alaska Native youth. The partnership, called Northwest Arctic Wellness Initiative (NAWI), will expand its suicide prevention programming strategies statewide. There are several ways that statewide collaborative efforts such as NAWI can be supported.

AFN requests that our Alaska Congressional Delegation support the following:

- Continued and increased funding of Suicide Prevention Activities for tribes in Alaska through the Department of Health and Social Services, Substance Abuse & Mental Health Services Administration (SAMHSA).
- Encourage suicide prevention and intervention block grants to Indian and Alaska Native tribes (e.g. DHHS-SAMHSA, DOJ, IHS, HUD).
- Provide at least five extra points in grant proposals to Alaska Native and American Indian tribes who have the highest suicide rates.
- Authorize co-mingling of various federal funding for suicide prevention and intervention programs.
- Support reauthorization of SAMHSA funding.



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-4

- TITLE:** A RESOLUTION ENCOURAGING STATE AND FEDERAL FUNDING TO ENSURE ACCESS TO CULTURALLY RELEVANT MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT SERVICES FOR PEOPLE AT RISK OF SUICIDE, DOMESTIC VIOLENCE, AND SEXUAL ASSAULT
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** Many Alaska Native communities do not have adequate treatment for mental health and substance use disorders, domestic violence and sexual assault; and
- WHEREAS:** The suicide rate in Alaska Native communities is one of the highest in the nation; and
- WHEREAS:** The people of the Alaska Native communities experience disproportionately higher rates of suicide; and
- WHEREAS:** Suicide continues to be an urgent social and health concern for Alaska Natives; and
- WHEREAS:** Collaborative research with community data shows that culturally relevant mental health and substance abuse disorder treatment services can help reduce stigma and promote wellness in Alaska Native communities; and
- WHEREAS:** Local governments and tribes cannot afford to meet the needs of Alaska Native communities through suicide prevention and support services without funding assistance from state and federal sources; and
- WHEREAS:** The Alaska Federation of Natives is in a unique position to advocate for funding for culturally relevant mental health and substance use disorder treatment services for people at risk of suicide in Alaska Native communities.

NOW THEREFORE BE IT RESOLVED by the delegates to the 2016 Annual Convention of the Alaska Federation of Natives that AFN supports funding to implement culturally relevant mental health and substance use disorder treatment services for people at risk of suicide; and

BE IT FURTHER RESOLVED that state and federal funds be distributed without competitive grants funding and without requirements for outside best practices models that restrict access to these resources.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY: AFN LEGISLATIVE AND LITIGATION COMMITTEE  
COMMITTEE ACTION: PASS  
CONVENTION ACTION: AMEND AND PASS



Julie Kitka

President

# ALASKA VILLAGE BUILT CLINIC LEASE PROGRAM

The Alaska Federation of Natives requests an increase of recurring funding (currently at \$4.5 million/year) to the IHS in the amount of \$12.5 million (for a total of \$17.0 million/year) to adequately fund the VBC lease program in rural Alaska.

## BACKGROUND:

The Village Built Clinics (VBC) lease program, administered by the Indian Health Service (IHS), is used to fund the costs associated with health clinics in rural Alaska. VBCs are the sole health care facilities for their communities in the vast, predominantly road-less regions of rural Alaska. Current funding levels for the VBC lease program provide only a fraction of the operations costs resulting in deteriorating clinic buildings, reduced operations, deferred building maintenance, accreditation compliance problems and ultimately a threat to the provision of safe patient care in the villages.

Alaska Native people in rural communities depend on local health clinics as their only source of primary health care. The CHAP is mandated by Congress as the instrument for providing basic health care services in remote Alaska Native villages. The CHAP is the backbone of the rural health care system and in many cases provides the only local source of health care for many Alaska Native people. Certified Community Health Aide/Practitioners, Dental Health Aide Therapists and Behavioral Health Aide/Practitioners provide ongoing services based out of the village clinic facilities. In addition, the clinics are used by medical, dental, eye care, and behavioral health professionals itinerating to the villages from the regional hospitals.

Alaska has about 170 VBCs, generally owned by the local city, tribal government or the regional tribal health corporation serving that community. The clinic facilities are leased by the IHS in order to provide clinic space for the CHAP. Unfortunately, years of underfunded lease payments have left many of the clinic facilities in disrepair, and in some cases closed. Rural Alaska was fortunate that many of the clinics were upgraded or replaced through partnership between the clinic owners and the Denali Commission. Unfortunately, continued underfunding of the VBC lease program will also jeopardize this investment in our communities.

Since the mid-1970s, the IHS has consistently under-funded the VBC leases. The last significant increase to the program occurred in 1989, at which time the number of clinics funded was also increased. VBC lease program has not received an increase to its base since then. In FY 2006, a study showed the lease payments to the villages covered only 55% of operating costs statewide. The costs of doing business in rural Alaska has increased tremendously since then. In order to hold the system of care together, financial responsibility for the village clinics has shifted from the IHS to the village governments and/or regional health corporations.

VBC leases are “Full Service Leases” which cover most basic expenses involved with maintenance and operation of the clinic facilities. Those expenses include basic rental costs (loan amortization/depreciation, fuel, electric, water/sewer/refuse, janitorial services/supplies, maintenance and repair services/supplies and building insurance). In 2011, the IHS developed revised Guidelines for Environmental Health Practices at Village Health Clinics to provide a tool for annual inspections of the VBC-leased Facilities. For most clinics, the IHS lease monies do not cover the actual cost of fuel, electricity, and water/sewer bill let alone provide funds sufficient to maintain a high quality healthcare environment.

In response to the funding crisis, some Alaska Native tribes and tribal organizations have been looking for alternative ways to secure full funding for VBCs that they own. One such alternative is through mandatory leases

under Section 105(l) of the Indian Self-Determination and Education Assistance Act (ISDEAA), which requires the IHS to enter into a compensated lease with a tribe or tribal organization for any facility owned by the tribe or tribal organization and used to provide health care services under the ISDEAA. One Alaska tribal health organization, Maniilaq Association, has submitted two Section 105(l) lease proposals, both of which were rejected by the IHS and have led to litigation that is still ongoing. The IHS has refused to agree to fully compensate Maniilaq under the Section 105(l) leasing regulations, insisting that compensation pursuant to the regulations is discretionary, or to incorporate the leases into Maniilaq Association's ISDEAA Funding Agreement. The IHS's rejection of Maniilaq's first lease proposal, for its clinic facility in Ambler, Alaska, was overturned by a federal district court in August, 2014, on the grounds that the IHS failed to respond to the proposal within the time frame required by the ISDEAA. *Maniilaq Association v. Burwell*, Civ. No. 13-380 (D.D.C. Aug. 22, 2014). The district court ruled that Section 105(l) leases may be incorporated into an ISDEAA funding agreement, but did not reach the question of whether or not full funding under the Section 105(l) regulations is mandatory or discretionary. That question is currently being litigated in Maniilaq's appeal of its second lease proposal, for its clinic facility in Kivalina, Alaska, which was filed on January 30, 2015.

The VBC lease program is a unique and critical component of the health care delivery system in Alaska. The delivery of quality health care is dependent on having a well-maintained clinic facility. This crisis in underfunding now threatens decades of investments by the federal government, rural Alaska villages, and regional tribal health organizations. Obtaining an increase in funding for the VBC lease program has been a priority of Alaska tribes for many years; however, dramatic increases in energy costs in rural Alaska have accentuated the crisis.

We request Congress provide appropriations and direct the IHS to fully fund the VBC lease program.

Please contact the Alaska Native Health Board for more information:

Alaska Native Health Board

4000 Ambassador Drive, Anchorage, AK 99508

Phone: (907) 562-6006; Email: [anhb@anhb.org](mailto:anhb@anhb.org)



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-5

- TITLE:** URGING FULL IMPLEMENTATION OF AND FULL FUNDING FOR THE INDIAN HEALTH SERVICE'S AUTHORITY TO ENTER INTO FULLY COMPENSATED LEASES FOR VILLAGE BUILT CLINIC FACILITIES PURSUANT TO SECTION 105(I) OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** Village Built Clinics (VBCs) are health care facilities unique to Alaska and consist of clinic facilities historically leased by the Indian Health Service to provide space for the operation of the Community Health Aide Program, which provides essential basic health care services to Alaska Native communities in remote and isolated locations throughout the State where access to primary health care is otherwise severely restricted or nonexistent; and
- WHEREAS:** VBCs throughout the State of Alaska have been drastically underfunded for decades, leading to deterioration of the clinic facilities themselves and the need for our Native villages and health care programs to divert funding from other sources to subsidize clinic maintenance and operation, impacting the level of service that can be provided; and
- WHEREAS:** In a 2015 report, "Village Clinics in Crisis," the Alaska Native Health Board estimated that IHS lease funding covered less than 30% of the operating costs of VBCs statewide, and despite a \$1.8 million funding increase for VBCs in FY 2016, the current funding level of approximately \$6.3 million falls far short of the estimated \$17 million need as identified in the 2015 report; and
- WHEREAS:** Recent court decisions by the U.S. District Court for the District of Columbia (*Maniilaq Association v. Burwell*, 72 F. Supp. 3d 227 (D.D.C. 2014) (*Maniilaq I*) and *Maniilaq Association v. Burwell*, No. 1:15-cv-00152, 2016 WL 1118256 (D.D.C. Mar. 22, 2016) (*Maniilaq II*)) have confirmed that any co-signer of the Alaska Tribal Health Compact (ATHC) that holds title to, a leasehold interest in, or a trust interest in its VBC facility may request that the IHS enter into a lease

for that facility under Section 105(l) of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. § 5324(l) (formerly 25 U.S.C. § 450j(l)), and that the Indian Health Service must provide full compensation for such lease pursuant to the criteria set out in implementing regulations at 25 C.F.R. §§ 900.69-900.74; and

WHEREAS: The Section 105(l) leasing authority provides an important avenue for full funding of VBC facilities in Alaska where an ATHC co-signer owns or leases its VBC facilities.

NOW THEREFORE BE IT RESOLVED by the delegates to the 2016 Annual Convention of the Alaska Federation of Natives, that AFN does hereby urge the Indian Health Service to fully implement its Section 105(l) authority in all facilities for which such a lease is requested by an eligible ATHC co-signer, as expeditiously as is feasible and in full compliance with applicable statutory and regulatory provisions as well as the court decisions in *Maniilaq I* and *Maniilaq II*.

BE IT FURTHER RESOLVED that the AFN does hereby urge Congress to recognize the fundamental need for safe, functional health care facilities in the remote villages of rural Alaska and elsewhere, without which adequate health care services cannot be delivered to Alaska Native people pursuant to the United States federal government's solemn trust responsibilities, and to appropriate without any further delay the full amount of funding necessary for the full implementation of Section 105(l) of the ISDEAA.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY:	MANIILAQ ASSOCIATION
COMMITTEE ACTION:	PASS
CONVENTION ACTION:	AMEND AND PASS



Julie Kitka

President

# INCREASING THE SAFETY OF ALASKA NATIVE WOMEN

The Alaska Federation of Natives respectfully requests the Trump Administration recognize and respond to the increased dangers Alaska Native women face by:

- monitoring state compliance with the VAWA Full Faith and Credit, 18 U.S.C. §2265, and assisting with entering Alaska Native village protection orders into the National Protection Order Registry;
- providing technical assistance to the State of Alaska to comply with VAWA with meaningful involvement with Alaska Native Villages in the development and implementation of the state plan required to receive formula grant funds from OVW;
- opening an Alaska Office on Violence Against Women to ensure equitable access to critical resources, and ensuring meaningful access to Alaska Natives who are Limited English Proficient (LEP) and challenged by lack of Internet access;
- providing separate annual, non-competitive formula funding specifically to Alaska Native tribes for advocacy, shelter and victim services calculated using either current population numbers used by the FVPSA Office or individual village tribal enrollment; and
- providing formula grant program support to the Alaska Native Women's Resource Center, as provided under the Family Violence Prevention and Services Act of 2010, to serve as a dedicated nonprofit organization to work with tribal governments, allied nonprofit organizations, and government agencies.

## BACKGROUND:

Historically, rates of domestic violence and sexual assault among Alaska Native women have been alarmingly high. Alaska Native women make up only 8.1% of Anchorage's population, but account for about 45% of sexual assault victims. According to the University of Alaska Justice Center, Alaska Native women report being raped at a rate 7.2 times higher than Caucasian women in Anchorage. Compounding this critical problem of victimization of Alaska Native women is the lack of access to culturally appropriate wraparound services.

For victims living in rural Alaska the barriers are far greater. Two-thirds of the state has no local law enforcement. Alaska State Troopers must respond from the nearest hub community and are often delayed by harsh weather or a shortage of Alaska State Troopers available to respond. Access to a Sexual Assault Response Team (SART) Center or medical care is hours or even days away and requires the victim to leave her home community and be separated from her support system. Additionally, when Troopers come into a village, there is no confidentiality for the victim, which can lead to feelings of shame, embarrassment and more dangerously, threats or retaliation for reporting the crime.

There is a critical need to provide Alaska Native victims of sexual assault or domestic violence with free comprehensive and culturally appropriate legal and advocacy services. Additionally, training for Behavioral Health, Village Police Safety officers, Community Health Aides, and tribal leaders would benefit rural communities. Funding has been available in the past, but there is a need for continued funding to provide resources and training.

# NEW MARKETS TAX CREDITS “NMTC”

The Alaska Federation of Natives urges our congressional delegation, other members of Congress and the Administration to:

- support amendments to the New Markets Tax Credit Program which would greatly increase the benefit in Alaska; and
- designate the Denali Commission to serve as a conduit for the New Markets Tax Credits Program in Alaska.

## BACKGROUND:

The New Markets Tax Credit Program (NMTC) was authorized in the Community Renewal Tax Relief Act of 2000 (PL 106-554) as part of a bi-partisan effort to stimulate investment and economic growth in low income urban neighborhoods and rural communities that lack access to the capital needed to support and grow businesses, create jobs, and sustain healthy local economies.

Community Development Entities (CDEs) apply to the Community Development Financial Institutions Fund (CDFI Fund), a division of the U.S. Department of the Treasury, in a competitive application process for NMTC allocation authority. This authority allows successful CDEs to raise investment capital from investors in exchange for federal tax credits. Capital raised by the CDEs is then used to provide below-market financing to qualified businesses in low-income communities for business or economic development projects.

Typical projects include the acquisition, rehabilitation or construction of real estate or the expansion of operating businesses in low-income communities. These projects benefit the communities by creating jobs, providing goods and services, improving access to healthy and affordable food options, and catalyzing additional private investments into communities.

## PROGRAM SUCCESS:

Between 2003 and 2013, \$35 billion in direct NMTC investments were made, and these NMTC investments leveraged nearly \$70 billion in total capital investment to businesses and revitalization projects in communities with high rates of poverty and unemployment. NMTC generated about 750,000 jobs, at a cost to the federal government of less than \$20,000 per job.

The economic impact in Alaska:

- \$246 million in NMTC investment leveraged an additional \$22 million from other sources for a total of \$268 million in total project investments.
- A total of 27 businesses in Alaska have received NMTC financing.
- 1,124 construction jobs and 1,401 full-time jobs were created.
- Several years ago AIDEA regulations were adopted that allow AIDEA to make loan guarantees, and loan in certain cases, to projects with NMTC allocations.
- The last Alaskan CDE to receive an NMTC allocation directly was Alaska Growth Capital in 2009
- The last Alaska project to receive an NMTC allocation was GCI's Terra project. (The allocation came from a CDE outside of the state.)

The dearth in recent years of NMTC credits steered to Alaskan projects does not seem to be due to a lack of qualified Alaskan CDE's or even non-Alaskan CDE's willing to place allocations here in the state. We believe there are plenty of current entities that would place their allocations with Alaskan projects if Treasury would allocate credits to them. Alaska's vast rural areas are among the most economically disadvantaged areas in the nation, and are exactly the types of communities this program was designed to help.

## **MODIFICATIONS THAT WOULD HELP RURAL ALASKA:**

- Assign a minimum of \$50 million in allocation to Alaska on an annual basis, which is an estimated \$10 million in direct benefit.
- List Alaska as an under served state, per the definition of CDFI Designate all rural hub communities with population not exceeding 15,000 to be eligible areas under the qualified census tract qualification.
- Exempt Alaska from the 24-month look back period based on the seasonality and timing of a typical construction project.
- Qualify eligibility criteria to exclude the skewed effect on census data that arises from the inclusion of transient resident wage income with incomes of long term resident's data (i.e. doctors, nurses, teachers, etc.).
- Designate the Denali Commission to serve as a conduit for the NMTC Program in Alaska.

# AFFORDABLE HOUSING CREDIT PROGRAM

The Alaska Federation of Natives urges the Administration and our Congressional Delegation to support current bipartisan legislation that would improve the Low-Income Housing Tax Credit and to preserve the Housing Credit's efficacy during tax reform.

## BACKGROUND:

By bringing private sector efficiency into the development of housing for low income families, the Low Income Housing Tax Credit Program (LIHTC) has revolutionized how developers leverage resources and put capital to work in smart and innovative ways. Since its authorization in 1986, the LIHTC has been responsible for the vast majority of affordable housing built and preserved in the United States.

The LIHTC is particularly critical in Alaska. In Anchorage, for example, the shortage of available units has caused the price of housing to reach levels that are not affordable for many families. The Fair Market Rent for a two bedroom apartment in Anchorage is now about \$1,200/month. The hourly wage necessary to reasonably afford that two-bedroom apartment is just over \$23/hour. In contrast, the average Anchorage renter earns about \$16.70 per hour. It takes 2.8 full-time minimum wage jobs to pay for the average two-bedroom apartment in Anchorage.

In March 2017, Senator Maria Cantwell (D-WA) and Senate Finance Committee Chairman Orrin Hatch (R-UT) introduced the "Affordable Housing Credit Improvement Act of 2017" (S. 548). Companion legislation (H.R. 1661) was introduced in the House by Representative Pat Tiberi (R-OH). S. 548 would rename the LIHTC the "Affordable Housing Tax Credit" and enact reforms to improve the program's efficacy. The legislation would expand Housing Credit allocation authority and provide regulatory flexibility. It would provide greater predictability for developers by establishing a permanent 4% credit rate for acquisitions and developments financed with Housing Bonds (which have yielded 15-20% less equity in recent years due to market conditions). S. 548 also promotes equal access to LIHTCs for Alaska Native and American Indian people. It would require states to consider the housing needs of Native Americans in their Credit allocation plans and also allow additional Credit equity to be awarded to certain developments in Alaska Native and American Indian areas. Both S. 548 and H.R. 1661 have strong bipartisan support. We respectfully urge the Administration and our Congressional Delegation to support the critical affordable housing tax credit reforms that would be enacted by S. 548 and H.R. 1661.

The Housing Credit's effectiveness must also be sustained through tax reform. In addition to protecting the Housing Credit in the tax code, we urge Congress to ensure that it is not indirectly undermined through tax reform. Lengthening the depreciation period for residential real estate, for example, would reduce the tax benefits of investing in Housing Credit properties. Lowering the corporate tax rate will also impact the amount of equity the Housing Credit raises. We encourage Congress to adjust the Housing Credit as necessary to ensure that tax reform does not negatively impact Housing Credit production. We also urge Congress to preserve the tax exemption for Housing Bonds, which provide critical financing to roughly 40 percent of all LIHTC developments. Without the tax exemption on Housing Bonds, the Housing Credit's production potential would be drastically reduced.

# NATIVE AMERICAN HOUSING ASSISTANCE AND SELF DETERMINATION ACT

The Alaska Federation of Natives urges the Administration and our Congressional Delegation to support funding for the Native American Housing Block Grant program in an amount no less than \$700 million.

## BACKGROUND:

In many Alaskan communities, housing conditions are among the worst in the nation. Rates of overcrowding in Alaska are twice the national average, impacting up to 40% of households in some rural regions. Many of our communities lack basic infrastructure like indoor plumbing, and despite our harsh climate, nearly 20,000 Alaskan homes have an energy rating of just 1-Star, the lowest rating a home can have. Still, more than 78,000 Alaskan households are burdened by the cost of their housing.

Safe, affordable housing is crucial for the survival of Native cultures and communities. When communities lack decent housing they cannot recruit the health care providers, law enforcement officers, and teachers needed to ensure the health, safety, and education of their residents. Substandard housing also impacts health and wellness outcomes for the families who live in them. The World Health Organization has identified respiratory and cardiovascular disease stemming from poor indoor air quality and the spread of communicable disease due to poor living conditions as key health risks caused by substandard housing conditions. In rural Alaska, respiratory diseases are responsible for two-thirds of child hospitalizations. Recently, a study evaluated the effect of home ventilation improvements on 68 homes in Alaskan villages, which had a combined population of 211 children. When outcomes were monitored one year later, hospitalizations had decreased from 10 cases to 0, health clinic visits had decreased from 36 to 12, and school absences had decreased from 18 to 3.

Acknowledging the critical importance of safe, affordable housing in Native communities, Congress passed the Native American Housing Assistance and Self-Determination Act (NAHASDA) in 1996. NAHASDA authorizes tribes and tribal housing providers to receive and administer Native American Housing Block Grant (NAHBG) funding, which is the primary vehicle for tribes to deliver critical housing programs throughout Alaska and the rest of Indian Country. By emphasizing local decision-making, NAHASDA has spawned innovation and empowered tribes to provide basic housing infrastructure in a way that is efficient and effective.

Unfortunately, the impact of NAHASDA has been undercut by flat funding over the past two decades. Since the first block grants were allocated in 1998, the program has lost much of its purchasing power. A recent study commissioned by the Department of Housing and Urban Development explained, "Congress has provided a fairly consistent level of funding for the NAHBG in nominal terms, but this flow has been seriously eroded by inflation." Modestly increasing NAHBG funding to \$700 million annually would still leave the program more than \$200 million short of its 1998 funding level (when adjusted for inflation). Although tribal housing providers have become increasingly skilled at leveraging non-federal funds to develop projects with complex capital stacks, the core housing needs in Indian Country simply cannot be met adequately without funding for the NAHBG program.

# AMENDING THE IRS CODE TO SUPPORT THE RETURN OF SACRED OBJECTS TO TRIBES

The Alaska Federation of Natives encourages our Congressional Delegation, other members of Congress, and the Administration to support and pass amendments to the Internal Revenue Code that would:

- Make income from the sale of a Native American Sacred Object ordinary income rather than capital gains income, thereby discouraging investors from buying Sacred Objects as investments;
- Provide a charitable deduction for the fair market value of the Sacred Object transferred to a tribe without reducing the tax deduction by any payments made from the tribe (or any nonprofit fund created to assist tribes with the repatriation of Sacred Objects) to the owner under the terms of the proposed amendment;
- Require the owner of the Sacred Object to recognize any payment received from the tribe (or a nonprofit fund, on behalf of the tribe) as ordinary income to the extent the payment exceeds the owner's basis in the property; and
- Allow these rules to apply so long as the payment from the tribe (or nonprofit fund) to the owner of the Sacred Object does not exceed the after-tax fair market value of the property minus the tax benefit of the charitable contribution.

## BACKGROUND:

Native Americans universally believe that our ceremonial objects are imbued with spiritual dimensions and are sacred. We believe that we must seek the return of our Sacred Objects to ensure and restore social and spiritual balance and harmony within our tribes. Many Sacred Objects were alienated from tribes during a period when the public policy of the Federal Government held that Native American traditions and beliefs should be suppressed. Past Federal policies also encouraged settlers to displace tribes by settling on tribal lands, and Federal land management policies failed to prevent the looting of Native Sacred Sites and the subsequent sale of Sacred Objects by unscrupulous collectors.

Native Americans successfully sought the enactment of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). Under this law, certain cultural objects including Sacred Objects that are held by museums or Federal agencies must be returned to their original Native owners. However, NAGPRA does not reach private collections which are a significant remaining source of Native American Sacred Objects.

Indian tribes and other Native American organizations, with the support of private foundations, have sought to obtain Sacred Objects when they are sold on the private market, often at great expense. In many cases, we simply do not have the financial resources to purchase the Objects at their fair market value, and the Objects are resold on the private market.

In 1983, Congress passed a law, the Indian Tribal Governmental Tax Status Act, which exempts charitable contributions of money or property to Indian tribes from income, estate, and gift taxes. 26 U.S.C. 7871(a)(1)(A)(C). Thus, an individual who donates a Sacred Object to a tribe generally may deduct the value of the donation from the individual's taxable income. We have found, however, that few owners of Sacred Objects are willing to simply "abandon their investment" by donating Sacred Objects to tribes in exchange for a simple tax deduction. Although many individuals have expressed to us that they would prefer to see the Object returned to the tribe rather than resold on the private market, the owners of Sacred Objects nevertheless expect to receive the fair market value for the Objects.

Unfortunately, an individual owner of a Sacred Object who wishes to see the Object returned to its rightful tribal owner has only two options available today: Either donate the Object to the tribe, in which case the current owner must shoulder a significant financial burden, or sell the Object to the Indian tribe for fair market value, in which

case the tribe must shoulder the entire financial burden.

We encourage our Congressional Delegation and the administration to support Federal legislation that amends the Internal Revenue Code as noted above. By making income from the sale of a Sacred Object ordinary income rather than capital gains income under current law, the Federal tax rate on the sale of Sacred Objects would increase from about 24 percent to as high as 43 percent. Thus, the owner would only get to keep around 57 percent of the sale proceeds compared to 76 percent today after Federal income tax. This would discourage investors from buying Sacred Objects as investments and encourage investors to transfer Sacred Object to tribes.

Our legislation also would authorize the investor to receive a charitable deduction for the fair market value of the Sacred Object transferred to the tribe, without reducing it by any payments made from the tribe (or a nonprofit fund, on behalf of the tribe) to the owner. This would provide the owner of the property a tax benefit that could be as high as 40 percent of the value of the property.

Finally, under our proposal, these rules would apply so long as the payment from the tribe (or non-profit fund) to the owner of the property did not exceed the difference between the after-tax proceeds the owner would receive in a normal sale less the estimated 40 percent tax benefit of the charitable contribution.

Congress is in a position to provide another, more workable option to the owners of Sacred Objects and to the hundreds of Indian tribes that wish to reclaim these Objects. This proposal is congruent with the existing Federal tax deductions for contributions of property to Indian tribes, allows current owners of Sacred Objects to receive the full after-tax fair market value of a Sacred Object furnished to a tribe, and significantly reduces the cost to Indian tribes of obtaining the Sacred Object. More importantly, our proposal creates a powerful incentive for investors to return Sacred Objects to tribes rather than selling the Objects on the private market.

# CLEANUP OF CONTAMINATED DEFENSE SITES IN ALASKA

The Alaska Federation of Natives calls upon the U.S. Department of Defense, the U.S. Environmental Protection Agency, the State of Alaska Department of Environmental Conservation, our Congressional Delegation, other members of Congress, and the Administration to ensure swift and complete cleanup and adequate funding of formerly and currently used defense sites in Alaska that would:

- Restore these sites as closely as possible to original conditions in order to protect the lands, waters, subsistence resources, and health of all Alaskans, including future generations.
- Urge Congress to enact legislation that requires the government to prioritize the cleanup of contamination on or near Native lands\*.
- Confirm that the federal government has legal liability for contamination on or near Native lands\* caused by the federal government or its representatives, agents, or contractors.
- Ensure proper funding for adequate complete site characterization and responsible cleanup of formerly used defense sites that is protective of human health, including provisions for use of innovative clean-up technologies relevant to the Arctic, regulatory oversight and enforcement, government-to- government consultation with Tribes, and citizen participation and oversight. Tribes, as sovereign governments, must have the right to determine clean-up standards and be official parties to the Records of Decision.
- Achieve complete restoration and removal of the contamination rather than premature closures, partial excavations, natural attenuation, and/or land use controls.

Take actions to address and prevent further health and environmental effects of military contamination on Native lands and the Alaska Native people who rely on traditional foods from the land and sea.

## **BACKGROUND:**

Alaska has been a site of great strategic importance to the Department of Defense, from World War II through the Cold War and into present time. There are approximately 700 abandoned and currently used military sites in Alaska that are contaminated with hazardous wastes. Five military bases are Superfund sites on the National Priorities List of the most polluted sites in the nation. Other sites in Alaska have ranked high enough for placement on the National Priorities List. Many of these formerly used defense sites are in close proximity to Alaska Native communities and continue to harm our lands, waters, subsistence resources, and health.

These military sites are often heavily contaminated with PCBs and other persistent chemicals such as pesticides, fuel spills, solvents, heavy metals, chemical warfare materials, and radioactive waste. Information about the sites is often not available to affected communities. Most of these sites have not been properly characterized as to the full nature and extent of contamination and effects on the health of fish, wildlife, and people. Prescribed methods such as “monitored natural attenuation” are not acceptable or protective of our health and environment, as they allow contamination to remain in place for decades to come.

Elders and other community leaders have expressed profound concerns and witnessed unusual cancers, thyroid problems, miscarriages, and other health disparities that they attribute to military contamination. Studies have demonstrated harmful levels of contaminants from military sites in the surrounding environment and in the bodies of Alaska Native people that are known to be associated with cancer and other diseases.

Harm caused by the military contamination violate our human rights as set forth in the United Nations Declaration on the Rights of Indigenous People, including the right of free, prior and informed consent; the right to participate in decision-making; the right to our means of subsistence; the right to the conservation and protection of the

environment and productive capacity of our lands; and the rights to life, physical and mental integrity, liberty and security of person.

We call upon the U.S. Department of Defense, the U.S. Environmental Protection Agency, the State of Alaska Department of Environmental Conservation, our Congressional Delegation, other members of Congress and the Administration to ensure adequate funding and swift and complete cleanup of formerly and currently used defense sites in Alaska as listed above.

\* For purposes of this document, “Native lands” is meant to be broadly construed to include, for example, ANCSA corporate lands, non-ANCSA Native land holdings, Native townsites, Native allotments, and federally-owned land that Alaska Natives use for subsistence practices . This list is intended to be illustrative, not exclusive.

# INCLUDE ALASKA NATIVE VILLAGES IN ARCTIC MARINE TRANSPORTATION PLANNING

The Alaska Federation of Natives:

- Urges federal agencies and state governments to include coastal Alaska Native villages in marine transportation and emergency response planning for the Arctic; and
- Requests that our Alaska Congressional delegation monitor and ensure that federal agencies engage with rural stakeholders in these processes.

## BACKGROUND:

The reduction of Arctic sea ice in recent years has led to greater shipping access to the Arctic. According to news reports, in 2014 the Coast Guard counted 340 transits of the Bering Strait by 120 large vessels. In August 2016, a cruise ship with more than 1000 passengers cruised the entire Northwest Passage from Seward to New York. In February 2017, the Coast Guard released its Bering Strait Port Access Route Study after a 6-year public process to develop a route and additional safety measures for the gateway between the Pacific and Arctic Oceans.

Increased tourism and exploitation of resources within the Arctic will inevitably increase marine traffic along the Alaska coast. The Bering Strait and nearby areas of the Bering Sea and Chukchi Sea are extremely sensitive environmentally: hundreds of thousands of marine mammals migrate from the North Pacific to the Arctic through the Strait twice annually, including bowhead, grey and right whales. The Diomedes, St. Lawrence, and King Islands (plus the marine coastline in Alaska) support nesting colonies of millions of auklets and other seabirds. On Little Diomedes Island, it is estimated that 7 million sea birds nest each year.

Currently the Russians are shipping massive oil tankers through their side of the Bering Strait. (Our hunters in the Bering Straits see these vessels.) Given that at its narrowest, the distance between mainland Alaska and mainland Russia is only 44 miles and that St. Lawrence Island is only 26 miles from the Russian mainland, we remain concerned that any accident or dumping of oil or other toxic materials in Russian (or US) waters, will wash up on/and or impact our communities in Western Alaska. Yet, the United States and the State of Alaska have very little response capacity in Western Alaska and the Arctic for shipping disasters, whether for emergency response, pollution cleanup, or salvage operations. The nearest Coast Guard station to Nome is in Kodiak, 630 air miles away. The distance is much further when one follows a marine transportation route.

Coastal villages up and down Western Alaska and the Arctic Coast rely on subsistence use of fish and game, and will be impacted by increased shipping traffic in the Bering Sea and Arctic. Unfortunately, not all of Western Alaska is defined as “Arctic” and Alaska Native tribal governments are not automatically understood to be stakeholders when issues of Arctic policy and development are considered by the federal and the state governments, particularly issues relating primarily to offshore areas or involving international agreements.

The US Arctic Committee on the Marine Transportation System (CMTS) released a 2016 report in relation to the National Strategy for the Arctic which explored the possibility and usefulness of public-private partnerships and stressed the importance of tribes in that policy movement.

For these reasons, it is critical that federal and state agencies engaged in transportation and emergency response planning in the Arctic – the Coast Guard, the National Oceanic and

Atmospheric Administration, the Department of State, and the Alaska Department of Transportation and Public Facilities – consciously treat Western Alaska and Arctic coastal communities as stakeholders and include their tribal governments in the planning processes. We request that our Alaska Congressional delegation monitor and ensure that, in fact, federal agencies do engage rural stakeholders.



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-10

**TITLE:** A RESOLUTION SUPPORTING THE EXPANDED AND PERMANENT PRESENCE OF THE UNITED STATES COAST GUARD WITHIN ITS JURISDICTION IN ALASKA

**WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and

**WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and

**WHEREAS:** The mission of the U.S. Coast Guard is to protect the public, the environment, and U.S. economic interests ensuring maritime safety, security, and stewardship; and

**WHEREAS:** Maritime activity in the Bering Strait and the Arctic Ocean is increasing with negative impact on marine mammals; and

**WHEREAS:** Increasing maritime activity in the Bering Straits and Arctic Ocean increases potential conflicts between subsistence and commercial maritime activity and increased search and rescue demands across larger distances in the State; and

**WHEREAS:** The U.S. Coast Guard currently has limited resources to cover the coast of Alaska; and

**WHEREAS:** Increased maritime activity and receding sea ice will require increased U.S. Coast Guard resources to ensure maritime safety, security, and stewardship for all of Alaska; and

**NOW THEREFORE BE IT RESOLVED** by the Delegates of the 2016 Annual Convention of the Alaska Federation of Natives that AFN supports the expansion of enforcement by the U.S. Coast Guard across all of Alaska to ensure the protection of subsistence and commercial resources and maritime activity.

**BE IT FURTHER RESOLVED** that as soon as the ice conditions allow, the US Coast Guard deploy to the Arctic to be available to address issues arising from Climate Change including but not limited to search and rescue operations.

**BE IT FURTHER RESOLVED** that pursuant to Executive Order 13175, the Coast Guard is called upon to meaningfully consult with Tribes and Alaska Native Corporations and to meaningfully engage with other stakeholders in all aspects of the expansion of its presence across Alaska.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY: NANA REGIONAL CORPORATION  
COMMITTEE ACTION: PASS  
CONVENTION ACTION: AMEND AND PASS



Julie Kitka

President



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-31

- TITLE:** URGING THE STATE OF ALASKA AND UNITED STATES TO CONTINUE ADVANCING ARCTIC POLICY INITIATIVES TO MAINTAIN A CONTINUED FOCUS ON THE ARCTIC
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** Throughout history and in contemporary times, Alaska Native communities have engaged with indigenous peoples across the Arctic in complex economic, cultural and social systems, and we welcome and celebrate the interest in Arctic policy by the State of Alaska and the United States Government; and
- WHEREAS:** The United States Government became an Arctic nation when it purportedly purchased Alaska from Russia in 1867 and its Arctic policy involvement has fluctuated since, with substantial engagement on Arctic policy initiatives in recent years through actions such as the publication of the National Security Presidential Directive 66/Homeland Security Presidential Directive 25 on January 9, 2009, adoption of the National Strategy for the Arctic Region in May 2013, creation of the Arctic Executive Steering Committee by the Executive Order Enhancing Coordination of National Efforts in the Arctic of January 21, 2015, assumption of the two-year rotating chairship of the Arctic Council on April 24, 2015, the unprecedented presidential visit to Anchorage, Dillingham and Kotzebue by President Obama in September 2015, the hosting of the first-ever White House Arctic Science Ministerial on September 28, 2016; and
- WHEREAS:** Arctic Executive Steering Committee provides guidance to executive departments and enhances coordination of Federal Arctic policies across agencies, offices, and with State, local, Alaska Native tribal government, Alaska Native organizations, academic and research institutions, and the private and nonprofit sectors; and
- WHEREAS:** The State of Alaska increased its participation in Arctic policy development through initiatives such as the Alaska Northern Waters Task force established by the Legislature in 2010 to identify opportunities to increase the State's involvement in Arctic issues and the Alaska Arctic Policy Commission established by the Legislature in 2012 to develop an Arctic policy and implementation plan for the State; and

WHEREAS: The Arctic is of such vital long-term importance to national security, economic development, ecological diversity, and cultural heritage that a continued focus on the Arctic remains critical through transitions of leadership, fiscal challenges, and among the sea of other policy priorities demanding attention; and

WHEREAS: With the transition of leadership at the State and national levels and increased competition for financial resources, there is a risk that Arctic policy will not receive due attention and that progress made in recent years to elevate and advance pressing Arctic issues will retrogress.

NOW THEREFORE BE IT RESOLVED by the Delegates to the 2016 Annual Convention of the Alaska Federation of Natives that their message of gratitude and appreciation for the elevation and advancement of Arctic policy issues be conveyed to the State of Alaska and the United States Government.

BE IT FURTHER RESOLVED that the Delegates urge the State of Alaska and the United States Government to continue to strive to be world leaders in all matters related to the Arctic, that the United States continue the coordination of Arctic policy efforts through the White House Arctic Executive Steering Committee, and that both governments meaningfully partner with and engage indigenous peoples in Arctic policy work to continue the momentum developed to date.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY:	COUNCIL FOR THE ADVANCEMENT OF ALASKA NATIVES
BOARD ACTION:	PASS
CONVENTION ACTION:	AMEND AND PASS



Julie Kitka

President

# BROADBAND INFRASTRUCTURE

The Alaska Federation of Natives recommends:

- The Department of Commerce National Telecommunications and Information Administration convene a workgroup, the purpose of which is to focus on improved utilization of telecommunication infrastructure and bandwidth in rural high cost communities; and
- Per the recommendations of this workgroup, changes be made to the Universal Service Fund (USF) policies which limit rural Alaska's ability to use the existing bandwidth, FCC programs and systems.

## BACKGROUND:

Rural Alaska residents have the highest cost of living in the state, the fewest job opportunities, and the highest poverty rates. Reliable and affordable access to the Internet would help lower the costs of doing business in rural areas, which would bring in more jobs and educational opportunities. Also, better utilization of existing infrastructure would help entities who provide government services and other users.

In the Lower 48, Internet technologies and high numbers of users lead to lower communication costs. Broadband costs, when it is available to rural residents, far exceed those of urban areas. Some communities, like Diomed, still do not have Internet access. Other rural broadband customers suffer from severe lag which makes the transfer of attachments in email difficult and time consuming. At times the speeds are barely better than dial up (56K), although they are advertised and priced as higher. Additionally, all communication equipment is harder to maintain in the arctic due to the harsh weather conditions. There are no local technicians to repair things, and so community-wide outages can last for days, weeks, even months in some cases.

There is a large amount of money dedicated to silo activities (rural healthcare, schools and libraries, Lifeline, and high cost programs funded through USF) but there is nothing that looks at the village usage as a whole in extremely isolated, high cost areas. We need these programs and their implementing policies to work in concert with each other to meet basic community needs.

Regional Native non-profit corporations and Tribes in Alaska contract to provide Bureau of Indian Affairs, Indian Health Services and other government services to their constituencies. These entities are contracting to provide services that the Federal Government would otherwise be responsible to provide. At the time these contracts and compacts were negotiated, internet access and telecommunication costs were not a cost of doing business and so these costs are not part of the base which tribal contractors receive to provide services to tribal members. Rather we are placed in the position of seeking funding to subsidize the systems, which is provided for only specific purposes.

For example, the Alaska Native regional health corporations across the State of Alaska operate 170 rural health clinics via their Indian Health Service contracts. Most of the clinics are equipped with broadband, for which the Universal Service Fund reimburses the majority of the cost. However, because this infrastructure was provided under the auspices of healthcare, we cannot use the infrastructure and systems to meet non-health care needs. While clinics, schools and libraries get a subsidy, vital service providers such as tribal offices, law enforcement and public safety personnel do not. Thus, Tribal governments, which now must comply with the various federal reporting mandates through the internet, are in danger of noncompliance because the internet which they are able to procure commercially is unreliable and slow.

Another example is the USF Subsidy to Schools. All of our village schools have high speed internet access subsidized through the USF. The Head Start Programs run by the regional Native non-profits do not because at the time the USF subsidy for schools program was established, the State of Alaska defined Elementary Education as K – 12 and did not include preschools. Those states which defined Elementary Education to include preschools

at the time the law was passed, received and continue to receive USF subsidies for connectivity to their Head Start Programs. Even after the State of Alaska amended its definition of Elementary Education to include preschools as eligible for E rate funding, the USF refuses to consider the Head Start sites for subsidies, even when our Head Start classrooms are physically located within the school facility. So, rural Head Start Programs in the highest need and highest cost areas of the nation cannot get USF subsidies, while many Head Start programs in the lower 48, which are in high speed, low cost areas, receive the benefit of the subsidy.

We recommend that the FCC be directed to convene a workgroup to focus on improved utilization of telecommunication infrastructure and bandwidth in rural high cost communities, and that per the recommendations of this workgroup, changes be made to the USF policies which limit rural Alaska's ability to take advantage of the existing programs and systems. At a minimum, the work group should make recommendations as to how the following can be accomplished:

- Low cost basic internet access for low-income households.
- Internet access subsidies for tribal service providers, city and tribal police or public safety officers, rural fire departments, and search and rescue.
- Make it easier for rural providers to access funding to update and improve internet communication infrastructure in underserved areas. Do not base the funding formulas on population or rural communities will never have access to improved technology.
- Mandate that when high speed infrastructure is set in place, rural communities in close proximity to the infrastructure are able to tie in to the service at a reasonable cost.
- Fund innovative projects that will bring Internet support to rural Alaska.
- Expand access to telecommunications infrastructure that is already present in these villages

The Arctic region is critically situated as more development takes place. Traffic is increasing in Arctic waters and leaves small communities vulnerable. Improving communications systems will help the United States to be a strong Arctic nation, improve the quality of life for all Alaska residents, protect our nation from threats, help protect our environment, and increase economic opportunities for Arctic residents in the future.

# SMALL AND NEEDY TRIBE ALLOCATION

The Alaska Federation of Natives encourages our Congressional Delegation, other members of Congress, and the Administration to increase the Bureau of Indian Affairs' allocation for Small and Needy Tribes (SNT) in Alaska to \$300,000 and to annually adjust the allocation for inflation.

## BACKGROUND:

There are 229 Federally Recognized Tribes and 12 Tribal Consortia in Alaska. Since the 1970's, Alaska Tribes and Tribal Consortia have operated Bureau of Indian Affairs (BIA) programs and services via the Indian Self-Determination and Education Assistance Act, PL 93-638. Funding for programs and services are contained in the Bureau of Indian Affairs' budget as "Tribal Priority Allocations (TPA)." Programs and services include higher education scholarships, adult vocational training, services to children and families, welfare assistance, realty services related to Native allotments, youth employment, and tribal government operations.

Direct program TPA funds have always been extremely low. While some individual line items have increased sporadically and on a temporary basis for political reasons or to meet BIA or agency needs, the majority of base program funds have never increased even temporarily to meet tribal needs. Rather than increasing for inflation and population growth, BIA TPA have declined significantly over the past two decades.

In the 1990's Congress established the Small and Needy Tribe (SNT) line item in the BIA budget to bring small tribes up to a minimum base funding level of \$160,000 in TPA funds to pay for tribal services. This was in response to the 1994 BIA Budget Task Force report which recommended a \$160,000 base of TPA for small tribes in the lower 48 and \$200,000 base TPA funding for small and needy tribes in Alaska. The higher base for Alaska was recommended in light of the much higher cost of living and providing services in Alaska, however this recommendation was never implemented.

Native non-profits and tribes are the backbone of the service delivery system in rural Alaska. When Alaska Native regional non-profits and tribes contracted and compacted BIA programs under PL 93-638, we assumed program functions of the federal government and received roughly the same amount of money the BIA had to operate the same programs. But we have simply not kept up.

During the past 20 years, the cost of living, salaries, insurance, education, health care, transportation, fuel, electricity, and telecommunications have dramatically increased in rural Alaska. There has been no corresponding increase in the TPA and SNT budget allocations. Thus, Alaska tribal operations have suffered administratively, operate at substantially reduced levels, and have suffered the resulting decrease in effectiveness. Tribes are forced to either eliminate programs and services to tribal members, or consolidate funds for a limited number of programs and services to make them viable or worthwhile. It is not unusual for Alaska tribes to have a single staff member administering the entire scope of tribal services with a salary barely above the minimum wage in rural villages where the cost of living is more than double the national average.

BIA TPA dollars are continuing funds that can be directed to areas of high need, unlike competitive grant dollars, that come and go. BIA TPA funds constitute core funding around which other services revolve and we encourage Congress to fund this line item in the BIA budget adequately, such that it keeps current with inflation, population growth and the cost of providing services.

# INDIAN EMPLOYMENT TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 2015

The Alaska Federation of Natives encourages our Congressional Delegation, other members of Congress and the Administration to amend the 477 Act as recommended by the 477 Tribal Work Group to make the 477 Program permanent, clarify Congressional intent on reporting, expand the types of funds and federal departments from which funding can be consolidated and resolve some administrative details that have plagued the program in recent years.

## BACKGROUND:

Under the Indian Employment Training and Related Services Demonstration Act, Pub. L. 102-477, as amended, 25 U.S.C. §§ 3401-3417 (“477 Act”), the Department of the Interior approves program plans by Tribes and Tribal organizations to consolidate and administer employment and training programs on behalf of different departments of the federal government. The 477 program has enabled Tribes and tribal organizations to increase efficiency, decrease administrative burden, increase self-determination and achieve superior outcomes, all while maintaining program guidelines and doing more with less.

Unfortunately, proposed changes in the administration of the program put forward by the agencies threatened to increase reporting requirements and change the funding mechanism, which would lead to increased costs to administer the program. The 477 Administrative Flexibility Work Group was formed as part of a broader effort to increase flexibility and lower costs for a number of programs that serve Tribes and tribal organizations, as well as states and local governments.

The 477 Tribal Work Group worked over the last year with the Senate Committee on Indian Affairs and the House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs to develop a bill to amend the 477 Act to make it permanent, clarify Congressional intent on reporting, expand the types of funds and federal departments from which funding can be consolidated and resolve some administrative details that have plagued the program in recent years. The resulting bill (S. 1443) was passed, but the corresponding House Bill (H.R. 329), which had gone through legislative hearing in the subcommittee and mark-up, did not pass before time ran out in December. The new Senate bill, S. 91, was passed out of senate committee on February 8, 2017. The new House bill, H.R. 228, was passed out of the House on February 27. Both of these bills will resolve, once and for all, the issues that have limited the 477 initiative from achieving its maximum potential.

## CONCLUSION:

The 477 program has proven to be a brilliant and forward-looking piece of legislation that permits Tribes to consolidate employment and training programs that have been authorized by different federal statutes at different times and through different federal agencies. This program provides an example of increased accountability through the cooperative actions of federal agencies with the maximum employment and training assistance reaching Tribal participants.

AFN advocates the passage of S. 91 and H.R. 228 so that the spirit, the letter and the opportunities of PL 102-477 will not be subject to changes in implementation from administration to administration, and so that through the initiative, tribes and tribal organizations can maximize their ability to leverage scarce federal funds.

# EXPANSION OF CONTRACTING AND COMPACTING OF SERVICES TO ALASKA NATIVE ORGANIZATIONS

The Alaska Federation of Natives respectfully requests the Administration:

- Establish a point person in the White House to work with Tribal Self Governance Advisory Committees to undertake a timely review of all federal programs to determine if it is appropriate to open the door for tribes and tribal organizations to contract and compact additional federal programs and services; and
- Set in place an expedited process to expand contracting and compacting opportunities to tribes and tribal organizations for those programs and services not presently compacted.

## BACKGROUND:

Since 1988, when the federal government initiated a demonstration project providing tribes and tribal governments the opportunity to contract and operate certain federal service programs, the tribes and tribal governments who have entered into agreements with the federal government have proven that this system reduces costs, eliminates bureaucracy, and improves service delivery. Examples of organizations that have a long and successful history of compacting for the delivery of federal services in Alaska include the Central Council Tlingit and Haida Indian Tribes of Alaska (CCTHIA) and Kawerak, Incorporated.

Tribes and tribal organizations have a proven track record of successful administration of both federal and state-funded programs. For nearly 30 years, self-governance tribes have restructured and redesigned programs to meet local needs, and in many instances have developed world-renowned services via the contracting and compacting vehicle. Tribes and tribal organizations are resourceful, able to leverage funding, and innovative in overcoming obstacles to deliver services. Tribes and tribal organizations are sophisticated, qualified, and eager to accept more responsibility and authority for providing services to their membership.

The federal government and tribes and tribal members would benefit tremendously if the range of programs and services that tribes and tribal organizations can currently contract for under PL-638 contracting and compacting agreements were expanded.

## WE REQUEST THAT THE ADMINISTRATION:

- Establish a point position in the White House to audit all federal programs to determine if it is appropriate to open the door for tribes and tribal organizations to contract/compact the services; unless there are inherently federal functions – the default determination should be affirmative.
- Require the point position to work with the Tribal Self Governance Advisory committee to determine what services tribes and tribal organizations should prioritize contracting and compacting.
- Expand contracting and compacting opportunities to tribes and tribal organizations to those beyond the federal services that are currently available.

# TRIBAL COURT FUNDING

The Alaska Federation of Natives encourages our Congressional Delegation, other members of Congress, and the Administration to budget and appropriate a \$17 million line item in the FY17 Department of the Interior budget request to fund tribal courts in PL 280 states.

## BACKGROUND:

Prior to this year, the Bureau of Indian Affairs (BIA) did not provide tribal court funding for tribal nations located in Public Law 280 (PL 280) states such as Alaska. Recognizing that a functioning court system is absolutely essential to maintaining public safety while fostering healthy tribal communities, Congress provided \$10 million for tribal courts in P.L. 280 states for this year.

The tribal courts that operate in Alaska are staffed and operated mainly by volunteers that understand the important function they provide. Tribal courts are a first line of defense in protecting vulnerable children and ensuring that Alaska Native children remain with Alaska Native families through the application of the Indian Child Welfare Act. Tribal courts also help to combat domestic violence at the local level while increasing public safety in the villages. For those tribal nations that do not have a functioning tribal court because of the lack of funding, the administration of justice falls to state courts. These state courts are often many miles away and require travel by plane or boat to get there. This creates a giant jurisdictional vacuum and leaves many Alaska Natives without access to justice.

Congress recently required the BIA and the Department of Justice (DOJ) to produce a report examining how much money it would cost to provide tribal court funding to tribal nations in PL 280 states. The joint BIA/DOJ report estimated that it would cost \$16.9 million to fund tribal courts in PL 280 states in a manner consistent with BIA tribal court funding for tribal nations located in non-PL 280 states (those courts are funded at approximately 6.14% of true cost). The report specified that \$11.5 million of those funds would be needed in Alaska.

Following this report, Congress provided \$10 million for tribal courts in P.L. 280 states through the December 2016 Omnibus. The BIA held a subsequent tribal consultation on how to spend the funding. In the end, every tribal nation in Alaska received \$5,000 and numerous others have been identified to receive additional funding. Twenty tribal nations from Alaska have been selected to receive tribal court assessments. The assessments are the first step in receiving funding. After an initial meeting these tribal nations will receive immediate one-time funding to address critical needs. The assessment work will continue over the course of a year and the assessed tribal nations will then receive additional funds. This is an excellent first step in helping to provide justice in Alaska's rural areas.

We respectfully request that \$17 million be budgeted and appropriated in the FY 18 budget to fund tribal courts in PL 280 states.



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-25

- TITLE:** CALLING ON CONGRESS TO PROVIDE TRIBAL COURT FUNDING FOR TRIBAL NATIONS IN PUB. L. 280 STATES
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** Tribal nations rely on tribal courts in the exercise of their inherent tribal sovereignty; and
- WHEREAS:** Tribal courts allow tribal nations to address civil matters and public safety concerns in a way that is more responsive, culturally appropriate, and attuned to local concerns than a state court system; and
- WHEREAS:** Tribal courts provide a front line defense to protect Native children while keeping Native families together through the application of the Indian Child Welfare Act; and
- WHEREAS:** The Bureau of Indian Affairs provides funding to tribal courts located in non-Pub. L. 280 states but the Bureau of Indian Affairs chooses not to provide funding to tribal courts located in Pub. L. 280 states; and
- WHEREAS:** The Bureau of Indian Affairs cites a lack of funding for its reason in deciding not to allocate resources to tribal courts in Pub. L. 280 states; and
- WHEREAS:** This leaves tribal courts in Pub. L. 280 states with little to no funding to perform their essential functions; and
- WHEREAS:** Congress has shown a deep concern regarding the lack of resources available to tribal courts in Pub. L. 280 states; and
- WHEREAS:** Pursuant to the Consolidated and Further Continuing Appropriations Act of 2015 Congress directed the Bureau of Indian Affairs in coordination with the Department of Justice to prepare a report on the budgetary needs of tribal courts located in Pub. L. 280 states, see 160 Cong. Rec. H9764-5 (Dec. 11, 2014); and

WHEREAS: The report concluded that “the budgetary cost estimate [for the BIA to fund] tribal courts in P.L. 280 states at a level consistent with BIA-funded Tribal Court programs in non-P.L. 280 states is \$16.9 million;” and

WHEREAS: The appropriation of this \$16.9 million would provide a crucial lifeline to tribal courts in Pub. L. 280 states that are currently operating without federal funds while not impacting tribal court funding to tribal courts located in non-Pub. L. 280 states; and

WHEREAS: The tribes wish to acknowledge the initiative and success of Senator Lisa Murkowski in securing a FY 16 appropriation for tribal courts in PL 280 states.

NOW THEREFORE BE IT RESOLVED by the delegates of the 2016 Annual Convention of the Alaska Federation of Natives that AFN calls on Congress to appropriate \$16.9 million for tribal court funding in Pub. L. 280 states; and

BE IT FURTHER RESOLVED that Congress should explicitly state that this funding be directed to tribal courts in Pub. L. 280 states; and

BE IT FURTHER RESOLVED that tribal nations in Pub. L. 280 states should be able to access the entirety of this funding through the Indian Self-Determination and Education Assistance Act to use in a manner that tribal nations decide best suits the needs of their tribal courts; and

BE IT FINALLY RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY: TANANA CHIEFS CONFERENCE  
COMMITTEE ACTION: PASS  
CONVENTION ACTION: PASS



Julie Kitka

President

# PROTECTING PEOPLE FROM HARMFUL ALGAL BLOOM TOXINS

The Alaska Federation of Natives encourages our Congressional Delegation, other members of Congress, and the Administration to increase the Environmental Protection Agency budget to provide food security by implementing an Alaska coast-wide harmful algal bloom sentinel program.

## BACKGROUND:

Alaska Natives have depended on the bountiful resources of the land and sea for many thousands of years for subsistence foods and economic success. The Alaska Native subsistence way of life depends on healthy ocean ecosystems.

Increased marine water temperatures promote harmful algal blooms in Alaska, and temperatures in the Gulf of Alaska and Bering Sea increased by an average of 3.4°F in 2014-2015 – with winter warming even greater (rising by an average of 6.3°F). The rate of warming was more than twice the national average over that same period, and average annual temperatures in Alaska are projected to increase an additional 3.5 to 7°F by the middle of this century. The waters in the North Pacific Ocean, the Gulf of Alaska, and the Bering Sea are experiencing the greatest temperature increase ever recorded and Alexandrium, the organism that produces paralytic shellfish poisoning (PSP) is increasing its distribution and toxicity levels as a result of this warming. PSP toxins can kill people and many people, marine birds, mammals, and fish are sickened every year.

A 2015 harmful algal bloom event created a bloom spreading from northern Mexico to the Bering Sea causing tremendous economic loss due to closure of commercial shellfish and salmon fisheries in many areas. The expansive PSP event swept through the Gulf of Alaska bringing very high PSP levels to many Gulf of Alaska sampling stations. Most of the monitoring sites exceeding the U.S. Food and Drug Administration limit for PSP of 80 micrograms/100 grams.

A pilot sentinel program previously supported in the Aleutian Islands by the Environmental Protection Agency was credited with saving lives and preparing people for the more dramatic environmental changes to come. The pilot program, though no longer funded, was a resounding success and a model for a statewide program encompassing all coastal communities which would help people make safe choices on where and when to collect their subsistence foods. In addition, the information collected from this effort will provide insight into the observed declines in many large marine species such as some salmon, sea lions, seals and sea otters.

We urge the EPA to implement an Alaska coast wide harmful algal bloom sentinel program from Metlakatla to Kaktovik. The program should be contracted out to the regional or village level similar to the EPA IGAP program, since that is where the testing needs to be done.

In addition to a small amount of funding for EPA oversight, we recommend that each of Alaska's 11 regional, coastal nonprofit tribal consortiums should receive \$165,000 annually, to manage the projects, prepare their region's harmful algal bloom study designs, arrange for volunteers to collect, prepare and ship samples for testing and disseminate the data in a manner that informs and protects coastal peoples of their risk from poisoning. This program is designed to save lives, keep people from being sickened and to save on emergency medical expenses while building baseline information and providing healthy locally available subsistence foods. The program should be evaluated for success after a five year trial.

# TRIBAL COOPERATIVE MANAGEMENT OF ALASKA'S FISH AND WILDLIFE RESOURCES

The Alaska Federation of Natives urges the state and federal governments to expand the number of cooperative management agreements with tribes and Alaska Native organizations for the management of federal lands and resources.

## BACKGROUND:

Alaska's renewable fish and wildlife resources are vital to the food security of Alaska Natives, symbolizing the cornerstone of ancient cultures and economic systems. Accordingly, Native peoples have a strong interest in managing these resources through maximum self-determination.

Federal law, embodied in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), provides rural Alaskan residents with a subsistence use priority in times of scarcity, and confers management authority of fish and wildlife resources to the state, provided Alaska manages these resources according to federal subsistence requirements. The Alaska legislature amended the state subsistence statute in 1986 to bring Alaska law in line with ANILCA. However, in 1989, the Alaska Supreme Court ruled that the "equal access" clause of the Alaska Constitution prohibited special priorities in the taking of fish and wildlife. Consequently, the federal government took over the management of fish and wildlife for subsistence purposes on Alaska public lands in 1990 (approximately 60% of Alaska lands), leaving the state to manage the remaining 40% of Alaska lands, including Native lands. This dual federal and state management system is complicated and sometimes conflicting, and is unique to Alaska.

Cooperative management is not a new concept in Alaska. The National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) have entered into more than a dozen cooperative management agreements with Alaska Native tribes and tribal organizations since 1984. The Alaska Eskimo Whaling Commission (AEWC) has cooperatively managed the bowhead whale subsistence hunt through a Cooperative Agreement with the National Oceanic and Atmospheric Association (NOAA) since 1991. The USFWS, Alaska Department of Fish and Game, and the Association of Village Council Presidents entered into the Yukon-Kuskokwim Goose Management Plan in 2005 to manage the harvest of migratory birds in southwest Alaska.

More recently, in 2016 the Department of the Interior (DOI) and the Ahtna Intertribal Resource Commission (AITRC) entered into a subsistence wildlife management partnership regarding the allocation and harvest of moose and caribou on federal lands in the Ahtna region. Also, the USFWS, the DOI, and the Kuskokwim Inter-Tribal Fish Commission entered into a fishery management partnership in the federal public waters of the Kuskokwim River drainage.

Alaska Natives have embraced cooperative management in isolated incidents, and are ready to build upon our internal capacity with homegrown talent, traditional ecological knowledge, and strategic partnerships.

# SUBSISTENCE ECONOMIC DISASTER DECLARATION PROGRAM

The Alaska Federation of Natives requests that the Trump Administration:

- direct FEMA and the U.S. Commerce Department to clarify the definition of “commercial fishing” in the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to include “customary trade and barter,” to allow agencies to consider subsistence disasters as emergencies or major disasters;
- support the MSA amendments proposed by tribes, to include a tribally designated seat on the North Pacific Fisheries Management Council and the pronouncement that subsistence fishery failures are grounds for disaster relief; and
- expand U.S. Arctic policy to consider the disastrous impact of the changing environment on food security of subsistence communities, and to include Alaska Natives directly in this expansion.

## BACKGROUND:

For generations, Alaska Natives have relied on the plentiful lands and waters of our state to hunt, fish, and gather food through an economy and way of life that has been commonly termed ‘subsistence.’ A recent study estimates that subsistence harvests make up more than half of the diet of rural Alaska residents at a commercial cost of roughly \$98 and \$164 million per year.

Alaska Native villages that rely on subsistence are experiencing dire threats to their food security due to diminished availability of fish and wildlife resources as a result of changing conditions in the land and water. By example, the State of Alaska declared the walrus hunts on St. Lawrence Island a disaster in 2013, and four villages on the island have requested a disaster declaration for the 2015 hunt.

Amendments to the Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorize the President to issue major disaster and emergency declarations, and allow federally recognized Indian tribes to seek a declaration of emergency or major disaster directly from the President, rather than go through their respective state for assistance from the Federal Emergency Management Agency (FEMA). However, there is still no clear regulatory or statutory mechanism that allows tribes to request a disaster declaration for subsistence catastrophes.

In 2012, the Governor of Alaska and the U.S. Secretary of Commerce declared the commercial king salmon fisheries on the Yukon and Kuskokwim Rivers as well as the Upper Cook Inlet a disaster. Congress subsequently appropriated \$20.8 million to offset the economic loss, of which \$1.2 million was allocated each to the Association of Village Council of Presidents (AVCP) and the Tanana Chiefs Conference (TCC) for subsistence related relief. The precedent for subsistence disaster relief as part of a commercial disaster declaration therefore exists, it remains unclear whether tribes may obtain such relief absent a commercial effect.

# REVITALIZE THE NATIONAL GUARD IN RURAL ALASKA

The Alaska Federation of Natives encourages the Governor of Alaska and the Legislature to:

- Support measures that enable more rural Alaskans to serve in the Alaska National Guard.
- Support the growth of the Alaska State Defense Force to augment the Alaska National Guard.

## BACKGROUND:

The Alaska Territorial Guard (ATG) was formed in 1942 in direct response to the invasion of several Aleutian Islands by Japan. The ATG was made up of diverse indigenous peoples and the immigrant population of the territory of Alaska. Their mission was to protect the Alaska coastline and the air route to Russia. From this was born the “Eskimo Scouts” which was the start of the Alaska Army National Guard, which has both Air National Guard units and Army National Guard units.

Currently, there are only 17 active National Guard armories throughout the state of Alaska, and about 1,730 soldiers. Fewer than 100 of those soldiers are off of the road system. These numbers have fallen from 76 active armories and 2,250 soldiers in 1995 due to loss of the Scout Waiver program, sequestration and other issues.

National Guard units provide vital support in emergency situations such as floods. In 2013, there was a fall flood in Kotlik that affected the whole village. There was only one National Guardsman in the village. Though lives were not lost due to the flood, a lot of property was damaged. The outcome would likely have been improved had more National Guard members been present.

Rural villages face daunting social issues such as high rates of suicide and rape. The structure and training of the National Guard bolster village leadership and discipline and, we believe, help to reduce social ills. Service in the National Guard promotes camaraderie among the National Guardsmen, and leads to training and careers in law enforcement and other related fields.

The Alaska State Defense Force (ASDF) is a volunteer organization whose primary role is to augment and support the Alaska National Guard. ASDF soldiers are equipped and trained for various missions including communications, emergency management, medical, logistical support, chaplaincy, and shelter management.



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-9

- TITLE:** A RESOLUTION SUPPORTING THE RURAL GUARD AND RESERVE ACT OF 2016
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** The Alaska National Guard (ANG) began as the Alaska Territorial Guard (ATG) in 1942 in direct response to the invasion of the Aleutian Islands during World War II and the ATG was made up of Alaska Natives and others whose mission it was to protect Alaska's coastline and airspace during the war; and
- WHEREAS:** More than 6,300 Alaska Natives, known as the Eskimo Scouts, enrolled in the ATG during the war and the Eskimo Scouts became a catalyst for the Alaska National Guard (AKNG); and
- WHEREAS:** The Rural Guard and Reserve Act of 2016 (Act), H.R. 4424, was introduced to authorize the removal of a \$300 reimbursement cap to National Guard members who live in rural areas of a state in which training takes place and who are required to travel to training by boat or plane because of limited or nonexistent vehicular routes or from a permanent residence more than 75 miles from the training; and
- WHEREAS:** The Act is meant to enhance the participation of rural Alaskans, most of whom are Alaska Native, and to reduce financial disincentives to participation in AKNG training, which barriers disproportionately impact Alaska Natives living in rural communities; and
- WHEREAS:** As part of its priorities in 2016, AFN recommended a revitalization of the AKNG, in particular, rural participation in the AKNG, recognizing how rural AKNG service members strengthen the United States' national security and provides opportunities for leadership development to thousands of young Alaska Natives; and
- NOW THEREFORE BE IT RESOLVED** by the Delegates of the 2016 Annual Convention of the Alaska Federation of Natives that AFN acknowledges the history of distinguished service of the Eskimo Scouts in the ATG and the contributions that the Eskimo Scouts made to national security during wartime and to Alaska and, in honor of such, AFN supports the Act to increase opportunities for Alaska Natives living in rural Alaska

to serve in the AKNG, thereby contributing to the security of our Nation, the well-being of the State of Alaska, and the social and economic health of rural Alaska.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY: NANA REGIONAL CORPORATION, INC.  
COMMITTEE ACTION: PASS  
CONVENTION ACTION: PASS



Julie Kitka

President

# NATIVE ALLOTMENT RELATED ISSUES

The Alaska Federation of Natives, the statewide advocacy organization for Alaska Natives, encourages the Administration to support the passage of The Alaska Native Veterans Land Allotment Equity Act, HR 1867 and S. 785.

## BACKGROUND:

Alaska Natives and Native Americans have an extraordinarily long and proud history of military service, serving in greater numbers per capita than any other ethnic group. More than 2,800 Alaska Natives served in the military during the Vietnam War Era. At the same time the Vietnam War was being fought, our Alaska Native land rights were being settled. Section 18 of the Alaska Native Claims Settlement Act of 1971 (ANCSA) extinguished the Alaska Native Allotment Act of 1906, which had permitted each Alaska Native of majority to select 160 acres of vacant and unappropriated land for private ownership. However, it was logistically impossible for Native service men and women serving in the Pacific theatre to apply for allotments by the deadline, even though they were eligible.

In 1998, Congress passed the Alaska Native Veterans Land Allotment Equity Act (Act) to allow Alaska Natives who served in active duty in the armed forces for at least six months during 1969 through 1971 to apply for allotments within 18 months of the implementation of rules pursuant to the Act. In that period, 1,071 veterans applied for allotments. However, only 432 allotments were approved. Many applications were denied and some veterans could not apply for the following reasons:

- those Native veterans who did not qualify under the Act because their service during the Vietnam War Era fell outside of that three-year window. The Vietnam war was far longer than 3 years and is generally viewed to have been fought 1964 to 1975;
- the land base that veterans could choose from was limited by the Act, and by transfers and land designations already made. Not one veteran received an allotment in the Southeast, Cook Inlet, Chugach and Arctic Slope regions of Alaska because of the limited land base;
- under the Act, heirs could not apply for decedents unless the decedent was killed in action or died as a direct result of the war;
- some veterans who qualified, did not apply within the 18 month period because of language barriers, communications challenges, logistical hurdles, and health issues.

This year marks the 42nd anniversary of the end of the Vietnam War. We have lost many veterans in the years since who should have received Native allotments but did not because of their in-country service and the limitations in the previous Act.

## FEDERAL LEGISLATION

The entire Alaska congressional delegation supports remedial legislation. Congressman Don Young and Senator Dan Sullivan, along with by Senator Lisa Murkowski as a Senate cosponsor, have introduced the Alaska Native Veterans Land Allotment Equity Act; H.R. 1867 and S. 785 respectively address these issues and offer Alaska Native veterans an equitable opportunity to apply for a Native allotment in recognition of their service during the Vietnam war era.

This important legislation would allow veterans who served between August 5, 1964, and May 7, 1975, an opportunity to apply for an allotment, and would allow the heirs of qualifying veterans to apply on behalf of the estate. The bill would also expand the land base from which veterans could select allotments.

We request that the Administration fully recognize the importance of providing fairness to the Alaska Native Vietnam War Era Veterans to equal the opportunity afforded Alaska Natives not serving in the Vietnam War Era

to apply for a Native Allotment under the original 1906 Native Allotment Act. Never have the Vietnam War Era Veterans been afforded the same opportunity as others who did not serve. Potential reconveyances by the State of Alaska and ANCSA corporation of their selected lands would be completely voluntary.

Veterans of Vietnam War are held in high regard by Alaska Native people. We encourage this Administration to demonstrate the same level of respect by supporting HR 1867 and S. 785.

Alaska Native peoples have a unique and spiritual connection to our lands. Allowing veterans to participate in the allotment program would appropriately honor their service to our count

## **NATIVE ALLOTMENT APPLICANTS AFFECTED BY THE AGUILAR DECISION**

The Alaska Federation of Natives requests the Department of Justice to engage, advocate for and if necessary, sue the State of Alaska to recover land for which Native allotment applicants had pre-existing use and occupancy, which was subsequently conveyed to the State of Alaska, prior to the Native Allotment applicant filing a Native Allotment application.

In 1979, a U.S. District Court held in Aguilar that a Native allotment applicant's use and occupancy of the land prior to the State of Alaska's (SOA) selection gave them a preference right which was not eliminated simply because the SOA filed an application prior to the applicant filing a Native allotment application. Therefore the U.S. Department of the Interior had a responsibility to determine whether land conveyed to the SOA was erroneously or mistakenly conveyed based on whether the Native allotment application, filed subsequent to the conveyance, claimed use and occupancy prior to the state's selection. If it was determined that an applicant's use and occupancy was prior to the SOA's selection, then the Department of the Interior had a responsibility to recover the land for the Native allotment applicant.

In Alaska there are over 300 pending Native allotment applications in which the land of the application, Native land, has been found in federal district court to have been erroneously or mistakenly conveyed to the State of Alaska by the Bureau of Land Management. These applications are referred to as Aguilar applications. The State of Alaska refuses to reconvey the land to the Native allotment applicants. DNR interprets the reconveyance of Native allotment land as discretionary authority under state statute even though the land has been found to have a valid preexisting right to the Native allotment applicant under the Aguilar decision.

We respectfully request the Department of Justice to take action on behalf of the Native Allotment applicants. We have worked tirelessly in Alaska to inform state law makers, but there continues to be an anti-Native lands tone within the Alaska legislature. It is the Department of Justice's duty to take action to see that these Native allotments are properly conveyed to their rightful Native owners and heirs.



## 2017 AFN FEDERAL RESOLUTIONS

Each year the delegates of the Annual AFN Convention pass resolutions that set the priorities and direction of AFN policy priorities. These resolutions promote AFN's goals to:

- Advocate for Alaska Native people, their governments and organizations, with respect to federal, state and local laws;
- Foster and encourage preservation of Alaska Native cultures;
- Promote understanding of the economic needs of Alaska Natives and encourage development consistent with 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 all Alaska Natives.



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-3

- TITLE:** SUPPORT INCREASED FUNDING FOR THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF DETERMINATION ACT (NAHASDA)
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** The Native American Housing Assistance and Self-Determination Act (NAHASDA) created the Indian Housing Block Grant (IHBG) and the Indian Community Development Block Grant (ICDBG) which is the primary source of funding for affordable housing for American Indian and Alaskan Native (AIAN) families; and
- WHEREAS:** NAHASDA allocates approximately \$98 million each year to Alaskan Tribes and communities; and
- WHEREAS:** NAHASDA empowers Tribes and Tribally Designated Housing Entities (TDHEs), also known as Regional Housing Authorities, with local decision making which enables the creation of housing programs that are specific to each region or community; and
- WHEREAS:** Private sector housing construction and development in rural Alaska is almost non-existent; and
- WHEREAS:** Tribes and Regional Housing Authorities (RHA) have an established record of effectively partnering with the State of Alaska, non-profit agencies, and private sector investors to leverage NAHASDA funds; and
- WHEREAS:** Tribes and RHAs, on an average annual basis, have used NAHASDA funds to construct 190 new homes (\$45 million), rehabilitate 740 existing homes (\$20 million), weatherize 1,220 homes (\$23 million), employ 1,145 full-time jobs (\$57 million), pay Alaskan businesses and contractors for services (\$84 million), thereby contributing to our rural economies; and
- WHEREAS:** Despite the many successes over the past 15 years with NAHASDA housing programs, AIAN housing conditions remain inferior to almost every relative national metric, and demand for affordable housing remains unmet in nearly every Alaskan community; and

WHEREAS: Annual funding for the Indian Housing Block Grant (IHBG) authorized pursuant to NAHASDA has remained flat at around \$650 million since FY 2010, while housing needs and shortages continue to rapidly grow; and

WHEREAS: Using the Social Security rate of inflation, the compounded inflation rate since NAHASDA's inception in 1998 has reduced the purchasing power of a \$650 million appropriation by approximately 50%; and

WHEREAS: Safe, affordable, quality housing is the very foundation for sustainable, healthy communities and the underpinning of success for most BIA and IHS programs; and

WHEREAS: In 2016, BIA received a 7.5 % increase and IHS 3.6 %, while funding for NAHASDA once again remained flat; and

WHEREAS: NAHASDA and other AIAN housing programs have a unique legal and equitable justification for discrete consideration apart from actions taken relative to other federally funded programs within HUD.

WHEREAS: The current guidelines for housing eligibility for Regional Housing Authorities in meeting the needs of our tribes leaving existing houses empty while many applicants are waiting for affordable housing.

NOW THEREFORE BE IT RESOLVED by the delegates of the 2016 Annual Convention of Alaska Federation of Natives that the Administration support and Congress authorize Indian Housing Block Grant (NAHASDA) funding at NO LESS THAN \$700 million, with subsequent fiscal year increases of \$50 million per year until inflationary reductions have been recovered.

BE IT FURTHER RESOLVED and that the Administration support and Congress authorize funding for the Indian Community Development Block Grant (ICDBG) at NO LESS THAN \$100 million.

BE IT FURTHER RESOLVED that AFN supports an amendment to empower each Regional Housing Authority to determine region-specific eligibility guidelines to meet the needs of tribal members.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY: COUNCIL FOR THE ADVANCEMENT OF ALASKA NATIVES;  
ASSOCIATION OF ALASKA HOUSING AUTHORITIES

COMMITTEE ACTION: PASS

CONVENTION ACTION: AMEND AND PASS



Julie Kitka

President



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-6

- TITLE:** REQUESTING INDIAN HEALTH SERVICE OFFICE OF INFORMATION TECHNOLOGY COMPLY WITH THE DRUG ENFORCEMENT AGENCY'S FINAL RULE FOR ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** The Resource and Patient Management System – Electronic Health Record (RPMS-EHR) system is the foundational electronic medical record, documentation, and healthcare tool used by tribal and Indian Health Service medical providers across the country; and
- WHEREAS:** The regular upgrading of electronic medical record systems is a healthcare industry standard that is critical to keep up with ever-changing regulatory and medical care needs; and
- WHEREAS:** The lack of regular upgrading of the Indian Health Services' (IHS) RPMS-EHR system has led to regulatory non-compliance and medical care deficiencies negatively impacting the efficient, safe, effective, and coordinated medical care of thousands of American Indians and Alaska Natives; and
- WHEREAS:** The Registration and Patient Management – Electronic Health Record (RPMS-EHR) system does not meet Drug Enforcement Administration's (DEA) Final Rule for Electronic Prescribing of Controlled Substances (21 CFR 1300, 1304, 1306 and 1311) that was published in the Federal Register on 3/31/2010 and effective on 6/1/2010
- WHEREAS:** The Indian Health Service (IHS) filed a waiver request with DEA to allow for continued electronic prescribing of controlled substances when the new regulations were published while modifications were made to the program (RPMS-EHR) to meet the newly published requirements but never was approved or communicated to healthcare facilities or tribal partners; and
- WHEREAS:** A second waiver request was subsequently submitted by IHS and then denied in writing by the DEA in a letter dated 11/30/2015 and again not communicated by IHS to tribal partners until 10 months after receipt of the denial; and

WHEREAS: In their initial and second waiver requests to DEA, IHS stated that their rationale for the delay requests were to essentially buy time while modifications were made to the program (RPMS-EHR) to allow it to meet the newly published requirements, it appears these waiver requests were made in bad faith by IHS, as is demonstrated by a lack of any systems-related improvements addressing electronic prescribing of controlled substances in a 6-year time-frame; and

WHEREAS: Tribal health organizations (and all Federal IHS facilities) utilizing RPMS-EHR are now in the unfortunate position of having to take a major technological step backwards, requiring physicians to hand-write and sign all controlled substance prescriptions on pen and paper and therefore slowing provider workflow, increasing patient waiting times, increasing prescription error rates and driving down provider and pharmacy staff morale; and

WHEREAS: There are currently no available commercial EHR systems (other than the IHS' RPMS-EHR system) that do not provide for electronic prescribing of DEA Class III-V controlled substances

NOW THEREFORE BE IT RESOLVED by the delegates of the 2016 Annual Convention of the Alaska Federation of Natives that AFN advocate for a solution from IHS Office of Information Technology (OIT) as to the criticality of fixing this issue and demand a timeline for updating the RPMS-EHR to DEA compliance.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY: TANANA CHIEFS CONFERENCE  
COMMITTEE ACTION: PASS  
CONVENTION ACTION: PASS



Julie Kitka

President



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-7

- TITLE:** ADDRESSING FOOD SECURITY TO REDUCE HUNGER ACROSS ALASKA
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** the mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** Alaskans’ health and well-being is critically tied to food security; and
- WHEREAS:** Hunger is a condition of poverty that affects all regions throughout the state, with roughly 106,000 Alaskans facing food insecurity; and
- WHEREAS:** Food insecurity is defined as the “inability to procure a sufficient amount of healthy food on a regular basis”; and
- WHEREAS:** The prevalence of food insecurity is higher in rural Alaska, where subsistence shortfalls, high food prices, and limited access to a variety of foods provide additional challenges; and
- WHEREAS:** Food insecurity can have detrimental effects on an individual’s physical and mental health, especially children, hindering development and the ability to live a full and active life; and
- WHEREAS:** Research suggests that eating quality meals - especially breakfast – increases test scores, decreases school violence, and lowers the rate of obesity; and
- WHEREAS:** Commercial fishing bycatch across Alaska could be utilized, instead of wasted, to meet the food security needs of Alaskans;
- WHEREAS:** Alaska’s anti-hunger network assists Alaskans in need through voluntary participation of members of the food industry, faith-based, tribal, public and non-profit organizations, and private citizens often partnered with state and federal governments. This informal network collects donations, distributes food, and provides relief to thousands of hungry Alaskans every day; and

WHEREAS: Recognizing the struggle many face each day to put food on the table for their families, Alaskans are encouraged to find out how they can contribute their time, efforts, and resources to ending hunger in their communities.

NOW THEREFORE BE IT RESOLVED by the delegates of the 2016 AFN Convention that AFN shall address hunger in Alaska by supporting Alaska's anti-hunger network to identify policy and program priorities for food security for Alaskans, and dedicate to fighting hunger by working with agencies to discover and eliminate barriers to providing food to those most in need.

BE IT FUTHER RESOLVED that AFN will support development of community-based food programs to promote self-reliance in Alaska's rural communities.

BE IT FUTHER RESOLVED that AFN will support alternatives and solutions for shipping food to rural and isolated communities that makes food more affordable to purchase, and decreases shipping costs.

BE IT FURTHER RESOLVED that AFN will advocate for the strengthening and expanding of federal food programs to better serve Alaskans, including the Supplemental Food Assistance Program (SNAP, also known as food stamps), The Emergency Food Assistance Program (TEFAP, which is Food Bank of Alaska's biggest source of food to rural Alaska), the Food Distribution Program on Indian Reservations (FDPIR), and the Summer Food Service Program (SFSP) for kids.

BE IT FURTHER RESOLVED that AFN will advocate for the strengthening and expanding of federal food programs to better serve Alaska Natives.

BE IT FURTHER RESOLVED that AFN will advocate for emergency preparedness plans for the state and federal governments to ensure that food readiness in the event of a disaster a component of all plans.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY:	AFN LEGISLATIVE AND LITIGATION COMMITTEE
COMMITTEE ACTION:	PASS
CONVENTION ACTION:	AMEND AND PASS



Julie Kitka

President



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-14

**TITLE:** A RESOLUTION CALLING FOR THE AMENDMENT OF STATE AND FEDERAL LAW TO REMOVE EMPLOYMENT BARRIERS PREVENTING REHABILITATED INDIVIDUALS FROM WORKING

**WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and

**WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and

**WHEREAS:** Children, Elders and vulnerable community members maintain a position of utmost importance within the Alaska Native community; and

**WHEREAS:** Alaska Native entities, including regional nonprofit corporations and tribes are subject to the well-intentioned federal Indian Child Protection and Family Violence Protection Act (ICPA) and the Alaska Barrier Crimes Act (ABCA), which prohibit individuals with certain criminal records from holding certain types of jobs within the organizations, as well as from serving in certain governance capacities that may involve decision-making over the health and welfare of children; and

**WHEREAS:** Historically tribal communities have been a target for perpetrators, with a disproportionate number of individuals with criminal histories moving into tribal communities as there were no mechanisms to conduct background checks to warn the tribes of the individuals' past; and

**WHEREAS:** Unfortunately, Alaska Natives are disproportionately represented in the criminal justice system, and most all crimes in rural Alaska are directly related to alcohol and other substance abuse; and

**WHEREAS:** When a former addict or offender is able to become a healthy and balanced individual, they often emerge with a criminal history preventing them from working at a tribe or Alaska Native organization based due to the requirements of the ICPA and ABCA; and

**WHEREAS:** Recruitment and retention of qualified individuals by tribes and tribal organizations can be challenging, and this challenge is exacerbated by these statutes, as they do not adequately provide for rehabilitated individuals with a

demonstrated safety record for an appropriate period of time in relation to the crime committed to apply for and hold certain positions, resulting in the unreasonable prevention of employment of individuals who are qualified and able to work, preventing optimal delivery of services, and hindering economic growth in the village; and

WHEREAS: Applying for variances of the State Barrier Crimes Act in order to hire otherwise qualified individuals is a time-consuming and burdensome process.

NOW THEREFORE BE IT RESOLVED by the delegates to the 2016 Annual Convention of the Alaska Federation of Natives that the Alaska Federal of Natives supports an initiative to amend the Indian Child Protection and Family Violence Protection Act and the Alaska Barrier Crimes Act to adequately provide for rehabilitated individuals with a demonstrated safety record for an appropriate period of time in relation to the crime committed to apply for and hold certain positions.

BE IT FURTHER RESOLVED that AFN requests that the Alaska Attorney General and Department of Health and Social Services work with AFN to develop blanket variances for employees of tribes and tribal organizations so that BCU barrier crimes such as Driving Under the Influence or drug offenses do not prevent the hiring of qualified staff to provide services in a structured employment situation, with the understanding that sex offenses would not generally qualify to be part of the blanket variance.

BE IT FURTHER RESOLVED that the Alaska Federation of Natives hereby calls upon the State of Alaska and the federal Government to partner with Alaska Native tribes and organizations to collaborate with representatives of Alaska Native tribes and organizations to develop the amendments.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY: COUNCIL FOR THE ADVANCEMENT OF ALASKA NATIVES  
BOARD ACTION: PASS  
CONVENTION ACTION: PASS



Julie Kitka

President



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-19

- TITLE:** A RESOLUTION DECLARING THE EXISTENCE OF AN ECONOMIC DISASTER IN GULF OF ALASKA FISHERY DEPENDENT COASTAL COMMUNITIES AND REQUESTING THE UTILIZATION OF THE COMMERCIAL FISHING REVOLVING LOAN FUND (CFRLF) TO ASSIST AFFECTED FISHERMEN AND THEIR FAMILIES IMPACTED BY THE FISHERIES DISASTER
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** Pink salmon are Alaska’s highest volume salmon fishery; and
- WHEREAS:** There is substantial scientific concern that the warm temperatures in the Gulf of Alaska, which raised surface temperatures 2 degrees Celsius, has impacted this vital fishery; and
- WHEREAS:** The stateside harvest of 36 million pink salmon (aka humpies) is far less than the preseason forecast of 90 million and the prior year harvest of 190 million; and
- WHEREAS:** This is the worst pink salmon season in decades; and
- WHEREAS:** Fishermen and their families are in dire financial condition such that they are in fear for paying their bills and their mortgages; and
- WHEREAS:** The entire Gulf of Alaska salmon fishery has been severely impacted, and
- WHEREAS:** The State of Alaska, the Department of Commerce, Community and Economic Development (DCCED) and the Division of Economic Development (DED) share the primary objective of a strong resident fleet;
- NOW THEREFORE BE IT RESOLVED** by the delegates to the 2016 Annual Convention of the Alaska Federation of Natives that AFN declare that a condition of economic disaster exists in Gulf of Alaska fisheries and other river systems in Alaska..

BE IT FURTHER RESOLVED that the Commercial Fishing Revolving Loan Fund (CFRLF) has numerous tools and methods built into it to assist harvesters who may experience financial hardship as a result of poor fishery returns or other unexpected occurrences that may affect livelihoods, and we request DED utilize those tools to the fullest and provide the flexibility to weather the economic storm with the affected fishermen in order to help meet our goal of a strong resident fleet.

BE IT FURTHER RESOLVED that the State of Alaska is requested to use all available tools, including a request for support from the federal government, to assist the fishermen (boat owners, captains and crew) and their families that have been economically impacted by this fisheries disaster.

BE IT FINALLY RESOLVED that the Alaska Federation of Natives work with the Federal Government to provide financial relief to all fishermen and their families in the Gulf of Alaska.

BE IT FINALLY RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY:	KONIAG-KANA REGIONAL ROUNDTABLE
BOARD ACTION:	PASS
CONVENTION ACTION:	PASS



Julie Kitka

President



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-20

- TITLE:** REQUESTING THE US DEPARTMENT OF ENERGY FULFILL ITS COMMITMENT TO ALASKAN TRIBES BY FULLY FUNDING 3 ADDITIONAL ALASKAN POSITIONS WITH THE DOE OFFICE OF INDIAN ENERGY
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** The state of Alaska has 153 village corporations, 12 regional corporations and 12 regional nonprofits and tribal consortiums, and 229 federally recognized Indian tribes within its boundaries, which is approximately 40% of all federally recognized tribes in the entire United States; and
- WHEREAS:** The average costs for heat and electricity in rural parts of the state, where the majority of tribal members live, range from \$4/gal for heating fuel and \$.50/kWh for electricity to over \$9.50/gal for heating fuel and \$1/kWh for electricity. These costs are between 500-900% higher than tribes in the lower 48 pay for heat and electricity; and
- WHEREAS:** The U.S. DOE Office of Indian Energy currently has a single program manager without staff to work with Alaska's 229 tribes and cover an area two and a half times the size of Texas with limited air and transportation options and in spring 2016 the US Secretary of Energy promised Senator Lisa Murkowski that the Alaskan office of Indian Energy would receive 2 full time staff members by the end of the summer of 2016 and 3 by the end of the year 2016; and
- WHEREAS:** Numerous attempts by Alaskan Tribes to work with DOE offices in the lower 48 have highlighted the lack of knowledge, context and connections of lower 48 staff to the rural energy situation here in Alaska, this can only be improved by additional staffing here in Alaska so that Alaskan tribes are served by Alaskans who are familiar with the situation; and
- WHEREAS:** The Secretary of Energy of the United States Department of Energy promised Alaska's congressional delegation and tribes in Alaska that the US DOE Office of Indian Energy would get additional staff members to fulfill and further its mission by the end of the summer of 2016. It is now Fall 2016 and there have still been no additional staff members added to the DOE Office of Indian Energy Staff in Alaska; and

WHEREAS: There is significant concern across the state that if additional positions are not added or approved before the November 2016 elections there will be further delays; and

WHEREAS: These Department of Energy positions report directly to the Alaska program manager to fulfill the needs of Alaska; and

WHEREAS: The authority of the Alaska program manager selecting and filling these positions with Alaskans is vital to the success of Alaska Office of Indian Energy.

NOW THEREFORE BE IT RESOLVED by the delegates of the 2016 Annual Convention of the Alaska Federation of Natives that AFN requests that the U.S. Dept. of Energy and their Office of Indian Energy immediately dedicate the promised funding to increase Alaskan staff to 3 new full time employees by the end of 2016 and create a full-fledged Alaskan Field Office that can improve the connection, outreach and effectiveness of the DOE in Alaska and allow them to achieve their mission statement and that those positions be located here in Alaska.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY:	TANANA CHIEFS CONFERENCE
COMMITTEE ACTION:	PASS
CONVENTION ACTION:	AMEND AND PASS



Julie Kitka

President



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-23

- TITLE:** PROTECTING RURAL COMMUNITIES RELIANT ON COMMERCIAL AND/OR SUBSISTENCE FISHERIES
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** The National Marine Sanctuaries Act was enacted in 1972 in order to protect significant marine habitats and special ocean areas, and under this act, the Secretary of Commerce is authorized to designate and manage certain areas of the marine environment that he or she considers to be nationally significant; and
- WHEREAS:** The Antiquities Act was enacted in 1906 in order to protect significant natural, cultural, or scientific features via the creation of national monuments by presidential proclamation, and only in 2016, the Antiquities Act has been used to create marine national monuments; and
- WHEREAS:** Following the designation of a National Marine Sanctuary or a Marine National Monument, regulations affecting various user groups of fisheries residing inside these nautical areas are promulgated, with some regulations eliminating all aspects of commercial fishing within a fixed time table; and
- WHEREAS:** While public input is a required part of the National Marine Sanctuary process, it is not a required step in the designation of Marine National Monuments; and
- WHEREAS:** Many rural communities in Alaska depend on the proceeds or interaction with commercial fishing and/or subsistence in order to maintain the economic stability of their villages.

NOW THEREFORE BE IT RESOLVED by the delegates of the 2016 AFN Annual Convention that AFN opposes the creation of any National Marine Sanctuary or Marine National Monument that jeopardizes the economic health and vitality of one or more rural communities reliant on commercial and/or subsistence fisheries in Alaska.

BE IT FURTHER RESOLVED that the delegates mandate tribal consultation and engagement with Alaska Native individuals and organizations that may be impacted prior to designating Marine National Monuments and Sanctuaries in Alaska.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

**SUBMITTED BY:** ST. GEORGE TANAQ CORPORATION  
**BOARD ACTION:** PASS  
**CONVENTION ACTION:** PASS



Julie Kitka

President



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-28

- TITLE:** OPPOSITION TO IMPLEMENTATION OF A QUOTA ON CHUKCHI SEA POLAR BEARS
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native Community; and
- WHEREAS:** Polar bears are an important subsistence resource for the residents of Point Lay, Alaska. Harvested bears help to meet the nutritional and cultural needs of our residents; and
- WHEREAS:** The area around Point Lay is an important ecological area for polar bears; they use the area for denning, feeding, and traveling. Additionally, there is critical habitat near Point Lay and our residents have an important role in conserving polar bears; and
- WHEREAS:** The U.S. Fish and Wildlife Service is proposing to establish a quota for Chukchi Sea polar bears because of a treaty between the U.S. and the Russian Federation for the management of Alaska-Chukotka (i.e., Chukchi Sea) polar bears; and
- WHEREAS:** Even though the treaty was signed in 2000 and the U.S. Senate amended the Marine Mammal Protection Act in 2007 to accommodate the treaty, very little information has been provided to our Native Village and community members by the Federal government or the Alaska Nanuuq Commission (ANC); and
- WHEREAS:** The U.S. Fish and Wildlife Service, as the responsible Federal agency, has the mandate to hold government to government consultation with our tribe about the pending management changes for polar bears but has failed to consult with us even though the treaty was signed more than 15 years ago; and
- WHEREAS:** The ANC is the co-management organization for polar bears in Alaska but they also have not contacted, informed, or consulted with our community. Our current representative has been an ANC commissioner for more than a year but has not received information about the pending quota, the justifications for the quota, or possible law enforcement action related to regulations; and
- WHEREAS:** The treaty-specifics that reliable science and Traditional Ecological Knowledge are supposed to be used for making management decision about Chukchi Sea polar bears, but reliable science and documentation of traditional knowledge about the population status of polar bears are not available; and

WHEREAS: Reducing our ability to harvest polar bears will harm our food and cultural security.

NOW THEREFORE BE IT RESOLVED by the Delegates of the 2016 Annual Convention of the Alaska Federation of Natives that AFN is opposed to the implementation of regulations, including a quota, for Chukchi Sea polar bears until:

- Traditional Ecological Knowledge has been well documented about the population status and health of Chukchi Sea polar bears and is used for determining an appropriate quota if one is needed;
- Reliable science becomes available about the population status and health of Chukchi Sea polar bears and is used for determining an appropriate quota if one is needed;
- There is clear justification for the need for a restriction on the harvest of Chukchi Sea polar bears; and
- Meaningful and repeated consultation between the Federal Government with the affected tribal governments in western and northern Alaska has occurred.

BE IT FURTHER RESOLVED that AFN seek to restore the Native exemption that once existed within the Marine Mammal Protection Act to hunt Chukchi Sea polar bears.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY: NATIVE VILLAGE OF POINT LAY  
COMMITTEE ACTION: PASS  
CONVENTION ACTION: PASS



Julie Kitka

President



ALASKA FEDERATION OF NATIVES  
2016 ANNUAL CONVENTION  
RESOLUTION 16-30

- TITLE:** IN SUPPORT OF USE AND SALES OF WALRUS IVORY IN TOOLS, ARTS AND CRAFTS
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations and 12 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** Alaska Native people have harvested Pacific walrus for millennia as a source of food, clothing, building material, carving medium for tools, arts, crafts; and
- WHEREAS:** Walrus are a source of pride, traditions, stories and dance; and
- WHEREAS:** The Marine Mammal Protection Act (MMPA) explicitly protects the right of coastal Alaska Natives to harvest marine mammals and utilize their byproducts in handicrafts for sale in the United States; and
- WHEREAS:** Walrus hunting communities and hunters are represented by the Eskimo Walrus Commission which was formed in 1978 by Kawerak, Inc. and represents 19 coastal subsistence walrus hunting communities in Alaska; and
- WHEREAS:** The use of legally acquired walrus, mammoth, and mastodon ivory by Alaska Native carvers to create tools, handicrafts, jewelry, and artwork is a longstanding cultural tradition that continues to be a vital component of Alaska Native culture today; and
- WHEREAS:** The sale of walrus, mammoth, and mastodon ivory tools, handicrafts, jewelry, and artwork by Alaska Natives is an important source of income in the cash-limited economies of rural Alaska; and
- WHEREAS:** In efforts to stem the poaching of African elephants, various U.S. states have passed laws banning the sale, use, or possession of all ivory, and additional states are considering such laws; and
- WHEREAS:** These ivory ban laws fail to acknowledge the difference between African elephant ivory and legally acquired walrus, mammoth, and mastodon ivory used by Alaska Native artists; and

WHEREAS: These state ivory ban laws may cause residents of those states to face prosecution for buying, owning, or bringing home legally acquired ivory from Alaska; and

WHEREAS: These state ivory ban laws negatively impact Alaska Native artists who depend on the sale of their handicrafts as a source of important income in a cash-limited economy;

WHEREAS: AFN joins Kawerak and Eskimo Walrus Commission's stance to oppose the inclusion of walrus, mammoth, and mastodon ivory in domestic ivory ban laws; and

NOW THEREFORE BE IT RESOLVED by the delegates to the 2016 Annual Convention of the Alaska Federation of Natives that AFN encourage the "banning of domestic sales of elephant ivory" and requests that walrus, mammoth, and mastodon ivory, Whale bone, Walrus Skin, Sea Otter, Seal Skin be exempted from current and future domestic ivory ban laws in the United States.

BE IT FURTHER RESOLVED, that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY: COUNCIL FOR THE ADVANCEMENT OF ALASKA NATIVES & KAWERAK, INC.  
BOARD ACTION: PASS  
CONVENTION ACTION: PASS



Julie Kitka

President



ALASKA FEDERATION OF NATIVES  
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