

HOUSE JOINT RESOLUTION NO. 17

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KOPP, Lincoln, Zulkosky

Introduced: 4/22/19

Referred: House Special Committee on Tribal Affairs, Education

A RESOLUTION

1 **Urging the Alaska delegation in Congress to repeal the federal law that prohibits funds**
2 **under the Indian Self-Determination and Education Assistance Act from being used for**
3 **education by tribes in the state.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS** indigenous peoples have occupied ancestral land in the state for over
6 10,000 years, have long governed themselves, have provided for their own health, welfare,
7 and education, and have never relinquished the will or desire to continue to do the same for
8 the next 10,000 years; and

9 **WHEREAS** the United States has declared its desire to maintain the relationship
10 between the federal government and American Indian tribes through the enactment of the
11 Indian Self-Determination and Education Assistance Act (P.L. 93-638), as amended, and by
12 that Act declared it to be the policy of the United States to further American Indian tribes'
13 exercise of self-determination; and

14 **WHEREAS** the relationship between the state government and tribes in the state has
15 evolved since statehood; and

1 **WHEREAS**, according to an October 19, 2017, attorney general opinion by former
 2 Attorney General Jahna Lindemuth, tribes in the state have "the same status as tribes in the
 3 contiguous 48 states"; and

4 **WHEREAS** building and maintaining a respectful and strong relationship between the
 5 state government and tribes in the state is a priority of the state government, as evidenced by
 6 the formation of the House Special Committee on Tribal Affairs by the Thirty-First Alaska
 7 State Legislature; and

8 **WHEREAS**, in 2013, the Alaska Federation of Natives passed a resolution
 9 "Promoting Tribally-operated schools and culturally-appropriate education opportunities for
 10 the state's Native youth by re-establishing Bureau of Indian Education Funding in Alaska";
 11 and

12 **WHEREAS**, before 229 tribes in the state became federally recognized, and despite
 13 the stated policy of self-determination for tribes in the delivery of education to their children,
 14 the United States Congress, through a supplemental appropriations bill and what is known as
 15 the "Stevens rider," effectively prohibited funds under the Indian Self-Determination and
 16 Education Assistance Act (P.L. 93-638) from being used for education by tribes in the state;
 17 and

18 **WHEREAS** the Stevens rider, codified at 25 U.S.C. 292b, states, "The Bureau of
 19 Indian Affairs shall not expend any other funds for the operation of any secondary education
 20 program or facility in the State of Alaska after June 30, 1983: Provided, that while
 21 consultation concerning day school transfers to the State of Alaska will continue with affected
 22 villages, concurrence is not required in this continuing effort to establish a single system of
 23 education envisioned by the State's constitution: Provided further, that after June 30, 1984, the
 24 Bureau of Indian Affairs shall fund no more than ten day schools in Alaska: Provided further
 25 that \$9,350,000 of such amount shall be available until expended for transfer to the State of
 26 Alaska to assist in the rehabilitation or reconstruction of Bureau-owned schools which are
 27 transferred to the State: Provided further, That the \$9,350,000 appropriated in Public Law 97-
 28 394 available to the State of Alaska to assist in the rehabilitation of Bureau-owned schools
 29 which are transferred to the State may also be used for reconstruction: Provided further, That
 30 when any Alaska day school operated by contract is transferred, the State shall assume any
 31 existing contract pertaining to the operation or maintenance of such school for a minimum of

1 two years or until the expiration of the negotiated contract, whichever comes first: Provided
 2 further, That nothing in the foregoing shall preclude assistance otherwise available under the
 3 Act of April 16, 1934 (48 Stat. 596) as amended (25 U.S.C. 452 et seq.), or any other Act to
 4 such schools on the same basis as other public schools"; and

5 **WHEREAS** 25 U.S.C. 292b restricts tribes in the state from benefitting from
 6 educational programs that are authorized in the rest of the United States, prevents tribes in the
 7 state from fully exercising their self-determination and self-governance established under the
 8 Federal Recognition and the Indian Self-Determination and Education Assistance Act (P.L.
 9 93-638), as amended, effectively blocks federal dollars from coming into the state, is
 10 discriminatory, and violates the trust between the United States and indigenous peoples in the
 11 state; and

12 **WHEREAS** the discrimination caused by 25 U.S.C. 292b has hindered the ability of
 13 tribes in the state to access federal dollars that would enable the tribes to fully develop
 14 educational programs to enhance and transform the disproportionately negative educational
 15 outcomes that Native students in the state currently experience in the public education system;
 16 and

17 **WHEREAS** Alaska Natives experienced discrimination in health care before the
 18 passage of the Indian Self-Determination and Education Assistance Act (P.L. 93-638), as
 19 amended, and through that Act the Native Tribal health system in the state has been able to
 20 completely transform health care delivery, access, and outcomes across the state, becoming a
 21 flagship health care system in the state and globally; and

22 **WHEREAS** tribes in the state and the state government would like to learn from and
 23 build on the health care successes that resulted from passage of the Indian Self-Determination
 24 and Education Assistance Act (P.L. 93-638), as amended, and use this knowledge to improve
 25 educational outcomes;

26 **BE IT RESOLVED** that the Alaska State Legislature urges the Alaska delegation in
 27 Congress to take immediate action to repeal the federal appropriations prohibition known as
 28 the "Stevens rider," codified at 25 U.S.C. 292b, which prohibits funds under the Indian Self-
 29 Determination and Education Assistance Act (P.L. 93-638) from being used for education by
 30 tribes in the state.

31 **COPIES** of this resolution shall be sent to the Honorable Lisa Murkowski and the

- 1 Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative,
- 2 members of the Alaska delegation in Congress.