United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

MAR 31 1999

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Office of Tribal Services

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BUREAU OF INDIAN AFFAIRS
OFFICE OF THE AREA DIRECTOR

Memorandum

To: Juneau Area Director

From: Deputy Commissioner of Indian Affairs Hilda A. Manuel

Subject: Alaska Service Area

This memorandum is a follow-up to the meeting held in my office on February 11, 1999, with Deborah Maddox, Director, Office of Tribal Services, Warren Heisler, Deputy Area Director, Roger Drapeaux, Self-Governance Coordinator, both from the Juneau Area Office and myself. The issue of discussion involved the "Service Area" for the Juneau Area Office in Alaska.

Your office provided documentation, which explained your position and the supporting authorities for providing Bureau of Indian Affairs (BIA) services in Alaska. It provided authorities supporting your position regarding how services were provided historically and continue to be provided to the Alaska natives and American Indians in the state of Alaska.

The scope and purpose of the Snyder Act contain extremely broad authorization of appropriations "for the benefit, care and assistance of Indians throughout the United States." Although the BIA attempts to restrict its "benefits, care and assistance" only to Indians living "on or near" a reservation, realities in Alaska require the BIA to expand the scope of its activities to include all Alaska and to treat all of Alaska as a "reservation."

We also reviewed the Code of Federal Regulations (CFR), Part 25 Indians, revised April 1998, Part 20, sub chapter D - Human Services, Subpart a, Sect. 20.1 (p), Definitions: *Indian Tribe* means...including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (ANASA) (85 Stat. 688). In Part 256, subchapter K - Housing, Sect. 256.2 Definitions: *Indian Tribe* means an Indian or Alaska native tribe, band, nation, pueblo village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law (Pub. L.) 103-454, 108 Stat. 4791; *Service Area*

Attachment A

means...allotments, restricted lands, and Indian-owned lands (including lands owned by corporations established pursuant to the Alaska Native Claims Settlement Act) within a geographical area designated by the tribe, and approved by the Area Director, to which equitable services can be designated by the tribe, and approved by the Area Director, to which equitable services can be delivered. This supports the position that services for Alaska natives in Alaska involves all eligible Alaska Native regions established pursuant to the ANCSA (85 Stat. 688) and Indian allotments.

With the promulgation of Pub. L. 93-638 on January 4, 1975, the Act defines a tribe as: "Any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the ANCSA (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." This has come to be known as the "Order of Precedence" for the Juneau Area. The "Order of Precedence" establishes, in descending order, what entity is recognized and whom we accept resolutions from to authorize Indian Self-determination and Education Assistance Act services: 1) IRA tribe, 2) Traditional Council, 3) village corporation, and 4) regional corporation.

The Juneau Area Office is to continue to provide BIA Affairs services, as established in Pub. L. 93-638 (25 USC 450 b., Sect. 4 (b)), as amended. This is consistent with 25 CFR, revised April 1996, ANCSA (85 Stat. 688) and the Snyder Act.