



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JUL 02 2018

Dear Tribal Leader:

In 1936, Congress extended certain provisions of the Indian Reorganization Act of 1934<sup>1</sup> (IRA) to the Territory of Alaska.<sup>2</sup> The amendment, known as the Alaska IRA, included the following language:

[G]roups of Indians in Alaska not heretofore recognized as bands or tribes, but having a common bond of occupation, or association, or residence within a well-defined neighborhood, community, or rural district may organize to adopt constitutions and bylaws and to receive charters of incorporation and Federal loans under section 16, 17, and 10 of the Act of June 18, 1934 (48 Stat. 984).<sup>3</sup>

In recent years, the Department of the Interior (Department) has received a number of requests from groups in the State of Alaska seeking to organize under the Alaska IRA. This process is separate and distinct from the Department's administrative process for Federal acknowledgment described in 25 C.F.R. Part 83 (Part 83), *Federal Acknowledgment of American Indian Tribes*.<sup>4</sup>

For those Alaska groups seeking recognition under the Alaska IRA, the process has been viewed as protracted and indeterminate. The Department appreciates these concerns. Alaska's unique history, complicated by Congressional statutes and Federal court decisions, has resulted in the Department facing difficult and complex legal and policy questions related to organization under the Alaska IRA. And unlike the Part 83 process, there are presently no formal rules or regulations to guide not only decision-makers on how to implement the Alaska IRA, but also applicant groups on what materials and submissions are necessary and required.

In an effort to provide more clarity and transparency to those groups seeking to organize under the Alaska IRA, I am pleased to announce a listening session and series of consultations to be held in Alaska in the upcoming months to discuss how the Department might better implement the statute's acknowledgment provision. Consultations will be held with the federally recognized Tribes in Alaska, as well as the Alaska Native corporations, as required by law.<sup>5</sup>

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<sup>1</sup> Pub. L. No. 73-383, 48 Stat. 984 (1934).

<sup>2</sup> Pub. L. 74-538, 49 Stat. 1250 (1936).

<sup>3</sup> *Id.*

<sup>4</sup> When revisions to Part 83 were finalized in 2015, the Assistant Secretary – Indian Affairs published policy guidance in the Federal Register directing all groups seeking federal acknowledgment to apply under Part 83. A footnote in the guidance, however, clarified that organization under the Alaska IRA remained an available option for groups seeking acknowledgment under the Alaska IRA was still an available option. *See* 80 FR 37538 (July 1, 2015).

<sup>5</sup> Pub. L. No. 108-199, Div. H. § 161, 118 Stat. 3, 452 (2004) as amended by Pub. L. No. 108-447, Div. H., Title V. § 518, 118 Stat. 2809, 3267 (2004).

Additionally, we will hold a public meeting which will be open to anyone else who may wish to participate in this process.

The schedule for the consultations and public meeting is as follows:

<b>Event</b>	<b>Date</b>	<b>Time (AKDT)</b>	<b>Location</b>
Listening Session	Thursday, July 26, 2018	10:00 a.m. - Noon	Fairbanks, AK
Public Meeting	Wednesday, August 1, 2018	10:00 a.m. - Noon	Juneau, AK
Tribal Consultation	Friday, August 3, 2018	10:00 a.m. - Noon	Ketchikan, AK
ANC Consultation	Wednesday, October 17, 2018	10:00 a.m. - Noon	Anchorage, AK
Tribal Consultation	Sunday, October 21, 2018	10:00 a.m. - Noon	Anchorage, AK
Tribal Consultation	Wednesday, December 5, 2018	10:00 a.m. - Noon	Bethel, AK
Tribal Consultation	Friday, December 7, 2018	10:00 a.m. - Noon	Kotzebue, AK
Tribal Consultation	Wednesday, December 12, 2018	10:00 a.m. - Noon	Tel: 877-716-4291 Passcode: 6919058

If you plan to attend any of the above sessions, please let us know in advance by sending an RSVP to [consultation@bia.gov](mailto:consultation@bia.gov). Also, please regularly check the Bureau of Indian Affairs' website at [www.bia.gov/as-ia/consultations](http://www.bia.gov/as-ia/consultations) for additional information regarding venue locations and any changes to the above schedule.

Attached to this letter is a list of questions on which the Department is seeking comments. This list is certainly not exhaustive and should be considered only the starting point for discussion.

I hope that you are able to attend one of the above consultation sessions and I look forward to the upcoming dialogue on organization under the Alaska IRA. If you would like to provide written input, please email your comments to [consultation@bia.gov](mailto:consultation@bia.gov) by midnight Eastern Standard Time on December 20, 2018.

If you have any questions or would like any additional information on this effort, please also feel free to contact Mr. Tyler Fish, Counselor to the Assistant Secretary – Indian Affairs, at (202) 208-7163.

Sincerely,



John Tahsuda

Principal Deputy Assistant Secretary – Indian Affairs  
Exercising the Authority of the Assistant Secretary –  
Indian Affairs

## QUESTIONS FOR CONSIDERATION

1. When the Alaska IRA was passed in 1936, Alaska was still a Territory. Is the Alaska IRA's organization provision still relevant in today's Alaska?
2. How should the Department of the Interior (Department) define or interpret the statutory phrase, "common bond"?
3. How should the Department define or interpret the statutory phrase, "well-defined neighborhood, community, or rural district"?
4. In your view, should a group of Alaska Natives sharing a common bond of occupation have the ability to exercise sovereign governmental powers?
5. If your answer to number 4, above, is yes, then what should be the limits of those powers, if any?
6. How should the Department implement the Alaska IRA's organization provision? Through regulations? Through formal Agency guidance? Through some other means?
7. Is 25 CFR 83 (Part 83), Federal Acknowledgment of American Indian Tribes, an appropriate process for groups in Alaska to seek Federal acknowledgment?
8. Are there challenges specific to Alaska Native groups that make the requirements of Part 83 particularly challenging to satisfy?
9. Is there a need to create a separate process for Federal acknowledgment of Alaska groups, outside Part 83?