



2010 AFN CONVENTION:

PRESIDENT'S RESOLUTIONS REPORT

Delivered by AFN President Julie Kitka
October 23, 2010
Carlson Center, Fairbanks

In keeping with our ongoing commitment to transparency and accountability at AFN, we have prepared a report summarizing our execution of our membership's priorities, as articulated in the resolutions passed at the 2009 AFN Convention in Anchorage on October 24, 2009.

In an effort to keep this easy to follow, I will briefly summarize each issue area, list related resolution numbers and titles, list AFN recommendations that were delivered to appropriate federal officials and representatives, and summarize specific additional actions taken by the AFN staff and board to achieve the intent of the resolutions.

Each year, AFN develops a Federal Priorities document, based in part, on the resolutions passed by the delegates at the previous year's Convention, as well as issues that impact the Alaska Natives throughout the year. AFN staff and board members distribute the Federal Priorities document broadly and use it as we lobby Congress on legislation that impacts and will impact the Alaska Natives. The document also illustrates our needs and priorities to representatives of federal agencies who have jurisdiction over issues that impact Alaska Native communities across the State of Alaska.

You can download your own copy of the 2010 Federal Priorities document from AFN's website at www.nativefederation.org.

Subsistence

FEDERAL REGULATORY PROTECTIONS FOR SUBSISTENCE HUNTING AND FISHING

The subsistence protections Congress intended in passing the *Alaska Native Claims Settlement Act* (ANCSA), and those specified in the *Alaska National Interest Lands Conservation Act* (ANILCA), are being weakened and may be in danger of failing entirely. AFN believes it is imperative that the federal government take significant and consistent action to safeguard our villages' essential food resources and traditional way of life. Without adequate subsistence resources, most villages will not be able to feed themselves and will slowly disappear through out-migration.

The cost of the resulting economic collapse and social dislocation would fall on every Alaskan—Native and non-Native, urban and rural—and state and federal agencies. Government has a vested interest in ensuring that the villages remain able to sustain themselves, rather than becoming more dependent on welfare.

Delegates at the 2009 AFN Convention passed the following resolutions related to our subsistence priorities:

09-01: THE PROTECTION OF ALASKA NATIVE SUBSISTENCE ACTIVITIES AND ACCESS TO, AND TAKINGS OF CUSTOMARY AND TRADITIONAL AND CULTURAL SUBSISTENCE RESOURCES

09-11: FAILURE OF FEDERAL MANAGEMENT TO PROVIDE FOR ADEQUATE SUBSISTENCE HARVEST NEEDS

AFN delivered the following recommendations to Federal officials and representatives:

- Consider regulatory and statutory changes that protect our way of life, in light of growing urban pressures on finite resources. Several federal laws now provide a “Native” or “Native-plus-rural” or “Native-plus-local” subsistence priority in Alaska (e.g. for marine mammals, migratory birds, and under the *Endangered Species Protection Act*).
- Defend the subsistence regulations adopted in January 1999 to implement the

Katie John Decision. We urge the Secretary to interpret broadly the scope of federal jurisdiction to fulfill the federal government's trust responsibility to Alaska Natives.

- Amend Title VIII of ANILCA in order to exempt the membership of its Regional Advisory Councils from the requirements of the *Federal Administrative Committees Act* (FACA).
- Amend Federal regulations implementing the rural priority (50 CFR 100.15 and 36 CFR 242.15) to ensure that Saxman and other communities do not lose their right to subsistence priority based on questionable interpretations of socio-economic data.

AFN TOOK THE FOLLOWING ADDITIONAL ACTIONS RELATED TO SUBSISTENCE:

1. In early 2010, Adrian LeCornu, Nelson Angapak and I briefed key congressional committees with proper jurisdiction as a preamble for AFN asking for Congressional Oversight hearings on Title VIII of ANILCA and subsistence.
2. Crafted and distributed a 22 page detailed written analysis of the history, and evolution of subsistence regulation in Alaska, identified the problems, and articulated the Native communities recommendations
3. Responded to recommendations and assertions that the State of Alaska submitted as part of the Secretarial Review
4. Arranged and participated in multiple in-person meetings with the Secretary of the Interior Ken Salazar regarding the implementation of ANILCA.
5. Held Subsistence Briefings with the key staffs of the Congressional Committees of proper jurisdiction, U.S. House Committee on Natural Resources, U.S. Senate Committee on Indian Affairs and the U.S. Senate Committee on Natural Resources in January of 2010
6. Asked for Congressional Oversight Hearings on subsistence management in Alaska.
7. Met with White House personnel, including Kimberly TeeHee and Jodi Gillette in the Old Executive Offices in May 2010 regarding the significance of subsistence hunting and fishing rights of the Alaska Natives.
8. Worked to engage the support and participation of rural communities, and encouraged individual participation in the Federal Subsistence Review.

FEDERAL MIGRATORY BIRD HUNTING AND CONSERVATION STAMPS

Requiring Alaska Natives to purchase federal licenses—known as Duck Stamps—in order to hunt migratory waterfowl is inconsistent with the 1996 protocol amending the migratory bird treaty between the United States and Canada, and the *Migratory Bird Treaty Act*, 16 USC 708, which implements the treaty. The protocol requires that any “regulations implementing the non-wasteful taking of migratory birds and the collection of their eggs by indigenous inhabitants of the State of Alaska shall be consistent with the customary and traditional uses of such indigenous inhabitants for their own nutritional and other essential needs.”

Alaska Native hunters have long viewed the subsistence harvest of migratory birds and their eggs as a community tradition, and not as an individual entitlement that can be reduced to a system of individual permits. Requiring the purchase of duck stamps is inconsistent with custom and tradition and therefore inconsistent with the Treaty protocol.

Delegates at the 2009 AFN Convention passed the following resolutions related to our subsistence priorities:

09-07: THE HARVEST OF MIGRATORY BIRDS BY THE ALASKA NATIVE PEOPLE

AFN delivered the following recommendation to Federal officials and representatives:

- Amend the *Duck Stamp Act* by adding an exemption for “eligible indigenous inhabitants of the State of Alaska engaged in the customary and traditional harvest of waterfowl and their eggs.”

AFN TOOK THE FOLLOWING ADDITIONAL ACTION RELATED TO THE DUCK STAMP ACT:

1. AFN staff and board members urged the **Department of the Interior** to support this amendment during in-person meetings and in written communications.

MIGRATORY BIRD CO-MANAGEMENT

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

Delegates at the 2009 AFN Convention passed the following resolutions related to our subsistence priorities:

09-14: TO PROVIDE FUNDING FOR ALASKA NATIVE CO-MANAGEMENT ACTIVITIES AND FOR PROACTIVE PROTECTION OF OUR SUBSISTENCE WAY OF LIFE

09-09: REQUESTING THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL TO DESIGNATE A FIFTY-MILE BUFFER FROM THE OUTER MOST LAND MASS FOR THE PROTECTION OF SUBSISTENCE RESOURCES IN COASTAL AND NEAR SHORE COMMUNITIES FROM BOTTOM FISH TRAWLING

AFN Delivered the Following Recommendations to Federal Officials and Representatives:

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

AFN TOOK THE FOLLOWING ADDITIONAL ACTIONS RELATED TO THE MIGRATORY BIRD TREATY ACT:

1. Supported the introduction of legislation that will result in people not being required to have duck stamps when they are subsistence hunting.
2. U.S. Sens. Lisa Murkowski and Mark Begich introduced a bill that would remove the requirement that Alaskans purchase duck stamps for subsistence

hunting purposes. The federal Duck Stamp Act requires all hunters age 16 or older to purchase and carry a \$15 stamp before hunting.

REAUTHORIZATION OF THE MARINE MAMMAL PROTECTION ACT

The Indigenous Peoples' Commission on Marine Mammals (IPCoMM), an AFN subcommittee, has negotiated amendments to section 119 of the MMPA with the federal agencies. Section 119 currently authorizes agreements between Alaska Native organizations and federal agencies in order to conserve marine mammals and to provide for co-management of their subsistence uses by Alaska Natives. It also authorizes funding for the Secretaries of Commerce and Interior each year to carry out these purposes.

The proposed amendments would allow the agencies to develop harvest management plans within existing or newly developed cooperative agreements in coordination with Alaska Native organizations. These plans would implement measures taken by Alaska Native organizations and their member tribes to regulate the subsistence take of marine mammals prior to a finding of depletion. The proposed legislation also provides for an increase in the annual amount authorized for implementation of Section 119 to cover the funding needs of IPCoMM and Alaska Native organizations engaged in co-management of marine mammals.

Delegates at the 2009 AFN Convention passed the following resolutions related to our subsistence priorities:

09-08: SUPPORTING REGULATORY CHANGES TO ALLOW TRIBAL MEMBERS AND/OR ALASKA NATIVE ANCSA DESCENDENTS TO TAKE, POSSESS AND UTILIZE SEA OTTERS FOR SUBSISTENCE AND HANDICRAFT

09-13: A RESOLUTION TO ENSURE CONSULTATION WITH ALASKA NATIVES AND TO SERIOUSLY CONSIDER WALRUS HUNTING COMMUNITY COMMENTS AND SUGGESTIONS IN THE EVALUATION OF WHETHER OR NOT TO LIST THE PACIFIC WALRUS AS ENDANGERED SPECIES

09-29: A RESOLUTION SUPPORTING THE MARINE MAMMAL OBSERVER TRAINING PROGRAM FOR IĻISAGVIK COLLEGE FOR ALL ALASKAN NATIVES

AFN TOOK THE FOLLOWING ADDITIONAL ACTION RELATED TO THE MARINE MAMMAL PROTECTION ACT:

1. In the 110th Congress, Congressman Don Young introduced HR 5429, a stand-alone bill that incorporates a package of amendments to the MMPA that strengthen the co-management role of Alaska Native organizations engaged in co-management of marine mammals, and that enable the federal agencies and Alaska Native organizations to develop marine mammal conservation regimes collaboratively in order to avert management crises that can arise under the current system. AFN staff and members of the HRC urged passage of similar legislation during the current Congress through in-person contact with legislators in Washington DC.

Economic Development

NATIVE 8(A) PROGRAM

Under a provision created by Congress in the 1980's to the Small Business Act of 1958, tribal corporations^[1] certified under Section 8(a) of the Act may contract with the federal government without a cap on the amount of a sole-source contract. Other individual small businesses certified by Section 8(a) of the Act may also be awarded a sole-source contract, but are limited by the dollar amount of the contract. Additionally, while tribal corporations can obtain 8(a) certification for affiliate enterprises, individual small businesses cannot own more than 20 percent of one additional Section 8(a)-certified affiliate in their lifetime. These provisions were created to acknowledge the benefit Native 8(a) enterprises provide to entire communities, not just to individual business owners.

The Native 8(a) Program is a hand up, not a hand out. This non-appropriated opportunity provides a channel from contracting profits to the members of the tribal, Alaska Native or Native Hawaiian community it serves. Collectively, Native enterprises receive less than 1.3% of the total U.S. procurement pie. Yet this minuscule market share creates educational opportunities to tribal members, housing for elders and other tribal members, preservation of tribal culture and language, and funding for governmental services such as police officers, court systems, health care facilities, and child welfare programs. This program has had remarkable success, and in fact, supplements underfunded federal programs as tribes exercise self-sufficiency and self-determination.

^[1] "Tribal Corporations" includes corporations or enterprises owned by tribal communities located in the continental United States, Alaska Native Corporations and Native Hawaiian Organizations.

Delegates at the 2009 AFN Convention passed the following resolutions related to 8(a):

09-03: IN SUPPORT OF NATIVE AMERICANS FULL PARTICIPATION IN THE SBA 8(a) BUSINESS DEVELOPMENT PROGRAM

AFN delivered the following recommendations to Federal officials and representatives:

- Congress should support the Small Business Administration's development and implementation of new regulations before enacting additional legislation to curb Native participation in the 8(a) program.
- Congress should fully fund the Small Business Administration Office of Native American Affairs.
- Congress should support S. 3190 introduced by Senator Landrieu clarifying the equal status of all small business contracting programs following a recent decision by the U.S. Court of Federal Claims holding HUBZone businesses have priority over all other small businesses.

AFN TOOK THE FOLLOWING ADDITIONAL ACTIONS RELATED TO 8(A):

1. I testified in front of Congress supporting the continued participation of the ANCs on the 8(a) of SBA. And was part of the team who met with the Honorable Carl Levin, Chairman of the U. S. Senate **Armed Services** Committee about protecting the interests of the Alaska Native Corporations and their opportunities to have continued participation on 8(a).
2. This has been one of the on-going economic development projects that we have been involved over the last several years. I have testified in front of committees of proper jurisdiction multiple times.

NATIVE AMERICAN CHALLENGE DEMONSTRATION ACT

The Demonstration Project would re-invigorate Native economies by building on the concepts and principles of the Millennium Challenge Corporation, and using a compacting model to channel development funds to locally designed economic development strategies. The Project's objectives are to:

- Enhance long-term job creation and revenue generation potential of Native economies by creating investment-favorable climates.
- Increase Native productivity.
- Improve the effectiveness of existing Federal economic development assistance by encouraging the integration and coordination of such assistance for the benefit of Native economies.

Delegates at the 2009 AFN Convention passed the following resolution related to the Native American Challenge Demonstration Act:

09-33: A RESOLUTION IN SUPPORT OF THE NATIVE AMERICAN CHALLENGE DEMONSTRATION PROJECT ACT OF 2009

AFN delivered the following recommendation to Federal officials and representatives:

- Congress should enact the proposed Native American Challenge Demonstration Project Act as part of its efforts to stimulate the economy and revitalize rural areas. This legislation was introduced as HR 3351 in the last Congress, and in a slightly different form as S 2232 Foreign Aid Lessons for Domestic Economic Assistance Act of 2007.

AFN TOOK THE FOLLOWING ADDITIONAL ACTIONS RELATED TO THE NATIVE AMERICAN CHALLENGE DEMONSTRATION ACT:

1. AFN was instrumental in the early introduction of this bill in the 109th Congress. During the 109th and 110th Congresses, representatives of AFN, the Association of Village Council Presidents and the Bristol Bay Native Association testified in front of Congress supporting the enactment of these bills by Congress.
2. Beginning at the end of the 111th Congress and through second half of the 111th Congress, AFN worked with the sponsors of S. 980 and Ms. Megan Alvanna-Stimpfle of Senator Murkowski's office, who worked with the Majority staff of the U. S. Senate Committee on Indian Affairs, and pursued a mark-up of the bill.

FOSTERING TRIBAL SELF-DETERMINATION AND SELF-GOVERNANCE

The Department of Health & Human Services, without tribal consultation, unilaterally directed that employment and training programs, that were subject to consolidation pursuant to PL 102-477 and administered by the BIA for many years via self-determination contracts and self-governance compacts, be pulled from such agreements and administered via grants. This not only violates existing agreements with the tribes, but also violates the plain language of the ISDEAA as applied to self-governance compacts.

Delegates at the 2009 AFN Convention passed the following resolutions related to self-determination:

09-10: REQUESTING THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL TO DESIGNATE A FIFTY-MILE BUFFER FROM THE OUTER MOST LAND MASS FOR THE PROTECTION OF SUBSISTENCE RESOURCES IN COASTAL AND NEAR SHORE COMMUNITIES FROM BOTTOM FISH TRAWLING

09-32: A RESOLUTION CONCERNING THE STATEMENT OF ISSUES AND RECOMMENDATIONS FOR THE U.S. DEPARTMENT OF COMMERCE

09-34: REQUESTING THE U.S. SECRETARY OF COMMERCE, GARY LOCKE TO REJECT THE DECISION OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL ADDRESSING THE CHINOOK BYCATCH IN THE BERING SEA POLLOCK TRAWL FISHERY IN APRIL 2009

09-35: COMPOSITION OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

AFN delivered the following recommendations to Federal officials and representatives:

- Policy Directive supporting Tribal Self-Determination/Self-Governance: The Obama Administration should issue a clear directive that it supports Tribal Self-Determination and Self-Governance, and undertake a review of DOI and DHHS policies and actions that constrain self-determination.
- Create Native American position within OMB: The Administration should create an Associate Director for Native American Programs within OMB and

reorganize the OMB structure to ensure the appropriate prioritization of Indian programs.

- Elevate BIA Office of Self-Governance: The Secretary of the Interior should act immediately to elevate the Office of Self-Governance (OSG) so that it is within the DOI Office of the Secretary. Maintaining OSG within the Indian Affairs structure has contributed to micromanagement by the BIA and the inability of OSG to fully implement the Self-Governance Act; thus undermining Tribal Self-Governance. The BIA should be prohibited from holding hostage the annual compact negotiations process in order to impose restrictions and directives upon tribal governments.
- Elevate IHS Director: In 1954 the Indian Health Service was transferred to DHHS from the Bureau of Indian Affairs, where it had been headed by the Assistant Secretary for Indian Affairs (ASIA). The ASIA had direct contact with the DOI Secretary, but the transfer did not result in equivalent stature within DHHS. The appropriations for the IHS remained in the Interior Appropriations Subcommittees instead of the Labor, Health and Human Services, and Education Appropriation Subcommittees. The IHS, which comprises little more than one-half of one percent of the Department's total operating budget (\$4.3 billion of a total \$740 billion) is a unique direct service agency within DHHS carrying out critical trust functions, and has never received the Secretarial-level attention it deserves. The Administration should elevate the position of the IHS Director to the level of Assistant Secretary for Indian Health.
- Restore PL 102-477 Funding: DHSS should immediately rescind its policy directive taking PL 102-477 employment and training programs out of ISDEAA agreements.
- Legislation: The Administration and affected agencies should support the following self-governance improvements and expansions to the Indian Self-Determination and Education Assistance Act (ISDEAA):
 - Enactment of key amendments to Title IV of the ISDEAA so that the DOI Self-Governance initiative is strengthened and operates consistently with the more successful DHHS Self-Governance initiative carried out under Title V of the Act.
 - Expand Self-Governance in DHHS to include non-IHS programs under a demonstration project that was determined to be feasible in a study conducted by DHHS in 2003, as authorized by Title VI of the Act.

AFN TOOK THE FOLLOWING ADDITIONAL ACTIONS RELATED TO SELF-DETERMINATION:

1. AFN supported the efforts of AVCP in limiting the buy-catch of the Chinook Salmon by the high seas fisheries in a manner that will reduce this and at the same time, improve the subsistence take of the same species by subsistence fishing.
2. In January of 2010, AFN team led by Mr. Ralph Andersen of BBNA met with Don Chapman, Senior Advisor Native Affairs, US Department of Commerce and discussed the importance of appointment of five members of federally recognized tribes into the North Pacific Fisheries Management Council.
3. This was also discussed with all of Alaska's Congressional delegation seeking their support in finding ways to accomplish the intent of this resolution including the possibility of introducing enabling legislation if this was the only way to accomplish this. To date, that has not happened.

INCREASED FUNDING FOR THE DENALI COMMISSION

The Denali Commission—a unique, federal-state-Native Alaskan partnership to address the needs of Alaska's distressed communities—is an important agency for both Alaska Natives and for Alaska's rural communities. Not only does the Commission endeavor to enhance the economies of our villages, but it is also tasked as one of the entities responsible for building and ensuring the adequate maintenance of Alaska's basic infrastructure. The Commission's programs, including its various infrastructure programs and its planning and community support activities for economic development, job training, education, and capacity building must receive adequate funding in order to provide critical utilities, infrastructure, and economic support to economically distressed communities throughout Alaska.

AFN delivered the following recommendations to Federal officials and representatives:

- Maintain Denali Commission funding at a minimum of \$50 million annually to meet the energy and infrastructure needs of Alaska Native villages.
- Make the Denali Commission a key player within Alaska for any new Congressional initiative to stimulate the economy, improve infrastructure, and develop alternative energy.

Justice and Public Safety

09-36: A RESOLUTION SUPPORTING FEDERAL LEGISLATION TO CONFIRM TRIBAL TERRITORIAL JURISDICTION IN ALASKA TO REGULATE DOMESTIC VIOLENCE, ALCOHOL AND DRUGS

09-40: PROTECTION AGAINST TRESPASS ON ALASKA NATIVE CORPORATION LANDS AND NATIVE ALLOTMENTS FROM WILLING DESTRUCTION OF CORPORATION PROPERTY FOR THE PURPOSE OF TRESPASSING

ALASKA SAFE FAMILIES AND VILLAGES ACT

We believe the solution to this systemic problem can only be addressed effectively at the local village level.

AFN delivered the following recommendation to Federal officials and representatives:

- Congress should enact, on a pilot basis, legislation giving authority to participating Alaska Native villages to enact and enforce local alcohol and interdiction ordinances within the boundaries of their respective villages.

FEDERAL FUNDING FOR THE VILLAGE PUBLIC SAFETY OFFICER (VPSO) PROGRAM

The VPSO program was implemented in 1981 as a way to provide rural, predominately Native villages in Alaska with a broad range of local public safety services. As such, the VPSO program is an integral component of law enforcement in rural Alaska. In its first ten years, the VPSO program grew from supporting 52 positions to supporting 125 positions with a budget of \$6.5 million. However, over the last fifteen years, the number of funded VPSO positions has gradually decreased by almost half. Currently there are 130 rural communities without a VPSO or other law enforcement presence. Federal funds have been targeted to supplement state dollars and help support this critical program since 2004, but the Native regional non-profits that operate the VPSO program have not been able to access these funds. The **Bureau of Indian Affairs** law enforcement program does not serve Alaska, and relatively little in Justice Department funds reaches Alaska.

Delegates at the 2009 AFN Convention passed the following resolutions related to the VPSO program:

09-17: REQUESTING THE ALASKA DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT TO FUND COMMUNITY HALLS AND PUBLIC SAFETY BUILDINGS IN ALASKA NATIVE VILLAGES

09-18: A RESOLUTION REQUESTING VILLAGE PUBLIC SAFETY OFFICER (VPSO) FAMILY HOUSING PROJECTS TO BE AVAILABLE TO VILLAGES IN NEED OF VPSO HOUSING AND PLACEMENT

09-25: ALASKA NATIVE CHILDREN'S BILL OF RIGHTS

AFN delivered the following recommendation to Federal officials and representatives:

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

Education

AMEND NO CHILD LEFT BEHIND

AFN delivered the following recommendations to Federal officials and representatives:

- Amend the requirements for school accountability and teaching credentials in Title I of the No Child Left Behind Act to ensure that these requirements do not eclipse implementation of the culturally based educational approach embodied in Title VII. Congress should amend the NCLB to:
- Include goals and accountability measures within Title I (AYP benchmarks) that measure school development and implementation of culture-based educational approaches for Native youth.
- Include a mechanism within Title VII that aligns all of the NCLB titles to meet the unique needs of Native students.

- Amend the definition of “High Quality Teachers” in the No Child Left Behind Act to take into account the need for educators who are experts in local Native languages and cultures and to help develop future educators from local Native communities. Providing opportunities for Native educators to work in their own communities offers the additional benefit of reducing teaching turnover in remote rural communities, which is a systemic problem in Alaska.

EDUCATION OF ALASKA NATIVE STUDENTS

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

These statistics compel us to seek a new approach to education for Alaska Natives. Part of the reason for poor academic achievement among Native students is the lack of culture-based programs. Federal law must give us the flexibility to integrate Native culture into the curriculum in our schools.

Delegates at the 2009 AFN Convention passed the following resolutions related to education:

09-28: A RESOLUTION CONCERNING THE STATEMENT OF ISSUES AND RECOMMENDATIONS FOR THE U.S. DEPARTMENT OF EDUCATION -- *This resolution is intended to support the follow up of the listening sessions of the Obama Administration at Bethel and Hooper Bay, Alaska on August 12, 2009.*

AFN delivered the following recommendations to Federal officials and representatives:

- Increase appropriations for the **Administration for Native Americans (ANA)** to ensure adequate funding for programs implementing the Esther Martinez Native American Languages Preservation Act of 2006. AFN joins the National Congress of American Indians (NCAI) in recommending a \$10 million increase in funding for ANA to fund the Esther Martinez language

programs, and an additional \$6 million to the ANA for its existing programs, which promote self-sufficiency through competitive grants for community-based social and economic development.

- Substantially increase **Head Start** funding. Federal Head Start funds have remained static since FY 2002. Decreased funding has forced nine Alaska Head Start programs to cut 361 Head Start slots since FY 2003, while the number of eligible children has remained steady. We strongly urge Congress to increase the FY 2011 Head Start appropriation to support current program operations and the new mandates outlined in the 2007 Head Start Reauthorization Act.

09-28: A RESOLUTION CONCERNING THE STATEMENT OF ISSUES AND RECOMMENDATIONS FOR THE U.S. DEPARTMENT OF EDUCATION -- *The genesis of this resolution was the listening session held by the Obama Administration in Bethel, Alaska on August 12, 2009. The Honorable Arne Duncan, Secretary of U. S. Department of the Interior addressed the people attending this listening session and fielded questions regarding funding for head start, early childhood education and the need for continued support from the Department of Education on the educational needs of the Alaska Natives across the state of Alaska.*

AFN delivered the following recommendation to Federal officials and representatives:

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

09-26: IN SUPPORT OF TAX EXEMPTION FOR INCOME EARNED BY ELDERS AND FLUENT SPEAKERS WHEN WORKING ON LANGUAGE PRESERVATION PROJECTS SUPPORTED BY THE ESTHER MARTINEZ NATIVE AMERICAN LANGUAGES PRESERVATION ACT OF 2006

AFN delivered the following recommendation to Federal officials and representatives:

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

Health and Human Services

INCREASED FUNDING FOR THE INDIAN HEALTH SERVICE

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

Progress is being made through compacting and ongoing initiatives designed to improve the health of Alaska Natives, but funding levels remain inadequate. There have been significant increases in rates of diabetes and obesity. Almost 40% of Alaska Natives smoke and deaths from cancer are on the rise. Substance abuse rates among Alaska Natives are very high, which contributes to myriad physical health problems, as well as child abuse and neglect, violence, sexual assault and suicide. The IHS budget must be increased to take into account all of these health concerns. The budget needs to reflect population growth, inflation and other built-in costs that are not subject to rescission and provide for full funding of contract support costs. Although the ARRA stimulus package contained one-off increases for IHS, permanent increases should be built into the annual appropriations.

Delegates at the 2009 AFN Convention passed the following resolutions related to health and human services:

09-15: A RESOLUTION IN SUPPORT OF INCREASED RESOURCES TO PREVENT, DIAGNOSE, AND TREAT DIABETES IN THE ALASKA NATIVE COMMUNITY

09-16: SUPPORTING THE ALASKA NATIVE COMMUNITY'S URGING REFORM IN THE OPERATIONS OF THE STATE OF ALASKA VILLAGE SAFE WATER ("VSW") PROGRAM

09-22: A RESOLUTION CONCERNING THE STATEMENT OF ISSUES AND RECOMMENDATIONS FOR THE U.S. DEPARTMENT OF AGRICULTURE

AFN delivered the following recommendations to Federal officials and representatives:

- Increase the IHS budget to fully take into account population growth, medical inflation, non-medical inflation, required pay raises and other built-in costs. Do not subject the IHS budget to rescission. Adding \$666 million to the IHS budget over the FY 2008 level — a 20% increase — would restore a significant amount of the unfunded fixed costs since FY 2000. According to IHS' conservative estimates, tribal and IHS health programs absorbed \$738 million in unfunded fixed costs from FY 2000 through FY 2006.
- Continue to fully fund IHS contract support costs. Provide full funding for contract support costs — at least a \$100 million increase — and require IHS to utilize the authorized funding under the Indian Self Determination Fund (\$5 million currently) for new and expanded funding agreements.
- Fully fund SAMHSA Behavioral Health Services Grants for American Indians and Alaska Natives at \$15 million.
- Increase funding for urban Indian health programs in FY2011.

FUNDING FOR NATIVE AMERICAN HOUSING

Alaska Native Housing Authorities have made great progress, but overcrowding remains a problem in rural areas and Native communities still lack adequate housing. Even in urban areas there are still too many who cannot find affordable housing. A great deal of home repair has been accomplished throughout the state but there are still too many living in sub-standard housing or without running water or septic systems. Needs vary across the state and include new housing, rental units, water and septic systems and assistance to families to achieve homeownership. Several **Department of Housing and Urban Development** programs are essential to our continued progress in alleviating the overcrowding, lack of sanitation and other housing and infrastructure needs in Native communities.

Delegates at the 2009 AFN Convention passed the following resolutions related to Native housing:

09-15: A RESOLUTION IN SUPPORT OF INCREASED RESOURCES TO PREVENT, DIAGNOSE, AND TREAT DIABETES IN THE ALASKA NATIVE COMMUNITY

09-16: SUPPORTING THE ALASKA NATIVE COMMUNITY'S URGING REFORM IN THE OPERATIONS OF THE STATE OF ALASKA VILLAGE SAFE WATER ("VSW") PROGRAM

09-22: A RESOLUTION CONCERNING THE STATEMENT OF ISSUES AND RECOMMENDATIONS FOR THE U.S. DEPARTMENT OF AGRICULTURE

09-24: A RESOLUTION CONCERNING THE STATEMENT OF ISSUES AND RECOMMENDATIONS FOR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT -- *This resolution is intended to support the follow up of the listening sessions of the Obama Administration at Bethel and Hooper Bay, Alaska on August 12, 2009.*

AFN delivered the following recommendations to Federal officials and representatives:

- Increase funding to the ***Native American Housing Assistance and Self-Determination Act***, which funds Native American Housing Authorities through the Indian Housing Block Grant (IHBG) program. Native American Housing Authorities have thus far been grossly under-funded, leaving them unable to meet demonstrated critical housing needs in Alaska. Appropriations should continue at no less than the FY 2010 level of \$700 million, plus amounts as required to maintain real purchasing power.
- Provide additional resources to address the energy crisis, including:
 - A special appropriation or set-aside for housing authorities to fund alternative energy pilot projects for homes or facilities.
 - Direct access by housing authorities to other federal programs that promote reduced energy consumption.
 - A federal subsidy for fuel surcharges on transportation. Surcharges have increased dramatically in the past year.

- A 50% federal match to the Renewable Energy Grant Program within the Alaska Energy Authority. This program provides funding for renewable energy projects in Alaskan communities.

Energy and Environment

ENERGY CRISIS RURAL ALASKA

Alaskans, especially in our rural communities, are experiencing an energy crisis unlike anything that we have seen in the past, and it is not likely to improve in the short-term. Oil prices are at an all-time high – in some villages the cost of fuel oil has gone as high as \$10 per gallon. A village home can use four or five 55-gallon drums of oil for heating each month during the winter months (a total of \$2,000 per month in Arctic Village, for example). With gasoline prices reaching above \$7.50 per gallon, many families and individuals are having difficulty getting to fish camp this summer in order to harvest next winter's food; and this will be true of hunting in the fall and winter months. In short, the current energy crisis threatens the very survival of our rural villages.

AFN delivered the following recommendations to Federal officials and representatives:

- Establish and fund an *Alaska Native Energy Program* within the **Department of the Interior** or the **Department of Energy** to develop energy resource centers in rural Alaska.
- Appropriate at least \$5 million per year to establish energy resource centers that will:
 - Serve as clearing-houses for information regarding potential energy sources and alternative energy options that work in rural Alaska, energy use and cost reduction strategies, and best practices.
 - Provide technical assistance tailored to rural communities and aimed at increasing successful energy projects and proposals.
 - Conduct outreach and training in regard to conservation.
- Fund a *Rural Alaska Energy Initiative* to identify and implement appropriate alternative energy resources and projects. Congress, through a state-federal partnership, should provide the capital funding to transition rural Alaska communities within 20 years to alternative energy sources for electric power generation, wherever it is feasible to do so.

AFN TOOK THE FOLLOWING ACTION TO FURTHER EACH OF THESE ENERGY-RELATED RESOLUTIONS:

09-21: A RESOLUTION TO INCREASE RENEWABLE ENERGY IN RURAL ALASKA

As part of the follow-up of these resolutions Ralph Andersen testified before Congress and pursued the development of Department of Energy in the State of Alaska.

Mr. Andersen also testified in front of U. S. Senate Committee on Indian Affairs when the committee held a public hearing on Indian Country's energy needs.

09-23: A RESOLUTION CONCERNING THE STATEMENT OF ISSUES AND RECOMMENDATIONS FOR THE U.S. DEPARTMENT OF ENERGY -- *The genesis of this resolution was the rural America listening sessions on August 12, 2009 in Bethel and Hooper Bay, Alaska attended by the Honorable Dr. Steven Chu, Secretary of the U. S. Department of Energy. In Hooper Bay, Secretary Chu waved a young man riding on a 4-wheeler and asked him what he was paying for gasoline; the young man responded \$4.50 to \$7.00 when it is available. Secretary Chu took note of that.*

On January 27, 2010 a team from AFN met with Sky Gellegos, Deputy Assistant Secretary for Congressional Intergovernmental Affairs and Katrina Tsongas, Special Assistant, Department of Energy and addressed the energy needs of the Alaska Natives across the State of Alaska. The next day, HRC team led by Ralph Andersen, Co-chair of HRC met with the Honorable David Hayes, Assistant Secretary of Interior, the Honorable Larry Echohawk, Assistant Secretary for Indian Affairs and Kim Elton, Senior Advisor on Alaska Affairs, and raised the energy needs of the Alaska Natives.

FEDERAL EROSION AND FLOOD CONTROL ASSISTANCE FOR ALASKA NATIVE VILLAGES

Seventy-five percent (184 of the 244) of communities in rural Alaska are affected by serious erosion and flooding, and must address threats to community health and well being as a result. Yet federal erosion/flood prevention and control programs utilize cost/benefit analyses that fail to take into account the unique geographic, climatic and economic circumstances of the villages, with the result that few projects are funded. At least four of these villages are in imminent danger of destruction by flooding and erosion and must relocate as soon as possible. There is

also an immediate need to assist other affected communities to undertake preventive measures that will mitigate future damage and restore infrastructure that is critical to their health and safety. A well-coordinated approach to mitigate current and future damage is essential.

Decades ago, the federal government prompted the development of permanent communities in many of the places that are now at risk. Traditionally, most Alaska Natives moved seasonally within their territory according to their subsistence needs and the availability of resources. When the government built schools it effectively selected the site of the permanent community and eliminated the option of seasonal movement.

Delegates at the 2009 AFN Convention passed the following resolutions related to erosion and flood control assistance:

09-20: SUPPORT FOR COMMUNITIES NEEDING RELOCATION FUNDING ASSISTANCE AND CREATING A LEAD FEDERAL COORDINATION AGENCY

09-27: THE CLIMATE CHANGES IN THE OCEANIC SYSTEMS REQUIRE PROTECTIONS FOR OUR VILLAGES

AFN delivered the following recommendations to Federal officials and representatives:

- Congress, recognizing the special trust relationship between the federal government and Alaska tribal communities, should take the lead and establish a coordinated effort to relocate villages that must be relocated, and to mitigate flooding and erosion in others. A 2003 **Government Accountability Office** report on the problem included four recommendations to lower barriers that villages face in obtaining federal assistance:
- Expand the role of the Denali Commission to include responsibility for managing a flooding and erosion assistance program.
- Direct the US Army Corps of Engineers and the Natural Resources Conservation Service to consider social and environmental factors in their cost-benefit analyses for projects requested by Alaska Native villages.
- Waive the federal cost-sharing requirement for flooding and erosion programs for Alaska Native villages that do not have matching resources.
- Combine funds from various agencies to address flooding and erosion problems in Alaska Native villages.

AMEND CERCLA – REMOVE RESTRICTIONS ON ALASKA TRIBES

Although Alaska tribes and tribal organizations have increasingly taken the lead in rural Alaska on environmental issues and receive EPA general assistance grants and EPA Brownfields “State and Tribal Response” grants, they are hampered from actually doing cleanup work because Section 104(k)(1) of CERCLA specifically excludes Alaska tribes - and only Alaska tribes – from Brownfields assessment and cleanup funds. While other tribes nationally and ANCSA corporations are eligible, Alaska tribes are excluded.

There is no valid policy basis for excluding Alaska tribes – cleaning up a site may involve acquiring site control but does not involve broader jurisdictional issues. The tribes are the village entities most likely to be operating environmental programs.

AFN delivered the following recommendation to Federal officials and representatives:

- CERCLA Section 104(k)(1) should be amended to eliminate the exception that makes Alaska tribes ineligible for funding.

FUNDING FOR RURAL LANDFILLS

One of the biggest infrastructure needs in rural Alaska is for environmentally sound landfills. While there do not appear to be statewide statistics showing how many villages need new or upgraded solid waste disposal sites, it is likely that most have inadequate facilities. These are a health and safety hazard. Dumps that are too close to the village or the village airstrip, dumps adjacent to rivers or streams, and open dumps which attract bears and allow garbage to be blown with the wind are all common. Because of burning, village dumps often cause air pollution as the smoke blows over the village, and pollution of water resources is also common. While the **Alaska Department of Environmental Conservation** (ADEC) could, in theory, mount enforcement efforts against facilities that violate environmental regulations that would not be a practical approach as the villages need some place to dispose of garbage. Closing existing facilities would be akin to mandating unregulated dumping. ADEC notes that according to its standards of compliance, only 25% of the states landfills are in compliance. All are in urban area.

While some funding for this purpose has been made available through EPA and USDA, these programs barely touch the need and are primarily for facilities other than landfills.

AFN delivered the following recommendation to Federal officials and representatives:

- Congress should appropriate significant new funding for landfills in rural Alaska, whether through USDA, EDA or some other agency.

Commerce and Transportation

TELECOMMUNICATIONS

In small rural communities it makes little sense to massively subsidize services for health care or any other targeted service without also making telecommunications services available to the community at large. Although the American Recovery and Reinvestment Act stimulus legislation appears to correct some of these problems, changes need to be incorporated into the authorizing legislation for telecommunications programs.

Broadband deployment should be considered a federal responsibility comparable to the interstate highway system, and federal programs should promote the expansion of terrestrial infrastructure projects, such as fiber optic networks, even if they have higher front-end costs. In the long term such deployment would be less expensive than continuing existing subsidies with limited beneficiaries.

Using modern telecommunications services, such as video transmissions during criminal prosecutions, would greatly improve the efficiency of the court systems operating in remote areas. Often in rural Alaska judges, attorneys, witnesses, interpreters, and even the defendant have to be flown in from different places to hold a trial. While pre-trial hearings are often conducted by teleconference, that can be confusing at best. Modern communications would make the judicial process more transparent to the families and peers of the people charged. For decades, the judicial process has been largely a mystery to Natives in Alaska's villages – it is time this changed.

AFN delivered the following recommendations to Federal officials and representatives:

- Congress should revisit the Telecommunications Act and existing grant programs. And should develop a better means of supporting broadband expansion.
- Any solution should avoid establishing private sector monopolies with federal funds.
- If the USF subsidy is to be continued it should be expanded to include non-profit, tribal, and other local government service providers in addition to health care providers, schools and libraries.
- Congress should also focus on the telecommunications network for judicial systems, particularly on reservations and in states such as Alaska with a large Native population.

DOI AND DOT MANAGEMENT REVIEW OF THE IRR PROGRAM

The IRR program underwent major programmatic changes with the publication in 2004 of new regulations that had been developed through negotiated rule-making, and by statutory changes in SAFETEA-LU. The major compromise that occurred in the negotiated rule-making and was incorporated into the regulations was that the inventory could be increased by the addition of “non-BIA” roads, but that roads not owned by the BIA or the tribes themselves would, with limited exceptions, only generate funding in the formula at the local match rate for federally assisted projects (generally 20% or less).

While most roads in Alaska villages are non-BIA, Alaska tribes were protected by their ability to include proposed tribal roads that generate full funding. BIADOT, however, initially allowed the majority of roads added to the inventory to generate funds at 100%, and has only reduced this for some state-owned roads. The result has been a substantial reallocation of funds nationally towards roads that are the primary responsibility of entities other than the BIA or the tribes (e.g. state, other federal agency, county, or municipality). This was a much more significant change than intended. The result has been massive, essentially unconstrained growth of the inventory that has redirected funds to existing road infrastructure owned by other jurisdictions. This tends to benefit tribes that have the resources to continually work

on the inventory, and has opened the door to “gaming the system.” Inventory is the primary basis for allocating funds, and inequities in the system—even within Alaska—have been exacerbated rather than reduced.

AFN delivered the following recommendations to Federal officials and representatives:

- AFN recommended that DOI and DOT conduct an in-depth management review, with outside resources, of BIADOT’s implementation of the IRR program and of the FHWA’s oversight of the BIA, to include:
- Whether the current inventory system and the massive data collection it entails is necessary and cost effective for the administration of the program. A much simpler system based on road miles and cost averages might meet the actual need.
- The BIADOT (and FHWA) should thoroughly review whether existing practices follow the actual law and regulations that govern the program. To the extent that the BIA is doing something other than what the regulations provide, it must either conform its practices to the existing regulations or change the regulations via the appropriate processes for doing so, which for some topics might require reconvening a negotiated rule-making process.

TRANSPORTATION ACT (SAFETEA-LU) REAUTHORIZATION

A Tribal Joint Task Force of the National Congress of American Indians (NCAI) and the Intertribal Transportation Association (ITA) has developed amendments to the sections of the legislation affecting Native Americans, for inclusion in the reauthorization of the federal transportation act, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The Tribal Joint Task Force operates under a consensus process and only posits amendments that have broad support within Indian Country. The tribal amendments would:

- Increase funding to existing tribal transportation programs including the Indian Reservation Roads (IRR) program, the IRR Bridge program, and the Tribal Transit program.
- Establish a \$50,000 minimum IRR share per tribe.
- Create a new Tribal Traffic Safety program.
- Create tribal set asides in various other programs that now only go through the state.

- Expand flexible financing opportunities of tribal transportation projects.
- Make technical improvements to the language authorizing tribal contracting from the Bureau of Indian Affairs and the Federal Highways Administration.

AFN delivered the following recommendation to Federal officials and representatives:

- Congress should include the Tribal Joint Task Force amendments in the reauthorization of SAFETEA-LU, or if the reauthorization of the general highway bill is delayed, enact the tribal amendments as stand-alone legislation.

Tribal Self-Determination

SELF-GOVERNANCE LEGISLATION

Tribal self-governance has proven to be one of the most successful policies ever enacted for Native people. It has allowed tribes and tribal consortia to assume and manage federally-funded programs, services, functions and activities at the local level. However, after enjoying great progress during its first 15 years, the self-governance movement has stalled.

Delegates at the 2009 AFN Convention passed the following resolutions related to self-governance:

09-05: A RESOLUTION TO EVALUATE THE REPRESENTATION OF ALASKA NATIVES IN THE ALASKA FEDERATION OF NATIVES

09-38: REQUESTING THE OBAMA ADMINISTRATION TO DIRECT HIS CABINET AND THEIR RESPECTIVE DEPARTMENTS TO INITIATE TRIBAL CONSULTATION (EXECUTIVE ORDER 13175) IN ALL MATTERS RELATED TO THE MANAGEMENT OF ALL LAND AND MARINE WATERS

09-41: REAFFIRM THE INTEGRAL ROLE THAT ELDERS & YOUTH CONFERENCE PARTICIPANTS AND THEIR RESOLUTIONS HAVE IN AFN

09-42: MAKING THE ELDERS & YOUTH CONFERENCE A THREE DAY CONFERENCE, MONDAY-WEDNESDAY OF AFN WEEK TO REFLECT THE IMPORTANCE OF ELDER & YOUTH PARTICIPATION IN AFN AND TO BUILD UNITY AMONG PARTICIPANT GROUPS DURING THE AFN CONVENTION WEEK

09-43: SUPPORT OF RURAL AND URBAN YOUTH TO ATTEND AFN CONVENTION

09-44: CREATION OF A YOUTH BOARD MEMBER SEAT WITHIN EACH OF THE ALASKA NATIVE REGIONAL CORPORATIONS

AFN delivered the following recommendations to Federal officials and representatives:

- Congress should enact amendments to Title IV of the ISDEAA to make it consistent with Title V for IHS programs. Proposed legislation to do this has been developed in prior Congresses.
- Congress should amend the ISDEAA to expand self-governance to include non-IHS programs with DHHS, as suggested by Title VI of the ISDEAA and the subsequent DHSS report.

NATIVE HAWAIIAN RECOGNITION

Federal recognition of Native Hawaiians is long overdue. The (Native) Kingdom of Hawaii was internationally recognized prior to its being overthrown by agents and citizens of the United States, and Hawaii's subsequent annexation by the United States. Native Hawaiians have never relinquished their inherent sovereignty. Federal recognition will confirm the federal-Native Hawaiian trust relationship.

AFN delivered the following recommendation to Federal officials and representatives:

- Congress should speedily enact Native Hawaiian recognition legislation, S 381 and HR 862.

TRIBAL LIST ACT – TECHNICAL CORRECTION

In 1994, Congress enacted the Federally Recognized Indian Tribe List Act (Tribal List Act), PL 103-454, to prohibit the Department of the Interior from derecognizing Indian tribes. The Committee on Natural Resources explained that DOI's attempts to derecognize tribes, combined with its attempt to "differentiate between federally recognized tribes as being 'created' or 'historic'" prompted the introduction of PL 103-454. See HR 103-781, at 3-4. That same year, Congress enacted 25 USC § 476(f) to prohibit the federal government from classifying, diminishing or enhancing the

privileges and immunities available to a recognized tribe relative to those privileges and immunities available to other Indian tribes.

AFN delivered the following recommendation to Federal officials and representatives:

- Congress should enact the following amendment to the Federally Recognized Indian Tribe List Act:

(3) Indian tribes ~~presently~~ may be recognized **or restored** by Act of Congress; by the administrative procedures set forth in part 83 of the Code of Federal Regulations; by **the Alaska Indian Reorganization Act; by other official action of the Secretary or his/her designee; denominated 'Procedures for Establishing that an American Indian Group Exists as an Indian Tribe;** or by **any final** decision of a **the** United States courts;

* * * *

(5) Congress has expressly repudiated the policy of terminating recognized Indian tribes, ~~and~~ has actively sought to restore recognition to tribes that previously have been terminated, **and pursuant to 25 U.S.C. 476(f) Congress has prohibited departments or agencies of the United States from enhancing or diminishing the privileges and immunities available to a restored Indian tribe based on the manner of restoration;**