



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



Dear Self-Governance Tribal Leader:

I am forwarding to you a working draft of the negotiation guidance that will be used by the Federal officials negotiating your 2007 Self-Governance funding agreement. The italics and strike-outs identify changes from the 2006 Final Negotiation Guidance.

The following are the provisions that I wish to highlight:

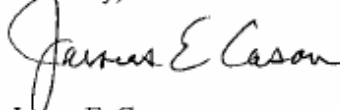
- (1) Records Management provisions will be included in agreements in order to allow the Department of the Interior (DOI) to meet its responsibility to preserve, protect and manage all fiduciary trust records, whether these records are created by the DOI or Tribes/Consortia under a Title I contract or a Title IV funding agreement pursuant to Pub. L. 93-638, as amended.
- (2) The term Beneficiary Processes Program replaces the term Financial Trust Services (IIM financial services) to conform to current practices. The Memorandum of Understanding for the Real Estate Appraisals and the Beneficiary Processes Program has been revised and will be negotiated between each tribe and the Office of Special Trustee for American Indians and attached to your 2007 funding agreement.
- (3) Employee Security Requirement provisions are revised to conform to current practices. They are also revised to reflect the Homeland Security Presidential Directive 12 (HSPD-12) which now mandates a government-wide standard of identification for Federal Government employees, contractors and specific DOI categories of individuals who require access to federally controlled information systems. Tribal employees and employees of their contractors must successfully go through a Personal Identity Verification credential process before being granted access to DOI information systems.
- (4) A provision is added on how General Assistance will be funded when a tribe operates under an approved Tribal Redesign Plan.
- (5) Law Enforcement and Corrections are distinguished to respond to findings in the Inspector General's report. The Law Enforcement and Corrections provision is also revised to conform to current practices.
- (6) In accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, Federal Highway Administration (FHWA) road maintenance funds may be included in a funding agreement when the procedures are jointly developed by the Bureau of Indian Affairs (BIA) and the FHWA.

(7) A draft model Indian Reservation Roads (IRR) Addendum (Attachment 9) is still being developed by the BIA Division of Transportation and will be shared with you as soon as it becomes available. This guidance will be useful when negotiating provisions which are consistent with new requirements in SAFETEA-LU and IRR regulations.

Please review the language in the working draft and bring to the spring Self-Governance Conference any modifications that reflect your concerns. Final guidance will be issued shortly after the spring Self-Governance Conference. Written comments may also be faxed to Ken Reinfeld, Acting Director, OSG&SD at (202) 219-1404.

I look forward to discussing these and other issues with you at the spring Self-Governance Conference on May 11 and 12, 2006.

Sincerely,

A handwritten signature in cursive script that reads "James E. Cason". The signature is written in black ink and is positioned above the printed name and title.

James E. Cason
Associate Deputy Secretary

Enclosure