

STATUS OF SELF-GOVERNANCE WAIVER REQUESTS--AS OF 01/01/06 PAGE (1)

DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
05/91	Lummi Nation	The Lummi Nation asked for comments on the possibility of requesting a waiver of 25 CFR Part 163.7 which would allow the Chairman of the tribe to approve timber sales.	The tribe was told that such a waiver as it relates to allotted lands would be statutorily prohibited. It was also told that it would be possible to consider such a waiver on tribal lands. No subsequent request was submitted.
06/91	Sac & Fox Nation of Oklahoma	The Sac & Fox Nation of Oklahoma requested a waiver of 25 CFR Part 89 requiring the Secretary to approve attorney and other professional contracts.	Enactment of P.L. 102-184 rescinded the requirement for the Secretary to approve attorney and other professional contracts for self-governance tribes. In order to comply with this amendment, 25 CFR Part 89 was waived in its entirety for self-governance tribes.
06/91	Sac & Fox Nation of Oklahoma	The Sac & Fox Nation of Oklahoma requested a waiver of 25 CFR Part 151.9 to allow the Principal chief to approve the acquisition of trust lands for the tribe.	The tribe was informed that the Secretary does not have the authority to delegate this authority to the tribe.
08/91	Hoopa Valley Tribe	Since the tribe was utilizing trust funds to support its budget, the Hoopa Valley Tribe requested a waiver of any rules that required a line item budget to be submitted and approved by the BIA.	The request was rendered moot when the BIA transferred funds to a local bank account for use by the tribe.
10/91	Absentee Shawnee Tribe of Oklahoma	The Absentee Shawnee Tribe of Oklahoma requested a waiver of newly promulgated HIP rules at 25 CFR Part 256 so as to retain the rules that were replaced.	The tribe was asked for more information justifying that the change would be in the best interest of the affected Indians. BIA recommended that the request be denied as a result of intense continuing scrutiny of the HIP program and Congressional directives to modify existing regulations.
07/92	Sac & Fox Nation of Oklahoma	The Sac & Fox Nation of Oklahoma requested a determination as to whether the FAR was required to be used when administering a PONI project.	The Directors of OSG and OCM jointly determined that the FAR did not necessarily apply to a PONI project and, therefore, no waiver was necessary.
09/92	Duck Valley Shoshone-Paiute Tribes	The Duck Valley Shoshone-Paiute Tribes requested guidance and expressed its intent to utilize Nevada general assistance rates in serving their constituents residing in Nevada. Since Nevada rates are higher than Idaho rates, tribal funding requirements would rise.	It was determined that FY 1993 Appropriations language authorized such flexibility within the existing funding level. However, the tribe was advised that 25 CFR Part 20.21 would need to be waived and the change made within the current funding level. No waiver request was submitted.

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
10/92	Hoopa Valley Tribe	The Hoopa Valley Tribe requested a waiver of the FAR Part 36 (Construction and Architect-Engineer Contracts) for road projects.	A partial waiver was granted to allow the tribe to employ the firm with which it had previously contracted. A waiver of all of part 36 was denied. P.L. 103-413 was subsequently enacted indicating that specific provisions of the Office of Federal Procurement and Policy Act and the FAR did not apply but specific provisions may be negotiated and included in an annual funding agreement.
03/93	Hoopa Valley Tribe	The Hoopa Valley Tribe requested a waiver of 25 CFR Part 256.4 which would allow the tribe to exceed the maximum level of funding for a renovation on a one-time basis.	The waiver was approved on 04/93. The tribe was asked to submit additional documentation after the waiver was approved.
09/93	Kawerak, Inc.	Kawerak requested a waiver of the HIP rules at 25 CFR Part 256.9 with respect to BIA inspection requirements. Kawerak proposed to use a licensed, bonded contractor to perform all inspections.	The request was approved with a statement indicating that the waiver probably was not required.
09/93	Jamestown S=Klallam Tribe	The Jamestown S=Klallam Tribe requested a waiver of HIP rules at 25 CFR Part 256 to replace them with tribal rules which closely track the BIA rules.	The tribe resubmitted its HIP regulations on 09/95 for approval. The request was approved on 06/97 after the issue related to non-member services was resolved. The approval was subject to funding availability to the tribe not being affected by the waiver and the eligibility of Indians of other tribes residing in the service area for HIP services not being diminished.
09/93	Muscogee (Creek) Nation of Oklahoma	The Muscogee (Creek) Nation of Oklahoma inquired as to how the OSG would react to tribal changes to (1) require a 1/4 blood quantum for eligibility to receive a HIP grant under 25 CFR Part 256.6 and (2) utilize a housing condition factor to break HIP selection ties under 25 CFR Part 256.7. The tribe thought that no waiver was needed.	The tribe was advised that (1) its requiring a blood quantum which was different than the one utilized for tribal membership would require a waiver and (2) no waiver was required to utilize a housing condition factor to break HIP selection ties.

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
11/93	Hoopa Valley Tribe	The Hoopa Valley Tribe indicated that it acknowledged the applicability of the FAR to construction projects and interpreted the term Agency head to apply to its Tribal Chairman. As a result, the tribe indicated that its Tribal Chairman was authorized to waive the FAR.	A letter was prepared strongly disagreeing with the tribe's interpretation that its Tribal Chairman was authorized to waive the FAR.
01/94	Confederated Tribes of Siletz Indians of Oregon	The Confederated Tribes of Siletz Indians of Oregon requested a waiver of HIP rules at 25 CFR Part 256 to replace them with tribal rules.	The tribe was advised on 12/5/95 that its alternative rules contained a conflict with regard to eligibility for HIP services. The remainder of the alternative rules were approved. Revised rules were submitted by the tribe and approved on 04/17/96.
01/94	Ketchikan Indian Corporation and Sitka Tribe of Alaska	The Ketchikan Indian Corporation and Sitka Tribe of Alaska requested approval of the comprehensive plans each of the tribes developed to reduce dependence on welfare assistance and replace 25 CFR Part 20.	The plans were approved on 04/95.
02/94	Lower Elwha S=Klallam Tribe	The Lower Elwha S=Klallam Tribe requested a one-time waiver of HIP regulations at 25 CFR Part 256.4 to raise the maximum amount for new construction on a given project.	The request was approved on 08/94.
08/94	Kawerak, Inc.	Kawerak requested a waiver of ICWA regulations at 25 CFR Parts 23.21(b), (c), (d), and (e); 23.41; 23.43(a); 23.44; 23.45; 23.46; 23.47; 23.51; 23.52; and 23.53. Kawerak indicated that the rules and systems to run its ICWA program are in place and operating.	The request was approved on 02/95, pending submission and negotiation of some descriptive language about the multi-year program application process and reporting requirements for inclusion in the funding agreement.
11/94	Lower Elwha S=Klallam Tribe	The Lower Elwha S=Klallam Tribe requested a one-time waiver of HIP regulations at 25 CFR Part 256.4 to raise the maximum amount for new construction on another project.	The request was approved on 12/94.

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
11/94	Central Council of Tlingit and Haida Indian Tribes of Alaska	The Central Council of Tlingit and Haida Indian Tribes of Alaska requested a waiver of 25 CFR Part 20.1(m) to permit use of general assistance grant funds on supportive services, workshops, and emergency child care. The tribe also requested a waiver of 25 CFR Parts 21(g) and (h) to permit the expenditure of general assistance grant funds upon persons whose income levels exceed general assistance regulation limits.	The request was approved on 02/95 with the conditions that (1) a long-term strategy to reduce the need for general assistance would be developed as part of a comprehensive plan and (2) assurance would be provided that there is no reduction of services or funding to other tribes.
03/95	Kawerak, Inc.	Kawerak requested a waiver of general assistance regulations at 25 CFR Parts 20.21(a)(1),(2); 20.21(h); and 20.21(i). These sections relate to the eligibility requirement relating to one-fourth degree or more of Indian or Native blood quantum, standards of assistance, as well as payments and employment requirements.	The request was approved on 05/13/96 subject to a number of common understandings. It was understood that Kawerak=s general assistance program would service Natives of all federally recognized tribes. It was further understood that if the waivers were to increase general assistance costs, Kawerak would be expected to cover such additional costs. It was also understood that before applying the approved waivers, Kawerak would have in place its rules and systems under which its general assistance program would be operated.
08/95	Tanana Chiefs Conference, Inc.	The Tanana Chiefs Conference requested a waiver of ICWA regulations at 25 CFR Parts 23.21(b), (c), (d), and (e); 23.41; 23.43(a); 23.44; 23.45; 23.46; 23.47; 23.51; 23.52; and 23.53. It was indicated that the rules and systems to run its ICWA program are in place and operating.	A draft letter approving the waiver of all sections except 23.43 was written. Sections of the 03/25/94 and 01/13/94 Federal Register notices dealing with application review and approval would also be waived. However, standardized provisions and procedures dealing with eligibility and funding amounts would still apply. Program reporting requirements would be negotiated and the OSG would be responsible for determining the applicability of the waiver when questions arise. A draft letter was rewritten as per comments by the Solicitor=s Office but did not clear the Solicitor=s Office.
08/95	Santa Clara Pueblo	The Santa Clara Pueblo requested a waiver of 25 CFR Part 12.103(j) regarding salaries to be paid law enforcement officers by tribal organizations.	A draft letter approving the request was written but did not clear the Solicitor=s Office before the BIA reassumed the program.

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
11/95	Oneida Tribe of Indians of Wisconsin	The Oneida Tribe requested a waiver of the first sentence of 25 CFR Part 151.10 which requires the Secretary upon receipt of a written request to have lands taken in trust to notify the state and local governments having regulatory jurisdiction over the land to be acquired, unless the acquisition is mandated by legislation.	The request was approved on 01/25/96 subject to certain conditions. The tribe is required to inform the political subdivisions that the notification is in lieu of notification of the Secretary, and impact information and comments are to be sent to the BIA superintendent.
11/95	Oneida Tribe of Indians of Wisconsin	The Oneida Tribe requested a waiver from various 25 CFR parts related to real estate operations on the Oneida Reservation in Wisconsin, including the following: 151.3; 151.3(a)(3); 151.7; 151.9; 151.10; 151.10(d); 151.10(g); 151.10(h); 151.13; 151.14; 150.6; 169; and 54 BIAM Supp. 9, Paragraph 2.3 Sub-Paragraph 7.	Acknowledging that the request was made to facilitate the tribe's desire to take land into trust, the tribe was informed on 05/31/96 that the function of taking land into trust is an inherently federal function. The tribe was also asked whether it plans to submit a different request. No subsequent request has been submitted.
03/96	Choctaw Nation of Oklahoma	The Choctaw Nation requested a waiver of 25 CFR Parts 11.201 and 11.202, with an effective date of 10/01/95. This would permit the Chief or his designee to appoint magistrates to and remove them from the CFR Court with the confirmation of the tribal council.	The request was denied on 05/96. The tribe was informed that the appointment of magistrates to and removal from CFR Courts is an inherently federal function which can only be conducted by an authorized federal official.
04/96	Yakutat Tlingit Tribe	The Yakutat Tlingit Tribe asked for a one-time waiver of the limit on the amount of a category D HIP grant as contained in 25 CFR Part 256.4 to allow it to issue a grant on an approved category D project in the amount of \$70,000.	The request was approved on 07/16/96 under the authority provided by 25 CFR Part 1.2.
04/96	Yakutat Tlingit Tribe	The Yakutat Tlingit Tribe expressed its desire to establish a work experience program and requested that it be allowed to use general assistance administration funds to partially cover the salary of a general assistance eligibility technician.	The tribe was informed on 05/23/97 that it would have to make a change in its general assistance program in accordance with P.L. 104-314. It could then use resulting savings for the purpose of funding the general assistance eligibility technician's salary.

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
05/96	Mille Lacs Band of Ojibwe Indians	The Mille Lacs Band of Ojibwe Indians requested the waiver of all HIP regulations as previously defined in 64 BIAM 4.11 and 25 CFR Parts 256.8; 256.4(c)(1)(2)&(3); and 256.4(d)(1)(2)(i)(ii)(3)(4) and (5); and replace them with tribal regulations and guidelines.	The Band was informed that portions of its replacement regulations conflict with sections of the HIP regulations; limit HIP fund availability to Band members; services to all Indians within the service area need to be assured; and it is not permissible for the tribal replacement regulations to waive the statutory requirement to purchase flood insurance. The Band submitted revised replacement regulations on 08/26/96 and was asked on 09/30/96 to broaden its waiver request to include all of 25 CFR Part 256, except 256.11 and address remaining concerns.
08/96	Lower Elwha S=Klallam Tribe	The Lower Elwha S=Klallam Tribe has requested a one-time waiver of the category D grant limit of \$45,000 contained in 25 CFR Part 256.4. Approval of the request would allow the tribe to enter into a housing construction contract of \$61,930 with the lowest responsive bidder.	The request was approved on 09/12/96 under the authority provided by 25 CFR Part 1.2.
09/96	Absentee Shawnee Tribe of Oklahoma	The Absentee Shawnee Tribe of Oklahoma has requested a waiver of 25 CFR Part 151.8 which allows a tribe to acquire land in trust on a reservation other than its own only when the tribe having jurisdiction over the reservation consents in writing to the acquisition.	The request was denied on 11/15/96. The tribe was informed that the function of taking land into trust is an inherently federal function and the tribe can not perform the discretionary Secretarial function of taking land into trust status.
09/96	Confederated Salish and Kootenai Tribes	The Confederated Salish and Kootenai Tribes requested a waiver of 25 CFR Part 162.12 which concerns the borrowing of funds based on a leasehold interest. The tribes requested removing the provision which restricts the purpose for borrowing capital and replacing it with language which authorizes the lessee, with the consent of the Secretary, to encumber the leasehold interest.	Since the submission of the request, tribal circumstances have changed making the request moot.

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
11/96	Chickasaw Nation	The Chickasaw Nation requested a waiver of the pay-back provisions of the regulations governing the operations of HIP found at 25 CFR Part 256.4(b) on behalf of a client facing hardship.	A draft letter approving the waiver was prepared but has not been cleared by the Solicitor's Office.
02/97	Grand Traverse Band of Ottawa and Chippewa Indians	The Grand Traverse Band of Ottawa and Chippewa Indians requested a waiver of each portion of 25 CFR Part 20 which applies to general assistance. The Band has developed a general assistance policy as a replacement. The regulations which were proposed are designed to provide for basic essential needs while eligible individuals develop job skills.	A letter responding to the request was sent to the Band on 05/06/97. The letter indicated that no waiver was necessary but requested that the proposed general assistance policy with suggested revisions be resubmitted to OSG for approval to provide the BIA with an appropriate basis to distribute welfare assistance funds to the band in subsequent years.
04/97	Bois Forte Reservation Tribal Council	The Bois Forte Reservation Tribal Council requested a one-time waiver of HIP selection criteria found at 25 CFR Part 256.7. Approval of the waiver would allow the Band to serve a family whose house was recently gutted by fire.	The request was approved on 05/01/97 under the authority provided by 25 CFR Part 1.2.
04/97	Grand Portage Band of Chippewa Indians	The Grand Portage Band of Chippewa Indians requested a waiver of 25 CFR Part 256.4(d)(3) to raise the maximum amount for new construction from \$45,000 to \$65,000 and 25 CFR Part 256.6(b) to allow it to build new housing for four elders.	New HIP rules eliminated the previous \$45,000 limit for new/replacement homes, making the waiver sought to raise the limit no longer necessary. However, the Band was told that its waiver should be considered granted. The waiver of Part 256.6(b) (now Part 256.6(g) under the new rules), was granted on 4/8/98, with the understanding that the amount of funding available to the Band would not be affected.
05/97	Kaw Nation	The Kaw Nation requested a waiver of 25 CFR Part 20.20(a)(1) which requires an applicant in Oklahoma to have one-fourth degree or more Indian or Native blood to be eligible to receive social services.	The request was approved on 10/28/97 with the common understanding that all eligible Indians will be serviced and the waiver will not increase the amount of funding the Nation is eligible to receive. In order for BIA to allocate general assistance funding, the Nation must report caseload and actual expenditures for only those recipients who are eligible under the unmodified section 20.20(a)(1).

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
07/97	Salt River Pima-Maricopa Indian Community	The Salt River Pima-Maricopa Indian Community requested a waiver of 25 CFR Part 171 which apply to the BIA irrigation O&M program and has submitted replacement regulations from the Salt River Code of Community Regulations. The tribe also requested a Secretarial exercise of discretion under 25 U.S.C. ' 385 not to fix maintenance charges, in order to allow the Community to exercise this function.	The requested waiver of 25 CFR Part 171 was granted on 12/08/97. However, the Secretary determined that maintenance charges will continue to be fixed in FY 1998 and denied the request to allow the Community to exercise this function in FY 1998.
09/97	Sitka Tribe of Alaska	The Sitka Tribe of Alaska submitted a request for two one-time exceptions to the application of the 25 CFR Part 256.4 grant limit of \$20,000 for Category B grants.	The request to increase the Category B grant limit to \$35,000 for each of the two projects was approved on 12/02/97 under the authority provided by 25 CFR Part 1.2.
10/97	Chugachmiut, Inc.	Chugachmiut, Inc. Submitted a request to waive 25 CFR Part 163.15, with regard to the advertisement of timber sales.	The request was approved on 12/08/97 subject to (1) a stumpage appraisal being provided as part of the Forest Officer=s Report on each sale and (2) the approval of Timber Sale permits on allotted land being an inherent Federal function and carried out by a Federal Official that has been delegated that authority.
02/98	Aleutian/Pribilof Islands Association, Inc.	The Aleutian/Pribilof Islands Association, Inc. requested a waiver of the following HIP regulations: (1) 25 CFR Parts 256.4(a)(3), (b)(3) & (d)(3) [Expenditure limits as to repairs to homes that will remain nonstandard, repairs to homes that will remain standard, and new home construction]; (2) 25 CFR Part 256.5 [Requirement that tribes use BIA application form 6407]; (3) 25 CFR Part 256.7 [Applicant selection criteria]; (4) 25 CFR Part 256.8(b)(d) [Review or approval of tribal eligibility determinations, and or work plans]; and (5) 25 CFR Part 256.9 [Inspection requirement].	The waivers were approved by the Assistant Secretary on 11/05/98. However, in accordance with Pub.L. 103-413 ' 403(g)(3), the tribe is eligible to receive HIP funding on the same basis as other tribes.

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5/28/98	Yakutat Tlingit Tribe	The Yakutat Tlingit Tribe submitted a request to raise the limit of a category D HIP grant as contained in 25 CFR Part 256.4 by an additional \$32,233 above the \$70,000 limit already approved on 7/16/96.	The tribe was told on 6/16/98 that given the new HIP regulations, it would need to request a waiver of 25 CFR Part 256.24(c) which limits the number of times replacement services may be received for Category C assistance. The tribe was also told that given the nature of the cost overrun the BIA was not inclined to grant the request.
08/17/98	Nisqually Indian Tribe	The Nisqually Indian Tribe submitted a request to waive the following HIP regulations: Income Limits [25 CFR Part 256.6(c)]; Site Control/Leasehold [25 CFR Parts 256.9 and 256.10]; and Prior Service [25 CFR Part 256.6(g)]. The tribe has proposed specific language to be added to each of its regulations.	The waivers were approved by the Assistant Secretary on 11/05/98. However, in accordance with Pub.L. 103-413 ' 403(g)(3), the tribe is eligible to receive HIP funding on the same basis as other tribes.
12/15/98	Citizen Potawatomi Nation	The Citizen Potawatomi Nation requested a waiver of 25 CFR Part 20.20(a)(1) which requires an applicant in Oklahoma to have one-fourth degree or more Indian or Native blood to be eligible to receive social services.	A waiver was approved on 1/14/99 with the understanding that the Nation=s general assistance program would service all eligible Indians as defined in 25 CFR Part 20.1(n) and the waiver will not increase the amount of funding the Nation is eligible to receive. In order for the BIA to be able to allocate general assistance funding, the Nation must report the caseload and actual expenditures for only those recipients who are eligible under the unmodified 25 CFR Part 20.20(a)(1).
01/15/99	Sitka Tribe of Alaska	The Sitka Tribe of Alaska requested a waiver of the new HIP regulations dated March 9, 1998, and reinstatement of the previous regulations issued March 31, 1997, until such time that the new regulations can be adopted with the participation and consultation of affected Indian tribes. Of particular concern are the HHS poverty income guidelines adopted in 25 CFR Part 256.6.	The waiver was approved by the Assistant Secretary on 03/25/99. However, in accordance with Pub.L. 103-413 ' 403(g)(3), the tribe is eligible to receive HIP funding on the same basis as other tribes.
05/18/99	Ponca Tribe of Oklahoma	The Ponca Tribe of Oklahoma requested a HIP waiver of 25 CFR Part 256.9(b).	A letter approving a waiver of 25 CFR Part 256.9(b)(2)(ii) and denying a waiver of the other parts of 256.9(b) was signed by the Assistant

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			Secretary on 11/2/00.
09/28/99	Grand Ronde Tribal Housing Authority	The Grand Ronde Tribal Housing Authority requested a HIP waiver of 25 CFR Parts 256.4, 256.6, 256.7, 256.8, 256.9, and 256.10 that govern eligibility, selection criteria, program categories and implementation, inspections, and appeals.	A letter was signed by the Assistant Secretary - Indian Affairs on 9/12/00, approving the request to waive the reprogramming prohibition associated with the 1998 and 1999 funding allocation, granting a qualified and conditional approval of 25 CFR Parts 256.6-10, denying a waiver of Part 256.4, indicating that the tribe has broad authority to redesign its HIP, is eligible to receive funding on the same basis of other tribes, and HIP funding will not be provided more than once for the same applicant.
11/12/99	Confederated Tribes of the Grand Ronde Community of Oregon	The Confederated Tribes of the Grand Ronde Community of Oregon requested waivers of 25 CFR Parts 20.20(1),(2), and (3); 20.21(d); 20.21(f)(2); 20.14(b); and 20.30.	The tribe was told that appropriations language authorizes the tribe to redesign its general assistance program without approval by the BIA.
01/28/00	Grand Traverse Band of Ottawa and Chippewa Indians	The Grand Traverse Band of Ottawa and Chippewa Indians requested a HIP waiver of 25 CFR ' 256.6 and approval of its proposal to redesign the program, allowing the Band to establish eligibility criteria for its tribal recipients of HIP assistance.	A letter responding to the request was signed by the Deputy Assistant Secretary on 02/20/01. The waiver of 25 CFR ' 256.6 was approved in part. The tribe is eligible to receive HIP funding on the same basis as other tribes. The tribe has broad authority to redesign HIP. However, in cases where eligibility is changed by the redesign, HIP funds will not be provided more than once for the same applicant, except in extreme and extenuating circumstances. While the granting of the waiver of 25 CFR ' 256.6(c) allows the tribe to raise the income limit, HIP funding will only be provided for eligible applicants whose income levels are within 125 percent of the poverty limit. While the granting of the waiver of 25 CFR ' 256.6(g) allows the tribe to change the cut-off date for eligibility for HIP assistance as a result of prior HIP service from October 1, 1986, HIP funding will only be provided using the October 1, 1986, cut-off date. The request to waive 25 CFR ' 256.6(e) which references 25 CFR '' 256.9 and 256.10, is denied in part. The waiver of proof of an exclusive possessory interest in the house, that is either ownership or a leasehold, for which repairs or renovations are sought is prohibited by Federal law because it diminishes the trust responsibility of the

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			United States. HIP funding will only be provided for applicants meeting the home ownership/leasehold criteria identified in 25 CFR ' ' 256.9 and 156.10. By copy of the letter, the Deputy Assistant Secretary requested a formal Solicitor=s Opinion laying out the legal rationale upon which the Department=s position is based. That opinion was to be forthcoming under separate cover.
02/15/00	The Absentee Shawnee Tribe of Oklahoma	The Absentee Shawnee Tribe of Oklahoma requested a waiver of 25 CFR Part 20.20(a)(1) with regard to the one-fourth blood degree eligibility requirement.	The waiver was granted with understandings that all eligible Indians would be served, the waiver would be applied in a consistent manner, the waiver would not increase the amount of funding the tribe is eligible to receive, and the tribe would report the caseload and actual expenditures for only those recipients who are eligible under the unmodified section.
02/16/00	Sault Ste. Marie Tribe of Chippewa Indians	The Sault Ste. Marie Tribe of Chippewa Indians submitted a copy of its revised General Assistance and Social Services and asked what needed to be done to officially change these programs to fit the needs of the tribe.	The tribe was told that appropriations language authorizes the tribe to redesign its general assistance program without the approval of the BIA. The tribe was advised that it would need to submit a request for a waiver of those provisions which are inconsistent with specific provisions contained in 25 CFR Parts 20.22 (child welfare assistance) and 20.23 (miscellaneous assistance).
03/10/00	Red Lake Band of Chippewa Indians	The Red Lake Band of Chippewa Indians requested a waiver of 25 CFR Part 20 to provide one-time miscellaneous assistance to purchase needed items in the amount of \$2,500 for a family who has been homeless due to a house fire on the Reservation.	The Assistant Secretary approved the request for a one-time waiver on 04/07/00.
06/29/00	Skokomish Indian Tribe	The Skokomish Indian Tribe requested a waiver of the BIA=s HIP regulations, as outlined in the 25 CFR Part 256. The Tribe has proposed replacement regulations.	The request was provided to the BIA Office of Tribal Services and Solicitor=s Office for review on 07/17/00.
09/19/00	Yakutat Tlingit Tribe	By letter dated July 16, 1996, the Yakutat Tlingit Tribe was granted a one-time exception to increase the Category D cap for a particular project to \$70,000. The project, however, ran further over-budget and a second waiver request has	A copy of the request and supporting documentation has been provided to the BIA Office of Tribal Services and the Office of the Solicitor. The Office of Tribal Services is reviewing the request.

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		been submitted to cover the cost of an additional \$32,233.	
02/12/01	Chickasaw Nation	The Chickasaw Nation requested a waiver of the revised financial assistance and social services regulations found at 25 CFR Part 20 regarding the documentation of tribal membership, the submission requirement for disaster assistance, and the income requirement for disaster and burial assistance.	The Nation was asked to identify the specific parts of the regulations to be waived. The Nation requested that portions of 25 CFR Part 20.100 and 25 CFR Part 20.300 be waived. The waiver request was approved by the Assistant Secretary for Indian Affairs on 11/08/01. However, the reply did not address the request to waive the submission requirement for disaster assistance. A response to address the request to waive the submission requirement for disaster assistance was never submitted.
03/02/01	Chugachmiut, Inc.	Chugachmiut, Inc. requested a waiver of 25 CFR Part 163.24 (Duration of Timber Contracts) to waive the stipulated five-year maximum limit on timber contracts.	The Assistant Secretary - Indian Affairs approved the request on 06/01/01, effective 05/01/01.
04/06/01	Quinault Indian Nation	The Quinault Indian Nation submitted a request to waive 25 CFR Part 151.10(h) when converting undivided tribal fee interests into trust. Relief was requested from the ASTM Standard in 602 DM 2, Land Acquisitions: Hazardous Substances Determinations to comply with the new industry-wide standard for environmental condition assessments when the real property proposed for acquisition into trust is already managed by the BIA as a trust asset.	The Assistant Secretary - Indian Affairs approved the request on 06/04/01. The approval confirmed that the waiver request extends only to the requirement to comply with the ASTM standard in 602 DM 2.
05/01/01	Confederated Tribes of Siletz Indians of Oregon	The Confederated Tribes of Siletz Indians of Oregon has requested a formal determination by the BIA that the tribe is not required to seek a waiver, pursuant to the new self-governance regulations, 25 CFR Part 1000, in order to decline general assistance services to Indians who are not enrolled members of the tribe, but reside within their	The request was declined by the Assistant Secretary - Indian Affairs on 06/18/01. The letter indicated that the Tribe=s waiver request to only serve some of those persons eligible for assistance under the Snyder Act is inconsistent with <u>Morton v. Ruiz</u> . The Tribe has filed a law suit over the decision that it must serve non-member Indians residing in off-reservation service areas under the new social services regulations. An agreement to settle the law

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
		service area.	suit has been reached.
05/01/01	Chippewa Cree Tribe of the Rocky Boy=s Reservation	The Chippewa Cree Tribe has requested a waiver of the eligibility requirements under 25 CFR Part 20.300 so that it can serve tribal children who are Aenrollable@ members of the tribe.	A copy of the request was received by the BIA Office of Tribal Services and provided to OSG on 05/24/01. A copy of the request was provided to the Office of the Solicitor on 05/24/01. The waiver request was approved by the Assistant Secretary - Indian Affairs on 11/09/01.
06/15/01	Seneca-Cayuga Tribe of Oklahoma	The Seneca-Cayuga Tribe of Oklahom has requested a waiver of 25 CFR Part 27.2 to allow its registered nursing students to receive financial assistance throughout the complete 36 months of training, including the summer courses that are required, even if they are not enrolled full time during the summer session. After discussions with the Tribe, an exception to the definition of Afull-time institutional training@ under 25 CFR Part 27.1(h) was sought.	The waiver request was approved by the Assistant Secretary - Indian Affairs on 11/08/01.
08/18/01	Bristol Bay Native Association	The Bristol Bay Native Association has requested a waiver of 25 CFR Part 1000.397 to allow the Native Village of Ekuk to use AFA funds passed through BBNA for a fuel voucher program.	A response denying the waiver was signed by the AS/IA on 10/04/01. The regulatory provision BBNA sought to waive has its basis in appropriations law [31 USC 1301(a)] which restricts the use of appropriated funds to their intended purpose. The statute was found to prohibit the implementation of a home heating voucher program with funds provided under the AFA.
09/18/01	Santa Clara Indian Pueblo	The Santa Clara Indian Pueblo has requested a waiver of 25 CFR Part 27.5(b) with regard to the selection of eligible applicants for vocational training for adult Indians. The Pueblo is seeking to serve seventeen year olds who are currently enrolled in high school.	The waiver request was approved by the Assistant Secretary - Indian Affairs on 12/13/01.

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
10/04/01	Bristol Bay Native Association	<p>The Bristol Bay Native Association requested waivers to secure disaster assistance for individuals affected in those communities within its jurisdiction listed in the Declaration of Disaster issued by the Governor of Alaska. Waivers were requested of 25 CFR Parts 20.327 and 20.328 (application process for disaster funds); maximum payment standards set forth in the AS/IA=s 12/00 memorandum in accordance with 25 CFR Parts 20.100 (Bureau standard of assistance); and 20.300 (eligibility for direct assistance).</p>	<p>The deadline for responding to the request was extended to 01/18/02. The request to waive the following provisions were granted a qualified and conditional approval by the Assistant Secretary - Indian Affairs on 01/18/02: 25 CFR Parts 20.327 and 20.328 (some proof of the disaster and the projected extent of the need to be provided); 25 CFR Part 20.300 (welfare assistance funds shall not exceed the amount received under the present AFA without changes in eligibility, payment levels, and applicable carryover funding); and 25 CFR Part 20.100 (budgetary constraints will not allow any additional funds to be disbursed at this time).</p>
10/26/01	Aleutian/Pribilof Islands Association	<p>The Aleutian/Pribilof Islands Association requested waivers to secure disaster assistance for individuals affected in those communities within its jurisdiction listed in the Declaration of Disaster issued by the Governor of Alaska. Waivers were requested of 25 CFR Parts 20.327 and 20.328 (application process for disaster funds); maximum payment standards set forth in the AS/IA=s 12/00 memorandum in accordance with 25 CFR Parts 20.100 (Bureau standard of assistance); and 20.300 (eligibility for direct assistance).</p>	<p>The deadline for responding to the request was extended to 01/18/02. The request to waive the following provisions were granted a qualified and conditional approval by the Assistant Secretary - Indian Affairs on 01/18/02: 25 CFR Parts 20.327 and 20.328 (some proof of the disaster and the projected extent of the need to be provided); 25 CFR Part 20.300 (welfare assistance funds shall not exceed the amount received under the present AFA without changes in eligibility, payment levels, and applicable carryover funding); and 25 CFR Part 20.100 (budgetary constraints will not allow any additional funds to be disbursed at this time).</p>
10/30/01	Quinault Indian Nation	<p>The Quinault Indian Nation requested a waiver of 25 CFR Part 256.11 with regard to the occupancy and square footage standards for housing provided with Category C assistance. This would allow the Nation to build a home that is handicap accessible (add 300 square feet per home, per bedroom size to meet all Handicap Accessibility Standards and HIP</p>	<p>A telephone conference was arranged between representatives of the Nation, BIA, and OSG on 04/24/02. The Nation was informed that a waiver was not necessary because the square footage identified in the regulations refers to living space and does not include such spaces as hallways, bathrooms, etc. After receiving a signed copy of the waiver request on 04/25/02, the BIA, Office of Tribal Services agreed to formally reply to the waiver request.</p>

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
		Guidelines), even though at the time the elders may or may not be handicap.	
11/28/01	Salt River Pima-Maricopa Indian Community	The Salt River Pima-Maricopa Indian Community requested waivers of 25 CFR Parts 20.100 (definitions of Indian and child); 20.334(b) (approval of adult care assistance); 20.501(c) (approval of homemaker services); 20.502(a) and (b) (placement of Indian children in residential care facilities); and 20.503(d) (approval of Indian adoption or guardianship subsidies).	The waiver requests were granted by the Assistant Secretary - Indian Affairs on 02/21/02 subject to the condition that Salt River=s welfare assistance funds shall not exceed the amount it would receive under its present AFA without changes in eligibility and payment level nor any carry over funds that might apply.
09/10/02	Seneca-Cayuga Tribe of Oklahoma	A waiver request from the Seneca-Cayuga Tribe of Oklahoma was received by the OSG on 09/25/02. The Tribe requested a waiver of the requirement found at 25 CFR Part 256.24(b) which restricts the provision of HIP services to an eligible individual to one-time only. The Tribe is asking for authorization to assist an individual who was assisted by HIP funds on December 15, 1999 for a category B project in the amount of \$2,760. Lead base paint restrictions prohibited the use of NAHASDA funds at the time her project was completed. Sub-standard conditions remain and repairs are needed to ensure standard living conditions.	The waiver request was discussed with the Chief of the Bureau=s Division of Housing Assistance. A sheet of HIP waiver request information requirements was faxed to the tribe on 09/26/02.
12/17/02	Yurok Tribe	A waiver request was received from the Yurok Tribe on 12/17/02. The Tribe requested a waiver of 25 CFR Parts 20.300(a) and 20.300(c) to provide burial and transportation assistance to the family of a deceased baby who would have been eligible to be a Yurok Tribal member and was residing outside the Tribe=s service area.	The waiver request was granted by the Acting Assistant Secretary - Indian Affairs on 12/20/02.

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
01/15/03	Choctaw Nation of Oklahoma	A waiver request from the Choctaw Nation was received by the BIA Office of Tribal Services on 01/22/03 and OSG on 01/29/03. The Nation requested a waiver of 25 CFR Part 20.300(a) to keep the blood quantum in the eligibility requirements at one-fourth degree or more. The Nation indicates that by allowing all Native Americans with tribal membership cards to receive assistance, the Nation will not be able to meet the needs of all eligible applicants with the resources it receives.	A response was sent by the Acting Principal Deputy Assistant Secretary - Indian Affairs to the Nation on 12/24/03 indicating that the Secretary needs to receive a tribal redesign plan from the Nation and additional information before making a decision on the waiver request: (1) how the Nation would document and verify the blood quantum of applicants and (2) how analysis of funds estimates (with and without the waiver) were derived. Additional information was not submitted by the Nation.
08/13/03	Native Village of Gambell	An inquiry was received by the Office of Self-Governance and Self-Determination on 09/17/03 from the Native Village of Gambell as to whether the use of Adult Vocational Training (AVT) funds to provide interested and eligible tribal members an opportunity to pursue a locally based carpentry training program requires a waiver of 25 CFR Part 27.7.	A response was sent by the Director, OSG on 11/04/03 indicating that it is not necessary for the Tribe to seek a waiver of the regulations. He indicated however that the Tribe may seek concurrence or reaffirmation of its tribal vocational training program if it so desires.
12/15/03	Chickasaw Nation	A waiver request from the Chickasaw Nation was received by the Acting Assistant Secretary - Indian Affairs on 12/30/03. Pursuant to 25 CFR Part 11.1008), the Chickasaw Nation has indicated its intent to establish a Court system to exercise limited jurisdiction, exclusive of the State of Oklahoma, effective 01/01/04 and requested that its name be deleted from the listing of Courts of Indian Offenses, pursuant to 25 CFR Part 11.100(a).	The waiver was granted by the Principal Deputy Assistant Secretary - Indian Affairs on 01/07/04.
	Native Village of	A waiver request from the Native Village	A conference call was held with the BIA Alaska

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
07/27/04	Eyak	of Eyak was received by the Office of Self-Governance and Self-Determination on 10/04/04. The Tribe has requested that the requirement to submit a burial assistance application within 30 days following death under 25 CFR Part 20.325 be waived on a one-time basis.	Regional Office and the Solicitor=s Alaska Regional Office. A letter dated 11/01/04 was sent to the Tribe indicating that further documentation is needed to determine whether the waiver request could be approved. No response was received from the Tribe.
10/26/04	Cherokee Nation of Oklahoma	A waiver request from the Cherokee Nation of Oklahoma was received on 10/28/04. The Nation has requested to waive Indian Reservation Roads program regulations found at 25 CFR Part 170.202(a) [IRR Payments]; 25 CFR Parts 170.607 & 170.608 [Contract Support]; 25 CFR Parts 170.601, 170.612 & Part 1000.256 [Funding Supportive and Administrative Functions]; 25 CFR Part 170.618 [Use of Savings]; and 25 CFR Part 170.623 [Contents of a Self-Governance Agreement].	The waiver request was denied by the Associate Deputy Secretary on 07/18/05 because it was found to be prohibited by law.
11/17/04	Chickasaw Nation	A waiver request from the Chickasaw Nation was received on 11/19/04. The Nation has requested to waive burial assistance requirements in 25 CFR Part 20.325(b) regarding resources available to the deceased so that the Nation may provide the full amount of the payment standard and not be required to deduct any resources.	The waiver request was denied by the Acting Principal Deputy Assistant Secretary B Indian Affairs on 08/19/05 because it was prohibited by law. The waiver could not be granted because 25 U.S.C. ' 13d requires that a decedent=s financial resources or income be taken into consideration when determining the decedent=s eligibility for burial assistance payments.
12/03/04	Cherokee Nation of Oklahoma	A waiver request from the Cherokee Nation of Oklahoma was received on 12/06/04. The Nation has requested to waive 25 CFR Parts 20.210 and 20.235(b) regarding eligibility requirements for burial assistance.	The waiver request was approved by the Acting Principal Deputy Assistant Secretary - Indian Affairs on 12/27/05.
02/25/05	Red Lake Band of Chippewa Indians	A request was received from the Red Lake Band of Chippewa Indians to waive 25 CFR Parts 170.601, 170.610, 170.612 and Part 1000.256 [Funding for Supportive and Administrative Functions] as well as 25 CFR Part 170.623.	The Director, OSG&SD faxed a copy of the waiver request to the BIA Office of Tribal Services and Solicitor=s Office for review on 03/07/05. The waiver request was denied by the Associate Deputy Secretary on 07/18/05 because it was found to be prohibited by law.

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DATE OF REQUEST	TRIBE/TRIBAL ORGANIZATION	WAIVER REQUEST	STATUS OF REQUEST
06/03/05	Karuk Tribe of California	A request was received from the Karuk Tribe of California to waive 25 CFR Part 20.300(c) one-time so a tribal member that briefly lived outside the Tribe's service area before passing away could receive burial assistance.	The waiver request was denied by the Acting Principal Deputy Assistant Secretary - Indian Affairs on 08/26/06 because it was prohibited by law.
07/20/05	Citizen Potawatomi Nation	A waiver request from the Citizen Potawatomi Nation was received on 07/20/05. The Nation has requested to waive Indian Reservation Roads program regulations found at 25 CFR Part 170.202(a) [IRR Payments]; 25 CFR Parts 170.607 & 170.608 [Contract Support]; 25 CFR Part 170.618 [Use of Savings]; and 25 CFR Part 170.623 [Contents of a Self-Governance Agreement].	The waiver request was denied by the Acting Principal Deputy Assistant Secretary B Indian Affairs on 08/26/05 because it was prohibited by law.
12/16/05	Pinoleville Band of Pomo Indians	A waiver request from the Pinoleville Band of Pomo Indians was received on 12/16/05. The Tribe requested a waiver of 25 CFR Part 1000.25(a) which requires a Tribe to be a member of the applicant pool on March 1 of the year in which the negotiations are to take place.	The waiver request was approved by the Director, Office of Self-Governance on 12/29/05.
12/28/05	White Earth Reservation Tribal Council	A letter from the White Earth Reservation Tribal Council was received on 12/29/05. The letter requested assistance and direction as to the process and procedure that should be followed in the Council's request for a waiver of the three year requirements required prior to application for self-governance.	A response dated 01/13/06 was signed by the Acting Deputy Assistant Secretary B Policy and Economic Development indicating that 25 U.S.C. ' 458cc(i)(2)(B) is the applicable standard and the processes and procedure found in 25 CFR Ch. VI, Subpart J Waiver of Regulations should be followed in submitting a request for a waiver. The tribe was informed that the three year audit requirements are included under 25 U.S.C. ' 458bb(3) and it appears that such a waiver is prohibited by Federal law.