



Self-Governance Communication & Education Tribal Consortium

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June 21, 2016

The Honorable John Barrasso, Chairman
Senate Committee on Indian Affairs
U.S. Senate
838 Hart Senate Office Building
Washington, DC 20510
ATTN: Mike Andrew, Chief Counsel

The Honorable Jon Tester, Vice-Chairman
Senate Committee on Indian Affairs
U.S. Senate
838 Hart Senate Office Building
Washington, DC 20510
ATTN: Anthony Walters, Chief Counsel

Re: SCIA Mark-up of S. 2920, Tribal Law and Order Reauthorization and Amendments Act of 2016

Dear Chairman Barrasso and Vice-Chairman Tester:

On behalf of the more than 361 Self-Governance Tribes in the Departments of the Interior and Health and Human Services, we appreciate your efforts to reauthorize P.L. 111-211, the Tribal Law and Order Act (TLOA), to continue to improve the efficiency and effectiveness of the justice system on Indian lands. Since the enactment of P.L. 111-211, with the exception of inadequate funding to fully implement TLOA, there have been positive strides in the Department of Justice (DOJ) to educate, communicate and engage Tribes under this new authority. In addition, TLOA includes permanent authority within DOJ¹ for more coordination and access to information and resources that identify and elevate the critical status of justice and public safety needs in our Tribal communities. We make the following requests as you prepare to mark-up S. 2920:

1. We are requesting permanent authority for the following to be included in S. 2920
 - a. Tribal Nations Leadership Council (TNLC) - Created in 2010, the first-time a council of Tribal Leaders was selected by Tribal governments to advise the DOJ Leadership about ongoing and emerging justice and public safety issues in Tribal communities.
 - b. Justice Program Council on Native American Affairs (JPCNAA) – A senior level Advisory Council within the Office of Justice Programs (OJP) established to ensure coordination and consultation on justice and public safety issues in Indian Country. The Council reviews and develops Tribal justice and safety policy recommendations and strategies that align with the OJP Strategic Plan's model and are embraced and implemented by OJP leadership. For example, within the Department of Health and Human Services (HHS) Congress authorized the Intradepartmental Council on Native American Affairs (ICNAA) as part of the

¹ P.L. 111-211, Tribal Law and Order Act permanently authorized in the Department of Justice the Office of Tribal Programs (OTP) and the U.S. Attorney's Office (USAO) Tribal Liaisons for each regional U.S. Attorney. In the Department of the Interior, the Office of Justice Services (OJS) was permanently authorized.

Native Programs Act. We are requesting that you include the same authority for JPCNAA in DOJ.

In addition, we urge you to include language that would require Tribal consultation department-wide on the DOJ annual budget. Similar consultation is conducted with Tribes by DOI's Tribal-Interior Budget Council (TIBC), the HHS Annual Tribal Budget Consultation (ATBC) and the Indian Health Service Tribal Budget Formulation Workgroup. This has been an invaluable process to elevate the funding disparity that exists for Tribal programs compared to Federal spending for other citizens including those incarcerated.

- c. National Indian Country Training Initiative (NICTI) – The Department of Justice training effort is led by the National Indian Country Training Coordinator. The Coordinator ensures that Federal prosecutors and agents, as well as state and Tribal criminal justice personnel, receive the training and support needed to address the particular challenges relevant to Indian Country prosecutions. Training is provided via webinars and regional in-person sessions to thousands of Federal, state and Tribal stakeholders on a host of criminal justice issues.
2. We strongly support transparency in the identification, coordination and consolidation of an alternative funding mechanism that will provide recurring program dollars, as opposed to grant funding, which is, at best, a short term investment used to support ongoing and critical Tribal justice needs. Stable funding at sufficient levels is essential for viable and effective Tribal justice institutions. Although we appreciate the intent of the Department in developing CTAS to streamline the grant process and provide Tribes a tool for quick access and reference to funding specifically available to Tribes, the administrative and processing burden on Tribal resources remains excessive. The CTAS grant application process is highly competitive, tedious and complex and there are many restrictions imposed on how funds may be utilized.

Further, full funding to implement TLOA is still a priority for Self-Governance Tribes. We ask that Congress support the basic responsibility and ensure better accountability by the Federal government to honor and protect the trust responsibility to American Indian and Alaska Native people.

We hope that you will consider these requests. If you would like to discuss this letter in further detail, please do not hesitate to contact us at rallen@jamestowntribe.org , (206) 369-6699 or lmalerba@moheganmail.com or (860) 862-6192).

Thank you.

Sincerely,



W. Ron Allen, Tribal Chairman/CEO
Jamestown S'Klallam Tribe
President of the Board, SGCEC
Chairman, DOI SGAC



Chief Lynn Malerba
Mohegan Tribe of Connecticut
Board Member, SGCEC
Chairwoman, IHS TSGAC

Cc: Senate Committee on Indian Affairs
SGAC and TSGAC and Technical Workgroup