REPORT ON PENDING FEDERAL LEGISLATION OF INTEREST TO SELF-GOVERNANCE TRIBES

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TRIBAL SELF-GOVERNANCE AMENDMENTS (TITLE IV rewrite)

- No bill currently pending in the 115th Congress
- S. 286 (114th Congress) (2015-2016)
  - Passed Senate July 7, 2015
  - No House action before adjournment
- TSGA would –
  - Align BIA SG Title IV rules with IHS Title V rules
  - Authorize strengthened construction compacting
  - Expedite payments
  - Strengthen waiver process
  - Strengthen judicial review process
TRIBAL LABOR SOVEREIGNTY ACT

- H.R.986 (Cong. Rokita [IN]) and S.63 (Senator Moran[KS])
  - S.63 passed Senate Committee February 8, 2017
  - H.R.986 House Educ. + WF Subcommittee hearing March 31, 2017
- Reestablishes parity between tribal governments and other governments under the National Labor Relations Act, as existed 1935-2004
- Would conform with Tenth Circuit law (San Juan 2002) and reverse D.C. Circuit (San Manuel 2007) and Sixth Circuit (Little River 2015; Soaring Eagle 2015), while preserving NLRB Chickasaw decision (2015)
- TLSA would –
  - Respect tribal right to establish tribal labor law rules for tribal employment on tribal lands
  - Respect tribal right to prohibit strikes
  - Respect right of Tribes to control who comes on tribal trust lands
  - Respect right of Tribes to resolve labor disputes in tribal forums
INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES CONSOLIDATION ACT OF 2017 (H.R.228; S.91)

- H.R.228 (Cong. Young [AK]) and S.91 (Senator Murkowski [KS])
  - H.R.228 passed the full House April 8, 2017
  - S.91 report filed April 6, 2017; Senate bill now identical to House bill
  - H.R.228 awaiting final Senate passage on consent calendar
- Cements eligibility of programs for 477, barring their removal by HHS, while expanding scope to other agencies
- Retains right of Tribes to receive 477 funds through SG compacts and ISDA contracts; new IDC rule
- Secures consolidated budgeting, accounting, reporting and auditing rules
- Establishes mandatory timetables for transfer and payment of funds
- Creates judicial enforcement measures similar to ISDA Titles I & V
OTHER PENDING BILLS/INITIATIVES:

- S.245 – Indian Tribal Energy Development and Self-Determination Act Amendments (streamlines process for Tribal Energy Resource Agreements (TERAs) for tribes to review, approve, and manage leases, business agreements, and rights-of-way for energy development on tribal lands without Secretarial approval)
- S.772 – Amend PROTECT Act to make Indian tribes eligible for AMBER Alert grants
- S.747 – Special Diabetes Prevention Initiative reauthorization
- S.876 – Tribal Adoption Parity Act (tax code amendment to recognize tribal governments for determining under the adoption credit whether a child has special needs)
- H.R.1809 – Juvenile Justice Reform Act (re notice of tribal children entering or leaving state/local juvenile justice systems; other issues)
OTHER PENDING BILLS/INITIATIVES:

• S.254 – Esther Martinez Native American Language Preservation Act

• Tax reform initiative (tribal parity in tax-exempt bonds, pension plans, foundations and charities, child support enforcement access to parent locator services though federal tax returns, Indian adoption tax credit for tribal court-determined “special needs” children, low income housing tax credit, excise tax exemptions; economic development incentives; dual taxation remedy; targeted new market tax credits; etc.)

• Infrastructure Package

• Health care reform
LEGISLATION ENACTED SINCE THE 2016 SPRING CONFERENCE:

- Pub. L. 140-244 - Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act (to prepare a study on federal programs impacting Native children)
- Pub. L. 114-322 - Water Infrastructure Improvement for the Nation [WINN] Act, including the Blackfeet, Chickasaw and Pechanga Settlements, plus the DRIFT Act and the IRRIGATE Act
  - Indian Dams Safety
  - Indian irrigation systems rehabilitation and renovation
- P.L. 114-198 Comprehensive Addiction Recovery Act, to address the opiate and prescription painkiller crisis in America
  - See also recent Cherokee v McKesson Corp, (Cherokee D.C., complaint filed Apr. 20, 2017)
For additional information on pending federal legislation, contact:

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