

# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

FEB 05 2015

The Honorable W. Ron Allen  
Chairman, Self-Governance Advisory Committee  
P.O. Box 1734  
McAlister, Oklahoma 74591



Dear Mr. Allen:

Thank you for your letters dated March 1, 2013 and May 1, 2013, on behalf of the Department of the Interior (Department) Self-Governance Advisory Committee (SGAC), regarding the issues discussed during the January 25, 2013 and April 4, 2013, Committee meetings. Detailed below are the responses to the issues you raised:

## **Title IV**

Your letter requests that I meet with the Title IV Self-Governance workgroup to discuss the legislation, course of action, and strategy to address non-Bureau of Indian Affairs (BIA) agencies. The Administration was on record in support of H.R. 2444. I support self-governance and can attest to its benefits for tribes and tribal members. My office is actively involved in monitoring the developments of the Title IV Amendments. On July 15, 2014, I testified on behalf of the Department in support of the legislation. We anticipate that it will be reintroduced in Congress.

## **Carcieri/Patchak**

You asked that I elevate the *Carcieri* issue and advocate for a clean fix with Senate and House leadership. As I said during the January 2013 meeting, I am in favor of a clean fix for *Carcieri*. I would note that the President and Secretary Jewell are also on record in support. My office will continue to work with tribes in this regard. In response to *Patchak*, we adopted changes to the Part 151 regulations that, among other things, deleted the 30-day waiting period existing in the current rule for implementation of decisions to acquire land in trust after such decisions are final for the Department. We will continue to advocate for a clean fix to *Carcieri* and to otherwise improve the land into trust regime for tribes.

## **P.L. 102-477 - Indian Employment, Training and Related Services Demonstration Act of 1992**

The BIA continues to advocate on behalf of the tribes with the U.S. Department of Health and Human Services (DHHS) and Department of Labor (DOL) to resolve remaining 477 issues, including legislative remedies. As mentioned in a prior letter, the work on 477 is an ongoing process. Extensive discussions with the P.L. 102-477 Administrative Flexibility Work Group have clarified the different viewpoints on reporting and accounting for each category of funds in

a P.L. 102-477 consolidated plan. I will continue to educate the agencies about the original intent of P.L. 102-477 and the value of providing tribes the flexibility to consolidate their plans and streamline the accounting and reporting process.

### **Tribal Data Exchange (TDE)**

Concerning the status of TDE funding for FY 2013 and making top level leadership actively engaged in the TDE meetings, I have declined to be involved in issues related to the TDE. Because my own tribe, the Chickasaw Nation, may have a particular financial interest in the TDE initiative, please direct future inquiries on this matter to Principal Deputy Assistant Secretary Larry Roberts or BIA's Office of Budget Management.

### **Tribal Transportation Program (TTP)**

We are currently facilitating tribal consultations on TTP and welcome your participation. More information can be found at our WebSite below:

<http://www.bia.gov/WhoWeAre/AS-IA/Consultation/index.htm>

### **Indian Child Welfare Act (ICWA)**

The Department continues to take immediate action on your behalf to protect our children and tribal rights under ICWA. I attended the Great Plains ICWA Summit on May 15, 2013, in Rapid City, South Dakota. The Summit was attended by a number of tribes across the country as well as Federal and private partners. The purpose of this meeting was to develop strategies to improve collaboration and exchange ideas among stakeholders, thus ensuring that we meet ICWA's intent to protect the best interests of Indian children, and to promote the safety and stability of Indian tribes and communities. In 2014, there were additional listening sessions focused on updating and reviewing the ICWA regulations and guidance. I look forward to working with tribes and our Federal, state, and private partners to protect the best interests of Indian children. We hope to update our guidelines and are considering proposing regulations to insure stronger compliance with ICWA by state courts.

### **Tribal Law and Order Act (TLOA)**

The BIA continues to engage with the Department of Justice and other agencies to ensure that TLOA is implemented effectively and in an expeditious manner. The BIA Office of Justice Services (OJS) hired a liaison to the Department of Justice on Indian Affairs issues. The Tribal Nations Leadership Council normally meets every six months. This meeting is attended by members of OJS. We continue to be engaged with TLOA and VAWA implementation.

### **Wildland Fire and Suppression**

The BIA continues to consult with tribes on fire suppression issues. It is also requested that BIA provide a session on how the fire program functions in the different regions and include a funding chart on how these funds are processed. The BIA's Deputy Director for Trust Services

is Ms. Helen Riggs, and the National Interagency Fire Center (NIFC) Director for BIA is Mr. Aaron Baldwin. An invitation to attend a SGAC quarterly meeting sent to either of these directors may answer many of the questions tribes may have regarding the current consultations occurring regarding fire suppression. With regard to fire suppression reimbursements, BIA Regional Offices have the responsibility to provide timely suppression reimbursements to tribal programs. Tribes can work with Regional Offices to discuss the program expenditures and protocols for reimbursement.

### **BIA/Bureau of Indian Education (BIE) Streamlining**

The Department is adjusting the streamlining efforts based on the number of actual buyouts offered to employees. The BIE is evaluating field offices for Educational Resource Centers (ERCs) and will begin a series of meetings with tribes and tribal leaders to explain the Blueprint for Reform and the locations of ERCs. These meetings are to secure support for the Blueprint and ERCs. The BIE will focus on providing better services to tribes and schools at the local level.

### **Budget and Sequestration**

President Barack Obama's Fiscal Year (FY) 2016 budget request for Indian Affairs, which is \$2.9 billion – a \$325 million, or 12 percent increase from the FY 2015 enacted level. The request maintains the Administration's strong support for tribal self-determination, strengthening tribal nations across Indian country, and meeting the Federal Government's trust responsibilities to Indian tribes and Alaska Natives.

### **Contract Support Costs (CSC)**

A CSC workgroup conference call took place on July 12, 2013, to reorganize the workgroup and a CSC Workgroup meeting was held on August 20-21, 2013 in Albuquerque. There were a number of consultation sessions held since then, and the President's budget request for contract support costs is \$277 million, an increase of \$26 million above the FY 2015 enacted level. Based on the most recent analysis, the requested amount will fully fund 2016 tribal contracts support costs. The budget also includes – for the first time ever – a new proposal to fully fund BIA and Health Service contract support costs as mandatory funding beginning in FY 2017.

### **Office of Management and Budget (OMB)**

Since the comment period for this proposed action closed on June 2, 2013, and the rule has become final, please advise whether a meeting is still sought.

### **Labor Force Report**

We published the Report in 2013. We will work with the Office of Management and Budget, the Bureau of the Census, and our counterparts in the Department on future reports.

Please be assured that all Federal statistical reports are required to be accurate under the Quality of Information Act and other federal regulations and guidelines.

**Financial and Business Management System (FBMS) / Automated Standard Application for Payments System (ASAP)**

Finally, our letter stated that you would like an update on the steps BIA is taking to address the issues with the newly instituted ASAP system. With any new large scale change there will be growing pains. Fortunately, many of the problems with FBMS have been corrected and it seems that it is working more smoothly. With regards to the ASAP system, the Department of Treasury, is the operational agency for the ASAP system. Staff has reported that any errors experienced by OSG Tribes have been fixed. To the extent that other ASAP issues remain, we would be willing to invite a Department of Treasury representative to the next SGAC meeting.

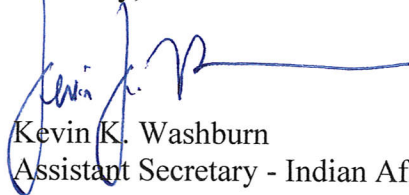
At the July 2013, SGAC meeting, Mr. Thomas Thompson and OSG staff were available to answer questions from Tribes regarding the implementation of FBMS/ASAP.

**AS-IA's Attendance at the Annual Conference and Other Meetings**

During 2013 sequestration, we faced historic cuts to the Federal budget and no department was exempt. With large cuts to tribal programs and with Indian Affairs programs, I cut back substantially on non-mission critical travel. I look forward to attending all quarterly SGAC meetings and was delighted to attend the most recent Annual Self-Governance Conference. I continue to scrutinize travel requests carefully, but am trying to travel more to meet with tribes and to attend national conferences. I appreciate your patience and understanding.

Thank you for bringing these issues to my attention. I look forward to working with the SGAC and Self-Governance Tribes to find solutions for these issues.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin K. Washburn', with a long horizontal flourish extending to the right.

Kevin K. Washburn  
Assistant Secretary - Indian Affairs