



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JAN 29 2015

The Honorable W. Ron Allen  
Chairman, DOI Self-Governance Advisory Committee  
P.O. Box 1734  
McAlester, Oklahoma 74501

Dear Chairman Allen:

Thank you for your letter dated July 23, 2014, on behalf of the Department of the Interior (Interior) Self-Governance Advisory Committee (SGAC) summarizing the April quarterly meeting. We share the goal of achieving meaningful impact on the issues discussed at the SGAC meetings, and I agree that these meetings reaffirm our government-to-government relationship by allowing us to work together on solution-oriented approaches to the challenging issues in tribal communities.

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

Your letter explains the concerns SGAC has with full funding of Contract Support Costs (CSC) for tribes. Full CSC funding is authorized. The 2014 Omnibus Appropriation report language directed the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) to engage in tribal consultation regarding CSC. A number of consultation hearings took place last summer and BIA's CSC Workgroup has convened to discuss steps going forward. We hope to be able to explore with the Workgroup how to provide timely CSC funding distributions; taking into account the need for Self-Governance tribes to provide the Office of Self-Governance (OSG) budgetary and cost exclusion(s) information prior to disbursement.

Another challenge is determining the best way to avoid overpayments and take into account the disbursement of all of the fiscal year's program funding. Securing mandatory CSC appropriations, given the current budget climate, is a challenging proposal but we are giving it serious consideration. Developing of a standard methodology for distributing Contract Support and creating a flow chart on the distribution of contract support are items that the recently-formed Self-Governance CSC sub-committee and BIA CSC workgroup can address.

## **Fish and Wildlife Service:**

The BIA works closely with Fish and Wildlife Services (FWS) on climate adaptation. The tribes and BIA are partners with the FWS and have jointly developed the National Fish, Wildlife, and Plants Climate Adaptation Strategy (Strategy). Tribes and BIA are active participants in the preparing the Strategy, and the Strategy follow-up team has a tribal co-chair. Currently, there are

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12 regional climate action plans under development. These will serve as road maps for BIA regions to identify strategies to incorporate climate adaptation into all projects.

**Coordination and Collaboration with Self-Governance Tribes / Tribal Law and Order Act (TLOA):**

With regard to the coordination of non-BIA agencies, there is an internal DOI group of non-BIA liaisons who have responsibilities for programs that serve tribes; the Office of Self-Governance (OSG) is an active member of this group. With respect to the TLOA issues you have raised, I believe it best to suggest that Mr. Darren Cruzan, the Deputy Director for the BIA Office of Justice Services, be invited to address these issues at a future SGAC meeting.

**TIWAHE Initiative:**

The enacted 2015 budget that introduced the TIWAHE Initiative increased funding by \$11.6 million to address the interrelated problems of child and family welfare, poverty, violence and substance abuse in tribal communities. TIWAHE is the Lakota word for “family.” Through this initiative, social services and job training programs will be integrated and expanded to provide culturally appropriate programs to assist and empower families and individuals through economic opportunity, health promotion, family stability, and strengthened communities.

**Budget:**

I have directed BIA’s Office of Budget Management to inquire about reverting back to identifying allocations for certain programs under the Self-Governance line item. I have also asked the BIA Office of the Bureau Director and Deputy Bureau Director, Field Operations, to continue coordination and communication with OSG. Communication has improved and BIA Director Michael S. Black met with the Self-Governance Advisory Committee on July 30, 2014. As Director Black noted in the meeting, he shares in your sentiment of continued communication between offices so that tribes may have better access to information regarding the availability of funds.

On August 20, 2014, Secretary Sally Jewell issued an Order reaffirming Interior’s trust responsibilities to federally recognized Indian tribes and individual Indian beneficiaries and providing guidance for Interior bureaus in carrying out their obligations to them. The Secretarial Order provides seven principles that apply to all Interior bureaus and includes: supporting tribal sovereignty and self-determination; protecting tribal lands and resources; building partnerships; practicing responsiveness and timeliness; and seeking legal advice to ensure compliance with the trust responsibility. As Federal agencies that make policy affecting Indian tribes and individual Indian beneficiaries, all of Interior’s bureaus and offices share the same general Federal trust responsibility.

I appreciate your concern about the impact on tribes due to the Fiscal Year (FY) 2013 sequestration reduction required by the Budget Control Act. By its very nature, sequestration does not result in strategic cuts, but instead is applied to every program, project, and activity

within accounts that are affected by sequestration. The Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended, was the basis for implementing sequestration. Pursuant to BBEDCA, budgetary resources in all accounts are subject to sequestration unless expressly exempted in law. Indian Affairs works with several tribal groups, including the SGAC and the Tribal Interior Budget Council (TIBC), to develop budgets that advance the Federal trust responsibility. The Administration has requested \$158.8 million, including transfers, for Self-Governance Compacts in FY 2015. This is a small increase when compared to the FY 2012 pre-sequester enacted level of \$154.8 million.

### **Tribal Data Exchange:**

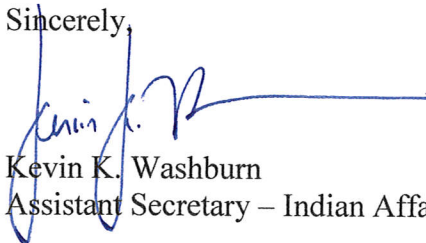
Your letter discusses the components of the tribally-operated data collection and reporting system referred to as the Tribal Data Exchange (TDE). The system is currently up and running and available to all tribes (Self-Governance, Direct Service, and 638 contracting). Quantification of data will support budget increase requests. The uses of the TDE system will demonstrate that tribes are using the Federal funds received from BIA efficiently and effectively with proven positive results. As a pilot initiative, it is expected that there will be some issues that arise during the course of the initial phase of using the system that will require further refinement of the system. You indicate in the tribally-driven data collection system, the Federal measures that are being used are not necessarily applicable or meaningful to tribes. I understand that a TDE meeting between staff and tribes took place on May 21, 2014. I agree that top level Interior leadership needs to be actively engaged in TDE meetings and will encourage staff to work together with tribes to address concerns that have been raised.

### **Education:**

Based on listening sessions held throughout Indian Country, the American Indian Education Study Group issued a Blueprint for Reform on June 13, 2014. The purpose of the Blueprint is to provide funding to federally recognized tribes and tribal education departments to promote self-determination, highly effective teachers and principals, and other benefits to support tribal control and operation of Bureau of Indian Education funded schools on reservations. We continue to seek guidance as we implement efforts to improve Indian education.

Thank you for the opportunity to respond to the wide range of issues that were raised. Many of the issues are ongoing and require us to continue working together. I appreciate the mutual understanding and spirit of cooperation which has developed. I look forward to working with you as we continue to advance the agenda of the Self-Governance tribes and Interior.

Sincerely,



Kevin K. Washburn  
Assistant Secretary – Indian Affairs