

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
- Prior bills: S.1715 (2004), H.R.4347 (2010), H.R.2444 (2011), S.3685 (2012), S.919 + H.R.4546 (2014)
- 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



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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)
- TLISA 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



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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



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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)**



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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**



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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. 114-232 - Nevada Native Nations Land Act**
- **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)



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**For additional information on pending federal legislation,
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