**TO: [BIA Region]**

**FROM: [Name of SGAC Member], Department of the Interior Self-Governance Advisory Committee (DOI-SGAC) and [Name of Technical Workgroup Member], SGAC Technical Workgroup Representative(s)**

**Subject: January 2018 DOI Self-Governance Advisory Committee Quarterly Meeting Summary**

The Department of the Interior’s Self-Governance Advisory Committee (DOI-SGAC) met January 23, 2018 in Washington, DC. Due to the uncertainty regarding the timing of the Federal government shutdown, the meeting was shortened to 1 day. The Committee commenced the meeting with a Tribal caucus to discuss a plethora of issues, including, Agency Reorganization, Land into Trust, DOI Strategic Plan, OST Audits, Self-Governance expansion and opportunities within the Farm Bill. We received a report out on Legislative and Budget items and conducted a brainstorming session on the Annual Self-Governance Conference (30th Anniversary celebration). We also received updates from the Office of Self-Governance, Tribal Transportation Self-Governance Program (TTSGP) Negotiated Rulemaking Committee, and held a joint discussion with Indian Affairs senior leadership.

Below is a brief summary of the discussion and actions from the meeting. A detailed summary of the meeting is available on the SGCE website, [www.tribalselfgov.org](http://www.tribalselfgov.org).

**SGAC Business:**

The following new SGAC representatives were approved during the meeting:

Eastern Oklahoma Alternate:

James R. Floyd, Principal Chief, Muscogee (Creek) Nation, Alternate Representative

Technical Workgroup Member:

Terra Branson, Self-Governance Coordinator, Muscogee (Creek) Nation

Southwest Region:

Carlos Hisa, Tribal Governor, Ysleta del Sur Pueblo, Primary Representative

Gilbert Suazo, Sr., Newly appointed Governor, Taos Pueblo, Alternate Representative

**Office of Self-Governance (OSG) Update:**

Sharee Freeman, OSG Director, provided a PPT presentation (*see link below*). Her presentation included an update on the recent staffing changes in Indian Affairs, Office of Justice Services, and Acting Regional Directors. To date, OSG has received and obligated approximately $76,155,857 in FY2108 funding to Self-Governance Tribes. Discussion was held about the current Trust Evaluations being conducted by the Office of Special Trustee (OST) and the concern that OST is downgrading Tribes due to no language included in their Funding Agreement. This topic has created concern among Tribes and needs further discussion and involvement of OSG, OST and Tribes. (*See link below for the full PPT presentation included in the meeting package*).

**Legislative Update:**

Mary Pavel, Sonosky Chambers, et al; and Geoff Strommer, Hobbs, Strauss, et al provided an update on current legislative issues and bills being addressed in the 115th Congress, including:

* **Continuing Resolution (CR)** was passed on 1/22/18 to keep the government open until February 8th. The CR includes the 6-year CHIP re-authorization. Special Diabetes Program for Indians (SDPI) was not included in the CR and will expire the end of March 2018. Tribes are encouraged to continue their advocacy and outreach with Congress on renewal of the SDPI.
* **P.L. 115-93, Indian Employment, Training and Related Services Consolidation Act of 2017 (signed 12/18/17**) – Very significant piece of legislation; many years of work was invested by Tribes. The bill expands the agencies that will be involved and makes permanent the 477 program. It also builds in the concept of Self-Governance including: timing and review of proposals, and final agreement. All the agencies that are included have, within 1 year after the bill being enacted, to negotiate a Memorandum of Understanding that will spell out how the parties will operate. Tribal reps and other stakeholders will meet (effort being coordinated by Hankie Ortiz at BIA). Potential regulations may be promulgated, but the legislation doesn’t require it. Non-DOI agencies will want to make sure that any potential regulations don’t impact those programs.
* **P.L. 115-97,Tax Cuts and Jobs Act (signed 12/22/17)**
* **S. 1870, Securing Urgent Resources Vital to Indian Victim Empowerment Act (SURVIVE Act)** The SCIA approved this bill, which would provide a Tribal set aside of 5% for the Victims of Crime Fund. Tribes stand a good chance of this legislation being enacted because there is broad bi-partisan support but it may be after Chairman Goodlatte retires as he has been reluctant to move it forward. Competitive grant language is built into the legislation and some Tribes are advocating for the removal of this language..
* **S. 1953, Tribal Law and Order Reauthorization and Amendments Act of 2017 and S. 1986 Justice for Native Survivors of Sexual Violence Act** One of the elements that has momentum is Bureau of Prison program but, to date, not many Tribes have taken advantage of this opportunity. Data needs to be gathered to understand the challenges the Tribes are experiencing with the BOP program. S. 1986 would expand the 2013 VAWA special Tribal jurisdiction to include crimes of sexual violence, sex trafficking and stalking committed by non-Indians within a Tribe’s jurisdiction against anyone (including children). Tribes need data on these victim crimes in Indian Country (particularly crimes against women).
* **Title IV, Department of the Interior Self-Governance Amendments** – The Tribal Team is working with the Senate Committee on Indian Affairs (SCIA) and the House Natural Resources Committee to get the bill re-introduced in this Congressional session. CBO scored it zero; which is helpful. SCIA hearing is anticipated in April. Tribal Team feels comfortable that this will go through this Session.
* **Tribal Labor Sovereignty Act** – There is talk that this legislation may be brought to the Floor during NCAI’s Executive Winter Session but we be short the 60 votes needed for it to pass. Senator McCain and Cochran may not be there to vote.
* **H.R. 984, Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017** – Sent to the President for signature in January.

**Budget Update:**

Amber Ebarb from National Congress of American Indians provided an update on the Tribal Interior Budget Committee (TIBC) (*See handouts included in meeting packages, link below)*. For FY2018, the President’s budget includes many cuts to Tribal programs. However, the good news is that so far, Congress has rejected this President’s budget proposal. For now, Tribes are currently operating under a CR at 2017 funding levels which will expire on February 8th. TIBC has additional concerns regarding the recently enacted Tax Reform bill, which will undoubtedly require future cuts to domestic spending programs. Jeannine Brooks, Deputy Director, Budget and Performance Management, Office of Management and Budget, Indian Affairs, DOI noted that FY2019 is currently embargoed and the Department is working with OMB to come up with the numbers to put forward (currently work in progress). She stated that Tribes can expect the same as in FY2018. For FY2020, the BIA is utilizing a new survey tool to summarize budget information collected from each Region and the data is currently being aggregated. The Department is making progress but the system used to collect this information has to improve.

**Department of Transportation – Update on Section 207 of the FAST Act, Tribal Transportation Self-Governance Program (TTSGP) Negotiated Rulemaking Committee:**

Kay Rhoads, Principal Chief, Sac and Fox Nation; Tribal Co-Chair, DOT TTSGP Negotiated Rulemaking Committee provided an update on the latest TTSGP activities. The TTSGP met for a full week from January 8-12, 2018. Tribal representatives were presented with a Federal 58-page draft of the Notice of Proposed Rulemaking (NPRM). The Tribal Representatives spent 2 days reviewing the Federal draft. A second document that wasn’t in a Question and Answer format was also provided. The full TTSGP negotiated rulemaking committee spent 2 days going through a complete walk-thru of the drafts. Eventually there will be a blending of both drafts. A drafting committee has been formed of Federal and Tribal attorney representatives to review the collective draft document. Tribes requested a face-to-face during NCAI Executive Session, but DOT made no commitment to confirm that meeting at this time. DOT, however, did make a commitment to have a face-to-face meeting after the comments on the draft NPRM are submitted and filed. DOT does not have funding for the rulemaking committee. A proposed NPRM will be published in the Federal Register by March 5th; and Tribes will have the opportunity to comment.

**2018 Annual Self-Governance Conference (30th Anniversary Celebration) – Theme is “30 Years of Self-Governance in Action”:**

The 2018 Annual Conference represents the 30th Anniversary of Self-Governance and the Self-Governance Communication and Education (SGCE) office requested input on how to commemorate the occasion. Ideas discussed included: (1) develop a list of the original Self-Governance Tribal leaders and other pioneers to be recognized; (2) special recognition of Senator John McCain (invite a designee to accept on his behalf); (3) develop a timeline canvass along the walls; (4) special recognition awards to be presented during the Conference Reception (honorees have been pre-selected); (5) display photos on the Jumbo Tron throughout the Conference; (6) highlight Self-Governance success stories; (7) focus keynote address on the 30 year theme; (8) frame discussions around past, present and future; (9) look at previous Self-Governance videos; and, (10) use 30 year logo on lapel pins, Conference lanyards and t-shirts.

**Joint Discussion with SGAC and John Tahsuda, Principal Deputy Assistant Secretary, Indian Affairs and Bryan Rice, Director, Bureau of Indian Affairs:**

SGAC expressed concerns regarding the Department of the Interior’s Strategic Plan and the need for DOI to adequately consult with Tribes. Further, Tribes were alarmed regarding the “map” of the proposed new BIA Regional Offices. Mr. Tahsuda assured the Committee that there will be consultation and that there will need to be buy-in both internally and externally. DOI/BIA wants to hear how Tribes will be impacted. As far as organizational re-structuring, there will still be agency offices. Mr. Tahsuda stated 90% of the people Tribes deal with will still be there. There is big “R” and small “r” reorganization that the Department is trying to do. Internal discussions are on-going and include all senior leadership; “we’re at the early stage in the process”. Tribes expressed concern about the Department moving forward with Reorganization Plan by trying to imbed it into the Budget legislation without first consulting with Tribes. SGAC also requested the Administration’s support on the proposed Title IV Self-Governance amendments. Mr. Tahsuda agreed to go back and look at the agency’s comment on the legislation.

**Meeting Packages:** You can download all PPT presentations and materials from the January 23, 2018 meeting here: [SGAC 1st Quarter January 2018 Meeting Package.pdf](http://tribalselfgov.org/wp-content/uploads/2015/10/CompiledSGACDocuments.pdf)

If you have questions or issues you would like SGAC to consider at the next Quarterly Meeting, please share those with Jennifer McLaughlin, SGAC Tribal Technical Co-Chair, at jmclaughlin@jamestowntribe.org. Thank you!

Self-Governance 2018 Calendar of Events

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| **Date** | **Meeting** | **Location** |
| March 27-28 | DOI SGAC Quarterly Meeting | Embassy Suites – DC Convention Center |
| March 28-29 | IHS TSGAC Quarterly Meeting |
| April 22-26 | Annual Tribal Self-Governance Consultation Conference | Albuquerque Convention CenterAlbuquerque, NM |
| July 17-18 | DOI SGAC Quarterly Meeting  | Embassy Suites – DC Convention Center |
| July 18-19 | IHS TSGAC Quarterly Meeting |
| September 5-6 | Tribal Self-Governance Strategy Session | TBD |
| October 2-3 | DOI SGAC Quarterly Meeting | Embassy Suites – DC Convention Center |
| October 3-4 | IHS TSGAC Quarterly Meeting  |