**Tara Mac Lean Sweeney**

**AS-IA**

**Self-Governance Advisory Committee**

**Thursday, October 3, 2019**

**8:45 a.m. – 11:45 a.m.**

**Embassy Suites- 900 – 10th Street, NW**

**INTRODUCTION**

* Good morning

**Budget**

* We are starting off the fiscal year with a Continuing Resolution. The current one lasts through November 21st.
* Our financial systems are still in a blackout period through next week, but we are getting poised to move CR funds as quickly as possible once the financial system is up and running.
* We are hopeful there will be no lapse in appropriations, but we are taking the necessary planning steps in the event of a lapse.
* One the lessons learned last year was the need to process available CR funds to tribes quickly in order to avoid the problems we had during the lapse in appropriations.
* I sent out a request to Tribes asking for input on how we can improve our service to Indian Country during a shutdown.
* In response to your suggestions, we are developing communication plans to better engage with tribal leaders during a shutdown.
* This includes:
  + Plans to conduct regular calls with Tribes.
  + Developing a website to gather input form tribes on shutdown-related challenges;
  + Better utilizing existing emergency messaging systems to keep employees informed; and,
  + Clarifying guidance for staff regarding critical administrative functions that can be implemented during a shutdown.
* Regarding Congressional appropriations, we are closely tracking House and Senate activities.
* So far, the bills have been supportive of our priority areas such as law enforcement and missing and murdered Native Americans; and both versions include separate budget accounts for BIE.
* The initial House mark was more generous than the Senate.
  + The 2020 House mark provided roughly $342 million over the 2019 enacted while the Senate was $51 million more than the 2019 enacted.
  + The Senate report language directed Indian Affairs to engage tribes and tribal organizations to develop the necessary policies to evaluate future 105(l) lease requests.
  + The report language noted Indian Affairs should work with IHS, DOJ and OMB to formulate budget and legislative strategies to address increasing lease costs, including consideration of an indefinite appropriations as we have with Contract Support Costs.
  + I raise this because there is a growing interest in 105(l) leases, but under current funding levels, it is a challenge to support them.
  + We look forward to engaging with you to ensure 105(l) leases are strengthened to become a financially sustainable tool for facility and infrastructure support.
  + As an update, there are a total of 29 HEARTH leasing regulations for 27 tribes in various stages of review or awaiting approval.
    - 2 are in final form and ready for official approval;
    - 1 is in the final review stages;
    - 7 are with the applicant Tribe for modifications;
    - The remaining are proceeding through the review process at the regional level and with the Office of the Solicitor.
* Finally, many Tribes asked for the Departments support of advanced appropriations to address lapse in funding.
* Last week, our Deputy Assistant Secretary for Management testified on H.R. 1128, stressing the challenges created by any lapse in appropriations and our need to ensure Indian Affairs has the full capacity without interruption to meet our trust responsibilities to Indian Tribes. No position was taken, however, we did note technical changes that would improve steps to mitigate impacts during a shutdown.

**Public Safety**

* As I have consistently reported to you, improving public safety in Indian Country is one of my top priorities.
* October is Domestic Violence Awareness Month, and the Department’s initiative to address this tragic epidemic is going strong.
* In June we held a tribal leader roundtable at Gila River Indian Community and since July, Indian Affairs has held two “Reclaiming our Native Communities” listening sessions in Nome and Bethel, Alaska.
* These are proving to be extremely helpful in developing multi-disciplinary solutions to public safety challenges; especially those involving cold cases, violent crimes and missing and murdered American Indian and Alaska Natives.
* Next week, we will hold a fourth missing and murdered listening session in Rapid City, South Dakota, in partnership with the Department of Health and Human Services.
* This event will be hosted by the Great Plains Tribal Chairmen’s Association and I look forward to continuing this important collaboration with our tribal, state, federal and public partners.
* Our Office of Justice Service is making progress on its deployment of TAP kiosks.
* Tribal access to national crime information databases is extremely critical to our effective law enforcement efforts.
* The expansion of these TAP kiosks will help tribes protect victims of domestic violence, register sex offenders, and help locate missing people.
* Last week, our first kiosk was successfully installed at the BIA Anadarko agency, and certificates of training were presented to the staff from the Office of Justice Services, Indian Services and tribal Social Services.
* I am happy to report we will deploy a second kiosk at the Northern Cheyenne Agency in Montana and a third at the Northern Pueblos Agency in New Mexico.
* Our goal is to install all kiosks at the designated sites by the close of FY 2020.
  + Mescalero Agency
  + Colorado River Agency
  + Eastern Nevada Agency
  + San Carlos Agency
  + Southern Paiute Agency
  + Truxton Canyon Agency
  + Ft. Apache Agency
  + Hopi Agency
  + Uintah & Ouray Agency
  + Crow Creek Agency
  + Lower Brule Agency
  + Turtle Mountain Agency
  + Ft. Totten Agency
  + Standing Rock Agency
  + Winnebago Agency
  + Yankton Agency
  + Blackfeet Agency
  + Crow Agency
  + Wind River Agency
  + Concho Agency
  + Miami Agency
  + Ponca Agency
  + Minnesota- Nett Lake

**Broadband Summit**

* The framework of our policy approach at Indian Affairs is to empower Indian Country.
* Empowerment can take many different forms; through education, law enforcement, and resource development, for example, but these are only effective with access to modern technology.
* 35 percent of Americans living on tribal lands lack broadband service, compared to 8 percent of Americans overall. (2018 report form the FCC)
* This month we hosted the first National Tribal Broadband Summit.
* This was an unprecedented event that we developed in collaboration with the Department of Education and the Institute of Museum and Library Sciences.
* We had over 300 registrants for this two-day event, which brought together representatives from Tribes and tribal organizations, private industry, federal programs, and other stakeholders.
* The goal was to connect Indian Country with federal, private and non-profit partners aimed at building capacity, identifying investment roadblocks, explore new technology and to create an environment that fosters potential private investment for broadband deployment.
* The President is a champion for affordable, accessible, and secure broadband for all of America.
* Last year, through Executive Order 13821, President Trump established a national policy for the executive branch to accelerate deployment and adoption of affordable and reliable broadband to rural communities.
* Earlier this February, the President established the American Broadband Initiative, a comprehensive all-of-government effort to stimulate private investment in broadband.
* Under Secretary Bernhardt’s leadership, DOI is focused on implementing these measures and carrying out the President’s broadband agenda.
* BIA and the other DOI permitting agencies are working to identify, and reduce or eliminate, regulatory barriers to broadband.
* For example, under review at BIA is a Right-of-Way Handbook that will streamline and clarify the Right-of-Way process.
* This long overdue Handbook will help with investment in Indian Country by clearly explaining how to work with the Bureau of Indian Affairs, Federal partners, Tribal governments, and landowners when doing business in Indian Country.
* BIA is also exploring programmatic partnerships with other federal agencies that have an oversight or regulatory role with respect to broadband infrastructure.
* During the summit, I also announced that DOI is making a huge investment in broadband deployment: $1.2 million dollars for the Indian Affairs Tribal Broadband Grant.
* The Tribal Broadband Grant will offer competitive financial awards to Tribes and Alaska Native villages for activities supporting connectivity, such as feasibility studies, that identify the barriers and the solutions to broadband deployment within Indian Country and Alaska Native villages.
* The grant program will also complement the Administration’s Opportunity Zone initiative, by giving preference to those locations near Opportunity Zones.
* We’ll be announcing more details about the grant program over the next few weeks.

**Regulatory Issues:**

TERA:

* We are reviewing all the input we've received on the Tribal Energy Resource Agreement (TERA) rule, but given the overall level of support for TERA revisions, we are excited to issue the final rule once this process is complete.

BIE:

* We are also reviewing comments received on two BIE rules: the Standards, Assessments, and Accountability System rule and the Johnson-O'Malley (JOM) rule.
* We are working to address those comments and, in particular, will be looking at how to ensure the final JOM rule better acknowledges that many of you receive JOM funding through your self-governance contracts and compacts.

REALTY-Fee To Trust:

* Last year we heard from Tribes about the lengthy fee-to-trust process, and since then, our realty staff has focused its energies on expediting their reviews.
* This month alone, we completed review of 7 on and off-reservation applications for five tribes.
* We are also working on developing a system that provides Tribes an up-to-date status report of their applications.
* At the last meeting, you asked what the Department’s guidance is on new off-reservation fee-to-trust applications.
  + We have renewed the policy regarding the authority for review and approval of off-reservation applications under the 151 regulatory process.
    - My office can provide you copies of that memorandum if you are interested.
  + For an additional year, the Office of the Secretary will retain authority over this function.
  + Upon its expiration next year, we will consider whether it will remain a permanent policy.
  + I welcome any thoughts or question you may have on this policy.
* In fiscal year 2019, 95 fee to trust cases have been approved for a total of 16,003 acres brought into trust.

Other realty activities include:

* The approval of 402 leasehold and trust land mortgages this fiscal year.
* We issued a policy memorandum that standardizes the process to request and receive certified title status reports.
* We issued a policy memorandum providing guidance for tracking mortgages.
* We finalized the Indian Affairs Mortgage Handbook and a contact guide for lenders.

BIA TRIBAL TRANSPORTATION

* We just concluded consultation on reducing regulatory burdens for tribal transportation programs and hope to have the final rule published within the first quarter of 2020.

FACA E.O.

* At our last meeting, you asked about the Executive Order on Evaluating and Improving the Utility of Federal Advisory Committees.
* By September 30, each agency was to terminate at least one-third of its current committees, and you asked that we recommend an exemption for the SGAC and other DOI advisory committees like TBIC.
* We investigated the FACA committees and neither SGAC nor TBIC are FACA committees.
  + The only 2 BIA FACA committees are:
    - The BIA Advisory Board for Exceptional Children; and,
    - Standards, Assessments and Accountability system negotiated rulemaking committee.

**CONCLUSION**

* In closing, I wish to thank you for your continuing efforts and hard work in advancing self-governance.
* Strengthening government-to-government relationships with tribes is a top priority of the Department.
* The successes of the self-governance program are not limited to executing funding agreements, but are attributed to the growth tribes have demonstrated in their own independent initiatives.
* We promote these kinds of successes and strive to support where appropriate and encourage prosperity and security among your communities.