**SGAC Meeting**

**September 28, 2020**

Note: Due to the COVID-19 pandemic, the SGAC meeting was held virtually instead of in-person. A quorum was achieved for the meeting.

**Meeting Called to Order**

Opening remarks, welcome, and invocation by Chairman Ron Allen.

**Office of Self-Governance Update—Sharee Freeman, Director, Office of Self-Governance, DOI**

* Lance Fisher has been promoted to Financial Specialist.
* Dorothy Firecloud has become the new National Park Service Native American Liaison, beginning October 11, 2020. She is a member of the Rosebud Sioux Tribe and is currently the Superintendent at Montezuma National Monument in Arizona.
* Reed Robinson, who was with the Park Service has now moved to the Forest Service as the Director of Tribal Relations.
* Kimberly Bouchard is now the Acting Regional Director for the Eastern Regional Office.

Director Freeman updated that the number of Tribes is at 284 for 2020. It was at 288, but that number goes up and down when Tribes pull out of a consortium, go to title I for a time, and them come back. There are 133 funding agreements and 11 consortium, 162 Tribes in the consortium, and there are 3 new Tribes coming in.

Finances for 2019, OSG obligated $581 million to the Self-Governance Tribes. OSG received and obligated $422 million. This number includes cares act funds. Contract support for 2019; they paid out $108 million. OSG is currently asking for additional funds that must be requested for 2019. Last she reported there were 25 Tribes that had not submitted their information. They are now down to 8 tribes that are outstanding. They are waiting for an additional $10 million to pay tribes that are currently waiting on money, and they will probably have to ask for more money for the 8 outstanding Tribes. For 2020, 17 out of the 25 have responded.

She reported that for 2020, they obligated $106 million. There were 76 responses out of 130. Outstanding for 2020, they asked for 33 million and got 21 million. The total will be roughly 139 million. Not including CARES money.

Director Freeman then turned to leasing of facilities. There is a National Policy Memorandum from the Office of Facilities, Property, and Safety Management on 105 (l) Leases (published on September 11) on the BIA site. It tells who is engaged when a lease request comes in from a Tribe.

ASAP will open back up on October 1st at 7am mountain time. So, if you did not get to pull down all the last-minute money that OSG received, you will be able to pull down the 2019 and 2020 existing accounts when that opens.

She reminded those who came in late in terms of their amendments to the CARES Act that you have the option to reprogram Welfare Assistance to aid to Tribal Government, and any TPA allocation funds if you are spending it consistent to the purposes outlined in Division B of the CARES Act.

Director Freeman closed by congratulating the Self-Governance Tribes on the passage of the Progress Act. She stated that she is already talking to everyone internally to get their Neg Reg team organized. She hopes that they will be able to get the necessary funding to get started on this as soon as possible.

**Q & A and Comments**

**Q.** Is the website that you referenced where the tribes can put in their applications for their 105 (l) lease processes for whatever facilities the Tribes feel are applicable?

**A.** The website is more of an internal policy guidance for BIA and DOI. Tribes can go on and look at it, but if they are going to request leases, we prefer that they go to their awarding official or they contact facility folks.

**Q.** All the vacant positions in your office, did you say that you are trying to fill them now or is there a freeze?

**A.** There is not a freeze. I had requested three and I have been given one. Now after the Progress Act, I have been asked to do an implementation plan. I am hopeful that leadership will not only give us those three, but we will give you more folks to work on things like audits, because we anticipate that more Tribes are going to come in now that the audit requirements are relaxed. We anticipate that we are going to grow fairly large because of that. We had an implementation plan before, but we are just going to pull that out and refresh it because of the Progress Act.

**Q.** Who is going to be the point of contact on the department side of the Neg Reg? How do we decide how many members are going to be on the Neg Reg, so we can move that agenda forward? How many tribal participants do we need to recruit to participate in that workgroup?

**A.** The team is likely to look a little bit like we had before.

**Comments:** As you know the last rulemaking process under Title IV was a disaster. It lasted more than a half dozen years, and the non-BIA folks played a roll that was not constructive in the process. I hope that as you talk about these issues internally, you are cognizant of that and try to make sure that the federal team reflects a group of people who are ready to roll up their sleeves and be much more productive than the federal team on the whole that was involved in the last rule making process. The statute has some automatic time frames, right? Within 90 days you have to identify the Neg Reg process. Within 21 months you have to publish proposed regulations. Within 30 months your authority to publish regulations expires. That sounds like a lot right now, but it is probably a pretty tight schedule. Hopefully we will have federal members on the team that will be much more productive than some of the federal members who resulted in the process the last time, taking as long and being as difficult as it was.

**Comment:** Most of those folks are gone now. They have retired, so I anticipate it will be a lot easier.

**Legislative Update-Geoff Strommer, Partner, Hobbs Straus Dean & Walker**

Mr. Strommer began by saying that the Progress Act is really a huge achievement for all the Self-Governance Tribes and thanked all of those involved in getting it passed. He went on the say, that the key goal is to amend Title IV and bring it up to par with Title V, and 95 % of the bill does that. There is now a final offer process that is built into Title IV, or will be after the president signs the bill. There will be the same investment standards and the prudent investor will apply to DOI funds as it does to HHS funds. It will help Self-Governance Tribes manage their Self-Governance Programs in a consistent way without a whole bunch of rules to have to follow. The construction provisions have been revamped and hopefully those will result in a streamlined construction process. With Self-Governance there are several provisions that clarify the ability of Tribes to take on tribal shares from OST and BIA’s central office. There are several provisions that amend Title I, not Title IV. In a couple of significant ways, the rules for interpretation for example, that have been built into Title V now Title IV will also apply to Title I. There are some changes in record keeping. There are some changes with cost recovery. Those types of changes are important. They will also have a positive impact for Title I contracting Tribes as well.

Mr. Strommer then switched to the Native American Business Incubators Program Act, S294. The purpose of this legislation is to help Indian entrepreneurs to navigate obstacles to establish businesses, given the obstacles related to lack of capital, trust status of land, remoteness, lack of high-speed internet, and the unfamiliarity of potential investors and partners when doing business in Indian Country. So, the bills most important features are to start a competitive grant program within the DOI Office of Indian Energy and Economic Development. Those grants will be focused on maintaining business incubators that serve Indian entrepreneurs and reservation communities. $5 million dollars is authorized each year from 2020 through 2024 to achieve those grants. Grants will be for a 3-year period. They will require a 25% nonfederal match, although there is an ability to apply for a waver of the requirement if there is an obstacle. The second 3-year grant is authorized but with a 33% nonfederal match requirement. These business incubators are intended to provide physical workspace, facilities, and support services including information, access to capital, networking, mentorship, and other services need in developing a business. Eligible applicants include Tribes, tribal colleges, other institutions of higher education, and native businesses, so those that are controlled 51% by Alaska Natives, American Indians, and private non-prophet organizations that serve tribal communities. Regulations are to be issued by DOI within 180 days of enactment. Given that other federal agencies like the Small Business Administration also offer business and entrepreneur assistance, the regulations are to the extent practicable to be consistent with those other federal agencies reporting requirements.

The next bill Mr. Strommer spoke about on was the Not Invisible Act, S982. The purpose of this bill is to create a two year commission composed of tribal, federal, state, and local officials to address the epidemic of missing and murdered persons and human trafficking of Alaska Natives and American Indians, including in urban areas. The most notable is the inclusion of native survivors, their family members, and tribal leaders on the commission. The issue of missing and murdered Indian women and human trafficking in Indian country has gathered a lot of attention over the past several years, including a hearing by the Senate Committee on Indian Affairs. It is a problem that needs to be addressed and hopefully this bill will address it. The bill requires the DOI to appoint an official at Interior who will coordinate among various federal agencies, including the IHS, prevention efforts, grants and programs related to missing, murdered, and human trafficking of Indian people. The DOI in coordination with the DOJ is to establish a joint commission on violent crime on Indian land and against Indians. Members of the commission will include tribal law enforcement, state and local law enforcement, and a myriad of other departments within the DOJ and HHS, tribal judges, tribal representatives from different areas, survivors, and families of missing and murdered indigenous people. The commission is to report to the DOI and the DOJ on a set of recommendations on actions that will help combat violent crime on Indians within Indian land, including instances of missing persons, murder, and human trafficking on Indian land. To be included are recommendations regarding proposed administrative reporting matters and the impact of staff shortages withing the departments that prevent the implementation of the recommendations.

The final bill Mr. Strommer spoke about was the Savannah’s Act, S227. The purpose of this bill is to direct the DOJ to review, devise, and develop law enforcement and justice protocols to address missing or murdered Native Americans. The key aspects of the bill require the DOJ to provide training for law enforcement agencies on how to record tribal enrollment for victims into federal databases, develop and implement a strategy to educate the public on a national missing and unidentified persons system, conduct specific outreach with Tribes, tribal organizations, and urban Native American organizations regarding the ability to publicly enter information through the national missing and unidentified persons system or another non-law enforcement sensitive portal, develop guidelines for response to missing or murdered Native Americans, provide training and technical assistance to Tribes and law enforcement agencies for the implementation of the development guidelines, and to report the statistics on missing and murdered Native Americans. Tribes can submit their own guidelines for missing and murdered person to the DOJ as part of that process. The bill also authorized the DOJ to provide grants for the purpose of implementing protocols for law enforcement regarding instances of missing or murdered Native Americans and compiling annual reporting data related to missing or murdered Native Americans. Federal law enforcement agencies must modify their guidelines to incorporate the guidelines developed by DOJ. Finally, the FBI is to include the gender of the victims into the annual statistics on missing and unidentified people published on its website.

**Operation Lady Justice Task Force Update-Charles Addington, Director, Office of Justice Services, DOI**

Mr. Addington began with his update on Operation Lady Justice with the creation of the multidisciplinary teams to investigate cold cases. Indian Affairs is the lead on the Cold Case Investigative Teams Initiative. They have established seven offices across the United States. They only received a million dollars to fund these offices, so it is limited what they can do and how they can staff these offices. They looked at the numbers of missing persons from BIA and tribal law enforcement programs and statistics, as well as the numbers in the National Crime Information Center, and based on where they had offices already, so they could share resources, that is how they determined where to put the first seven offices. That way they could cover as much of the US as they possibly could with the initial amount that they received. The offices are located in Billings, MT, Rapid City, SD, Blooming, MN, Anchorage, AK, Albuquerque, NM, Phoenix, AZ, and Nashville, TN. The Nashville office is the only office that is not staffed and open at the moment. They hope to have that office up and running within the next month. He reported that they have looked at other locations to open offices if funding becomes available. Those locations include the northwest and Oklahoma. The Cold Case Teams will be multidisciplinary teams that are already working with DOJ and tribal law enforcement programs. The Phoenix office is actually located on the Gila River Reservation.

They are currently working with the FBI, the US Attorneys Offices, as well as tribal police departments. They will soon be having meetings with state and local law enforcement agencies where they think they may have cases outside of Indian Country that may be assigned to the team. They will have to have a partnership with them as well. They are also looking at meeting with tribal leadership, community members, social services, HHS, IHS, training partners, the Indian Police Academy, federal and tribal state prosecutors and courts, external stakeholders like missing and murdered groups, grassroots groups, coalitions, and schools. Then you have outside resources like the National Center for Missing and Exploited Children and other DOJ programs and witness programs. There are a lot of different pieces that we are going to start working on to bring all these different partners to the table and determine how they can help on the Cold Case Investigative Teams. Right now, they are developing protocols and getting them put in place, so they can start doing intake on cases and looking at them for solvability factors. Once that is determined, they will start prioritizing cases and assigning them to the investigative teams. That is the process moving forward in having the stakeholder meetings, so they will know where each individual stakeholder will play a part in each case.

He also updated that they have developed a Cold Case email address that they are putting on social media the Operation Lady Justice website. It is [ojs\_coldcases@bia.gov](mailto:ojs_coldcases@bia.gov). They have been logging the cases sent in and have also been logging cases since before the offices were opened. They have already had one success story from the team out of Rapid City. They were able to track down a missing person from a tip they received on their app, BIA Tips. Though they are not completely operational, they are taking cases and looking at the missing persons coming in.

The BIA has already put all the missing persons cases in the NamUs System and they are encouraging all of the tribal law enforcement partners to put theirs in there as well. There are a lot of tools within NamUs, with DNA and analytics, that will help as they move forward cases.

Mr. Addington also updated on the Public Law 280 State Jurisdictional Authority. They are working with the state and local offices in the Public Law 280 States. They have gotten the state of Alaska to cross deputize their Cold Case Agents and the drug agent they are putting up there, so they will have state authority with those officers.

**Q & A and Comments**

**Q**. Do you have specific plans about requesting funding in the budget to the department, and afterwards to Congress, for not only the Cold Case Office, but also the funds in general that are going to be needed for law enforcement, court, etc. to deal with McGirt, not only for the Muscogee Creek Nation, but as we all know those same laws apply to the Five Tribes?

**A.** We are looking at what we can do internally, because we do have the SLEC’s everywhere across the country, but we are having a big issue here in Oklahoma with the jurisdiction. I met with one of the tribal heads of law enforcement here in Oklahoma this morning on McGirt specifically, so we are engaged on doing what we can to assist the tribes.

**Q.** So, the northwest is not one of the seven?

**A.** It was not one of the initial seven, but it is one of the very next if we do get additional resources next year. The Northwest and Oklahoma are next on the list. We had a number of ten and we were looking at how many we could fund with the amount of money we received, and we just couldn’t get all ten of them with that funding. So, the northwest is definitely one of the top ones on the list for the next offices.

**Q.** This is new money that Congress appropriated for these offices?

**A.** That is correct. We are not taking funding from any other programs. The only thing we are doing is trying to share resources, like where we are putting these offices. Most of them are co-located where we have BIE headquarters offices, or offices where they can share resources, because the initial amount of money is not even enough to support the seven offices. So, we had to look at the high number locations and where we could put them so we could share resources. Down the road, if we have tribal locations that we want to coordinate with like we did a Gila River, that is where I would rather see us be. In a location with a tribal program, so we are co-located, especially with tribes that want to be a big part of the investigative teams.

**Q.** What are your plans as far as moving forward, as you continue to try to expand the current offices, much less add to them?

**A.** We are reaching out to tribal law enforcement programs as we start moving to talk to stakeholders. Like with Gila River and we have some in the Dakotas as well that have already reached out to us about putting tribal law enforcement folks on the investigative teams to assist. So, we are going to be reaching out, like in the Northwest, we will be reaching out to the Northwest Tribes to see what level of participation that they feel they might want to be involved in the Cold Case Teams and if there are some other resources we can leverage or maybe co-share. Those kinds of things, because it is a partnership with the Tribes to make these things work. It is going to take all of us to have enough resources to do it. These are all new resources to us, and these people are all dedicated to missing persons and cold cases, so they are not going to be pulled off doing other things. That’s what the beauty of this is, and I cannot say enough about the support that we have got to get this up and running. It is going to be a huge resource for the native communities to have to have these folks specifically designated to work on theses. That is the only way we are going to make a difference.

**Q.** I would expect that the investigative component is a huge deal. What are you doing in terms of coordinating and communicating the DOJ’s roll v’s state enforcement?

**A.** With the DOJ, of course the FBI is going to be our main partner because of their investigative responsibly in Indian Country. So, we are working with the FBI Indian Country Unit and they are a part of our workgroups and things as well. We will work hand in hand with them as well as any other federal partners. I just got off the phone with our COPS folks over at DOJ about how they can assist with providing funding to tribal programs for these initiatives. You know NamUs has already teamed up with us and we are talking to OJP and different offices about how they can assist BIA and the Tribes as we move forward with this. Same thing with the Victim Witness Program over at DOJ as well.

**Q.** I have a follow up on the statement you made about those Tribes that fall under Public Law 280. You said you are still working with states, counties, and what not. What is the vision though? To achieve or reach enter local agreements, some kind of written understanding? What exactly is the vision for that?

**A.** Take Alaska as an example of our latest working relationship with a Public Law 280 state. We are trying to enter into an agreement with them so we will have that jurisdiction. There are still some general federal crimes that apply as well, but when it comes to those state laws that apply in those Public Law 280 lands we have to have that working relationship and those agreements in place, so our folks can help communicate through them. We just had an issue in California where there were some missing girls, and our folks were able to reach out to the local sheriff’s office there and start the dialogue on how we can help you. We can’t go in and take the case away from them, because we don’t have the jurisdiction to do that. But we said we want to help; we want to work with you. We need to have agreements in place. Some are receptive to that some are not. We have made headway with a lot of our tribal programs in some of our Public Law 280 states because we have great folks in our law enforcement programs out in Indian Country and we have some really good ones in Public Law 280 states. I think working with the law enforcement programs to help the states understand that are folks are just as good or better trained. We have just as good or better qualified law enforcement folks in our programs, and our programs are top notch. So, they aren’t trying to not work with us because we do not have something in place. If they feel we cannot do the job. I think that is our vision moving forward. Until we can get some type of jurisdiction if something ever changes down the road. It is coordinating those relationships, and if we can get agreements in place. Absolutely, that is where we want to go.

**Q.** Who is coordinating those efforts? For example, you shared with us the seven offices, so are there point people within those offices or is that your team? Who exactly is starting up those discussions with the Public Law 280 states and tribes?

**A.** It’s a variety of folks. Most of the time it’s our special agent in charge in our districts meeting with those higher-level folks. I personally went out and met with the local sheriffs’ associations and I went and met with the Public Safety Commissioner in Alaska. It’s a two-pronged approach. It’s our field folks as well as folks up at my level that are trying to have those relationships with the Public Law 280 partners.

**Q.** How is the funding looking? The way budget, actually not your budget, but the way Congress is looking at it. I think we are getting closer to what they are thinking about. I know we have to get past the CR, but I think they are being receptive of the need for this program. Am I correct about that?

**A.** From everything I have gathered yes. It’s something I think everyone understands is a need. Everyone is being pretty receptive. Starting off we tried to manage expectations. We announced the office openings, and we did that so everyone would know where the offices would be. There is a lot that goes into setting something new like this up. If you go into places that have these Cold Case Teams, it took a long time for them to get those places operational. We are really trying to fast track this, but we want to make sure we do it right. It’s going to take a little time to get protocols in place. We want to make sure we are intaking cases and we are not missing anything, and we are prioritizing cases based on the solvability factor. A lot goes into it, so I just try to manage everybody’s expectations. We are about a month into this thing and we are going 100 miles an hour, but we are trying to do everything as quick as we can get to assigning these cases out. We know everyone is sitting on the edge of their seat wanting someone they know that is either missing or involved in a case that has went cold, they want their case looked at, so we can get some type of closure for the family. I think there is a lot of support for it.

**OST Transition/Renaming-Jerry Gidner, OST**

Mr. Gidner began with an overview of the OST. The OST was created by the Trust Reform Act of 1994 to reform the management of trust funds. It had a provision for the termination of OST after those reforms were completed. Back then there was no overall accounting system. There were no statements. There were all kinds of things that are day to day business now that OST created. In 2016 the Indian Trust Asset Reform Act was passed. A part of that directed DOI to come up with a way to begin terminating OST and absorbing its functions back into the department’s regular operations.

He went on to say that they submitted a report to Congress back in March. It is a two-pronged approach for OST. One is where to put the day to day functions of OST. They have created a new bureau, the Bureau of Trust Funds Administration. Right now, OST is in the office of the Secretary, but the new bureau will be under the Assistant Secretary of Indian Affairs. Phase three is to submit the report required by the Trust Reform Act of 1994, stating that the trust reforms contemplated by that act are completed. That will start a timeclock for the termination of OST. Then the Bureau of Trust Funds Administration will move forward. A secretarial order creating BTFA was signed on August 31 and becomes effective October 1st. That transfers OST’s financial trust asset management functions to the BTFA and includes the Land Buy Back Program, which has two years left to go. OST still exists as an empty organization with a Special Trustee position and a Principle Deputy Special Trustee position, but that is only because the positions were created by Congress or by statutes, so they cannot come off of the organizational charts until they terminate OST according to the Trust Reform Act.

If you are a beneficiary, you should not notice much difference. The call center phone number will not change. People will still get statements. They are hoping to modernize that so they can get them online. There is no reduction in staff and there are no closed locations because of the change. The reforms that have happened will be institutionalized and made permanent and they will be more a part of the Indian Affairs family.

Sometime in 2021, they plan to submit the report, specified in the Trust Reform Act, telling Congress that the trust reforms are completed. That will start the 180-day legislative clock. At that time OST will terminate and BTFA will have existed for about a year.

Their email addresses will change. They will be that same as they are now but the end will change to @btfa.gov. They will be; first name, underscore, last name, at btfa.gov.

**Q & A and Comments**

**Q.** The buyback program was running out of money. Is it still running out of money?

**A.** It’s not so much running out of money as it is running out of time. I suppose maybe both. It ends by the term of the Cobell Settlement in 2022. They will make their last offers in January or February of 2022.

**Q.** The question is one of organizational intent. So, the ITARA intended is a long-standing culmination of the tribe’s efforts to remove the diaspora of skills and expertise from the BIA and others into OST and the separation of interest between OST and BIA, with the end result after the enactment of the ITARA of OST plighting into the DOI under the hierarchy of the Assistant Secretary. I am wondering if that is going to address what I viewed as the different perspective that OST often held? In my view they seem to be outside onlookers looking for errors in BIA and came in as a very heavy compliance and enforcement, with a perspective that they were there to clean things up. They didn’t seem to be collegial in much of the approach and I’m wondering if simply relabeling the OST and moving it into the department under the Assistant Secretary addresses that perceived issue? I know you may not agree with that in full measure, but I think that is a view held by some of us tribal leaders who have had interactions with OST.

**A.** That is absolutely fair to say, in at least the older days of OST. I think that over time it has gotten more collegial, but we weren’t set up as a trust reform organization specifically. The roll was to do exactly what you said. I was in the department a few years later and it was pretty uncomfortable, that relationship. In some places it still is. It was set up exactly to do that, not just for BIA but for the Bureau of Land Management and the Offices of Natural Resources Revenue which back then would have been Minerals Management Services, the collection arms of that. I would say OST never quite did that mission the way it was intended. When Ross Schwimmer was the Special Trustee, he tried to look into BLM some and other organizations, and just wasn’t able to. I don’t think any Special Trustee that I have seen since then had the political clout to provide that oversight. It was left to overseeing BIA, but at the same time OST was created by secretarial order to implement the statute. It was immediately given the day to day operation functions from BIA, so it was both a trust reform organization and a day to day accounting organization. That is kind of a little schizophrenia that leads to a lot of what you are talking about. Moving forward, our position is the trust reforms that were listed in the Trust Reform Act of 1994 are done. Back then there was no day to day accounting system for 11 million transactions a year, didn’t even exist. Individuals weren’t getting statements. There is all kinds of stuff that younger OST did reform and make happen. We still have this dichotomy. We are the fiduciary for the money. If we think there is issues with the money it is our responsibility to step in and talk about that. As far as day to day oversite of everything BIA does with regards to that. I don’t view that as our roll anymore, but we are gong to move forward as a day to day accounting operation. We have five and a half billion dollars in assets and move a billion and a half in and out, so somebody has to manage the money. You can’t stop managing the money. You should really have a different organization managing the resources of the money from the organization that manages the money. It is a very strong internal control. Its not an oversite roll as much as it is a management roll. If we saw someone in the organization committing fraud or mismanaging something, we thought was harming the financial interests of a beneficiary we would weigh in on that.

**Budget Update-Jeannine Brooks, Deputy Director, Office of Budget and Performance**

Right now, they are moving forward with the exemption apportionment. They will be moving forward with the base payment for fiscal year tribes.

With regards to Cares Act funds for 2021 they are waiting for final Senate approval. For 2022 they are in the OMB process right now. They are hoping for positive things. They cannot give numbers as of right now, but she says she thinks they fared well this time. There was $20 million in Cares Act funds set aside for tribal distribution. That was split out between the regions and the regional directors distributed that out to all the Tribes where needed.

**Q & A and Comments**

**Q.** This is a question about contract support, the application of the indirect cost rate of the CRF distributions. Can you describe the procedures for those claims moving forward and how that will proceed if that needs to be in a future budget bill or continued resolution?

**A.** My understanding is that the requests for those types of funds were going to be done at this time of year. It was supposed to take place in September once the funds were all out. You would do it the same as you would for your normal contract support costs, but it would have to be designated that it was just for CARES Act, and done separately. When we go back to Treasury, we are going to have to ask within that indefinite fund, that we are going to need x amount of dollars for CARES Act contract support costs. We are going to have to request it separate from our regular appropriations. That is why they are asking that you calculate it on CARES Act dollars only and send any requests separately for contract support funding. I don’t know if Indian Services has done anymore or not, but we can look into that and see if they have released anything to outline those procedures and timelines.

**Q.** What is the process for us to identify our contract support monies so it can be shifted over to Sharee to be sent out to us?

**A.** (Sharee Freeman) Normally OIS tells us that they are ready to move forward with a request for contract support Cares Act, which has not happened at this point and time. Then we send out a notice to tribes telling them to send in their information, exclusions, whatever, by a certain date. Once we get that information, we calculate the amount for contract support. We then send that out to OIS and we wait until they move forward with Treasury and the regions all together to request the money from Treasury. Then the money comes through to them and they give it to us and we put it out.

(Jeannine Brookes) I would imagine that Indian Services is going to be coming out with that. Something should be coming out soon. We can check in with them and find out the timeline on this for you. In anticipation of it, I would expect that you should start looking at that to know how to respond, because it will be coming out, but because it is and indefinite account we can go back anytime and request it from Treasury.

**Q.** When will the additional funds be released to the areas?

**A.** Reach out to your area director because those funds went out over a month ago.

(Sharee Freeman) The Regional Directors were doing weekly calls with tribes. Some of them were just having Tribes on the call and saying, we have 1.5 million how do you want to put it out, do you want to do it pro rata, do you want to give the tribes that need the most amount of money and have hot spots on CARES Act. Then they made a decision that way. Then the money had all gone out to the region. OSG didn’t get any in the first instance. When the tribes and the Regional Directors decided how they wanted to distribute. Then money was returned back in to OSG to make sure the Self-Governance Tribes were treated equally with the other tribes. OSG put out a number of dollars coming back from the regions. Pacific, I know, northwest didn’t have anything coming back, Alaska had a lot coming back. So, we sort of did it that way. You or your chair would have been on a call with your regional director, is my guess, and that is where it would have been discussed.

(Jim James) My understanding is the western region where Ak-Chin is, was pro-rated. I didn’t quite follow what Sharee was saying because in the beginning when we got the $20 million dollars to distribute, we included OSG tribes. We were going to include all Tribes, we aren’t going to create a distinction between non-OSG, self-determination, or direct service Tribes. All tribes in each region were considered. We gave it to the Regional Directors for them to visit with the Tribes, and they determined what the best approach was per-region. So, what they did was pro-rata. This was communicated to the Governors, or Chiefs, or Chairs of the Tribes. In the Northwest they did something a little different than po-rata, but pro-rata was the predominate approach. When you split $20 million between 12 regions it’s not a whole lot of money, especially in those regions that have a large number of tribes.

**Update on discussions with GSA-Mark Cruz, DAS-PED, Indian Affairs**

Mr. Cruz began his update by congratulating the Self-Governance Advisory Committee on the passage of the Progress Act, and said that they look forward to developing and implementation plan with OSG in the coming days weeks to ensure that the full intent of the law is met in a timely fashion. He then went on to say that the Assistant Secretary has been working closely with the Deputy Director of Justice Services, Charles Addington, on the Cold Case Office openings. He says that they are very excited about the openings of these offices, and they look forward to ending the scourge that is missing and murdered indigenous persons in Indian Country and bringing justice to those families and loved ones that are impacted by these losses.

Next, he spoke about how with Senator Hoeven the Chairman of Indian Affairs Committee, the Office of Justice Services worked to implement a $2.5 million dollar investment into OJS training capacity in the Northern Great Plains Region. It is specifically for OJS Officers to get enhanced training at Camp Grafton in North Dakota. They are looking forward to seeing positive results from that investment and with the close collaboration Senator Hoeven and his staff.

Indian Affairs, through Assistant Secretary Sweeney, is continuing to make decisions and running through the tape. They have been aggressively approving HEARTH Act applications, Fee to Trust applications gaining, and he looks forward to getting to the departments first ITARA report in the coming days and weeks. He reciprocated that the Indian Affairs family will grow by 1/3 on October 1st, with the Bureau of Trust Funds Administration, and are looking forward to working with them.

On September 11, 2020 they finalized their National Policy Memorandum on how they will eternally handle 105 l Leases. He encouraged members of the Self-Governance Advisory Committee to champion the Presidents budget request for an indefinite appropriation as they continue their outreach. As far as the 105-l amount, if congress adopts the President’s budget request proposal the amount will not matter. There will be plenty of resources to do what they need to do.

Indian Affairs continues to work with the General Services Administration on an MOU, so they are able to see what programs different tribes have in Self-Determination or Self-Governance contracts and compacts. So, when requests come for vehicle leasing or other GSA leasing, it aligns with the scope of the program’s services or functions of that contract or compact.

Mr. Cruz also spoke about the Bureau of Indian Education school reopening and the Return to Learn Plan. He stated that it is well documented that BIE has had significant challenges in regards to IT and infrastructure, and those problems have only been exacerbated by the COVID-19 pandemic. They have been working hard to make sure the schools are better equipped and better prepared to allow for a successful Return to Learn for the students, who this is their one opportunity toward economic advancement. He said things are going very well there. The students returned to school on September 16th and they are getting good reports from the staff. They have made significant investments in IT, so they continue to ensure that the students and schools have what they need.

He also said that he is excited about the Site Assessment Capital Investment Program. It is working wonderfully for the facilities on the education side of the ledger and they are working to extend it to law enforcement. The more they can put these projects on a plan sustainable path and trajectory, and align it appropriations as made available. It creates more consistent and timely responsiveness to Tribes who need the critical infrastructure. He said it goes in line with the Great American Outdoors act which had a 5% set aside by the BIE. They are estimating an additional $95 million dollars per year for 5 years to go toward BIE infrastructure. Because there is a solid list from the Site Assessment Capital Investment Program, they able to quickly see what projects they need to fund and get to as those appropriations made to the department.

On the budget front, they are looking forward to ending FY20 strong and getting all the available funds out to the Tribes as soon as possible. They continue to prepare FY22 with OMB. They continue to prioritize the completion of all IG reports and GAO outstanding requests and recommendations, so they are continuing to monitor that. The budget team continues to ensure that CARES Act money that has not yet been distributed gets out the door. The BIA balances are looking good. On the BIE front some of the costs have been held up through the investments, so they are looking forward to getting those funds expended as timely as possible, so the students and schools have everything they need to return. The pandemic has documented issues that no one has really had time to plan for. Things like HVAC systems and other sanitary measures that are proven methods of slowing the pandemic we really need to get into our schools. We look forward to working with Congress in getting that done.

**Q & A and Comments**

**Q**. This is not a per Tribe question but a policy question. The last several Fee to Trust decisions I have seen seem to show redefinition or an interpretation of the 25 CFR 151 non-gaming Fee to Trust Acquisitions for no change in use. This seems like a much different interpretation of no change in use as a qualified purpose and need for Tribes to acquire land in trust. Can you address that?

**A.** I don’t think we have had a policy change as much as the Solicitors actually enforcing the regulations as is written. I am happy to look into that to see if there was any alteration to the way these get processed.

In fact, along the lines of your question, we are trying to streamline the process so if there is not a change in use it should go quicker. If there is something specific you are referring to we would be happy to look into it.

I guess what I am referring to are a couple of decisions that denied the application because no change in use did not demonstrate a need for the land to be inquired in trust for the benefit of the Tribe without a use. It specified that a claim for need inadequate.

Just email me. I will be happy to have our staff take a look at that, but there hasn’t been anything out of here that has been specific to that question.

**Closing**

Chairman Allen closed out the meeting by thanking everyone for their participation.