

DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication and Education

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DOI Self-Governance Advisory Committee and Technical Workgroup

Quarterly Meeting

Wednesday, October 25, 2017 (1:00pm to 5:30pm)

Thursday, October 26, 2017 (8:30am to 2:00pm)

Embassy Suites Washington DC - DC Convention Center

900-10th Street NW

Washington, DC 20001

Phone: (202) 739-2001

AGENDA

Wednesday, October 25, 2017 (1:00pm to 5:30pm)

Meeting of the SGAC and Technical Workgroup Members

SGAC Tribal Caucus

Facilitated by: Shawn Duran, Tribal Program Administrator, Taos Pueblo and Vice-Chairwoman, SGAC
(Send items for discussion to Jennifer McLaughlin, SGAC, Tribal Technical Co-Chair at

Jmclaughlin@jamestowntribe.org)

- *Burial Assistance*
 - *Having some disagreements with interpretation regional office applying to social services. Nation subsidizes burial assistance with Tribal appropriated dollars and regional office is asking for specific details and say if we subsidize the program we cannot use BIA funds. We received a waiver to \$3000 and they interpreted the rule in a narrow form. The regulations were written in 2000 prior to SG and allows regional offices to interpret them in a very narrow way. If subsidizing with anything other than judgment fund it is considered a resource and cannot do it. Regulations are clearly inconsistent with SG.*
- *Preparing for the 30th Anniversary of Self-Governance – Need some themes and Tribal showcases from the regions and nationally*
 - *Marketing the message of Self-Governance and how we sell that idea. What is the key value of SG in how we manage it – who are we? What do we do and how do we do it? We are at a good time to start crafting that message. What is the best way to promote that message? In Strategy Session they mentioned packaging ideas. How do we package it to folks that don't understand it? Part of it is the partnerships created by Tribes taking on programs for themselves. Tribes bring a lot to the table and we should look at the benefits in crafting a message. It brings together the last 30 years. Look at two pieces promotion of sovereignty and growth of SG. Tribal control- reduces bureaucracy – advocacy and creation of legacy – better service – better use of resources. It creates capacity within our communities – effective programming and building stronger Tribal economies. When Tribes succeed America benefits. What is our message?*
 - *Self-governance 30 years strong sovereignty, responsibility and prosperity*
 - *Take control of our future – we have a vested interest in taking care of our own*
 - *“Sovereignty has to mean something” – so we may want to make a statement on what it means. Quantum physics has to mean something – don't know what it means. We need to make ISDEAA relevant to the Administration. Dr. Clarkson Indian Trader Regulations – Department is not against it nor are they committed to it. New AS-IA nomination Tara Sweeney and it will be a task to educate her on SG. She comes from the corporate side and was co-chair of Alaska Federation of Natives on the corporate side. Almost every Tribe in AK is SG and corporate side is not familiar with what that is. Sat down with Clarkson and Tahsuda to talk about Trust Modernization and Tax Reform – Trader Regulations may not be the vehicle and what arose was opportunity as Self-Determination Agreements to serve as a model where Tribes can assert Federal supremacy over state and local government*

laws. They need to know what it is to craft and develop a successful mechanism for us. Fee to Trust proposed rules is a huge backwards step and we don't want to get trapped in the narrative. It talks about improving Tribal authority but every measure proposed is a significant step backwards. Helpful to propose initiatives that serve that process. CSC full pay is still an issue and tax reform will be an issue We need to make it clear so it gets out to the Administration in a way that is helpful to our interests.

- Now that there is a change in Department leadership we need to get educational tools out to those folks as well.
- Measuring the success of SG and incorporate it into the showing of the positive, successful impacts
- DOJ Tribal Consultation & Listening Sessions on Tribal Grants
 - Required by 2017 Appropriation to figure out how to fund Tribes. CTAS is very cumbersome and considering justice funding as broken and competing against other Tribes for justice systems – DOJ has a lot of money and if they have a formula – DOJ is not super receptive. OVW are very concerned about anything that takes away their oversight of their grant programs. They block grant to states we should at least have parity. TLOA is being reauthorized – we should respond as SGAC.
 - Provide Tribal share information – SW went through a whole bunch of Appropriation meeting and they were not forthcoming with information.
- BIA Regulations –
 - Solicitation for Comments Indian Trader Act and Dual Taxation – how it can be amended to address dual taxation and other jurisdictional matters (Indian Self-Determination Act as the nexus) – Deadline for submitting comments was extended. NCAI and NAFOA put out draft comments that Tribes can use. Dual taxation is a significant issue whenever state and local governments seek to impose their taxes. There is now a tax on non-tribal improvements – possessory interest tax. There is an opportunity for Tribes to retain those taxes. We did a study and showed that out of all tax proceeds that flow to the state taxes 20% goes back to San Diego county but not one cent goes to the Tribe. Wind Farm Tribe is the largest tax payer and get zero back. The opportunity is for the Tribe to retain that money. We did a study on the net value – include sales, possessory interest and participatory rent the possessory interest tax is 35%, sales is 29% and rent is 35% so essentially triple the revenues. The question of taxation is important and Indian Trader Regulations are an opportunity to assert supremacy over state and local governments. Tribes have the supreme right to all tax proceeds that are incident on their lands.
- OST Trust Services Review & Audit – broad canvass target of small and medium Tribes (restrictions against reallocation) Over-reach? – There was going to be an audit finding with our agricultural leases. They are evaluating small Tribes on traditional practices are being called into question.
- DOI Strategic Plan Update –
 - Plan must be related to the Reorganization initiative and Tribes have been asked to be consulted and were told it was a reorganization of the Department. Charter of the SGAC is to the Department – send letter to Secretary assert we are an advisory body to the Department and should be involved in consultation until it is done. After the fact is not helpful. There is a duty to engage us on this process. It is reasonable if there is any reassignment of positions it has a material effect on the Tribes. They may decline the invitation so we need to put down the placeholder – they should not ignore our charter or their duty as trustee.
 - OSG
 - Include OSG on notices that go out to RD
 - Consultation – what do you want to say about consultation is being handled?
 - Told 638 Tribes that they drafted language on tort claims and Justice is saying if Tribal police is asked to assist off reservation they are not covered by Tort claims. They are going

to change the model policy and put language in it but have not seen what they are going to do for SG Tribes. Push OJS to engage with Tribes. If Tribal police has Special Law Enforcement Commission he would be covered but not all Tribal officers have it.

Tribal Comment

- *Consultation – land buy back took Tribes on the list and extend it to 2020 – trying to figure out if SG issue. Citizen Potawatomi wrote a letter. Mention of consultation but it was an annual report update where there may have been some update.*
- *OSG – lot of items you want to bring up then bring it up.*
- *Non coverage of Tribal police off reservation – does it relate to the Lewis v, Clark decision?*
- *Communication – we need to know about what is happening*
- *Tribes assisting Tribes in disaster situations. Tribes should get together for an intergovernmental agreement they should put a stop gap in.*
- *Charlie Addington is now the Acting – OSG needs to have a conversation to know what is happening.*
- *Land Buy Back Program – John McClanahan schedule changed – posed two questions to the group and would be interested in Admins - Tribes own resources use to leverage immediate trust acquisition – if Tribes interested in it. If have appraisals in area access it through regional office and if request denied reach out to him. When they run out of money would Tribes support an additional appropriation request for the program. Clarify something – although survey tool used in AK entire TIBC supported the idea. This is something that needs to be addressed because it doesn't address what the Tribes are identifying.*
- *Spend a lot of time doing the work and expect you to use our priorities. Expect it to be reflected in the President's budget whenever possible.*
- *Does TIBC have a relationship with Congress? It is something we should consider if we are not getting results from the Administration. TIBC guides the Department of Interior.*
- *AS-IA was on AFN and the Tribes voted against her and now she is charge of BIA. There needs to be an education.*

Legislative Update

Mary Pavel, Sonosky Chambers

Caroline Mayhew

Geoff Strommer, Partner, Hobbs, Straus, Dean & Walker

Mathew Jaffe, Partner, Sonosky, Chambers, Sachse, Endreson & Perry, LLP

- *Committee is hosting a hearing on a couple of bills related to law enforcement VOCA, Missing and Murdered People and TLOA & S.1986 to expand VAWA jurisdiction to include other crimes such as crimes of sexual violence (Fraken introduced) Goodlatte raised point of order to strike VOCA language in Appropriations Bill. Depending on who becomes next Chairman if Republicans still in control Issa would be in control and he is supportive. Continue to talk to congress but in the 116th congress it will get done.*
- *Johnson O'Malley Bill – force an update of the student count because right now they say not sure how many students eligible and how money is allocated so there is a lot of pressure to put up foundational support for Johnson O'Malley. Congress wants metrics to support funding request. We need to put some foundational metric support behind the need for that program.*
- *Survive Act*
- *477 – Program allows Tribes to coordinate employment training funds from number of different offices into one package and it is successful but legislation is pushed to get agencies to cooperate. House passed bill in December 2016 and they removed provision on burden of proof on the part of the Secretary for denying a plan. They changed it for more deference to the agency. The Senate adjourned without taking up the bill. On first day of this session HR228 introduced by young and Senator Murkowski and Sullivan S. 91 – virtually identical to the House bill but change made to not include competitive grants but*

- amended by Young to expand it – passed by House vote – CBO released a report SCIA favorable report but the bill is stalled, No specific objections to the bill and it will eventually pass. Workgroup is renewing efforts to get it passed.
- Tribal Labor Sovereignty – It should pass the House this year. They are waiting to find time on the House floor. Tax is taking up a lot of the time. We are trying to secure 60 in the Senate. It should pass the House. Democrats are listening but there is also competing labor interests.
 - Tax Reform – Bill in the House that has a number of the issues that have been floating around since 1992 (5 priorities) – enhance Tribal access to new market and low income tax credits. Senate Bill was introduced so there are lots of discussions to get these included and some of these don't cost anything. Tribal tax exempt bonds has a lot of support. The people who want to oppose tax exempt bonding reference how Tribes didn't use it under the stimulus package. When stimulus happened it was at the bottom of our economy and banks were not lending money for Tribal development and if they were lending the interest rate was north of 15%. It was the worst time to borrow money for projects.
 - Title IV DOI Amendments – effort has been going on for nearly 15 years to strengthen Title IV and bring it in line with Title V. It came close to passage in the last Congress. After bill passed by Senate Associated Fish and Wildlife Agencies raised concerns about discretionary programs and Tribes spent a year working with the agencies. Effort was successful and the association was satisfied but House Committee staff concern with legal interpretation of ISDEAA and remaining BOR issues. Addressed legal interpretation. Things moving slowly – there are discussions on the Senate side and efforts underway and nothing introduced yet. Members expressed support but no one committed to working on it as a must pass priority. Administration side – last congress had complete support and there are efforts now to get the Administration support. Cason and Tahsuda both have histories of working with SG Tribes. Sweeney comes from a corporate background and will need more education. Key part of effort is to get the Administrations solid support.
 - S.1935, Tribal Patents and Waivers of Tribal Sovereign Immunity – This is an argument of parity and there was a lot of outrage directed at St. Regis Mohawk. It is something to watch.

Tribal Comments

Tax Reform – where can we find the priorities?

National Congress of American Indians have a Resolution and one pager on it.

Oppose Senator McCaskill's Bill – many state universities hold patents. The patent review process is broken. Try to stall her bill because what arises is memories of battles we fought that may be taken up again. Arm of the Tribe –all issues that could harm our interests and put us at a distinct disadvantage. Improvements in Tribal interests are likely to be made at the state level – state fisheries and wildlife opposition to Title IV – we saw it in Federal Fish and Wildlife Service Federal Indian Policy and their belief that Tribes interests were adverse to their interests. It will be difficult to get this bill passed until Chairman Bishop is out of that Chair role. Tribes may be looking at bi-lateral or multi-lateral agreements to effect these. Working on Trust Asset Reform Act to get these done.

When we first looked at tax reform legislation it had good stuff on the House side but not parity with states and dual taxation addressed.

They are not in there because some state governors have raised concerns on the Indian Trader Regulations so it put a bit of a speed bump on it.

Curious about strategic issues and DOI Reorganization and tying Title IV into this conversation. The last Administration was upsizing BIA and it sounds like DOI Reorganization is downsizing. Our strategic initiative – we may need legislation to counteract the Administration.

Appropriation is bigger than the budget but there is some concern that the money will not get allocated in a way that is beneficial to Indian country. It is a great soundbite to get rid of the fat but there are great people in public service that need to be there to do their job and make sure the government remains effective.

Invocation – (All Participants and Invited Guests)

Raymond Loretta

Roll Call

Alaska:

Eastern:

Eastern Oklahoma:

Midwest:

Northwest:

Pacific:

Rocky Mountain:

Southern Plains:

Southwest:

Western:

Welcome and Opening Remarks

Shawn Duran, Tribal Program Administrator, Taos Pueblo and Vice-Chairwoman, SGAC

SGAC Committee Business

Shawn Duran, Tribal Program Administrator, Taos Pueblo and Vice-Chairwoman, SGAC

- Approval of Meeting Minutes (July 19-20, 2017) – Correction to minutes
MOTION
Wampanoag Tribe of GayHead (Aquinnah) to approve with corrections
Quinault Indian Nation seconded the motion
The minutes approved with editorial amendments
- Recap Strategy Session (Jennifer McLaughlin)

Office of Self-Governance Update

Sharee Freeman, Director, Office of Self-Governance, DOI

- New Principal Deputy Assistant Secretary Tahsuda – Bryan Rice Director BIA – New AS-IA nominated but not yet on board. Excited about the team. Tyler Scribner is moving into the Office of Budget and Performance Management and work on IT issues. He has been working for OSG for 3 years and is an evening law student. Looking for candidates for an Office Manager (GS 5,7,9) opportunity to learn about SG Tribes – if have recommendations of people forward those to Sharee.
- Office of SG Budget – money was added to OSG budget \$800,000 in July so able to pay off trip to SG Annual Conference. Used all the money except \$200,000 and may need assistance this year to support staff if the money is not allocated to support staff. Need to shift money from the Bureau from places where they go down and we go up. More Tribes entering SG away from 638 – explore this a little more this year.
- Proposed 2018 Internal Budget – asked for an internal Administrative transfer within the Bureau.
- Office of SG moved to the main interior building. On 2nd floor 2071 and it is an open space. 900 people from Park Service moved into Main Bldg Interior. Told they would be moving them again. Clarkson is talking about moving OSG to 4th floor closer to the AS-IA office. Before they

were in South Interior Bldg. Have space for meeting. Work 9:30am to 6:00pm. Welcome calls. Will meet with Tribes for coffee before start day and at 5:30 or 6:00 before you end your day.

- Distributions FY2017 – Base money and then on top a lot of funds transfer from other places: OST, OID, 477, etc. \$476 million coming into SG for FY2017. Breakdown is in the handout.
- CSC \$93 million to date and last year at \$98 million. Run has a number of Tribes that still need to submit information. FY2016 \$98 million and overpayments \$217,000 (4 Tribes). Reconciled it to 2% overpayments. If underpayments invite Tribes to notify OSG immediately and they will take care of it. Tom and Miles out of Vancouver Office address CSC. When have an overpayment send letter out to the Tribes.
- CSC data call was August 1st – 55% of Tribes responded to letter. 52 Tribes have yet to respond. OSG did the data call. Sheet for CSC is on the database or you can call Tom or Miles.
- Suggested changes to SG Agreements – SG Tribes have received money and carrying out trust function but not the whole trust function just a portion of it. There is a lack of clarity what the Tribe is doing with regard to trust functions and they want greater specificity in Agreement. They want all FA to include compact language on trust evaluation.

GWU Center for Indigenous Politics and Policy

Wendy Helgemo, Director & Associate Professor, AT&T Center for Indigenous Politics and Policy, The George Washington University

- GWU and ATT established the Center this year and they are building on the Native American Political Leadership Program – semester in WA program for Native Americans – involves full scholarship for up to 9 credits and students can do internship – congressional offices, agencies and national Tribal organizations.
- Work with student to find out interests and work towards setting up the internship where they would like to be. Good way to emphasize Natives are some of most legislated people in the country and we need to be here to learn policy and show them they can have a career here in WA.
- 8 alumni work in DC
- Other areas that we are building upon are geared towards policy and getting involved in other issues developing white papers on issues, etc.
- Packets have new brochures so getting social media established.
- Elizabeth Rule Assistant Director citizen of Chickasaw and Nick citizen of the Makah Nation.
- Outreach to all the National Tribal Organizations – looking for partners in the areas of advocacy or research if we have areas identified with gaps we would like to talk to you about it and any ideas for National Policy Center based in DC.
- Left the US Senate after 7 years – Senator Harry Reid staffer and imbedded in the SCIA Committee – worked with several of the Senators. Worked within the Committee system at the leadership level and pre- introduction of the bill – and through the legislative process in passing the bill. Cobell Settlement, VAWA, Lands package – for 6 of the Nevada Tribes; Government Affairs at NAIHC was there during the last NAHASDA Reauthorization Experience as in-house council for several Tribes as well as my own.
- Recruit college students, graduate and high school students (3 weeks in the summer)
Tribal Comments
- Importance of sending the message about sovereignty and self-Governance to those that may not understand it.

Government Accountability Office

Mickey Peercy, Director of Self-Governance, Choctaw Tribal Nation of Oklahoma

Jay Spaan, Senior Analyst, GAO

- High Risk – How it works – the focus of high risk is on management weakness within the federal agencies that administer programs that serve Tribes.

Contacts -

- How Tribes can manage visits and data calls
- Regulatory and other Barriers to Self-Governance
- Four hearings held on GAO Reports on Federal Indian Programs so there is quite a bit of attention on it.

Tribal Comments

- Make distinction between SG Tribes implementing the programs and the agencies is important. It does show a benefit to SG Tribes that have taken on programs v. federal agencies.
- This group requested a training with GAO with Tribal representatives and OSG. We started that dialogue. We are looking at dates now. Terra is available to assist with the training.
- GAO is probably requesting interviews and data – it is important that we speak with you. Make sure tell individual how we are going to use the information. We run it by Tribes to make sure they are comfortable using the information or name in the report. If there are sensitivities make sure to state those things because it is not a policy. Make sure those things are clear.
- Tribes are linked back to this and it is a concern for us so at what point are they reassessed to get off of the list.
- Every two years we do a progress update. In the back of the report there are a number of recommendations. There are five criteria we look at.
- Current work – US Committee on Homeland Security SG Mechanisms and how Tribes are using these mechanisms compacts, contracts, etc. to see how Tribes are using them and what factors could hinder Tribes and what could facilitate it?
- Plan to issue the report late spring or early summer
- Met with GAO (Citizen Potawatomi and Choctaw) Senator Lankford has been supportive of their Tribe and SG. Always advocating for SG across the federal government. Chose not to go into SG for the money. There is a funding problem for the Bureau and a lot of unmet need for Indian country. Land into trust is very important and it is not an easy process. While compacted it doesn't make land into trust easier. Even though SG Tribe get all the decreases to base funding but have to fight for increases. Dave Conner did great job on SG equity. Praised OSG efforts with TIWAHE funding. There are a lot of advantages to SG but the Bureau is still problematic and tries to hinder it. Experience in full support of the Hearth Act – supportive of any authority we can adopt and manage ourselves. Helpful if think about taking over federal agency programs by statute or any authority use SG as a funding mechanism in the future. Accountable to our own people.
- Part of what may help –when statutes are written congress intent they are supposed to be applicable to all Tribes but agencies are selective in which Tribes to apply it to – congress fixed it in 1994 all Tribes treated equally and any other regulations no force or effect but they are still using a system as to who they want to work for and the extent they want to work with them. We fought for years that we should get services never aware of funding increases or year end money. Whenever increase we were unaware because they were not sharing it with OSG. It is really frustrating. TIWAHE was a heroic exercise because they were carving out SG Tribes from that money unless it was listed as a line item in their compact. If congress says everyone should receive the increase it means everybody. We had to go back to 1997 in our own records to get the increase and that shouldn't be our job. All agencies should be eligible for compact like agreements with Tribes. If don't spend all money we get penalized.
- In 1987 or 1986 there was a GAO Congressional Report that said 14 cents of the dollar made it to the intent and purpose and after that SG was born in 1988. Tribes are not funded at their level of need and they find funds to invest into the program. We put more of our money into a lot of programs.
- Pueblo of Jemes – live north of Albuquerque and the National Park Service has taken over the area. We try to work with them to contract if there is work to be done. Cultural properties are very important.

- Part of the challenge is that we are part of discretionary funding. We are the only human condition the federal government is required to care for but we have to vie for the same dollars as plants and animals and it is so disrespectful to us. We should be a priority. The money should be coming directly to the Tribes and not through the state because often the Tribes never see those dollars at all.
- Within Interior we are one of the lower funded Departments
- When the feds fall short on funding Tribes have to pick up the slack. There are some challenges with that – when the money goes to the state and we have to play by the state rules to get the money. We shouldn't have to follow state rules. People fought and died for the trust relationship and it is disrespectful to go back. We can quantify it. If we were able to take compact dollars and invest.
- GAO Reviews – share it with SGCE and she can send it out.

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, TTSGP Negotiated Rulemaking Committee

Anthony Bedell, Deputy Assistant Secretary, Intergovernmental Affairs and Deputy Assistant Secretary, Tribal Government Affairs, DOT

Ada Valaitis, Congressional and Tribal Affairs Liaison, DOT

Robert W. Sparrow, Jr., Director, Tribal Transportation Program, DOT

- *Background – been doing governmental relations. We have about 80 appointees in. Duties - Deputy Assistant Secretary for Tribal Affairs.*
- *New Regulations for Tribal Transportation Roads program – people are impeding on tribal roads.*
- *More creative ways to get more funding for Tribal roads and work on ways to get more work done. Have to pay for engineer to come on site \$20,000 to something that should have been simple. These are small, repairs. It seems there are a lot of additional layers and burdensome requirements.*
- *Robert Sparrow is getting ready to leave – working with the group since its inception and has a lot of knowledge and great advocate to the negotiated rulemaking committee – only have a few more months.*
- *Plan is to reconvene committee to develop the rule for establishing a SG office at DOT. We have been on hold here for a number of months due to transition. Tribal transportation is better than it was 15 years ago.*
- *We were invited by federal highways for a meeting and we had a large presence.*

Budget Update

Dave Conner, Director, Natural Resources, Red Lake Band of Chippewa Indians

Jeannine Brooks, Deputy Director, Budget and Performance Management, Office of Management and Budget, Indian Affairs, DOI

Jack Sullivan, Office of Management and Budget, Indian Affairs, DOI Affairs, DOI

Amber Ebarb, Budget/Policy Analyst, National Congress of American Indians

- *FY2018 President's Budget Request - (See handout)*
- *FY2018 Appropriations Update – Presidents budget – action in House on Interior Appropriations but larger debate is happening now. NCAI adopted a resolution last week. Tax Reform will impact budget process. Reduction and House restored most of those cuts. We haven't seen what is in the Senate Interior Approps bill it was supposed to happen last week at markup. Busy fall – CR until December 8th and punts debate over border wall and dreamers and will see what congress will decide on the Omnibus. We are hoping the Senate bill is better than what is in the House. Graphic overall BIA budget since 2003 – 13% reduction in nominal dollars and much lower than any years all the way back to 2003. Tax Reform will impact what the federal*

budget can do in the next 10 years – it will affect what congress can appropriate in the next 10 years. House is thinking about the Senate version which would be filibuster proof. We would have a framework we can look at. Two steps important to keep in mind – tax cuts that could lead to deficits – add 1 and ½ trillion dollars to the deficit. Resolution call for full funding of the trust. Have to look at impacts of what congress can spend on non-defense discretionary – are AI worse or better off? Is the deficit being run up which will lead to spending cuts in the future. Non-defense discretionary by 2027 in ten years it would be 18% below 2017 level and don't know where those cuts will fall. It will be hard for discretionary budgets to handle this kind of pressure.

- FY2019 Budget Status – embargoed – submitted proposal and it is now at OMB received submission on August 28th and focus on the same things. OMB briefings with all of the programs. Pass back after Thanksgiving
- FY2020 Budget Formulation Process – National Roll Out and planning one additional webinar next Friday. Changes that we have for 2020 – 5% increase instead of an 8% increase. No separate table submission. Present the package at TIBC and make it part of 5% table that comes forward. December 15th deadline. All regions must hold a budget meeting. Encouraging the regions to do a webinar but hold meetings after so you are part of the consolidation process. Sticking with due dates – survey preferred program November 20th and the unfulfilled obligations on December 18th. Tribes must provide a point of contact for survey submissions. Must choose ten preferred program so it doesn't skew the statistics and you cannot duplicate program choices. How will spread out 5% increase? In past apply it to priorities and then distribute it to discretionary. TIBC should approve the budget before presentation to the AS-IA. Meet the last week of February (Subcommittee). Survey – two separate surveys because too cumbersome – focus on one piece and then the next piece. Unfunded obligations released on November 20th because still trying to get the calculations down. BIE schools are doing their own – preferred programs and unfunded obligations. New format to the surveys – pdf format. It allows you to complete it without a web connection and unlimited characters. You can save it at any point and not lose your data. Once it is completed – POCs will send it into email address and regions will keep track of missing surveys. They will export all survey data into a database and each of the folks at the regional level will have access to it. IT will develop reports for them. We are trying to move ahead and there is an evaluation form that you can fill out to let us know what works and what doesn't. Unfunded obligation – all that needs to be provided is the variables and the calculations can be done on the backend so you don't have to worry about it.
- Tribal Interior Budget Committee Update (OVW Update & Listening Session)

Tribal Comments

- What happens to pilot programs that Tribes began and how can Tribes maintain these programs.
- BIA – It was something we were told we have to do. It is primary TIWAHE and Climate Change (\$10 million). We have folks looking at it to form partnerships to move on and make it successful. Hope House restore it. It is based on President's effort to balance the budget.
- Whoever is asked to testify make it clear Tribes are not happy.
- The focus of this Administration is infrastructure. We try to defend the priorities that come out of TIBC.
- On the POC – we sent an email to Gail – you have another webinar next week? Friday 2 at 1:30pm eastern time.
- Not thrilled with Tribes must choose 10 programs. Why forced to select something that will take dollars away from our region. If we decide we have only 3 priorities we expect our voice will be heard.
- Problem is that it comes in at the roll-up – you will lose something in the roll-up. By not voting you let others rise up.
- If Region doesn't need it as a priority why would we displace it as a priority.

- Out of 127 only 3 priorities from a region.
- When we get the money we distribute it as we see appropriate.
- Cookie cutter doesn't work in Indian country – sovereign nations have the right to choose and select the priorities. It cannot be across the board blended. We need to work on how we better serve the needs of the Tribes.
- Southern Plains submitted 3 priorities last year because when we looked at the increase we said it wasn't much money so what are we going to do with this. Scholarships and higher education are so important to us and we have 24 Tribes so it comes to this amount. We were thinking hard numbers and dollars. We did a formula.
- When you do the preferred survey the dollars are not included.
- We went through the same process and it was really detailed last year and when you get to the regions and see the priorities nationally it takes a lot of time to go through it. This process doesn't really work or reflect the Tribal priorities because different needs in different regions.
- How many areas hold face to face meetings – in Phoenix area we don't. We have questions on the survey –ditto. Miss the good old days when we were face to face discussing our issues. We would get together and talk. Disappointed that area directors are not mandated to hold these sessions. We don't know our regional representatives or tribal representatives for TIBC. Area directors need to be held accountable.
- We mandated it. They will hold a meeting and bring you together to discuss it.
- Have issues in Albuquerque area and the financial person shows up to give us guidance.
- Methodology for this doesn't seem to work so you can do what is best for the Tribes. The methodology really needs to be looked at. You need to invest a lot of time into this. Public Safety is the number one issue for our region. We need to figure out a strategy that adds value to the process. All of Tribes select public safety but it is not funded in AK.

Bureau of Indian Education

Melanie Fourkiller, Policy Analyst, Choctaw Nation Health Services Authority
Bill Nuttle, Program Specialist, DOI, Bureau of Indian Education

- Johnson O'Malley
- Had a BIE meeting in Oklahoma and he has been assigned the project to update the JOM account.

When was the last student count conducted – one conducted in 2012 and one in 2014 and the one in 2012 didn't have a lot of planning behind it. Great they are going to do this but only talking about the existing contractors and we also wanted to know about students that were not counted. Public schools that didn't respond or an interest in responding – no real initiative for them to respond. 1995 student count –

- 2012 increased by
- 2014 still didn't have all existing contractors respond – so the count is not accurate.
- BIE has been meeting with the Tribes and the Johnson O'Malley Association to come up with a system to take to congress so they can fund JOM up to the level it needs to be. We said lets go with the Census data. Stats fro National Center of Education – been meeting with Census and DOE and National Center for Education Stats – 57,000 schools 516,238 count 52% increase over 1995 count. It is hard to get out to areas to meet with the Tribes and get a valid count and we want to give Tribes opportunity to discuss it.
- We got a directive from congress and we concluded a Report and it will come out in a DTL letter. What we are doing now is trying to get the preliminary report in so we can have information that is realistic for appropriations.
- Objectives was where are we at with the new student count – steps BIE is taking – meeting with Census, meeting with Tribes, meeting with National partners and now SG Advisory Committee – take information back and emphasize the importance to Tribal leaders. Identify a point of contact.
- Initiatives from Congress directs BIA, DOE, and Census feasibility of using census. We need to come up with some ideals and get those people involved with the program directors, awarding

directors and resource officers in order to come up with a workable system. We need people in the field. Program Directors are going out now and there has to be a student roster on site to verify. They had to split up to do it over 3 years.

- Anticipate conduct consultations and listening sessions throughout FY2018 and conduct count in FY2018 – come up with a mechanism to develop a student count.
- Report will be coming out but we will address the mechanism we will propose. Tribes think about a Point of contact to represent the ideas that you may come forward with?
- Q – when do you take that count? When I was a principal we had a set date to report it but once they got the count the public schools dismissed their kids and they transferred into our schools.
- There is a mechanism in place that tracks these kids. They have infinite campus and other mechanisms that track these students. We need to make sure we put in a mechanism that identifies these students.
- Q – Do they have to be enrolled Tribal students. Some are full blood Indians but cannot enroll so can they be counted.
- We said if they are Indian and you can validate a quarter degree of Indian blood with a birth certificate it can be used to verify it. It can be an enrolled member or Tribal descendent.
- JOM opportunity for enrollment has been closed forever and don't recall a notice that makes us eligible for inclusion. BIE dollars should go to Tribes on the list that goes out every year. DOE money should include definition of descendency.
- The program is based on student success but from 1934 we should be looking at basing appropriations on academic success. It may be something to think about.
- For future listening sessions it would be appropriate to bring it up.

Preparation of Issues to Discuss with Acting Assistant Secretary – Indian Affairs

Adjourn for the Day

Thursday, October 26, 2017 (8:30 am to 2:00 pm)

**Meeting of the SGAC & Technical Workgroup with Acting Assistant Secretary – Indian Affairs
(Only Members of the SGAC and Proxies to be seated at the table)**

Welcome & Introductions

Shawn Duran, Tribal Program Administrator, Taos Pueblo and Vice-Chairwoman, SGAC

The American Indian Empowerment Act: An Option to Restore Ownership and Freedom From Federal Land Regulation Act H.R.215

Henry Cagey, Lummi Nation

Rob Porter

Support for the Bill (Young-AK)

Testified on Hill Navajo, Lummi, BIA, Land Tenure Chris Teambrook, Harvard Project

- In NY Tribes have restricted fee lands – two kinds of land trust and restricted fee – boils down to whether you want total control of your land use.
- Allows Tribes to convert some or all of its trust land into restricted fee land.
- SG proceeding for 30 years and it is a new opportunity for greater control over land use
- There will be a workgroup on this issue
- Request someone from the SGAC sit on their task force

Tribal Comments

- We will raise the request with the Chairman of this Committee
- It is great to provide Tribes choices. If you already surrendered aboriginal title would you be able to take advantage of it. Yes – you can if you have anything considered to be Indian country. Most Tribes may have restricted fee anyway.
- It will not change the jurisdiction if it is limited on trust land already.

- It doesn't change things in any way. If you own your own land and in a stronger position to self regulate you position yourself to gain more control over other issues in the future.
- The first section states the Secretary would convey lands into restricted fee status sounds similar to fee to trust regulations. We know proposed rules for fee to trust are a step backwards. Why would the Department be in favor of this when they created a regulatory regime that would have all the challenges with fee to trust.
- I don't think these folks know what they are doing and we have to get it higher than the Bureau. SG Tribes better take control of this – we represent half of the Tribes. Lummi are not afraid to be strong.

Indian Economic Development, Labor and Population Data

Kasie Nichols, Self-Governance Director, Citizen Potawatomi Nation

Hyon B. Shin, Chief of Racial Statistics Branch, Population Statistics, US Census Bureau, Department of Commerce

Thomas Krolik, Data Economist, Bureau of Labor Statistics, Department of Labor

Benjamin Simon, Chief DOI Economist and Assistant Director, Economics, Office of Policy Analysis (Labor Force Report), DOI Census

- *Census 2000 the last time collected race and ethnicity questions and it also on the ACS as well.*
- *We are working on updating the Code list to make sure any Tribal name changes are accurately collected and tabulated*
- *Data Products 2010 Census Summary File 2 will give you the most detailed information*
- *Released ACS 5 year release – the next set of detailed information that provides you more information*
- *Conducted four test focus groups led to field test*
- *2014 Focus groups – evaluate wording and descriptions were understood*
- *A new design for race and ethnicity was recommended - mirrored the categories for all other race groups – used 6 major Tribes; version two had three categories with general categories AI/AN/Central or South American Indian and write in to provide Tribal affiliation*
- *Desire to report complex and diverse racial identity*
- *2015 National content test – 1.2 million housing units tested began in 2014 and ran through October 1, 2015*
- *Two versions for AI/AN – simple checkbox with a write in line – similar to current race question. Second version have checkbox as well as the write in line*
- *Census for 2020 there will also be an electronic version (mirrors the paper version) On internet more flexibility to collect information and separated out three write in lines to list all identities.*
- *2017 Census test – made a design change to collect the most detailed information but fewer people who wrote in Tribal affiliation. On internet there was the most detail.*
- *AI/AN coding and classification – in process of sending out a survey to all Tribes held 18 consultations – want to make sure capture all changes and allow Tribes to review the list and let them know if they haven't coded it properly.*
 - Labor Force and Unemployment for Reservation Areas*
- *Federal/state cooperative program – offers technical assistance for states to produce monthly reports*
- *Data consistent with concepts of US data*
- *Synonomous with Geography – states, OMB, All counties, Cities with pops of 25,000 or more, minor civil divisions in New England*
- *Have not required states or funded states to produce estimates for reservations*
- *Use four basic data measures – employed and unemployed civilian labor force*

- *Concepts based on pop survey developed in the 1940s – activity based concepts reference period week*
- *Employed people are defined as those who do any work for pay or profit*
- *Unemployed – no job, actively searched for work and currently available for work (active job search criteria is generous – talk to friends and family, registering with unemployment office, etc. anything you actively do to search for a job)*
- *Administer unemployment is survey – uses hierarchy of methodologies based on available input – administrative data, wages, unemployment insurance claims*
- *Blending data from 9 different sources*
- *ACS – Census Bureau Survey of 3.5 million households and produces one year estimates for areas with 65,000 or more; five year estimates for all areas*
- *Provides on a more frequent basis socio economic data*
- *Reservations – recommended technique ACS sharing adapting an actual input use for city inputs – take employment level from city and county and index it to the latest population data to carry forward the most recent read on employment. Reservation areas are not included in population estimates.*
- *Take 46% of Big Horn County and attribute it to the reservation area*
- *Disadvantage – no current info specific to reservation being used, five year period and conditions could have changed over five year period, averages shares over the 5-year base period may not be representative of the current relationship,*
- *Advantages – data easily generated, consistent with concepts of employment and unemployment*
- *In March 2015, Montana requested BLS's assistance to produce estimates for its seven reservation areas to meet the needs of Tribal communities for their benefit and the benefit of the state*
- *Contacted partners and pointed them to the ACS share ratios and told them to add them into state specific areas*
- *Montana data – show unemployment rates for their 7 reservation areas – show an economic distress in certain areas and the rate is four times the state rate in some reservations (Crow)*
- *Contacted BIA Office of Policy Analysis and in April of this year ran data for 692 reservation areas and provided them to*
- *What would we need to do if the data is useful to get it into production across the country? You need to follow the Montana model. Fund states and haven't historically funded data for reservations. We need to get states to buy into it and make the data available.*

Panel on Economic Development, Labor and Population Data

- *Interior is data users rather than data producers. So the function of producing data belongs to other agencies.*
- *Rely on Census and BLS data*
- *Labor Force Report – produced at varying intervals and has relied on different data sources or a combo of all over time*
- *Going forward it would be desirable to coordinate with Census and Labor more*
- *One of the key things is defining geography – not just within the reservation boundary but also nearby*
- *Entered into an MOU with Census to improve data quality and availability*
- *Would like to expand it to all of the other agencies that may have interest in AI/AN data*
- *Tried to inventory all federal data – held a workshop and bring together everyone in federal family and inventory all of the data sets. Had a lot of discussion about next steps*
- *Two Reports – Data Inventory identifies all the data sets and identifies how accessible they are and what they are – there are many challenges with availability to the public*
- *Produced a summary report as well to identify next steps*

- *Workshop on economic development data and tried to highlight options to overcome deficiencies – clear there are resource constraints that helped us to think about core set of data that may be helpful*
- *Workshop presentations – website*

Tribal Comments:

- *There is an extensive list of Indian data not a lot is available to the public*
- *Census data is important to us for funding so we want to make sure it is accurate. It bleeds into all of all formulas. Piece of the Labor Force is still used for Indian Housing Block Grant needs portion of the formula. Information is used by Transportation as well for their formula. Labor Force is still used and we need accurate information.*
- *Send data out in a couple of different ways to get the information out to Tribes and in the right*
- *We are going to share it with all participants – address it to all the Tribal leaders but we will broadcast it widely and we have been working with NCAI to broadcast it. We want to make sure we have the widest reach and if you have questions happy to put it on our email.*
- *We work closely with tribal affairs coordinator it is her list that we use and that is who we collaborate with.*
- *In terms of the Montana project and funding we hear you and in terms of working through the state we want to explore it because some have a hard time working with the state. We would like to know what some of the requests are for our data.*
- *Recommend that as we develop any sort of sharing of information or move forward with a Labor Force Report that we have some Tribal reps on a workgroup.*
- *All information is important Tribes need to work with workforce boards.*
- *Census information guides the formulas and there is some concern because what are you using for the codes some of the Tribes long names.*
- *Next Census will there be a Tribal track like 2010 when Indian country directly involved? We want information as early as possible.*
- *Mentioned more information on the internet but some rural places we don't always have internet – although technology is there Indian country has been left off.*
- *If no longer collecting you are no longer engaged with unemployment office*
- *Why are Tribes not a specific category as governments.*
 - *You may be able to work with Regional Directors at BIA to reach out to Tribes.*
 - *First thing I want to point out there is a misconception about our data that once drop out of unemployment system not counted – current population data doesn't include information about unemployment insurance. Unemployment insurance is neither a necessary or sufficient basis for unemployment.*
- *Structure of federal state – provide technical assistance and state department of labor produce them. Montana was very proactive and wanted data for their reservation areas. If we say we require you to produce data their question to us is well where is our funding. We try to get buy in from states*
- *CA Tribe appealed Census count in 2000 and 2010 and in the LUCA program this year but we are under-represented so we invite people back. Remote Tribes*
- *In the Census documents there is a section on Tribal governments do not meet definition so not counted in the category of governments but if you look at the statute it says Secretary shall publish for census of government and the definition section includes Indian Tribes in definition of governments you need to fix it – this is important to us we live and die on data.*
- *Tribal Labor Force is a mess and the Bureau has no resources to make it useable*
- *Corporations have better addresses than Tribes because hand out dividends.*
- *A lot of funding they always ask for certified data and certified data is US Census Data – issue regarding income data. HUD requires certified data. We need to provide medium income data and Pueblo data 2010 \$54,000 per household – we may have 4-5 families in a household so it*

should be delineated out. So when we go after HUD money our income is higher than the state of New Mexico. Get agencies to understand the data collected by the Census may not be right.

- *Group needs a workgroup.*

SGAC Joint Discussion with Acting Assistant Secretary - Indian Affairs

Bryan Rice, Director, Bureau of Indian Affairs, DOI (invited)

John Tahsuda, Principal Deputy Assistant Secretary – IA, DOI (invited)

Introductions:

- John Tahsuda - Been in and around Indian country for most of adult life. SG has been a success. Principal Deputy for Indian Affairs. High level priorities – overall reorganization of the Department. Know anytime change in status there are concerns. Good working for Trump and Zinke. Zinke grew up in Indian country and understands Tribes and have to do better because sovereignty has to mean something. Desire to look at the Department to see if there is a better way to serve the American people. Are we matching resources with obligations in the best way possible? We think there will be good ideas coming out of it and then we will meet with Indian country. Right now we are talking about concepts and once get concrete we will come to you for your information. Bryan Rice is newly installed as our Director and has a lot of experience in other Departments and has an ability to reach across the Department. What can we do in our office and out in the field to better serve Indian country.
- Tribal Comments: Support SG Tribes and the Office of SG – we have heard about cuts but to keep the office in tact it is important to keep the support there. Keep regional offices intact. Support capacity of Tribal governments because they deal with day to day. Thank you for making the rounds out to Indian country. Reemphasize what you heard at AFN and NCAI – fee to trust is a big issue for Tribes and greatly concerned with any measures that would challenge an already challenged process – Tribes administer lands acquired during process – empower and fund Tribes and Tribal courts and make sure jurisdiction over non-Tribal members. Experience problem with Opioid crisis but five states have highest prescriptions close to 10 million in those states and in five top states only to Tribes in those states one in Alabama and one in Mississippi – we do have issue but not dispositive of if we have ability to manage it. Provide tax exemption to preclude dual taxation – 465 is a mechanism.

Tribal Comment:

We are still looking if there will be a consultation with the Eastern Tribes on the land regulations. Distressing to hear and hope we can reverse it – the SG program is a model for Indian country but Director Freeman is not in the loop and part of the distribution of information. She has 50% of Tribes under her. We worked hard to get SG additional funding which we have been out of the loop for years. Use your position to bridge the gap with other agencies outside of Interior – assist with coordination across federal family including the White House council so we can move these things forward.

Response-

John Tahsuda – We are trying to identify priorities and align our strengths and human capital with what we have in place. We are looking at reorganization and SG is a big priority for us all the way to the Secretary's office. Prior Administration didn't make SG a priority and there is a conception are we favoring Direct Service over SG – it seems there was a refocus on Direct Service and less focus on SG. We want a strong focus on SG and we want to support you and encourage more Tribe to join SG. We are going through it now and hope to reinvigorate our program. It aligns with some of our budget decisions. There has been a slower than usual ramp up of leadership in the Department. If you don't have leadership the folks making decisions are either not accustomed to it or do not want to make the cuts. It is incumbent on us to look at our budget and it is a tough budget

time and we need to make cuts. Prioritize big impact prioritize and work our way down. Federal budget stuff is a mystery and hope that we can reinvigorate the SG program.

Bryan Rice – Spent career working BIA and US Forest Service. Working in Forestry on Indian and National Forest lands. Focus on jobs, land management and economic development. Was the Deputy Bureau Director for Trust Services. Some of the things we were working on fee to trust, hearth act, moving money through the system quickly whether SD contracts or SG compacts – made great success. Managed timber sales at Forestry – for every forester in Bia you see 5 in other agencies - equity issue – how do we improve partnerships and leverage capabilities. We started see issues of commonality without having to double invest. Part of being in forest service started to institute Tribal Forest Protection Act – there is an education component that comes with how we do things on Indian lands. We need to discuss the differences, why it is important and why it is of value. Working in the office of wildland fire. Moved to DC in 2009 and John alluded to differences with leadership being in place. It took nearly two years to get things moving. We still have window where Senior leadership is still coming on board. Hearing on Tribal Law and Order Act on the Hill.

Tribal Comment:

Burial Assistance Program – concern of the way Regions are interpreting the regulations. Social Services regulations finalized in 2000 prior to SG regulations and if you read them very convoluted and difficult to interpret and leaves it open for regions to interpret differently. They fail to recognize the effort Tribes make to subsidize the federal obligation. Eastern Oklahoma trouble interpreting the regulation. This is a very regulated part of the Bureau and cumbersome for SG Tribes when Regional people inject themselves in our day to day operations. If you want Tribes to participate in SG it is a barrier because treated inconsistently across regions. There are a lot of programs that are over regulated. If opportunity to work with you or Hankie there is an interest to make this happen. Appreciate that everyone was hear to start the meeting. It has been a long time since we had all three leaders. Ask for a commitment that you attend all the meetings. We meet quarterly and the dates are already set.

Response:

Bryan Rice – Seen different bureaucratic process and some are very hierarchical. We have a new team Jim James overseas regional directors. Actively working to make sure the message is aligned. We are looking at streamlining and reducing the amount of red tape and bureaucratic oversight that is out there. We want to put decision making at the local level. There are 12 regional offices and there are little tweaks that need to happen but shouldn't be that much inconsistency.

- Under SG there was authority for waivers for burial assistance there must be waivers unless it is statutorily prohibited.
- The regs state cannot waive that portion of the regulation.
- It is being interpreted two different ways in the same region.
- Inconsistency in Budget Formulation Process – Tribes are diverse but feds need to be more consistent in how they work for us.
- Indian Trader Regulations – amend regulations so Tribes have more authority to address
- David Berhnhardt spoke to it and it wasn't an endorsement which gives us pause. Whether it is acted upon or not it addresses a significant issue for Tribes and the heart of it is dual taxation and how it is adverse to economic development. Inherent sovereign authority of Tribes within jurisdiction to take advantage of tax. Hearth Act was a huge advance for Tribes and provides advantage of Tribes. Indian Trust Asset Reform Act provides additional opportunity – there is operative language for Secretary to approve plans for Tribes and waive federal regulation. We have long been under regulations. Encourage you to work with AS-IA, Deputy Principal and provide opportunity to Tribes for flexibility. We have tools from Hearth Act to ITARA that provide that opportunity. Our concern is there has been too much attention on Direct Service Tribes.

We really need to hold up SG and SD because support Tribes with Capacity. Hold up small and needy because they have been hammered since sequestered and it is leading to real problems.

- Office of Special Trustee – conducting audits in Indian country looking more at SG model. Issue with one of the Pueblos where they were issued a finding with traditional agricultural leases.
- The Bureau is asking us – some of traditional (trust) lands they have been asking us for leases and in our traditional way we do not establish this. When we took over via SG this is something they didn't pass onto us.
- Response: Happy to look into it.

Tribal Comment:

Indian Trust Asset Reform Act sunsets the Office of Special Trustee and in a day and age where Tribes are developing more capability to become better partner with Bureau the OST tells us not follow regulation. They are trying to find place in world of partnership – it is time to rethink these control points when OST doesn't have staff to do survey so they develop self certification. Perfect opportunity Indian Tribe has a plan to use asset in a way they have chosen to do it. What kind of regulations do you want ITARA says identify regulations we need to supercede. We are trying to figure out how to convert over to a partnership mode with Tribes. Indian Tribe should tell the trustee what sovereignty should be.

Response:

It is important to have that conversation with all of us at the table.

Tribal Comment:

ITARA – the component missed was consultation on the Under Secretary and it was almost an after thought. Mainly it was about regulations. Key component was the Under Secretary and we got no answers if in place of AS-IA or with AS-IA and it has dropped off of the radar. For years we have been talking about getting out of Interior into our own Cabinet. Department of Interior Strategic Plan – asked to be part of the process but told internal matter and they will seek our feedback after the fact. SGAC tasked with advising the Secretary of Interior so there is a duty to engage us. How may we get better involved in the process.

Response:

Bryan Rice – Strategic Plan – having been in the fire program we spent time looking at metrics and I wasn't aware how Indian Affairs was engaging an happy to help and be the conduit. At the moment not a lot of in-depth information to share.

Tribal Comment:

Reorganization of the Executive Branch – we want to be included in the process. Changes at the regional level they are switching directors and sore point for Tribes because they know our issues and it is problematic. Consistency across regions is important. There is a level of frustration because we haven't heard much just seeing the outcomes.

Response:

Bryan Rice – Had an opportunity to talk to the Secretary with respect to the Fire program and we discussed personnel across the Department. There are roughly 5,000 employees across DOI including Tribes and employee base there is a small amount at lower pay base fire fighters and then move up the ranks it is higher pay grade. Want to bring new people into the system and try to push more resources to the field and get the technical skill on the ground where it is needed. In terms of the Regional Leadership the difference that I see – as a career employee and member of the Executive Service you sign a mobility agreement that says in a moments notice at the behest of the Secretary he can reassign you to another position and we all sign it. At any time the Secretary can say he wants to adjust how do work and he has authority to move all senior Executives across all DOI. (240?) The intent you have generalists that can apply skill sets in other places. In the perfect world work several years do high performance and move to another place and build up those skills sets. See it as an opportunity in some places to have Executives with Tribal experience. We want to share resources and skill sets across the board. The caveat is federal employees cannot talk about some personnel actions.

Tribal Comment:

Overall Tribes want to know what is happening and what the plan is it leaves us guessing and waiting. Know all plans were due in last months and we haven't heard anything about it.

Response:

Bryan – I am just coming up to speed on much of it – happy to share as it comes out.

Tribal Comment:

Glad you mentioned fire. Fire is a big issue for us – it use to be we would get consistent funding that allowed us to abate the potential for fires and a lot of money disappeared and gone up to fire fighting teams that are employed throughout the country, Yes we need fire fighters but we need money for reservations to protect themselves from fire. Hazard is significant and will cause loss of life – push money down to Tribes. Coordinate with BLM there is a problem with regulating and permitting. Projects cut fire breaks. To have those as a cause to denial of permit because of fire hazard. Policies are contrary to initiative and we need to talk about it.

- there was a list given some years back on the list of fire issues and you may want to look at it. Some of the new people are not familiar with working with Tribes and there was a lot of questioning and it was difficult for Tribes to be reimbursed so there are underlying issues we need to look at again.*
- Back 9 years ago the Administration got rid of our Director and we provided input on selection choice and we have a vacancy now. We need someone with Alaska experience rather than someone from lower 48. We have been pushing Title IV amendments for while now and it would help with some of the issues with other agencies. There has been some resistance. We need to be flexible but we need consistency at the same time and the current system is not conducive to that.*

Response:

Bryan – AK regional director will be signed off on soon. Expect a person in place soon. Fire is a big deal and a couple points – Fire Subcommittee there is opportunity there to reform it. In terms of where fire is at now nationally in DOI the fire appropriation is 945 million forest service is 2.4 billion and there are some other smaller appropriations that focus on hazard but they are brought in to assist with fires. OMB and Hill is looking at it and said the fires are getting bigger and more destructive so throw more money at it or make changes. There has been ½ dozen legislation introduced. To make it easier for land management activities and looking at the other budgetary components It is important to see land status around you how can you have joint investments to make the dollars go further. Now is the time to have those conversations not May, June, July when smoke is in the air.

Tribal Comment:

EO for Reorganization – it is running afoul of the previous EO on consultation – the structure of how it would look like should be consulting with Tribes. In Northeast we have a different experience prior to US government and we are not included so a lot of things being developed are being developed in a vacuum. Our territory is Maine to Texas – various Tribes and different than any other region. We need to be engaged in the discussion and dialogue. There needs to be representation from all over Indian country. Disasters – we have hurricanes and blizzards and we need to keep our people safe.

- Support OSG – small staff and handle half of the Tribes. Make sure funding and there is new folks coming in who need training on SG 101 and it is paramount importance.*
- SG has been a perfect vehicle for Tribes to serve our people.*
- Authorities of SG really need to be recognized. Even out budget process is program by program and it is time to update it and recognize the authorities under SG.*
- Issues with the OJS – we are not given Tribal shares or information and told shares not available for detention. Recently, officers who are asked to assist off reservation police activities will not be covered by the federal tort claims act and cross jurisdictional policies in place with counties and states and we have a lot of different types of land we deal with. It puts a liability heavy on tribes and inhibits in how they deal with criminal activities. Share information*

and on funding and how they work with Tribes There needs to be more conversation with Tribes with OJS and what they are doing.

- We operate a juvenile detention center and it is a regional center ;and limited funds. 60 bed facility. Other Tribes limited on how much money they have for incarceration fees so the juveniles are not being placed. State is taking over those cases because the juveniles have to be placed somewhere. Then there is an issue that impacts Tribal sovereignty because courts look at how much money is available to incarcerate so how does it impact courts and police are making arrests and nothing is being done with prisoners and it is a real burden and it impacts Tribal sovereignty and depletes impact of our police and courts because we cannot enforce the laws without the funds. We were just asked to support VAWA but there are not any money to implement it. We cannot pay the incarceration fees.*
- Potential withdrawal of federal tort protections is extremely concerning and cause of concern arises from court case in CA where a paramedic was found not to possess the sovereign immunity of the Tribe while acting within the performance of their duties and cause of injury was the action of San Diego County police officer and was immune from suit because official of county. We have an issue with ruling of court. Do not compound it by withdrawing tort protection because we are exposed to significant liability not the Tribe the employee.*

Response:

Bryan – Testified on this TLOA and tort issue DOJ has not come out to support the bill as written but the Bureau is supportive of it.

Tribal Comment:

Under TIWAHE Initiative learn individual incarcerated or treated when come out there will just be relapse if don't change their behavioral. When there is incarceration there needs to be more work with the individual.

- November 9th roundtable with SCIA and meat of conversation is what is the whole package – mental health, social values, housing, drugs – all organizations and funding lines going with it. Collectively for enterprise we need better alignment to connect the dots.*
- JOM told Tribal leaders to be prepared to do another count.*
- Disaster situations – Tribes should have the right for intergovernmental agreements Tribe to Tribe.*
- OJS programs said individual officer said officers not covered under tort claims. No reason Tribes cannot deploy people and intergovernmentally provide services to each other. Is the DOJ trying to do knee jerk reaction to Lewis v. Clark in Mohegan?*
- Budgetary reductions for Tribes – already severely underfunded trust and treaty obligations and Tribes should be a priority and there should be mandatory and not discretionary. Budget formulation process told need to choose 10 priorities out of 127 line items and there was a lot of discussion and if a region decides to select 3 it is not being recognized.*
- Consideration for restoration for sequestration cuts – over time we have taken every cut and there is a misconception by congress that these cuts have been restored. We need to send clear message that cuts were not restored and these cuts were to our base budgets. We rarely receive increases to our base. A lot of initiatives come in the form of grants and we don't like them – grant away SG.*

Response:

Bryan – In terms of budget – top line numbers have stayed relatively stagnant it hasn't gone up or down but everything underneath it has changed. Management has remained steady so don't know if staff work done to see if regional staff are required or not. What are the management functions we need to have. One of the areas we can realize benefit is looking at how many people are in high level positions? What is the need we have to deliver the service you all expect.

Tribal Comment:

Recurring funding is preferred because build capacity to operate programs for an extended period of time.

- *We want to get out of the discretionary funding lane. We don't have all these line items in SG – we roll it up. We don't have 10 in our region we prioritize what is our priority and if we don't have 10 we are not going to do 10.*

Response:

Bryan – We need to improve communication and coordination. At the end of the day this is all about dollars.

Tribal Comment:

Budget caps required across the board rescissions every time enacted CR so we continue to get rescission by percentage and it erodes baseline funding. Move of funds to grants – by and large exclude indirect rates so if we accept the funding we don't recover against it. Congress is talking about \$1.5 trillion dollar deficit.

- Role and Responsibilities of Principal Deputy Assistant Secretary - IA
- Summary of Listening Sessions on E.O. 13781 Comprehensive Plan for Reorganizing the Executive Branch. Will consultation occur prior to action being taken?
- Update on Comments Received on ANPRM on the Traders with Indians Regulations
- Land-into-Trust Discussion

Tribal Assignments

SGAC Members Executive Session with Acting Assistant Secretary - Indian Affairs

Technical Workgroup Work Session

Jennifer McLaughlin, SGAC, Tribal Technical Co-Chair, Self-Governance Legislative Associate, Jamestown S'Klallam Tribe

Ken Reinfeld, SGAC, Federal Technical Co-Chair, OSG Senior Policy Analyst, DOI

Adjourn the SGAC Meeting