**Department of the Interior’s Self-Governance Advisory Committee**

Location: Park Hyatt Washington located @1201 24th Street NW, Washington, DC, 20037

**TALKING POINTS/ AGENDA NOTES**

**9:00 – 9:30 – Opening and SGAC Business**

* Opening prayer
* Minutes
* Nominations
  + Mohegan Tribe of Connecticut nomination – Sarah Harris as alternate for Eastern Region

**9:30 – 10:30 – Strategic planning for SGAC/ Results from focus group**

*Jennifer McLaughlin, Self-Governance Legislative Associate, Jamestown S’Klallam Tribe*

*Jay Spaan, Executive Director, SGCETC*

**10:30 – 10:50 – Update from the PROGRESS Act Negotiated Rulemaking Committee**

*W. Ron Allen, Tribal Chairman/CEO, Jamestown S’Klallam Tribe*

*Melanie Fourkiller, Director of Self-Governance, Choctaw Nation*

*Vickie Hanvey, Office of Self-Governance, DOI*

On October 21, 2020, the Practical Reforms and Other Goals to Reinforce the Effectiveness of Self-Governance and Self-Determination was signed into law (P.L.116-180). In accordance with the Progress Act, a Negotiated Rulemaking Committee was established that includes both Tribal and Federal members and the Office of Self-Governance (OSG) serving as the lead agency for the Department of the Interior. The Committee will advise the Secretary of the Interior in the development of the proposed rules to implement Title IV of the Indian Self-Determination and Education Assistance Act (ISDEAA) as amended by the PROGRESS Act.

• On August 29, 2022, the Committee held its first virtual meeting

• Tribal co-leads are W. Ron Allen and Melanie Fourkiller – and the Designated Federal Officials are Vickie Hanvey, OSG and Regina Gilbert is the alternate DFO and the meeting is being facilitated by the Federal Mediation and Conciliation Services (FMCS). The Tribal co-leads, the Federal DFOs and the FMCS team comprise the leadership team for the Committee.

• First order of business was a recommendation that the Department submit a draft bill as soon as possible to extend the statutory deadlines for the promulgation of the Final Rule.

• Goal is to complete these negotiations before Biden leaves office.

• Negotiated Rulemaking Committee Tribal team was divided into three subcommittees: Protocols Subcommittee, Categorical Breakdown Subcommittee and the Non-BIA Subcommittee.

Protocol Subcommittee

* The Tribal representatives assigned to the Protocol Subcommittee have discussed a new strategy for how to break through the impasse we are currently experiencing with the Federal team over the development of the Protocols for the PROGRESS Act Negotiated Rulemaking.
* There are two prongs to the “ask” of DOI Leadership:

1. Budget – We want a detailed breakdown of the budget for the Committee and the reasons why the Federal team thinks there is not enough funding to cover the Committee expenses.
2. The Tribal team proposes we use the Title V Protocols, with light amendments, for the PROGRESS Act Title IV Protocols.

Categorical Breakdown Subcommittee

* Broke the issues into three categories to be addressed.
* The Tribal team will include the rationale for their proposals.

Non-BIA Subcommittee

* Compiled a list of issues they would like to advance with the Non-BIA effort to include issues experienced by different Tribes who have negotiated agreements.

**ASK: Tribal co-leads request a meeting with AS-IA to discuss pertinent Committee issues.**

**10:50 – 11:10 – Tiwahe Initiative**

*Johnna Blackhair Acting Deputy Bureau Chief, Office of Indian Services, Indian Affairs, DOI*

Indian Affairs launched the TIWAHE Initiative in 2015. TIWAHE aligns with some of the key tenets of Self-Governance and Self-Determination by allowing flexibility in the administration of Tribal programs including the integration of Tribal customs, practices, values and traditions. There were six pilot Tribes chosen to participate in the pilot project.

Congress provided funding for an additional two pilot sites in FY 2022 and Indian Affairs recently held a series of Consultations on the Tiwahe Initiative.

Additionally, President Biden, in his FY 2023 budget request, included funding for an additional 10 pilot sites, and other funding increases. Unfortunately, funding for the addition of more pilot sites in FY 2023 is currently stalemated. The House Interior Appropriations Subcommittee included $8 million for additional pilot sites in FY 2023 in their Interior bill mark-up, but the Senate side provided no such increase. Congress is now in the process of reconciling differences between the House and Senate versions of the FY 2023 Interior Appropriations bill.

**ASK:**

* **What are the results of the recent Consultation?**
* **What is the status of the additional pilot projects in 2022 and 2023?**
* **How will additional funds be used?**

**11:10 – 11:40 – OSG Update and Discussion of Key Topics**

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

For years, we have urged the agency to ensure a succession plan is in place for OSG – suggesting that a Deputy Director position within OSG is filled to ensure continuity of operations in the future. In addition, OSG is understaffed to adequately fulfill its mission.

**ASK: What is the status of workforce planning efforts to ensure OSG is adequately staffed? Has a Deputy Director position been approved for OSG? If so, what is the status of filling that role?**

**11:40 – 12:00 - USET SPF *Marshall Plan for Tribal Nations: A Restorative Justice and Domestic*** *Investment Plan* | Report Overview

*Kitcki Carroll, Executive Director, USET*

12:00 – 1:00 – Lunch break

**1:00 – 1:20 – Administrative/Legislative/Judicial Updates**

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

*Matthew Jaffe, Partner, Sonosky, Chambers, Sachse, Endreson & Perry, LLP*

**1:20 – 1:40 – Budget Update**

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

In 2022, Congress enacted several General Program Increases in Trust Natural Resources including:

* $3 million General Increase for Natural Resources TPA
* $2 million General Increase for Wildlife & Parks TPA
* $2 million General Increase for Water Resources TPA
* $3 million General Increase for Forestry TPA

Congress intended these increases to be General Increases for those tribes operating these programs. In the past we have found that sometimes BIA does not follow Congressional intent when distributing such funds, and sometimes Tribes with Self-Governance agreements have been excluded from general program increases.

**ASKS: Is BIA allocating these funds for Congress’s expressed purpose, a General Increase for all tribes operating these programs?**

**1:40 – 2:00 - Law Enforcement/ Public Safety**

*Richard “Glen” Melville, Deputy Bureau Director, Office of Justice Services, Indian Affairs*

The Biden-Harris Administration has articulated a commitment to Strengthening Tribal Sovereignty and Self-Governance, the Government-to-Government relationship and upholding the trust and treaty responsibilities as the cornerstone of Federal Indian policy. Immediate and bold action by the Executive branch of government is needed now in the wake of the Castro-Huerta decision that reflects this commitment and ensures that Tribal inherent rights to govern our lands, our territories and our people are protected and respected.

The Majority’s decision in the Castro-Huerta case is a direct attack on Tribal sovereignty and is fundamentally flawed for expanding states’ authority to exercise criminal jurisdiction over non-Natives in Indian country without Tribal consent or congressional authorization.

**ASKS:**

* **What is the agency doing in response to the Castro-Huerta decision?**
* **What is being done related to McGirt implementation?**
* **Is BIA actively coordinating with DOJ programs?**

**2:00 – 2:20 – Department of Transportation Update**

*Arlando S. Teller, Assistant Secretary for Tribal Government Affairs, DOT*

**2:20 – 2:40 – Co-Management of Public Lands – Samuel Kohn**

**ASK: We understand this Administration is prioritizing opportunities for increased Tribal co-management of public lands. Does this effort include addressing the decades of challenges Tribal have faced negotiating Self-Governance agreements with non-BIA agencies?**

2:40 – 2:50– Break

**2:50 – 4:30 – Discussion with AS-IA Bryan Newland**

* CSC discussion

The Office of Self-Governance recently sent a letter to Tribes that threatened to condition CSC payments on the receipt of certain information. The CSC workgroup provided a written response to OSG requesting three immediate courses of action: 1. To withdraw the letter; 2. Immediately pay Tribes 100% of their CSC entitlements; and 3. Initiate Tribal consultation on the CSC issues.

**ASK: What is the agency’s response to the requests from the CSC Workgroup?**

* Status of BIA workforce (telework status)

Several Tribal Nations have expressed concern that many BIA employees remain on telework status and that it is hindering communication, responsiveness, and the ability of the agency to fulfill its role.

**ASK: What is the telework status of BIA employees? Has BIA evaluated whether it has the IT infrastructure to support teleworking? What is the agency doing about positions that must be in the office to fulfill the position?**

* Tribal Treaty Rights MOU
* BIA’s efforts to get removed from GAO’s High-Risk List

**ASK: BIA and BIE remain on GAO’s High-Risk list. Has Indian Affairs developed an action plan to get removed from the list? If so, what has been the response from GAO?**

* Federal Indian Boarding School project

We heard the Department may bring in a new position to lead the remainder of the Federal Indian Boarding School project.

**ASK: What is the status of that position and what are the next steps for the project?**

* Certified Tribal Populations – update on efforts to gather data
* Section 105(l) – staffing status to address workload

**ASK: Some Tribes have been told that BIA has a significant backlog of Section 105(l) applications. What is the agency doing to address the backlog?**

4:30 – 4:40 – Closing thoughts

4:40 – 5:00 – SGAC Technical Workgroup – Discuss follow-up items