

FACSIMILE TRANSMISSION
Office of the Assistant Secretary
The Administration for Children and Families

*Learnme
FYI.*

DATE:

TO:

Diana Farkina

Telephone:

Fax:

456-7028

Number of Pages (excluding cover):

24

FROM:

Margaret Pugh

Telephone:

(202)401-6944

Fax:

(202)401-4678

MESSAGE:

*Per my voice mail. We'd like to send this
out by the end of the week — can you
make sure that all interested parties
see? Are there people I should call?
(e.g. IGA, Political, OPL?)*



Department of Health and Human Services
Administration for Children and Families
370 L'Enfant Promenade, S.W., Washington, D.C. 20447
Phone: (202) 401-9200

DRAFT

TRIBAL GUIDANCE

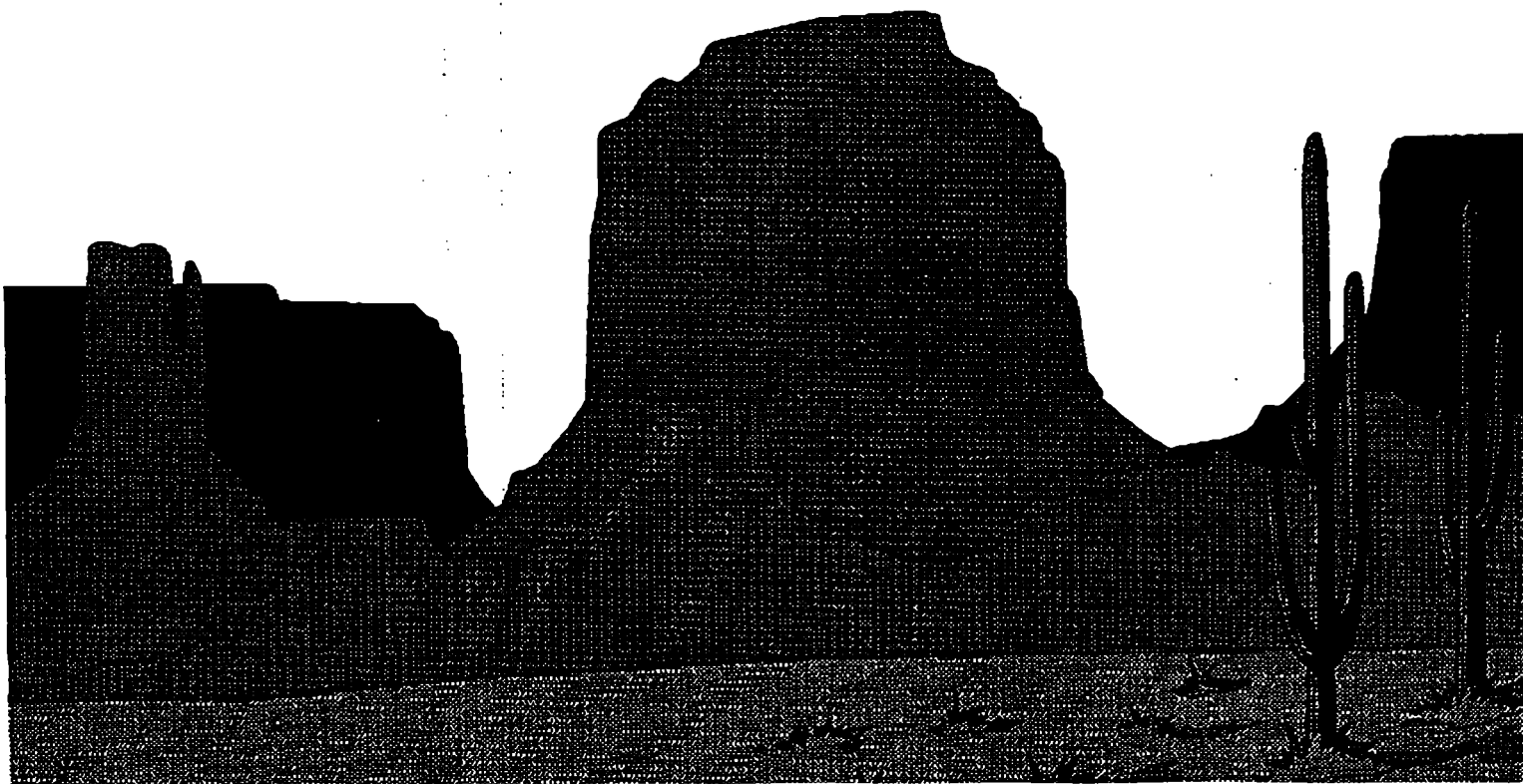
FOR THE

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

PROGRAM



Department of Health and Human Services
Administration for Children and Families
370 L'Enfant Promenade, S.W., Washington, D.C. 20447
February 12, 1997



CONTENTS

PART A: INTRODUCTION

Background
TANF Program
Tribal TANF Eligibility

PART B: TRIBAL TANF PLAN CONTENT AND PROCESS

Plan Content
Plan Process
Inquiries
Paperwork Reduction Act

PART C: PROGRAM INFORMATION AND CONSIDERATIONS

Tribal TANF Funding
Data Collection and Reporting Requirements
Cash Assistance Program
Coordination with the State
Penalties
Nondiscrimination Provisions
Tribal TANF Program Timeline

PART D: DATA COLLECTION AND REPORTING REQUIREMENTS

ATTACHMENT 1

ACF Regional Officials: Names and Addresses

ATTACHMENT 2

Section 412: Direct Funding and Administration by Indian Tribes
Section 419(a): Definitions

PART A: INTRODUCTION

BACKGROUND

On August 22, 1996 the President signed Public Law 104-193, the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996". Public Law 104-193 contains nine titles and is comprehensive in its effect on federal programs. Title I amends title IV-A of the Social Security Act¹ (the Act) and creates the Temporary Assistance for Needy Families (TANF) program. Title II creates revised eligibility standards for Supplemental Security Income (SSI). Title III makes changes to title IV-D of the Act to increase child support requirements on States and recipients, and make direct funding available to Indian tribes. Title IV establishes new restrictions on receipt of welfare and public benefits for non-citizens. Title V retains current law for titles IV-E and IV-B of the Act. Title VI consolidates the funding of the title IV-A child care programs with the Child Care Development Block Grant (CCDBG) into the Child Care Development Fund (CCDF). Title VII restructures several provisions of the School Nutrition Program. Title VIII retains the open entitlement structure of the Food Stamp Program, increases state flexibility and adds new work requirements. Title IX contains several miscellaneous provisions.

The purpose of this document, "Tribal Guidance for the Temporary Assistance for Needy Families Program", is to provide program information, TANF plan content guidance, and a suggested plan outline for an application under title I, direct funding and administration of the TANF program by Indian tribes.

TANF PROGRAM

Title I of Pub.L. 104-193 amends part A of title IV of the Social Security Act by replacing the Aid to Families with Dependent Children (AFDC) program, the Job Opportunities and Basic Skills Training (JOBS) program and the Emergency Assistance (EA) program with the Temporary Assistance for Needy Families (TANF) program. Under the new part A of title IV of the Social Security Act, open ended funding and guaranteed individual entitlement to public assistance have been repealed. TANF gives both States and Federally recognized Indian tribes new flexibility in the design of welfare programs which promote work and responsibility and strengthen families. The purpose of the new law is to support programs designed to provide assistance to needy families so that

¹ All references in this document to the Act are references to the Social Security Act, unless otherwise noted.

children may be cared for in their own homes or in the homes of relatives; reduce dependency on public benefits by promoting job preparation, work, and marriage; prevent and reduce the incidence of out-of-wedlock pregnancies; and encourage the formation and maintenance of two-parent families. Thus, the new legislation provides both challenges and opportunities to help needy families.

TRIBAL TANF ELIGIBILITY

Federally recognized Indian tribes are eligible to apply for funding under section 412 of the Social Security Act, as amended by Pub.L. 104-193 to administer and operate their own TANF programs. Implementation of a Tribal TANF program may begin no earlier than July 1, 1997 and requires that eligible Indian tribes submit a three year Tribal TANF plan to the Secretary of the Department of Health and Human Services (HHS) through the Administration for Children and Families (ACF) for review and approval. Authority to apply for funding under this part continues through the year fiscal year 2002.

Special Rule for Alaska: Section 419(4)(B) limits the entities in the State of Alaska who may operate a TANF program. The Metlakatla Indian Community of the Annette Islands Reserve plus the twelve Alaska Native regional non-profits are the only eligible entities.

Under section 412(h) of the Act, unless waived by the State of Alaska, Alaska Native organizations operating a TANF program must use the grant in accordance with comparable requirements applicable to the State. Comparability will be established via program criteria established by the Secretary, the State of Alaska, and the appropriate Alaska Native organization.

PART B: TRIBAL TANF PLAN CONTENT AND PROCESS

PLAN CONTENT

ACF does not intend to issue a TANF plan preprint. A Tribe may use whatever structure it prefers as long as all necessary elements of the plan are included. The contents of a Tribal TANF plan must include all the elements delineated at Section 412(b) of title IV-A of the Act, as amended by Pub.L. 104-193 and cover a three year period.

Although a specific format is not required, we ask that a Tribal TANF plan address each of the following elements under clearly marked headings. We also ask that all plan pages be numbered.

Under section 412(b) of the Act the Tribal TANF plan must do the following:

- > Outline the Indian tribe's approach to providing welfare-related services;
- > Specify whether the welfare-related services will be provided directly by the Tribe or through agreements, contracts or compacts with intertribal consortia, States, or other entities;
- > Identify the population and service area to be served;
- > Provide that families receiving assistance under the Tribal plan may not receive duplicative assistance from a State or other Tribe;
- > Identify the employment opportunities in or near the service area and the manner in which the Tribe will cooperate and enhance such opportunities for recipients consistent with any applicable State standards; and
- > Apply the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-State agency audit report.

Section 412(c) of the statute requires the Secretary, with the participation of Tribes, to establish for each Tribal grantee:

- > minimum work participation requirements;
- > appropriate time limits for the receipt of welfare-related services; and
- > penalties against individuals.

ACF has begun soliciting input from Indian tribes and other stakeholders as to a process for establishing these elements for each grantee. In addition, input is being solicited on what maximum/minimum standards, if any, will be applied. Although Tribal TANF plans may have to be revised when a final process is established, in the interim we suggest the Tribal TANF plan contain a Tribal proposal for each of these elements.

We offer the following guidance to address all of the elements listed above.

OUTLINE THE APPROACH TO PROVISION OF WELFARE-RELATED SERVICES

The TANF program is about work, responsibility and self-sufficiency for families. The Tribal TANF plan should identify the Tribe's goals in relation to work and self-sufficiency for families and how these goals will be met by the Tribal program. Successful program outcomes and what results will be measured should be considered for inclusion in the plan.

We ask that the plan include a statement indicating how Tribal members and others were involved in designing the TANF program and whether the public was given an opportunity to review and comment on the Tribal TANF plan.

The plan must address how "needy families" will be defined, and if the same services will be offered to families who have moved from another Tribal service area or from the State TANF area or from another State.

The plan must describe what assistance and services, including supportive services and child care, will be provided to needy families. Whether the assistance and services will be provided through cash, in-kind, vouchers, or through a combination must be indicated in the plan. Also, the plan needs to describe whether assistance and services will be provided and for how long to families who are working, and for those who are no longer eligible for Tribal TANF assistance because of a mix of earned and unearned income (i.e., child support payments).

The plan must outline how the privacy of families will be protected. In addition, the process available to applicants and recipients to challenge decisions must be described in the plan.

SPECIFY WHETHER THE WELFARE-RELATED SERVICES WILL BE PROVIDED DIRECTLY BY THE TRIBE OR THROUGH AGREEMENTS, CONTRACTS OR COMPACTS

The Tribal TANF plan must indicate how the various welfare-related services will be provided: through the Tribe itself; a

consortium of Tribes; or some other entity. If services will be provided by other entities, the plan should describe if this will be accomplished through agreements, contracts, or compacts.

We ask that the name of the Tribal agency or department that will be responsible for the administration of the Tribe's TANF program be provided in the plan.

IDENTIFY THE POPULATION AND SERVICE AREA TO BE SERVED

Section 412(b)(1)(C) indicates that a Tribal TANF plan must identify the Tribal TANF service population and service area. The statute does not explicitly define service area or population. ACF is soliciting input from Indian tribes and other stakeholders as to how service area and population should be defined in regulation.

Until such time as the regulations are published, a Tribal TANF plan should define the Tribe's proposed TANF service area and the population eligible to receive welfare-related services from the Tribe.

PROVIDE THAT FAMILIES RECEIVING ASSISTANCE UNDER THE TRIBAL PLAN MAY NOT RECEIVE DUPLICATIVE ASSISTANCE FROM A STATE OR OTHER TRIBE

The Tribal TANF plan must provide that a family receiving assistance under the plan may not receive duplicative assistance from other State or Tribal programs funded under title IV-A of the Social Security Act, as amended. Thus, an individual receiving assistance from a Tribal TANF program may not receive assistance from another TANF program.

We recommend the plan include a description of the mechanisms the Tribe will use to assure that duplicative assistance is not given by the Tribe or received by those being served by the Tribe.

IDENTIFY THE EMPLOYMENT OPPORTUNITIES IN OR NEAR THE SERVICE AREA AND THE MANNER IN WHICH THE TRIBE WILL COOPERATE AND ENHANCE SUCH OPPORTUNITIES FOR RECIPIENTS CONSISTENT WITH ANY APPLICABLE STATE STANDARDS

The Tribal TANF plan must describe the employment opportunities in or near the Tribe's service area. In addition, the plan must describe how the Tribe will cooperate with the State to enhance such opportunities for TANF recipients.

APPLY THE FISCAL ACCOUNTABILITY PROVISIONS OF SECTION 5(F)(1) OF THE INDIAN SELF-DETERMINATION ACT, RELATING TO THE SUBMISSION OF A SINGLE-STATE AGENCY AUDIT REPORT

The Tribe must certify that it will apply the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

MINIMUM WORK PARTICIPATION REQUIREMENTS

The promotion of work is a primary focus of PRWORA. Section 407 of title IV-A of the Act, as amended, sets forth mandatory work requirements for State TANF programs. Although Tribal TANF programs will not be subject to the exact same work requirements as specified in section 407, section 412(c) of title IV-A of the Act, as amended, does require minimum work participation requirements to be established for each Tribal TANF grantee.

As mentioned earlier in this document, a final process for establishing minimum work participation requirements and possible standards for Indian tribes has yet to be established. In the interim, the Tribal TANF plan should indicate what the Tribe proposes for minimum work participation requirements. The proposal must include, for both one-parent and two-parent families, a work participation rate, the number of hours of weekly participation that will be required, and allowable work activities.

The rationale for each of these elements of the proposal needs to be included in the plan. For a Tribal TANF program, minimum work participation requirements must be consistent with the purposes of section 412 of the Act; consistent with the economic conditions and resources available to the Tribe; and similar to comparable provisions of the Act which apply to States. Thus, the plan needs to explain how the Tribe's proposed minimum work participation requirements meet these conditions.

Since the Tribe's proposal for minimum work participation requirements must be comparable to the provisions applicable to the States, the following synopsis of the minimum work participation requirements that must be met by the States is provided. Section 407(a) of title IV-A of the Act, as amended, requires from 25% (FY 1997) to 50% (2002 and thereafter) of all families, and 75% (FY 1997) to 90% (FY 1999 and thereafter) of two-parent families receiving assistance, to be engaged in specified work activities. In addition, individuals must be participating in the work activities for a minimum number of hours; 20 (FY 1997) hours per week minimum to 30 (FY 2000 and thereafter) hours per week minimum for all families and 30 (FY 1997 and thereafter) hours per week minimum for two-parent families, with exceptions.

Section 407(d), as amended, defines allowable work activities as unsubsidized or subsidized (public or private) employment; work experience if employment is not available; on-the-job training; job search and job readiness assistance; community service programs; providing child care for participants engaged in community service; vocational training for no more than 12 cumulative months; job skills training directly related to employment; education directly related to employment for those who have not received a high school diploma or GED; and high school or equivalency for those 17 and younger. Limits apply to vocational education and teen parents (combined total of 20% of the caseload).

TIME LIMITS

Section 408(a)(7) provides that a State may not use Federal funds to provide assistance to any family that includes an adult who has received assistance for 60 months (whether or not consecutive) under any State program funded under title IV-A of the Act, as amended by Pub.L. 104-193. Up to 20% of the caseload may be exempted due to hardship. Limited transitional services may be made available after time limits have been reached. (Note on time limits: under section 408(a)(7)(D), time during which assistance is received while residing on certain qualifying reservations or Alaska Native villages would not count towards the 60 month lifetime limit).

As previously stated, a final process for establishing time limits and possible standards for Indian tribes has not been established. Until then, the Tribal TANF plan should include the Tribe's proposal for time limits for the receipt of welfare-related services and the rationale for this proposal. The Tribal proposal should describe any exceptions from the time limits due to hardship. If exceptions are provided, then the proposal should indicate what percentage of the caseload the Tribe proposes to exempt and the proposed definition of hardship.

The plan must explain how the proposed time limits are consistent with the purposes of section 412 and with the economic conditions and resources available to the Tribe.

PENALTIES AGAINST INDIVIDUALS

Section 407(e) provides that the State must reduce either by a pro rata amount, or more at the State's option, the amount of assistance payable to the family, or terminate assistance if the parent/caretaker refuses to engage in work activity without good cause (as defined by the State). Section 412(c)(3) of the Act requires penalties against individuals, which are similar to comparable provisions in section 407(e), be established for each Tribal TANF grantee.

As mentioned earlier in this document, a final process for establishing penalties against individuals and possible standards for Indian tribes has yet to be finalized. Until then, the Tribal TANF plan should include the Tribe's proposal for its policies in relation to sanctioning those individuals who refuse to engage in work activities. This includes how the Tribe defines "good cause" and how the Tribe will provide notice of adverse actions and what will be the TANF recipient's appeal rights. These proposals need to be consistent with the purposes of section 412 of the Act; consistent with the economic conditions and resources available to the Tribe; and similar to comparable provisions in section 407(e), including exceptions to automatic sanctions.

PLAN PROCESS

According to the statute, an Indian tribe is eligible to implement a TANF program no earlier than July 1, 1997, after the submission and approval of a Tribal TANF plan. There is no closing date for initiation of a Tribal TANF program. This flexibility allows every Tribe the opportunity for sufficient planning and to see how State TANF programs operate and function.

Tribes who want to implement a TANF program on July 1, 1997 will need to submit their TANF plans no later than March 1, 1997. Tribes who prefer to implement TANF later than July 1, 1997 should submit their TANF plans at least 120 days prior to the proposed effective date. A Tribal TANF plan can be effective the first day of any calendar quarter. ACF suggests the Indian tribe make the plan available to Tribal members and other interested parties for review and comment prior to the submission of the plan to ACF.

It is important that the Tribal TANF plan submittal indicate the date the Tribe wishes to implement the program.

Plans need to be submitted at least 120 days in advance to allow adequate time for the review, negotiation and approval process, and to satisfy the requirement in section 405(b) which requires that a State be notified of any reduction in its TANF grant due to a Tribal TANF grant. This notification must be made 3 months prior to the issuance of the State's quarterly grant award installment.

The plan may be amended at any time should the Indian tribe wish to modify or revise any aspect of its TANF program.

The original Tribal TANF plan must be submitted to the appropriate ACF Regional Official (see Attachment 1 for names and addresses). In addition, one copy of the Tribal TANF plan must

be submitted to:

Administration for Children & Families
Office of Community Services
Division of Tribal Services
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

The Regional Official will notify the Indian tribe to confirm receipt and begin the review process. A cover letter attached to the plan should identify a contact person (name, position and telephone number) whom ACF staff may call if additional information or clarification is needed. After the initial review of the plan, a conference call will be scheduled between the Tribe and ACF to discuss any outstanding issues. Every effort will be made to complete the review process and resolve any issues as quickly as possible.

INQUIRIES

Inquiries should be addressed to the appropriate Regional Official, Administration for Children and Families (see Attachment 1). Information about all Tribal and State plans will be posted on the ACF Internet home page (<http://www.acf.dhhs.gov>).

PAPERWORK REDUCTION ACT

Under the Paperwork Reduction Act of 1995 (Pub.L. 104-13), the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and recordkeeping requirements or information collection.

The information in the Tribal TANF plan is collected in accordance with section 412 of the Social Security Act, as amended. Information received in the Tribal plans sets forth how the Tribal TANF program will be administered and operated in the Tribal service area.

The response burden for this collection of information is estimated to be 60 hours per response, including the time for reviewing the statute, gathering and preparing the information, and reviewing the information.

The information collected is mandatory in accordance with the above-mentioned citations.

This information is not considered confidential; therefore, no additional safeguards are considered necessary beyond that customarily applied to routine government information.

PART C: PROGRAM INFORMATION AND CONSIDERATIONS

We encourage Tribes to use the TANF planning process to consider and address important questions in consultation with members of the Indian tribe, other interested parties including the business and social services community in and near the Tribal service area, and representatives from appropriate Federal and State agencies. These discussions and consultations should cover both the areas the statute specifies to be included in the Tribal TANF plan as well as various significant issues and concerns that are closely related to creating and operating a temporary assistance program whose primary goals include helping families achieve economic independence. In this Part we offer suggestions that are not intended to be inclusive, but which may serve as a useful guide in the Tribe's planning and decision-making activities.

TRIBAL TANF FUNDING

Section 412(a)(1)(B) describes the data that will be used to determine the amount of a Tribal TANF grant. The statute provides that for each fiscal year 1997 - 2002, an Indian tribe that has an approved TANF plan will receive an amount equal to the Federal share (including administration expenditures, which may include systems costs) of all expenditures (other than child care expenditures) by the State or States under the AFDC (title IV-A) and JOBS (title IV-F) programs for fiscal year (FY) 1994 for Indian families residing in the service area(s) identified in the Tribal TANF plan. For Tribes which operated a Tribal JOBS program in FY 1994, the State title IV-F expenditures used in the calculation would be for expenditures made on behalf of non-member Indians living in the designated TANF service area(s). Any expenditures by the State for Tribal members who were served by the State JOBS program will also be included in the determination. The data used to make the determination of a Tribal TANF grant amount will be submitted by the State.

Under the AFDC, JOBS, and EA programs, States were generally required to use State dollars to match Federal dollars at a rate of 80%. As noted above, the formula used to determine Tribal TANF grants includes only Federal payments; State matching payments are not used.

It may be useful for an Indian tribe considering the implementation of a TANF program to request data from the State in advance in order to:

- > determine the estimated amount of the grant the Indian tribe would receive to operate its own TANF program;

Mack B. Rhoades, Jr.
5645 Fenwick Drive
Alexandria, Virginia 22303-1550
Home: 703-329-9120
email: mackb@msn.com

February 25, 1997

President Clinton
The White House
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Reference: Ada Deer's Replacement

Dear Mr. President:

Congratulations on your re-election. I was very happy for you. I normally don't let these issues bother me, but this one is close to my heart. I am an "anglo" who works for a small Native American owned company. The majority of our business is with the Federal government. About half of that is working with Native American projects through the Bureau of Indian Affairs (BIA), and the Indian Health Service (IHS).

The last time I was over at the BIA, and trying to get the "latest dope", no one knew who would take Ada Deer's place as Assistant Secretary of Interior for Indian Affairs. I supported your campaigns both verbally and financially, and I would like to give you some advice on the BIA.

Ada Deer has done a poor job since her appointment. If she has done anything, it has been to maintain the status quo. She has been quoted as saying that the BIA's problems all stem from lack of funds. This is not true. What the BIA needs to do is to re-examine its mission. The BIA has basically dictated to tribes. It is time for them to be a "service oriented" agency. The thing I have always heard from Indian people when I have visited reservations is that the BIA and the IHS show up with ideas, then they are gone and never heard from again. Indian people don't trust the Bureau, and that is the problem. Not funding. The Bureau does nothing to help make their lives better. If anything, it contributes to their problems.

The BIA needs to become a leaner agency. This could be accomplished through a "top down" evaluation. A consolidation of programs, eliminating those that don't work, expanding and enhancing those that do, and creating new programs that address the urgent needs of Indian people: Education, Poverty, Housing, and Health. A "new" look at the Bureau's budget. Modifying the "Indian preference" in hiring. I'm all for Indian preference when the preferred Indian is qualified for the position. Hiring has occurred

throughout the Bureau based on "friends and family". The Bureau does not need people who are not willing to help it change.

My vision of the BIA would be a "United Nations" type of agency. Solving problems, providing aid and comfort, solving disputes, and reaching out to tribes and helping them become solvent and healthy. This "New Bureau of Indian Affairs" would bring Tribes and the Federal government to a new relationship based on trust. I encourage you to not just look to a Native American for this position. You should appoint someone with a vision, and a desire for the Bureau to succeed regardless of his or her race. A real desire to change the BIA, not just maintain the status quo. I think the timing is perfect for you to make a lasting contribution to Native Americans in this country. An opportunity to heal old wounds, and change the BIA to meet the "real" needs of the Tribes and Native Americans.

If I can be of any assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "M. B. Rhoades, Jr.", with a large, sweeping flourish extending from the end of the signature.

Mack B. Rhoades, Jr.

cc: Office of Presidential Personnel
Assistant to the President for Domestic Policy



The Eastern Band of Cherokee Indians

The Honorable Joyce C. Dugan, Principal Chief

The Honorable Gerard Parker, Vice-Chief

Jack E. Gloyne

Chairman

Birdtown Township

Billy Brown

Vice-Chairman

Snowbird &
Cherokee Co. Township

Tribal Council Members

Jim Bowman

Snowbird &
Cherokee Co. Township

Delores B. Davis

Yellowhill Township

Alan B. Ensley

Yellowhill Township

Steve George

Wolfetown Township

Bill Lambert

Birdtown Township

Henson Littlejohn

Wolfetown Township

Woodrow W. Losslah

Big Cove Township

Teresa Bradley McCoy

Big Cove Township

Regina Leford Rosario

Painttown Township

Marion Teesateskie

Painttown Township

6-2259

Facsimile

Date:

2 1 12 1 97

Fax No.:

(202) 456-7028

Deliver to:

President Clinton

Office:

From:

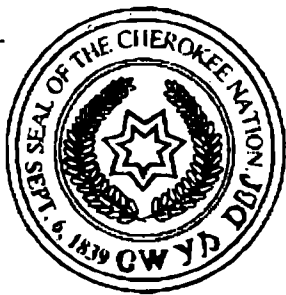
Chief Joyce C. Dugan

(2) page(s) will follow.

Comments:

Added to
Personnel

2/13/2014



The Eastern Band of Cherokee Indians

The Honorable Joyce C. Dugan, Principal Chief
The Honorable Gerard Parker, Vice-Chief

February 12, 1997

Jack E. Gloyne
 Chairman
 Birdtown Township

Billy Brown
 Vice-Chairman
 Snowbird &
 Cherokee Co. Township

Tribal Council Members

Jim Bowman
 Snowbird &
 Cherokee Co. Township

Delores B. Davis
 Yellowhill Township

Alan B. Ensley
 Yellowhill Township

Steve George
 Wolfetown Township

Bill Lambert
 Birdtown Township

Henson Littlejohn
 Wolfetown Township

Woodrow W. Lossiah
 Big Cove Township

Teresa Bradley McCoy
 Big Cove Township

Regina Ledford Rosario
 Painttown Township

Marion Teesaleskie
 Painttown Township

The Honorable William Jefferson Clinton
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Clinton,

As Principal Chief of the Eastern Band of Cherokee Indians I am writing to express my great concern on a matter under your consideration. Indian Nations have been involved with the National Gambling Policy and Impact Study since it was conceived by Representative Wolf and our good friend, former Senator Paul Simon.

Both Representative Wolfe and Senator Simon, though opposed to gaming, have sought to have Indian Nations treated fairly under this legislation. During the process of Congressional consideration of this future legislation, the National Indian Gaming Association (NIGA) testified at each hearing. NIGA's comments were never against the proposed legislation. In fact, Indian Nations offered nine amendments to make the study more objective. Eight of those amendments were accepted by Congress. The only one which wasn't accepted was the suggestion that at least two Indian Commissioners be written into the legislation. This was suggested because of our great concern that, if left to purely political purposes, Indian people would be treated unfairly and no knowledgeable Indian representative would sit on this Commission, and this Commission could have a huge impact on Indian governmental gaming. However, we were promised that having fair and unbiased Indian people sit on this Commission would receive serious consideration from the appointing authorities.

Indian Nations have written to you and spoken with you regarding this appointment. You have personally informed Indian Tribal leaders that you will appoint an Indian person to this Commission. We take you at your word and believe that, unlike so many other Presidents, you will keep your word.

I understand you are considering the appointment of Tadd Johnson to the Commission. I also understand that tactics are now being used to smear Mr. Johnson and sway your better judgment, simply because Mr. Johnson is Indian

and his Nation, like 135 others, has determined it will engage in gaming. If the theory behind those tactics works, no Indian person in this Nation, no matter how well qualified, could sit on that Commission because, at that level, we are all connected in some manner.

It is actually fortunate that Tadd Johnson is an enrolled member of the Boise Forte Ojibwe Indian Nation. The gaming in this Northern Minnesota Nations is small and provides jobs so people do not have to live so much by subsistence means as they have in the past. Mr. Johnson's first hand knowledge of the effect gaming has had on his Tribe will be critical in allowing the Commission to make balanced recommendations. We invite your staff to examine the unemployment, health and poverty levels of this Nation where little industry exists and many members earn meager yearly wages by hiring out as a hunting and fishing guides.

Mr. Johnson is not directly involved in Tribal gaming operations. He is clearly not under the control of Indian gaming. Non-Indian people are not being disqualified if they live in a state that has gaming. We ask for and believe Indian Nations deserve an equal level of fairness in these considerations.

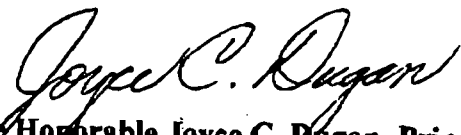
Moreover, Mr. Johnson's background, character and reputation are impeccable. He has been screened by the FBI and is qualified in all respects. He has devoted his professional career to public service both with his Tribe and the U.S. Government.

I urge you to support Tadd Johnson's appointment. The idea that no Indian can sit objectively on this Commission is both insulting and discriminatory. I urge you to consider the input of Indian Nations who have historically given their votes to the Democratic party.

With regard, I remain

Sincerely,

EASTERN BAND OF CHEROKEE INDIANS


The Honorable Joyce C. Dugan, Principal Chief

cc: Erskine Bowles
Governor James Hunt
Liz Montoya

SPECIAL

Total Pages: _____

LRM ID: AMB27

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, March 4, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: *Ron Peterson*
Ronald K. Peterson (for) Assistant Director for Legislative Reference
OMB CONTACT: Anna M. Briatico
PHONE: (202)395-7301 FAX: (202)395-5691
SUBJECT: REVISED INTERIOR Proposed Draft Bill on Judgement Fund Distribution to the Ottawa and Chippewa Indians of Michigan
DEADLINE: 3 p.m. Friday, March 7, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Attached is the revised Interior draft bill (original version was circulated under LRMID EHF6 dated 12/13/96). If we do not hear from you by the deadline, we will assume that you have no comments. Thanks.

DISTRIBUTION LIST

AGENCIES:

61-JUSTICE - Andrew Fois - (202) 514-2141
52-HHS - Sondra S. Wallace - (202) 690-7760
59-INTERIOR - Jane Lyder - (202) 208-4371
118-TREASURY - Richard S. Carro - (202) 622-0650

EOP:

Richard H. Kofl
Robert G. Damus
Richard J. Turman
John E. Thompson
Edward M. Rea
Pamula L. Simms
Leanne A. Shimabukuro
Alicia K. Kolaian

LRM ID: AMB27 SUBJECT: REVISED INTERIOR Proposed Draft Bill on Judgement Fund
Distribution to the Ottawa and Chippewa Indians of Michigan

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Anna M. Briatico Phone: 395-7301 Fax: 395-5691
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-6194

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

A BILL

To provide for the division, use and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to Dockets Numbered 18-E, 58, and 364 before the Indian Claims Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

(a) Congress hereby finds and declares that:

(1) Judgments were rendered in the Indian Claims Commission in Dockets Numbered 18-E, 58, and 364 in favor of the Ottawa and Chippewa Indians of Michigan.

(2) Congress appropriated the funds to pay these judgments and the funds have been held by the Department of the Interior for the beneficiaries pending a division of the funds among the beneficiaries in a manner acceptable to the tribes and descendancy group and pending development of plans for the use or distribution of the funds by the respective tribes.

(3) The 1836 treaty negotiations show that the United States concluded negotiations with the Chippewa concerning the cession of the upper peninsula and with the Ottawa with respect to the lower peninsula.

(4) A number of sites in both areas were used by both the Ottawa and Chippewa Indians. The Ottawa and Chippewa Indians were intermarried and there were villages composed of members of both tribes.

(b) It is the purpose of this Act to provide for the fair and equitable division of the judgment funds among the beneficiaries and to provide the opportunity for the tribes to develop plans for the use or distribution of their share of the funds.

SECTION 2. DESCRIPTION OF FUNDS AFFECTED BY THIS ACT

(a) **IN GENERAL.** Notwithstanding any other provision of the Indian Tribal Judgment Funds Use or Distribution Act (87 Stat. 466; 25 U.S.C. 1401 et seq.), as amended, or any plan or regulation under that Act, the funds described in subsection (b) of this Section 2,

(1) reduced by an amount for attorneys fees and litigation expenses, and

(2) increased by the amount of any interest and investment income accrued with respect to such funds,

shall be divided, used and distributed as provided in this Act.

(b) **FUNDS DESCRIBED.** The funds referred to in subsection (a) of this Section 2 are the funds appropriated in full satisfaction of judgments made in the Indian Claims Commission in Dockets Numbered 18-E, 58, and 364, in favor of the Ottawa and Chippewa Indians of Michigan.

Section 3. PREPARATION OF JUDGMENT DISTRIBUTION ROLL

(a) **PREPARATION:** Within 60 months of the time period established under Section 3(b), the Secretary of the Interior (hereinafter in this Act referred to as the 'Secretary') shall prepare a judgment distribution roll, in accordance with the Secretary's enrollment regulations, of all citizens of the United States who:

(1) were born on or before and living on the date of enactment of this Act, and

(2) are of at least one-quarter degree Michigan Ottawa or Chippewa Indian blood, or combination thereof, and

(3) are lineal descendants whose Michigan Ottawa or Chippewa ancestry is derived from at least one of the groups described in subsection (d) of this Section 3 and

(4) are not described within subsection 3(e) of this Act.

(b) **APPLICATIONS:** Applications for inclusion on the judgment distribution roll must be filed with the Superintendent, Michigan Agency, Bureau of Indian Affairs, Sault Ste. Marie, Michigan, not later than one year after the date of enactment of this Act.

(c) **APPEALS:** Appeals arising under this section shall be handled in accordance with the Secretary's prescribed enrollment regulations.

(d) The groups referred to in Section 3(a)(3) are

(1) the Ottawa bands of Grand River, Travers, Grand Travers, Little Travers, Maskigo, or L'Arbre Croche;

(2) the Chippewa bands of Sault Ste. Marie, Michilmackinac, or Cheboigan; and

(3) any Ottawa or Chippewa subdivisions of any groups referred to in subsections 3(d)(1) or 3(d)(2).

(e) An individual is not eligible under this Section 3, if he:
(1) shared under the provisions of the Secretarial Plan effective July 17, 1983, for the use and distribution of Potawatomi judgment funds,

(2) shared under the provisions of the Secretarial Plan effective November 12, 1977, for the use and distribution of Saginaw Chippewa judgment funds,

(3) is a member of the Keweenaw Bay Chippewa Indian Community of Michigan, or

(4) is a member of the Lac Vieux Desert Band of Lake Superior Chippewa Indians.

(f) In preparing the judgment distribution roll under this Section 3, the Secretary shall utilize the Horace B. Durant Roll, approved February 18, 1910, of the Ottawa and Chippewa Tribe of Michigan, as qualified and corrected by other rolls and record acceptable to the Secretary, including the Durant Field Notes of 1908-09 and the Annuity Payroll of the Ottawa and Chippewa Tribe of Michigan approved May 17, 1910. The Secretary may employ the services of the respective tribes' enrollment committees and the descendant group enrollment review committees.

SECTION 4. DIVISION OF FUNDS.

(a) **DOCKETS NUMBERED 18-E, 58, AND 364 FUNDS.** The Secretary shall divide the funds referred to in Section 2(b) among the federally recognized tribes and descendant group listed in this Section in proportion to the respective tribes' or group's members on the judgment distribution roll prepared under Section 3 of this Act:

- (1) Sault Ste. Marie Tribe of Chippewa Indians of Michigan
- (2) Grand Traverse Band of Ottawa & Chippewa Indians of Michigan
- (3) Little Traverse Bay Bands of Odawa Indians of Michigan
- (4) Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians
- (5) Little River Band of Ottawa Indians of Michigan
- (6) The Ottawa and Chippewa descendant group as defined in Section 6 of this Act

(b) Any residual amount of money left from the division in the

formula set forth in Section 4(a) shall be divided among the recognized tribes listed in Section 4(a), and if any residual amount then remains, it shall be allocated to the recognized tribe listed in Section 4(a) with the largest number of members appearing on the roll prepared pursuant to Section 3 of this Act.

**SECTION 5. DEVELOPMENT OF TRIBAL PLANS FOR USE
OR DISTRIBUTION OF FUNDS**

(a) The governing bodies of the Sault Ste. Marie Tribe of Chippewa Indians of Michigan, the Grand Traverse Band of Ottawa & Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan, the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians and the Little River Band of Ottawa Indians of Michigan shall each submit to the Secretary of the Interior for his approval a plan for the use or distribution of their respective share of the funds.

(b) The Secretary shall not disburse a tribe's respective share of the funds described in Section 4, until its plan is approved and effective. Disbursal of a tribe's share shall not be dependent upon approval of any other tribe's plan.

(c) In accordance with the provisions of 25 USC § 1403(b), the Secretary shall approve a tribal plan for the use or distribution of the funds.

(d) The tribe shall hold a hearing or general membership meeting on its proposed plan. The tribe shall submit its plan with an accompanying Resolution of its governing body, and transcript of its hearings or meetings in which the plan was discussed with its general membership, together with the documents circulated or made available to the membership on the proposed plan and comments from its membership received on the proposed plan, to the Secretary.

(1) The Secretary shall within 90 days of its receipt either approve the plan and submit it to Congress or return it to the tribe with his comments.

(2) The tribal governing body shall respond to the comments of the Secretary within 90 days, or within such other time as the tribe and the Secretary agree upon.

(3) The Secretary shall within 45 days of receipt of the governing body's comments submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b). If the tribal governing body does not submit comments within the 90 day response period, or within such time as agreed to with the Secretary, the Secretary shall within 45 days from the end of the response time submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b).

(e) If a Tribal governing body does not submit a plan to the Secretary within 10 years of the date of enactment of this statute, the Secretary shall submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b).

(f) Notwithstanding 25 USC § 1403(a)(2) and 25 USC § 1404(1), the Secretary need not hold additional hearings, nor submit transcripts of the hearings held by him previously concerning the Indian judgments. The Secretary's submission of the plan pursuant to Section 5 of this Act shall comply with 25 USC § 1404(2).

(g) Once submitted to Congress under this Act, the effective date of the plan and other requisite action, if any, is determined by the provisions of 25 USC § 1405 as amended.

SECTION 6. PER CAPITA DISBURSEMENT TO NON-TRIBAL MEMBER DESCENDANTS

(a) Subject to Section 7, the individuals listed on the roll prepared under Section 3 of this Act who are not members of the federally recognized tribes listed in Section 4 of this Act, are herein referred to as the Ottawa and Chippewa descendant group. The Secretary shall distribute per capita the proportion of funds allocated to this group under Section 4.

(b) DISBURSEMENT:

(1) Any payment of a per capita share of funds to which a living, competent adult is entitled under Section 6 of this Act shall be paid directly to such adult.

(2) Any per capita share of funds to which a deceased individual is entitled under Section 6 of this Act shall be paid to their heirs and legatees upon their determination under the regulations prescribed by the Secretary.

(3) Any per capita share of funds to which a legally incompetent individual or an individual under eighteen years of age is entitled under this Act shall be paid in accordance with such procedures (including the establishment of trusts) as the Secretary determines to be necessary to protect and preserve the interests of such individual.

SECTION 7: NEWLY RECOGNIZED TRIBES

(a) If, prior to the approval by the Secretary or his designee of the judgment distribution roll of descendants prepared under

Section 3 of this Act, Congress recognizes a tribe which includes members on this judgment distribution roll, the funds of these member-descendants will be held in trust for the newly recognized tribe in accord with the provisions of this Section.

(1) These funds will become subject to a plan to be prepared in accordance with Section 4 of this Act by the newly recognized tribe and not distributed to the individual unless so provided for in a plan approved in accordance with Section 4.

(2) For purposes of this Section, the Secretary will use the tribe's most recent membership list provided to Congress. If a membership list was not provided to Congress, the Secretary will use the tribe's most recent membership list provided to the Bureau of Indian Affairs in their petition for Federal acknowledgment filed under 25 CFR Part 83, unless otherwise provided in the statute which recognizes the tribe.

(3) For purposes of this Section, if no membership list was provided under Section 7(a)(2), the newly recognized tribe shall submit its list of members before the judgment distribution roll prepared pursuant to Section 3 of this Act is approved by the Secretary or his designee, unless otherwise provided in the statute which recognizes the tribe. If the tribe does not submit its membership list before the judgment distribution roll is approved, the judgment funds will be distributed per capita under Section 6.

Notwithstanding the foregoing provisions of this section 7, the Bureau of Indian Affairs will notify the individual that he is listed on the newly recognized tribe's membership list and that his share of these funds will be held in trust for the tribe unless the individual informs both the Bureau and the tribe, in writing, within 60 days of this notification, that he relinquishes his membership in the newly recognized tribe.

(b) If, prior to the approval by the Secretary or his designee of the judgment distribution roll prepared under Section 3 of this Act, the Secretary acknowledges a tribe which includes members on this distribution roll, the funds of these member-descendants will be held in trust for the newly recognized tribe in accord with the provisions of this Section.

(1) These funds will become subject to a plan to be prepared in accordance with Section 4 of this Act and not distributed to the individual unless so provided for in a plan approved in accordance with Section 4.

(2) For purposes of this Section, the Secretary will use the last membership list provided to the Bureau of Indian Affairs in their petition for acknowledgment filed under 25 CFR Part 83.

Notwithstanding the foregoing provisions of this section 7, the

Bureau of Indian Affairs will notify the individual that he is listed on the newly recognized tribe's membership list and that his share of these funds will be held in trust for the tribe unless the individual informs both the Bureau and the tribe, in writing, within 60 days of this notification, that he relinquishes his membership in the newly recognized tribe.

SECTION 8. TAX AND RESOURCE EXEMPTION

None of the funds, including earned income, distributed under the terms of this Act or held in trust pursuant to a plan approved under the provision of this Act, including all interest and investment income accrued thereon while such funds are so held in trust, shall be subject to Federal, State, or local income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act (42 USC § 301 et seq.) or, except for per capita shares in excess of \$2,000 annually, any other Federal or federally assisted program.

SECTION 9. FEDERAL FINANCIAL AID UNAFFECTED

The eligibility for or receipt of distributions under this Act by the tribes shall not be considered by any department or agency of the United States in determining the eligibility of or computing payments to these tribes under any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act.

SECTION 10. TREATIES NOT AFFECTED

No provision of this Act shall be construed to constitute an amendment, modification, or interpretation of any treaty to which any of the tribes mentioned in this Act is a party nor to any right or rights secured to such tribes or to any other tribe by any treaty.

SPECIAL

Total Pages: 6

LRM ID: AMB28

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, March 4, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: *Ronald K. Peterson*
Ronald K. Peterson (for) Assistant Director for Legislative Reference

OMB CONTACT: Anna M. Briatico
PHONE: (202)395-7301 FAX: (202)395-5691

SUBJECT: REVISED INTERIOR Proposed Draft Bill on Judgement Fund Distribution to the Sault Ste. Marie Chippewa Indians, Michigan 

DEADLINE: 3 p.m. Friday, March 7, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Attached is the revised Interior draft bill (original version was circulated under LRM ID EHF5 dated 12/13/96). If we do not hear from you by the deadline, we will assume that you have no comments. Thanks.

DISTRIBUTION LIST

AGENCIES:

59-INTERIOR - Jane Lyder - (202) 208-4371
52-HHS - Sondra S. Wallace - (202) 690-7760
61-JUSTICE - Andrew Fois - (202) 514-2141
118-TREASURY - Richard S. Carro - (202) 622-0650

EOP:

Richard H. Kodl
Robert G. Damus
Richard J. Turman
John E. Thompson
Edward M. Rea
Alicia K. Kolaian
Pamula L. Simms
Leanne A. Shimabukuro

Sue Lind

**LRM ID: AMB28 SUBJECT: REVISED INTERIOR Proposed Draft Bill on Judgement Fund
Distribution to the Sault Ste. Marie Chippewa Indians, Michigan**

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

**TO: Anna M. Briatico Phone: 395-7301 Fax: 395-5691
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-6194**

**FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)**

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

A BILL

To provide for the division, use and distribution of judgment funds to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians pursuant to Docket Numbered 18-R before the Indian Claims Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

(a) Congress hereby finds and declares that:

(1) A judgment was rendered in the Indian Claims Commission in Docket Numbered 18-R in favor of the Sault Ste. Marie Band of Chippewa Indians of Michigan.

(2) Congress appropriated the funds to pay this judgment and the funds have been held by the Department of the Interior for the beneficiaries pending a division of the funds among the beneficiaries in a manner acceptable to them and pending development of plans for the use or distribution of the funds by the respective tribes.

(b) It is the purpose of this Act to provide for the fair and equitable division of the judgment funds between the two successor tribal organizations in accordance with their agreement and to provide the opportunity for the tribes to develop plans for the use or distribution of their share of the funds.

SECTION 2. DESCRIPTION OF FUNDS AFFECTED BY THIS ACT

(a) **IN GENERAL.** Notwithstanding any other provision of the Indian Tribal Judgment Funds Use or Distribution Act (87 Stat. 466; 25 U.S.C. 1401 et seq.), as amended, or any plan or regulation under that Act, the funds described in subsection (b) of this Section 2,

(1) reduced by an amount for attorneys fees and litigation expenses, and

(2) increased by the amount of any interest and investment income accrued with respect to such funds,

shall be divided, used and distributed as provided in this Act.

(b) **FUNDS DESCRIBED.** The funds referred to in subsection (a)

of this Section 2 are the funds appropriated in full satisfaction of the judgment made in the Indian Claims Commission in Docket Numbered 18-R in favor of the Chippewa Indians of Michigan.

SECTION 3. DIVISION OF FUNDS.

(a) **DOCKET NUMBERED 18-R FUNDS.** The Secretary of the Interior (hereinafter in this Act referred to as the 'Secretary') shall divide the funds referred to in Section 2(b) in the following manner:

- | | |
|--|-----|
| (1) Sault Ste. Marie Tribe of Chippewa Indians
of Michigan | 65% |
| (2) Bay Mills Indian Community of the Sault
Ste. Marie Band of Chippewa Indians | 35% |

SECTION 4. DEVELOPMENT OF TRIBAL PLANS FOR USE OR DISTRIBUTION OF FUNDS

(a) The governing bodies of the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians shall each submit to the Secretary for his approval a plan for the use or distribution of their respective share of the funds.

(b) The Secretary shall not disburse a tribe's respective share of the funds described in Section 2 until its plan is approved and effective. Disbursal of a tribe's share shall not be dependent upon approval of any other tribe's plan.

(c) In accordance with the provisions of 25 USC § 1403(b), the Secretary shall approve a tribal plan for the use or distribution of the funds.

(d) The tribe shall hold a hearing or general membership meeting on its proposed plan. The tribe shall submit its plan with an accompanying Resolution of its governing body, and transcript of its hearings or meetings in which the plan was discussed with its general membership, together with the documents circulated or made available to the membership on the proposed plan and comments from its membership received on the proposed plan, to the Secretary.

(1) The Secretary shall within 90 days of its receipt either approve the plan and submit it to Congress or return it to the tribe with his comments.

(2) The tribal governing body shall respond to the comments of the Secretary within 90 days, or within such other time as the tribe and the Secretary agree upon.

(3) The Secretary shall within 45 days of receipt of the governing body's comments submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b). If the tribal governing body does not submit comments within the 90 day response period, or within such time as agreed to with the Secretary, the Secretary shall within 45 days from the end of the response time submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b).

(e) If a tribal governing body does not submit a plan to the Secretary within 10 years of the date of enactment of this statute, the Secretary shall submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b).

(f) Notwithstanding 25 USC § 1403(a)(2) and 25 USC § 1404(1), the Secretary need not hold additional hearings, nor submit transcripts of the hearings held by him previously concerning the Indian judgments. The Secretary's submission of the plan pursuant to Section 4 of this Act shall comply with 25 USC § 1404(2).

(g) Once submitted to Congress under this Act, the effective date of the plan and other requisite action, if any, is determined by the provisions of 25 USC § 1405 as amended.

SECTION 5. TAX AND RESOURCE EXEMPTION

None of the funds, including earned income, distributed under the terms of this Act or held in trust pursuant to a plan approved under the provision of this Act, including all interest and investment income accrued thereon while such funds are so held in trust, shall be subject to Federal, State, or local income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act (42 USC § 301 et seq.) or, except for per capita shares in excess of \$2,000 annually, any other Federal or federally assisted program.

SECTION 6. FEDERAL FINANCIAL AID UNAFFECTED

The eligibility for or receipt of distributions under this Act by the tribes shall not be considered by any department or agency of the United States in determining the eligibility of or computing payments to these tribes under any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act.

SECTION 7. TREATIES NOT AFFECTED

No provision of this Act shall be construed to constitute an amendment, modification, or interpretation of any treaty to which

any of the tribes mentioned in this Act is a party nor to any right or rights secured to such tribes or to any other tribe by any treaty.

Total Pages: _____

LRM ID: EHF49

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, February 20, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Ronald K. Peterson (for) Assistant Director for Legislative Reference
OMB CONTACT: Elyse H. Fitter
SUBJECT: PHONE: (202)395-3233 FAX: (202)395-5691
REVISED National Indian Gaming Commission Proposed Draft Bill on Indian
Gaming Regulatory Act Amendment
DEADLINE: 10:00 AM Monday, February 24, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: The attached NIGC draft bill has been revised to (1) make the increased fee subject to appropriations; (2) designate placement of the increased fees in a fund in the Treasury; and (3) deleting sections allowing additional authorizations for the NIGC, which are no longer necessary because of the increased fees.

DISTRIBUTION LIST

AGENCIES:

59-INTERIOR - Jane Lyder - (202) 208-4371

61-JUSTICE - Andrew Fois - (202) 514-2141

EOP:

Harry E. Moran

Richard H. Kofl

Alicia K. Kolaian

Leanne A. Shimabukuro

_____ Concur
 _____ No Objection
 _____ No Comment
 _____ See proposed edits on pages _____
 _____ Other: _____
 _____ FAX RETURN of _____ pages, attached to this response sheet

(25U.S.C. 2717 (a)) of the Indian Gaming Regulatory Act is amended -

(1) In Paragraph 1, by inserting "and class III" after "class II";

DRAFT

(2) In Paragraph 2, by striking Subparagraph (B);

(3) At the end of paragraph, by inserting "(7) Fees collected pursuant to this section shall be deposited in a special fund in the Treasury."

(25U.S.C. 2717(b)) is amended -

(1) By striking, Paragraphs (2) and (3).

(25 U.S.C. 2717a) is amended -

(1) In Paragraph 1, by inserting "to the extent and in the amounts provided in advance in appropriations acts." after "until expended"

(25 U.S.C. 2718) is amended -

(1) By striking the section.



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

FAX TRANSMITTAL

No of Pages:

(Including Cover Sheet)

TO Carol Rasco	FROM: The Office of Assistant Secretary - Indian Affairs ADA E. DEER By: _____
LOCATION:	LOCATION: AS-IA, MS-4140
PHONE No.:	PHONE No.: (202) 208-7163
FAX No.: 202 456-2878	FAX No.: (202) 208-5320
Please hand deliver. Should there be any difficulties with this message, please notify sending office immediately. Thank-you!	

FY 1998 DEPARTMENT OF THE INTERIOR PASSBACK APPEAL

Bureau of Indian Affairs

(\$ in millions)

BIA	<u>97 Enacted</u>	<u>98 Request</u>	<u>98 Passback</u>	<u>+/-97 Enact</u>	<u>Appeal</u>
	1,606	1,840	1,606	0	+ 210

- In FY 1996, Congress reduced the BIA budget 8% below FY 1995. Tribes are reporting every day that these cuts affected them severely at the local level.

- The FY 1997 request to Congress sought to restore funding but the Congress did not restore funding to the Bureau. The current (FY 1997) level still falls 6% below 1995.

- The original BIA FY 1998 budget request sent to OMB requested an additional \$234 million over the current level in order to restore tribal programs and to provide for increased enrollment in BIA schools.

- OMB did not provide any of the increase requested for FY 1998, putting BIA at a level 6% below 1995.

- The Secretary has appealed to OMB, requesting an additional \$210 million for the following programs:

- \$128.6 million to restore Tribal Priority Allocation to the 1997 President's Budget level;

- \$14.2 million to accommodate increased school enrollment in 187 day and boarding schools;

- \$13.3 million for trust functions such as environmental management and court ordered irrigation O and M costs;

- \$34.6 million for construction projects, half of which is for replacement and repair of school facilities;

- \$18.6 million in uncontrollables costs, to allow the Bureau to fund pay raises without further eroding tribal programs.

- The OMB reductions ARE SERIOUSLY INCONSISTENT with the commitment President Clinton made to Native Americans on April 29, 1994. At that historic meeting with American Indian tribal leaders, President Clinton made a pledge to fulfill the trust obligations of the federal government and to improve the living conditions of American Indians.

- In his address, President Clinton discussed the need to create jobs, raise incomes, and develop capital for new businesses in Indian country. Yet how can Tribes attract businesses when the backlog of road repair need exceeds \$70 million annually and the unmet law enforcement need exceeds \$30 million a year? How can Tribes hope to ever reduce unemployment below the current level of 46% when reservation schools are in danger of losing academic accreditation and the school facilities are not in compliance with basic health and safety codes? At the 1998 OMB level, college scholarships are reduced 10% below 1995, meaning 5,000 fewer scholarships will be provided to Indian students who may have no other opportunity for financial aid.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

December 12, 1996

Note

To: Carol H. Rasco
Assistant to the President for Domestic Policy

From: Ada E. Deer *Ada E. Deer*
Assistant Secretary - Indian Affairs

Subject: FY 1998 Department of Interior Passback Appeal

Please assist us in our appeal; the tribes desperately need this money. Many thanks!

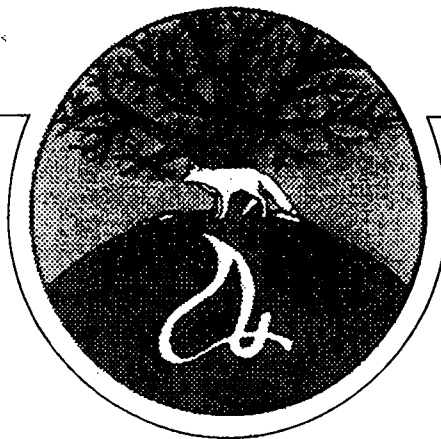
FY 1998 DEPARTMENT OF THE INTERIOR PASSBACK APPEAL

Bureau of Indian Affairs

(\$ in millions)

BIA	<u>97 Enacted</u>	<u>98 Request</u>	<u>98 Passback</u>	<u>+/-97 Enact</u>	<u>Appeal</u>
	1,606	1,840	1,606	0	+ 210

- In FY 1996, Congress reduced the BIA budget 8% below FY 1995. Tribes are reporting every day that these cuts affected them severely at the local level.
- The FY 1997 request to Congress sought to restore funding but the Congress did not restore funding to the Bureau. The current (FY 1997) level still falls 6% below 1995.
- The original BIA FY 1998 budget request sent to OMB requested an additional \$234 million over the current level in order to restore tribal programs and to provide for increased enrollment in BIA schools.
- OMB did not provide any of the increase requested for FY 1998, putting BIA at a level 6% below 1995.
- The Secretary has appealed to OMB, requesting an additional \$210 million for the following programs:
 - \$128.6 million to restore Tribal Priority Allocation to the 1997 President's Budget level;
 - \$14.2 million to accommodate increased school enrollment in 187 day and boarding schools;
 - \$13.3 million for trust functions such as environmental management and court ordered irrigation O and M costs;
 - \$34.6 million for construction projects, half of which is for replacement and repair of school facilities;
 - \$18.6 million in uncontrollables costs, to allow the Bureau to fund pay raises without further eroding tribal programs.
- The OMB reductions ARE SERIOUSLY INCONSISTENT with the commitment President Clinton made to Native Americans on April 29, 1994. At that historic meeting with American Indian tribal leaders, President Clinton made a pledge to fulfill the trust obligations of the federal government and to improve the living conditions of American Indians.



January 29, 1997

The Honorable William Jefferson Clinton
President
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear Mr. President:

Once again I want to congratulate you on your historic election to serve a second term as President of the United States of America. As you know, American Indian people across this great nation supported your candidacy, contributed to your campaign, and voted for your reelection.

As you embark upon your second term, Indian tribes place great faith in your ability and willingness to consider and resolve positively critical tribal issues. In the past few weeks, we have paid close attention as you have formed your new cabinet and organized a new White House staff. Unfortunately, up to the present time Indian tribes have not been offered the opportunity to participate in your transition efforts, and this has caused great concern.

To address our concerns, a small group of like-minded tribal leaders and I request a meeting with you and your new Chief of Staff, Mr. Erskine Bowles, at the earliest possible date.

The national tribal agenda is complex and as lengthy as the number of American Indian tribes. However, in our meeting with you, we would like to discuss a short agenda that includes several proposals for developing a consistent and accessible relationship with you and your White House staff. To date, Indian Country has never had an Indian presence or voice at the White House. We believe that the government-to-government relationship with tribes should begin at the White House.

The Honorable William Jefferson Clinton, President

January 29, 1997

Page 2

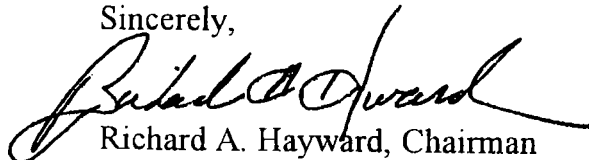
We hope you will consider the following proposals:

- We request that you appoint an American Indian to serve in the Chief of Staff's office to deal with Indian-related matters, as well as other responsibilities of the office;
- We request that there be substantive participation of American Indians in the transition and appointments process, and substantial consultation with American Indian tribes to secure recommendations for positions, such as the Assistant Secretary for Indian Affairs;
- We request that an Executive Order or Proclamation be drafted, specifically supporting tribal sovereignty and the powers of tribal self-government, and outlining the underpinnings of the federal-tribal relationship; and
- We request that a White House process and time schedule be developed to deal with the most significant Indian issues.

Enclosed is a short briefing paper on the foregoing proposals.

I look forward to hearing your response and meeting with you in the very near future.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Hayward", written in a cursive style.

Richard A. Hayward, Chairman
Mashantucket Pequot Tribal Nation

Enclosures

Briefing Notes on Tribal Issues

Indian Portfolio of Issues in the White House. While agencies have varying degrees of responsibility for Indian issues and policy, there are increasing numbers of Indian issues which have such a high political profile or cut across agency jurisdictions, that they are being decided at the White House. Because the President has initiated Indian policy from the White House, we believe it is crucial that there be a Indian presence in the White House that will provide the expertise and an Indian perspective to Indian policy formation. We recommend that the President develop a consistent and accessible process for tribal leadership to communicate with the White House and that this be structured through the appointment of an American Indian in the Chief of Staff's office.

Tribal Participation in the Transition. Tribal leadership would like to be assured that they have input in the selection of key political appointments being made for the second term. There has been few Indian appointees outside of the traditional Indian appointees, such as the Assistant Secretary for Indian Affairs and the Director of the Indian Health Service. Tribal leadership would like to be assured that there is an American Indian who works in the transition process and provides a known process for tribal leaders to have input into the selection process.

Executive Order on Indian Sovereignty and Tribal Rights. Notwithstanding the issuance of the President's Memorandum on the Government-to-Government relationship between the Tribes and the federal government, we believe that it is both necessary and appropriate for the President to issue a new Executive Order on Indian Sovereignty and the Government-to-Government relationship. There has been no such order since the Nixon Executive Order in the 1970's. In our view, an Executive Order is a more powerful communication and management tool than a Presidential Memorandum.

Development of a Process within the White House to Deal with Indian Policy. In addition to a staff position, tribal leadership would like a process developed in which the most high profile and complex Indian issues are developed and resolved in the White House. We are particularly concerned with the tax issues, resolution of budgetary issues at OMB and Office of Legislative Affairs initiatives on Indian issues. We have found that Indian tribes have been consistently dealing with decisions which are fait accompli as the White House states its policies to the public and the Congress.

GAMBLING IMPACT STUDY COMMISSION

February 5, 1996

BACKGROUND

Fueled by concerns about the growing gambling industry, the 104th Congress passed the Gambling Impact Study Commission Act. The Act establishes a Gambling Impact Study Commission ("Commission") to study the impact of gambling on states, localities and Native American tribes. The Commission must submit a report to the President in August 1998 containing recommendations for legislation and administrative actions based on their findings.

ISSUE

The selection of members to the Commission has come under recent scrutiny as appointee decisions are being finalized. William Safire and a 2-2-97 Washington Post editorial complain that nearly all the nominees have close ties to the gaming industry which will impact their final recommendations. They further suggest that the selection of appointees is directly linked to financial contributions made by gaming interests.

SELECTION OF MEMBERS TO THE COMMISSION

The selection of the 9 members of the Commission is as follows: 3 members appointed by the President, 3 members appointed by the Senate (2 Republican appointments, 1 Democrat), and 3 members appointed by the House of Representatives (2 Republican appointments, 1 Democrat). This formula gives Democrats 5 appointments and the Republicans 4 appointments. The list of named appointees is as follows:

House Speaker Gingrich:

1. J. Terrence Lanni, Chairman and CEO of MGM Grand Inc.
2. Kay Coles James, Dean of the Robertson School of Government at Regent University

Senate Majority Leader Trent Lott:

1. Dr. Paul Moore, radiologist from Mississippi
2. Dr. James Dobson, Focus on the Family

Senate Minority Leader Tom Daschle:

Leo McCarthy, former Lt. Governor of California

Minority Leader Gephardt and the President have not yet named their appointees. The list of likely appointees is as follows:

Minority Leader Dick Gephardt:

John Sweeney of AFL-CIO, or John Wilhelm of the Culinary Union

President Clinton:

1. Bill Bible, Nevada Gaming Control Board
2. Minnesota Native American
3. A "split the difference think tanker"

Office of Presidential Personnel sent a decision memo into POTUS the week of January 20. No decision has yet been reached by the POTUS.

COMMENT

If the Commission is comprised of the above-listed appointments (including those not yet named), there is evidence that five appointments would be pro-gaming, two would be anti-gaming (both Republican nominees), with two unknowns remaining. It is likely that at least one of the unknowns will side with the pro-gaming wing of the Commission. This will be unsatisfactory to those who argued for the need to establish the Commission.

Assuming Bill Bible is not viewed as an anti-gaming regulator but as a member with pro-gaming industry interests (a likely scenario), the current list of Presidential appointments is tilted to the pro-gaming side 2-1 and may ultimately end up 3-0. It should also be noted neither of the Congressional Democratic appointments is likely to side with the anti-gaming interests.

RECOMMENDATION

In order for the Commission to have credibility, it would probably require at least one or more appointments that is viewed as anti-gaming (e.g., appointee from religious community, or possibly sports industry). If the list of Presidential appointments is revisited, it must be done quickly since the appointments are already due to Congress.



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

Honorable Albert Gore, Jr.
President of the Senate
Washington D.C. 20510

Dear Mr. President:

Enclosed is a draft bill, "To provide for the division, use and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to Dockets Numbered 18-E, 58, and 364 before the Indian Claims Commission."

We recommend that the draft bill be referred to the appropriate Committee for consideration and that it be enacted.

The Ottawa and Chippewa Indians were awarded \$10,109,003.55 in Dockets 18-E and 58 and \$25,233.11 in Docket 364 before the Indian Claims Commission. Funds to satisfy the awards were appropriated on October 31, 1972 (86 Stat. 1518) and March 13, 1978 (92 Stat. 107) respectively and are held in trust for the beneficiaries.

The award in dockets 18-E and 58 was made in 1972 to the "Ottawa and Chippewa Nations of Indians" who negotiated the treaties of July 6, 1820, 7 Stat. 207, and March 28, 1836, 7 Stat. 491. The award represents additional payment for land of the St. Martin Islands ceded under the 1820 Treaty and tracts in upper and lower Michigan ceded under the 1836 Treaty. Docket 364, awarded in 1977, is an accounting claim under Articles 1 and 2 of the Treaty of July 31, 1855 (11 Stat. 621).

The funds have been held in trust since their appropriation. Although the Department has held hearings over the years and has attempted to achieve consensus among the beneficiaries on a division of the funds, the successor recognized tribes and descendants have been unable to agree to a division. Two of the affected tribes sued the Department this year in order to compel submission of legislation to divide the funds.

The most recent attempt to achieve consensus among the tribes and descendant group failed this year. Notwithstanding the lack of consensus, the Department believes it is in the best interest of the tribes and other descendants to provide for the division and disbursement of the funds.

The Department believes that the most equitable and fair manner to divide the funds is in proportion to each tribe's or group's

respective membership of one-quarter or more Michigan Indian blood to the total number of eligible descendants. The bill provides for the Secretary to create a roll of the descendants of the Indians of the historical tribes for which the awards were made who have one-quarter or more Michigan Ottawa and/or Chippewa blood. Then the funds are divided based on the relative number of members in each tribe or group to the total number on the roll. Thus, each tribe's proportionate share of the funds will be based on the number of their members who appear on this roll to the total number of persons on the roll. Those on the roll who are not members of recognized tribes will receive a per capita share. However, if the tribes and descendant group were to agree to an alternative plan to divide the funds, the Department would evaluate it and give it serious consideration.

The Omnibus Budget Reconciliation Act of 1990 (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go (PAYGO) requirement. That is, no such bill should result in an increase in the deficit. This proposal would not affect direct spending; therefore it satisfies the PAYGO requirements. The net effect of this draft bill on the deficit is zero.

The Office of Management and Budget has advised that there is no objection to enactment of the proposed bill from the standpoint of the Administration's program.

Sincerely,

Ada E. Deer
Assistant Secretary - Indian Affairs

Enclosures

Section by Section Analysis
of

S. _____
H.R. _____

Section 1. Congressional Findings and Declaration of Policy

This section outlines the background of the judgment award and sets forth the purposes of the Act as providing for the equitable division of the judgment fund among the successor tribal entities and descendant group, and providing the opportunity for each of the tribes to develop plans for the use or distribution of the funds.

Section 2. Description of Funds Affected by this Act.

This section describes the funds to be distributed under the terms of this Act in full satisfaction of the judgment awards in Indian Claims Commission Dockets 18-E, 58, and 364.

Section 3. Preparation of Judgment Distribution Roll

This section provides for the Secretary of the Interior to prepare a judgment distribution roll of persons who meet certain requirements and who are at least one quarter degree Michigan Ottawa and/or Chippewa Indian blood.

Section 4. Division of Funds

This section provides for the division of the funds among the successor tribes and the non-tribal member descendant group in proportion to the number of the respective tribe's or group's members on the judgment distribution roll to the total number of persons on that roll.

Section 5. Development of Tribal Plans for Use or Distribution of Funds

This section provides the procedure for the development and submission to Congress of each tribe's plan for the use or distribution of their share of the judgment funds prior to actual disbursement of their share.

Section 6. Per Capita Disbursement to Non-Tribal Member Descendants

Section 6 provides for the per capita distribution of funds to those individuals on the judgment roll who are not members of the federally recognized tribes listed in the Act, subject to section 7 of this Act.

Section 7. Newly Recognized Tribes

This section provides that if new tribes are recognized before the judgment roll is final and if the new tribe includes members who appear on the judgment roll, the funds of these members will be subject to a plan of the newly recognized tribe, with certain exceptions.

Section 8. Tax and Resource Exemption

This section mirrors 25 U.S.C. § 1407 by exempting the funds distributed under the terms of this Act from Federal, State or local income taxes and including provisions regarding treatment of funds under this Act in relation to the Social Security Act and Federal or federally assisted programs.

Section 9. Federal Financial Aid Unaffected

This section provides that eligibility for or receipt of distributions under this Act not be considered by any federal agency or federal department in determining a tribe's eligibility for any financial aid program of the United States.

Section 10. Treaties Not Affected

This section provides that this Act does not amend, modify, or interpret any treaty to which the tribes mentioned in this Act are parties.

A BILL

To provide for the division, use and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to Dockets Numbered 18-E, 58, and 364 before the Indian Claims Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

(a) Congress hereby finds and declares that:

(1) Judgments were rendered in the Indian Claims Commission in Dockets Numbered 18-E, 58, and 364 in favor of the Ottawa and Chippewa Indians of Michigan.

(2) Congress appropriated the funds to pay these judgments and the funds have been held by the Department of the Interior for the beneficiaries pending a division of the funds among the beneficiaries in a manner acceptable to the tribes and descendency group and pending development of plans for the use or distribution of the funds by the respective tribes.

(3) The 1836 treaty negotiations show that the United States concluded negotiations with the Chippewa concerning the cession of the upper peninsula and with the Ottawa with respect to the lower peninsula.

(4) A number of sites in both areas were used by both the Ottawa and Chippewa Indians. The Ottawa and Chippewa Indians were intermarried and there were villages composed of members of both tribes.

(b) It is the purpose of this Act to provide for the fair and equitable division of the judgment funds among the beneficiaries and to provide the opportunity for the tribes to develop plans for the use or distribution of their share of the funds.

SECTION 2. DESCRIPTION OF FUNDS AFFECTED BY THIS ACT

(a) **IN GENERAL.** Notwithstanding any other provision of the Indian Tribal Judgment Funds Use or Distribution Act (87 Stat. 466; 25 U.S.C. 1401 et seq.), as amended, or any plan or regulation under that Act, the funds described in subsection (b) of this Section 2,

(1) reduced by an amount for attorneys fees and litigation expenses, and

(2) increased by the amount of any interest and investment income accrued with respect to such funds, shall be divided, used and distributed as provided in this Act.

(b) **FUNDS DESCRIBED.** The funds referred to in subsection (a) of this Section 2 are the funds appropriated in full satisfaction of judgments made in the Indian Claims Commission in Dockets Numbered 18-E, 58, and 364, in favor of the Ottawa and Chippewa Indians of Michigan.

**Section 3. PREPARATION OF JUDGMENT DISTRIBUTION
ROLL**

(a) **PREPARATION:** Within 60 months of the time period established under Section 3(b), the Secretary of the Interior (hereinafter in this Act referred to as the 'Secretary') shall prepare a judgment distribution roll, in accordance with the Secretary's enrollment regulations, of all citizens of the United States who:

(1) were born on or before and living on the date of enactment of this Act, and

(2) are of at least one-quarter degree Michigan Ottawa or Chippewa Indian blood, or combination thereof, and

(3) are lineal descendants whose Michigan Ottawa or Chippewa ancestry is derived from at least one of the groups described in subsection (d) of this Section 3 and

(4) are not described within subsection 3(e) of this Act.

(b) **APPLICATIONS:** Applications for inclusion on the judgment distribution roll must be filed with the Superintendent, Michigan Agency, Bureau of Indian Affairs, Sault Ste. Marie, Michigan, not later than one year after the date of enactment of this Act.

(c) **APPEALS:** Appeals arising under this section shall be handled in accordance with the Secretary's prescribed enrollment regulations.

(d) The groups referred to in Section 3(a)(3) are

(1) the Ottawa bands of Grand River, Travers, Grand Travers, Little Travers, Maskigo, or L'Arbre Croche;

(2) the Chippewa bands of Sault Ste. Marie, Michilmackinac, or Cheboigan; and

(3) any Ottawa or Chippewa subdivisions of any groups referred to in subsections 3(d)(1) or 3(d)(2).

(e) An individual is not eligible under this Section 3, if he:

(1) shared under the provisions of the Secretarial Plan effective July 17, 1983, for the use and distribution of Potawatomi judgment funds,

(2) shared under the provisions of the Secretarial Plan effective November 12, 1977, for the use and distribution of Saginaw Chippewa judgment funds,

(3) is a member of the Keweenaw Bay Chippewa Indian Community of Michigan, or

(4) is a member of the Lac Vieux Desert Band of Lake Superior Chippewa Indians.

(f) In preparing the judgment distribution roll under this Section 3, the Secretary shall utilize the Horace B. Durant Roll, approved February 18, 1910, of the Ottawa and Chippewa Tribe of Michigan, as qualified and corrected by other rolls and record acceptable to the Secretary, including the Durant Field Notes of 1908-09 and the Annuity Payroll of the Ottawa and Chippewa Tribe of Michigan approved May 17, 1910. The Secretary may employ the services of the respective tribes' enrollment committees and the descendant group enrollment review committees.

SECTION 4. DIVISION OF FUNDS.

(a) **DOCKETS NUMBERED 18-E, 58, AND 364 FUNDS.** The Secretary shall divide the funds referred to in Section 2(b) among the federally recognized tribes and descendant group listed in this Section in proportion to the respective tribes' or group's members on the judgment distribution roll prepared under Section 3 of this Act:

(1) Sault Ste. Marie Tribe of Chippewa Indians
of Michigan

(2) Grand Traverse Band of Ottawa & Chippewa
Indians of Michigan

(3) Little Traverse Bay Bands of Odawa Indians
of Michigan

(4) Bay Mills Indian Community of the Sault
Ste. Marie Band of Chippewa Indians

(5) Little River Band of Ottawa Indians of
Michigan

(6) The Ottawa and Chippewa descendant group
as defined in Section 6 of this Act

(b) Any residual amount of money left from the division in the formula set forth in Section 4(a) shall be divided among the recognized tribes listed in Section 4(a), and if any residual amount then remains, it shall be allocated to the recognized tribe listed in Section 4(a) with the largest number of members appearing on the roll prepared pursuant to Section 3 of this Act.

**SECTION 5. DEVELOPMENT OF TRIBAL PLANS FOR USE
 OR DISTRIBUTION OF FUNDS**

(a) The governing bodies of the Sault Ste. Marie Tribe of Chippewa Indians of Michigan, the Grand Traverse Band of Ottawa & Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan, the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians and the Little River Band of Ottawa Indians of Michigan shall each submit to the Secretary of the Interior for his approval a plan for the use or distribution of their respective share of the funds.

(b) The Secretary shall not disburse a tribe's respective share of the funds described in Section 4, until its plan is approved and effective. Disbursal of a tribe's share shall not be dependent upon approval of any other tribe's plan.

(c) In accordance with the provisions of 25 USC § 1403(b), the Secretary shall approve a tribal plan for the use or distribution of the funds.

(d) The tribe shall submit its plan with an accompanying Resolution of its governing body to the Secretary.

(1) The Secretary shall within 90 days of its receipt either approve the plan and submit it to Congress or return it to the tribe with his comments.

(2) The tribal governing body shall respond to the comments of the Secretary within 90 days, or within such other time as the tribe and the Secretary agree upon.

(3) The Secretary shall within 45 days of receipt of the governing body's comments submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b). If the tribal governing body does not submit comments within the 90 day response period, or within such time as agreed to with the Secretary, the Secretary shall within 45 days from the end of the response time submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b).

(e) If a tribal governing body does not submit a plan to the Secretary within 10 years of the date of enactment of this statute, the Secretary shall submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b).

(f) Notwithstanding 25 USC § 1403(a)(2) and 25 USC § 1404(1), the Secretary need not hold additional hearings, nor submit transcripts of the hearings held by him previously concerning the Indian judgments. The Secretary's submission of the plan pursuant to Section 5 of this Act shall comply with 25 USC § 1404(2).

(g) Once submitted to Congress under this Act, the effective date of the plan and other requisite action, if any, is determined by the provisions of 25 USC § 1405 as amended.

SECTION 6. PER CAPITA DISBURSEMENT TO NON-TRIBAL MEMBER DESCENDANTS

(a) Subject to Section 7, the individuals listed on the roll prepared under Section 3 of this Act who are not members of the federally recognized tribes listed in Section 4 of this Act, are herein referred to as the Ottawa and Chippewa descendant group. The Secretary shall distribute per capita the proportion of funds allocated to this group under Section 4.

(b) DISBURSEMENT:

(1) Any payment of a per capita share of funds to which a living, competent adult is entitled under Section 6 of this Act shall be paid directly to such adult.

(2) Any per capita share of funds to which a deceased individual is entitled under Section 6 of this Act shall be paid to their heirs and legatees upon their determination under the regulations prescribed by the Secretary.

(3) Any per capita share of funds to which a legally incompetent individual or an individual under eighteen years of age is entitled under this Act shall be paid in accordance with such procedures (including the establishment of trusts) as the Secretary determines to be necessary to protect and preserve the interests of such individual.

SECTION 7: NEWLY RECOGNIZED TRIBES

(a) If, prior to the approval by the Secretary or his designee of the judgment distribution roll of descendants prepared under Section 3 of this Act, Congress recognizes a tribe which includes members on this judgment distribution roll, the funds of these member-descendants will be held in trust for the newly recognized tribe in accord with the provisions of this Section.

(1) These funds will become subject to a plan to be prepared in accordance with Section 4 of this Act by the newly recognized tribe and not distributed to the individual unless so provided for in a plan approved in accordance with Section 4.

(2) For purposes of this Section, the Secretary will use the tribe's most recent membership list provided to Congress. If a membership list was not provided to Congress, the Secretary will use the tribe's most recent membership list provided to the Bureau of Indian Affairs in their petition for Federal acknowledgment filed under 25 CFR Part 83, unless otherwise provided in the statute which recognizes the tribe.

(3) For purposes of this Section, if no membership list was provided under Section 7(a)(2), the newly recognized tribe shall submit its list of members before the judgment distribution roll prepared pursuant to Section 3 of this Act is approved by the Secretary or his designee, unless otherwise provided in the statute which recognizes the tribe. If the tribe does not submit its membership list before the judgment distribution roll is approved, the judgment funds will be distributed per capita under Section 6.

Notwithstanding the foregoing provisions of this section 7, the Bureau of Indian Affairs will notify the individual that he is listed on the newly recognized tribe's membership list and that his share of these funds will be held in trust for the tribe unless the individual informs both the Bureau and the tribe, in writing, within 60 days of this notification, that he relinquishes his membership in the newly recognized tribe.

(b) If, prior to the approval by the Secretary or his designee of the judgment distribution roll prepared under Section 3 of this Act, the Secretary acknowledges a tribe which includes members on this distribution roll, the funds of these member-descendants will be held in trust for the newly recognized tribe in accord with the provisions of this Section.

(1) These funds will become subject to a plan to be prepared in accordance with Section 4 of this Act and not distributed to the individual unless so provided for in a plan approved in accordance with Section 4.

(2) For purposes of this Section, the Secretary will use the last membership list provided to the Bureau of Indian Affairs in their petition for acknowledgment filed under 25 CFR Part 83.

Notwithstanding the foregoing provisions of this section 7, the Bureau of Indian Affairs will notify the individual that he is listed on the newly recognized tribe's membership list and that his share of these funds will be held in trust for the tribe unless the individual informs both the Bureau and the tribe, in writing, within 60 days of this notification, that he relinquishes his

membership in the newly recognized tribe.

SECTION 8. TAX AND RESOURCE EXEMPTION

None of the funds, including earned income, distributed under the terms of this Act or held in trust pursuant to a plan approved under the provision of this Act, including all interest and investment income accrued thereon while such funds are so held in trust, shall be subject to Federal, State, or local income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act (42 USC § 301 et seq.) or, except for per capita shares in excess of \$2,000 annually, any Federal or federally assisted program.

SECTION 9. FEDERAL FINANCIAL AID UNAFFECTED

The eligibility for or receipt of distributions under this Act by the tribes shall not be considered by any department or agency of the United States in determining the eligibility of or computing payments to these tribes under any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act.

SECTION 10. TREATIES NOT AFFECTED

No provision of this Act shall be construed to constitute an amendment, modification, or interpretation of any treaty to which any of the tribes mentioned in this Act is a party nor to any right or rights secured to such tribes or to any other tribe by any treaty.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

LRM NO: 5701

FILE NO: 2809

9/25/96

LEGISLATIVE REFERRAL MEMORANDUM

Total Page(s): 9

TO: Legislative Liaison Officer - See Distribution below:

FROM: Janet FORSGREN *Janet Forsgren* (for) Assistant Director for Legislative Reference

OMB Melissa COOK 395-3924 Legislative Assistant's Line: 395-7362

CONTACT: C=US, A=TELEMAIL, P=GOV+EOP, O=OMB, OU1=LRD, S=COOK, G=MELISSA, I=Y
cook_my@a1.eop.gov

DEADLINE: C.O.B. Thursday, September 26, 1996

SUBJECT: **REVISED** Office of Personnel Management Proposed Report RE: HR4098,
Haskell Indian Nations University Administrative Systems Act of 1996

Hi Lianne? Does she need any more info?

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

✂ COMMENTS: OPM has revised its report to Sen. Kassenbaum to reflect changes that were made to the bill. Please note that the Senator wanted OPM to address the House version of the bill, since she plans to introduce one identical or similar to it. *✂*

DISTRIBUTION
LIST:

AGENCIES

29-DEFENSE - Samuel T. Brick, Jr. - 7036071305
30-EDUCATION - Jack Kristy - 2024018313
31-Equal Employment Opportunity Comm. - Claire Gonzales - 2026634900
43-Federal Labor Relations Authority - Helenann Hirsch - 2024826500
59-INTERIOR - Jane Lyder - 2022086706
61-JUSTICE - Andrew Foiss - 2025142141
62-LABOR - Robert A. Shapiro - 2022198201
67-Merit Systems Protection Board - Steven Katz - 2026537101
93-Office of the Special Counsel - Michael G. Lawrence - 2028539001
129-VETERANS AFFAIRS - Robert Coy - 2022736666

EOP

Bruce Long
Bob Rideout
Ray Kogut
Doug McCormick
Mike Goad
Carol Johnson
Bruce Beard
Irano James
Rich Kodl
Bob Damus
Matt Blum
David Childs
Dan Chenok
Barbara Kahlrow
Susan Carr
Justin Sullivan
Beverly Thiorwechter
Jeremy Ben-Ami
Elena Kagan
Jennifer O'Connor
Jim Murr
Janet Forsgren

OMB 5-7301
Corinne Callahan

LRM NO: 5701

FILE NO: 2809

If your response to this request for views is short (o.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Melissa COOK 395-3924
Office of Management and Budget
Fax Number: 395-6148

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

SUBJECT: **REVISED Office of Personnel Management Proposed Report RE: HR4098,
Haskell Indian Nations University Administrative Systems Act of 1996**

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

OFFICE OF THE DIRECTOR

Honorable Nancy Landon Kassebaum
United States Senate
Washington, DC 20510-1602

Dear Senator Kassebaum:

This is in reply to your request for OPM's comments on the proposed "Haskell Indian Nations University Administrative Systems Act of 1996."

I understand that the Haskell Indian Nations University (HINU) is one of two universities for Native Americans that continue to be staffed by employees of the Bureau of Indian Affairs (BIA). The legislation you are proposing would transfer certain authorities and responsibilities that have been exercised by the regional BIA office in Oklahoma, including most aspects of personnel administration, to the president of HINU as part of HINU's transition from a 2-year school to a full 4-year university. The university would continue to be staffed by BIA employees and funded by BIA appropriations.

The bill, in order to give the president of Haskell increased flexibility for personnel management purposes, would remove employees of the university from chapters 51, 53, and 63 of title 5, United States Code, as well as provisions of title 5 "relating to the appointment, performance evaluation, promotion, and removal of civil service employees." Haskell employees would continue to be covered by the retirement and insurance programs applicable to Federal employees generally.

The Office of Personnel Management has no objection to these exceptions from title 5. We do, however, have some technical comments on the draft bill.

Section 4(d)(1) of the draft bill states explicitly that the bill would not affect the applicability of laws providing for equal employment opportunity, Indian preference, or veterans' preference. We recommend including the merit system principles and prohibited personnel practices under chapter 23 of title 5 in this list. We know of no conceivable rationale for waiving these principles with respect to HINU employees.

Paragraph (2) of section 4(d) is unnecessary and confusing. It provides that the bill does not affect "the eligibility of any individual to participate in any retirement system, any program under which health insurance or life insurance is afforded, or any program under which unemployment benefits are afforded, with respect to Federal employees." HINU employees are clearly covered by the retirement and insurance programs established under title 5, even in the absence of paragraph (2), because they

Honorable Nancy Landon Kassebaum

2

are Federal employees and are not explicitly excluded from these programs by subsection (a) of section 4. Therefore, paragraph (2) is unnecessary. Moreover, it is confusing because its wording implies that participation in the retirement and insurance programs is an option that eligible employees may exercise. This is not accurate. Employees are either covered under these programs or excluded from them as a matter of law.

Section 4(e)(3) provides that regulations promulgated by HINU to implement its own personnel provisions would not be subject to collective bargaining, "except in the case of any matter under chapter 63 of title 5, United States Code (relating to leave)." We do not understand why the university would want to collectively bargain over any matter relating to chapter 63, particularly since HINU employees would be excluded from chapter 63 in any event.

Section 4(q)(3)(A) should be clarified by adding at the end ", as provided by section 6308 of title 5, United States Code" to clarify that these provisions govern the transfer of leave between different Federal employee leave systems. A similar change should be made in section 4(q)(3)(C) [page 10, lines 8-10] by substituting "section 6308 of title 5, United States Code" for "regulations which shall be prescribed by the Office of Personnel Management."

Section 4(g)(3)(B)(i) provides for liquidating an employee's annual leave in accordance with 5 U.S.C. 5551(a) and 6306 when the individual's employment with the university ends, but this would apply only to any leave that had been transferred to the employee's credit from previous Federal employment and which remained unused. Any leave earned during employment with HINU would not be liquidated in this fashion. It is unclear how HINU plans to account for this leave so that, when an employee leaves the university, it can be easily determined how much, if any, annual leave is to be liquidated under title 5 provisions. Will any leave used during HINU employment be deducted first from the balance transferred from previous Federal employment rather than from leave earned under the university's own leave system? OPM staff will be glad to work with your staff to ensure that these provisions are as clear as possible.

Thank you for offering me the opportunity to comment on this proposed legislation. I hope you find our suggestions helpful.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,

James B. King
Director

1 of 1 items

CQ's WASHINGTON ALERT 09/25/96

HR4098

Meyers (R-KS)
Introduced in House

09/17/96

(246 lines)

To enhance the administrative authority of the president of Haskell
Indian Nations University, and for other purposes.

Special typefaces used in this bill version:

// \\ Italic
!! !! Bold roman

Item Key: 12220

104TH CONGRESS
2D SESSION

H. R. 4098

To enhance the administrative authority of the president of Haskell
Indian Nations University, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 17, 1996

Mrs. MEYERS of Kansas introduced the following bill; which was
referred to the Committee on Economic and Educational
Opportunities, and in addition to the Committee on Government
Reform and Oversight, for a period to be subsequently determined
by the Speaker, in each case for consideration of such provisions
as fall within the jurisdiction of the committee concerned

A BILL

To enhance the administrative authority of the president of Haskell
Indian Nations University, and for other purposes.

//Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,\\

!!SECTION 1. SHORT TITLE.!!

This Act may be cited as the "Haskell Indian Nations University

②

Administrative Systems Act of 1996".

!!SEC. 2. FINDINGS.!!

The Congress finds that--

(1) the provision of culturally sensitive curricula for higher education programs at Haskell Indian Nations University is consistent with the commitment of the Federal Government to the fulfillment of treaty obligations to Indian tribes through the principle of self-determination and the use of Federal resources; and

(2) giving a greater degree of autonomy to Haskell Indian Nations University, while maintaining it as an integral part of the Bureau of Indian Affairs, will facilitate the transition of the university to a 4-year university.

!!SEC. 3. DEFINITIONS.!!

For purposes of this Act--

(1) UNIVERSITY.--The term "Haskell Indian Nations University" or "university" means the Haskell Indian Nations University, located in Lawrence, Kansas.

(2) SECRETARY.--The term "Secretary" means the Secretary of the Interior.

!!SEC. 4. PERSONNEL MANAGEMENT.!!

(a) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.--Chapters 51, 53, and 63 of title 5, United States Code (relating to classification, pay, and leave, respectively) and the provisions of such title relating to the appointment, performance evaluation, promotion, and removal of civil service employees shall not apply to applicants for employment with, employees of, or positions in or under the university.

(b) ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.--

(1) IN GENERAL.--The president of the university shall by regulation prescribe such personnel management provisions as may be necessary, in order to ensure the effective administration of the university, to replace the provisions of law that are inapplicable with respect to the university by reason of subsection (a).

(2) PROCEDURAL REQUIREMENTS.--Regulations under this subsection--

(A) shall be prescribed in consultation with the board of regents of the university and other appropriate representative bodies;

(B) shall be subject to the requirements of subsections (b) through (e) of section 553 of title 5, United States Code; and

(C) shall not take effect except with the prior written approval of the Secretary.

(c) SPECIFIC SUBSTANTIVE REQUIREMENTS.--Under the regulations--

(1) no rate of basic pay may, at any time, exceed--

(A) in the case of an employee who would otherwise be subject to the General Schedule, the maximum rate of basic pay then currently payable for grade GS-15 of the General Schedule (including any amount payable under section 5304 of title 5, United States Code, or other similar authority for the locality involved); or

(B) in the case of an employee who would otherwise be subject to subchapter IV of chapter 53 of title 5, United States Code (relating to prevailing rate systems), the maximum rate of basic pay which (but for this section) would then otherwise be currently payable under the wage schedule covering such employee;

(2) the limitation under section 5307 of title 5, United States Code (relating to limitation on certain payments) shall apply, subject to such definitional and other modifications as may be necessary in the context of the alternative personnel management provisions established under this section;

(3) procedures shall be established for the rapid and equitable resolution of grievances;

(4) no university employee may be discharged without notice of the reasons therefor and opportunity for a hearing under procedures that comport with the requirements of due process, except that this paragraph shall not apply in the case of an employee serving a probationary or trial period under an initial appointment; and

(5) university employees serving for a period specified in or determinable under an employment agreement shall, except as otherwise provided in the agreement, be notified at least 30 days before the end of such period as to whether their employment agreement will be renewed.

(d) RULE OF CONSTRUCTION.--Nothing in this section shall be considered to affect--

(1) the applicability of any provision of law providing for--

(A) equal employment opportunity;

(B) Indian preference; or

(C) veterans' preference; or

(2) the eligibility of any individual to participate in any retirement system, any program under which any health insurance or life insurance is afforded, or any program under which unemployment benefits are afforded, with respect to Federal employees.

(e) LABOR-MANAGEMENT PROVISIONS.--

(1) COLLECTIVE-BARGAINING AGREEMENTS.--Any collective-bargaining agreement in effect on the day before the effective date specified under subsection (f)(1) shall continue to be recognized by the university until altered or amended pursuant to law.

(2) EXCLUSIVE REPRESENTATIVE.--Nothing in this Act shall affect the right of any labor organization to be accorded (or to continue to be accorded) recognition as the exclusive representative of any unit of university employees.

(3) OTHER PROVISIONS.--Matters made subject to regulation

under this section shall not be subject to collective bargaining, except in the case of any matter under chapter 63 of title 5, United States Code (relating to leave).

(f) EFFECTIVE DATE.--

(1) ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.--The alternative personnel management provisions under this section shall take effect on such date as may be specified in the regulations, except that in no event shall the date specified be later than 1 year after the date of the enactment of this Act.

(2) PROVISIONS MADE INAPPLICABLE BY THIS SECTION.-- Subsection (a) shall take effect as of the date specified under paragraph (1).

(g) APPLICABILITY.--

(1) IN GENERAL.--Except as otherwise provided in this subsection, the alternative personnel management provisions under this section shall apply with respect to all applicants for employment with, all employees of, and all positions in or under the university.

(2) CURRENT EMPLOYEES NOT COVERED EXCEPT PURSUANT TO A VOLUNTARY ELECTION.--

(A) IN GENERAL.--A university employee serving on the day before the effective date specified under subsection (f)(1) shall not be subject to the alternative personnel management provisions under this section (and shall instead, for all purposes, be treated in the same way as if this section had not been enacted, notwithstanding subsection (a)) unless, before the end of the 5-year period beginning on such effective date, such employee elects to be covered by such provisions.

(B) PROCEDURES.--An election under this paragraph shall be made in such form and in such manner as may be required under the regulations, and shall be irrevocable.

(3) TRANSITION PROVISIONS.--

(A) PROVISIONS RELATING TO ANNUAL AND SICK LEAVE.--Any individual who--

(i) makes an election under paragraph (2), or

(ii) on or after the effective date specified under subsection (f)(1), is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to a university position from a non-university position with the Federal Government or the government of the District of Columbia,

shall be credited, for the purpose of the leave system provided under regulations prescribed under this section, with the annual and sick leave to such individual's credit immediately before the effective date of such election, transfer, promotion, or reappointment, as the case may be.

(B) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.--

(i) ANNUAL LEAVE.--Upon termination of employment with the university, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with section 5551(a) and section 6306 of title 5, United States Code,

5

except that leave earned or accrued under regulations prescribed under this section shall not be so liquidated.

(ii) SICK LEAVE.--Upon termination of employment with the university, any sick leave remaining to the credit of an individual within the purview of this section shall be creditable for civil service retirement purposes in accordance with section 8339(m) of title 5, United States Code, except that leave earned or accrued under regulations prescribed under this section shall not be so creditable.

(C) TRANSFER OF REMAINING LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.--In the case of any university employee who is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to a position in the Federal Government (or the government of the District of Columbia) under a different leave system, any remaining leave to the credit of that individual earned or credited under the regulations prescribed under this section shall be transferred to such individual's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

(4) WORK-STUDY.--Nothing in this section shall be considered to apply with respect to a work-study student, as defined by the president of the university in writing.

!!SEC. 5. DELEGATION OF PROCUREMENT AUTHORITY.!!

The Secretary shall, to the maximum extent consistent with applicable law and subject to the availability of appropriations therefor, delegate to the president of the university procurement and contracting authority with respect to the conduct of the administrative functions of the university.

!!SEC. 6. AUTHORIZATION OF APPROPRIATIONS.!!

There are authorized to be appropriated for fiscal year 1997, and for each fiscal year thereafter--

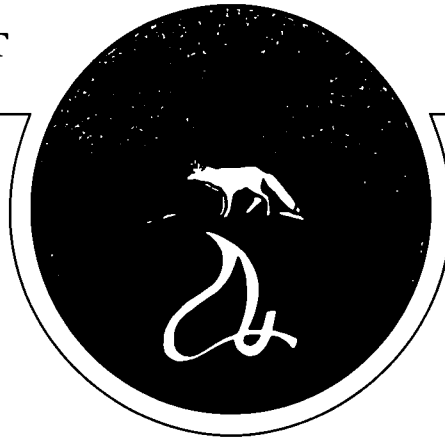
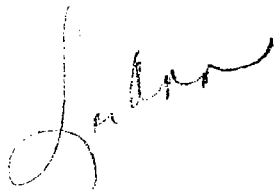
(1) the amount of funds made available by appropriations as operations funding for the administration of the university for fiscal year 1996; and

(2) such additional sums as may be necessary for the operation of the university pursuant to this Act.

There are no more items to read.

**MASHANTUCKET PEQUOT
TRIBAL NATION**

TRIBAL COUNCIL



October 24, 1996

Bruce Reed
Assist to The President For Domest
President Of The United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Bruce Reed,

On behalf of the Mashantucket Pequot Tribal Council, I am sending you our booklet which briefly describes the Mashantucket Pequot Tribal history, culture and enterprises. The Mashantucket Pequot Tribe has received an incredible amount of publicity over the past several years because it is a leader in Indian gaming with its ownership and operation of the Tribe's *Foxwoods Casino and Resort*, located at Mashantucket, Connecticut.

We are very proud of our gaming operation. However, our Tribe is a government and is much more than a single enterprise. Because of the dominant publicity about *Foxwoods*, many people do not realize this. The Mashantucket Pequot Tribe are a people with a proud history and culture. From the first day that we had extra money, we have invested our money in our people, and developed our tribal government and infrastructure. We have also invested heavily in the Mashantucket Pequot Museum and Cultural Resource Center in order to sustain our culture and history. We also believe in the great Indian tradition of giving back through our Tribal Giving Program.

If you would like more copies of the booklet, they are available through our Public Relations Office or from Chris McNeil, Jr., Washington D.C. Representative & Counsel in our Washington D.C. office. The addresses are on the back inside cover of the booklet.

I hope that you will find our Tribal booklet informative and helpful.

Sincerely,



Richard A. Hayward
Tribal Chairman



The University of
Montana

OCT 1 1996

Montana University Affiliated
RURAL INSTITUTE ON DISABILITIES
52 Corbin Hall
The University of Montana
Missoula, Montana 59812
Voice/TDD: (406) 243-5467
FAX: (406) 243-2349

September 23, 1996

Carol Rasco,
Assistant to the President for Domestic Policy
1600 Pennsylvania Ave. N.W.
Washington, D.C. 20520

Dear Ms. Rasco,

While most Americans are benefitting from the Americans with Disabilities Act, it specifically excludes American Indian tribes from its protections. The Congressional Research Services has argued that the ADA can only be applied to tribes through litigation. Our research, sponsored by the National Institute on Disability and Rehabilitation Research (NIDRR), has shown a high level of interest among tribes for creating their own disability legislation, however. The research has also demonstrated a culturally-appropriate process for achieving that end. Further, the National Congress of American Indians has passed three resolutions encouraging tribes to engage in a process to create their own disability legislation. Over 100 tribes have expressed interest in implementing this process but they lack the resources to do so.

There do not appear to be provisions of any sort to support tribes in their effort to develop protections for their members with disabilities. For example, the Department of Justice focuses on enforcement, not development, and there are potential jurisdictional issues. The Bureau of Indian Affairs and the Indian Health Service lack a mandate to act in this important area. NIDRR's national network of Disability Business Technical Assistance Centers has a focus on assisting those covered by the ADA to comply but, of course, this does not include tribal governments. And as most tribes are poor and lack technical knowledge, they are unable to pursue this goal on their own.

In short, there is an opportunity for the ADA to have a tremendous benefit on a significant, underserved population around our nation by redressing the exclusion of tribes but it may go unused. We are writing to ask your advice and help in taking advantage of this opportunity.

Sincerely,

LaDonna Fowler
Co-Principal Investigator
American Indian Disability
Legislation Project

Carol Locust
Co-Principal Investigator
American Indian Disability
Legislation Project

cc: Loretta Avent
Judy Heumann

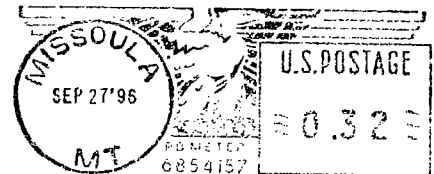
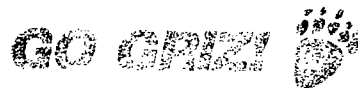
Marca Bristo
Duvall Patrick

Kate Seelman



The University of
Montana
Montana University Affiliated
Rural Institute on Disabilities
52 Corbin Hall
Missoula, Montana 59812

AIDL
3004



CAROL RASCO, ASST TO THE PRESIDENT
FOR DOMESTIC POLICY
1600 PENNSYLVANIA AVE NW
WASHINGTON DC 20520



fax # 6-7028

Elizabeth Dwyer
Lana - please review and call ASAP

THE WHITE HOUSE
WASHINGTON

October 25, 1996

MEMORANDUM FOR:

glr
FIRST LADY'S STAFF (MELANNE VERVEER)
TODD STERN (PHIL CAPLAN)
JACK QUINN (KATHLEEN WALLMAN)
KITTY HIGGINS
JOHN HILLEY
CAROL RASCO
DOUG SOSNIK
ALEXIS HERMAN
JODIE TORKELSON
ANNE HAWLEY/STEPHANIE STREETT - FYI

FROM:

Lana Dickey/Reuben Musgrave
for JIM DORSKIND

SUBJECT:

(Draft Proclamation)
National American Indian Heritage
Month, 1996

Attached for your review is the above-mentioned proclamation designating November 1996 as "National American Indian Heritage Month."

It was submitted by the Department of the Interior, through the Office of Management and Budget, and edited/revised by the Presidential Letters and Messages Office.

IMMEDIATE ATTENTION REQUIRED. Written or oral response required by no later than Noon, Monday, October 28, 1996. IF WE HAVE NOT HEARD FROM YOU BY 12:00 P.M., WE WILL ASSUME THAT THE DRAFT IS ACCEPTABLE TO YOU.

For questions, discussion, or routine clearance, contact Lana Dickey, extension 67487, or Reuben Musgrave, extension 65518, via phone or interoffice mail, in room 91. Thank you.

cc: Tim Saunders

NATIONAL AMERICAN INDIAN HERITAGE MONTH, 1996

- - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Throughout our history, American Indian and Alaska Native peoples have been an integral part of the American character. Against overwhelming odds, America's first peoples have endured, and they remain a vital cultural, political, social, and moral presence. Tribal America has brought to this great country certain values and ideas that have become ingrained in the American spirit: the knowledge that humans can thrive and prosper without destroying the natural environment; the understanding that people from very different backgrounds, cultures, religions, and traditions can come together to build a great country; and the awareness that diversity can be a source of strength rather than division.

As we celebrate American Indian Heritage Month this year, we take note of the great wrongs that have been visited upon American Indian people. Even today, few enjoy the full bounty of America's prosperity. But even as we look back at the past, we must also confront the future. Along with other Americans, American Indians and Alaska Natives will face new challenges in the coming century. We can ill afford to leave any of our people behind. Tribal America will figure just as prominently in our future as it has in our past.

Let us rededicate ourselves to the principle that all Americans be afforded the opportunity to achieve their highest and fullest potential. For Indian tribes and tribal members, this means that the obligations assumed by the United States under treaties must be fulfilled. It means that the authority of tribal governments must be accorded the respect and support to which they are entitled under Federal Constitutional law. It means that American Indian children and youth must be provided a

2

solid education and the opportunity to go on to college. It means that more must be done to stimulate tribal economies, create jobs, and increase economic opportunities.

The bridge to the 21st century will rest upon the foundation we build today. We must teach our children about our past -- both the good and the bad -- so that they may learn from both our successes and our mistakes. We must equip our children with knowledge and skills to permit them to surpass our own achievements and create a more just and equitable society. We must provide them greater opportunity. It was the Iroquois who taught that in every deliberation we should consider the impact of our decisions on the next seven generations.

In recognition of the important contributions of American Indian and Alaska Native peoples to our country and in light of the special legal relationship between the tribes and the Government of the United States, and obligations pursuant thereto, we celebrate National American Indian Heritage Month.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 1996 as National American Indian Heritage Month. I urge all Americans, as well as their elected representatives at the Federal, State, local, and tribal levels, to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this
day of , in the year of our
Lord nineteen hundred and ninety-six, and of the Independence of
the United States of America the two hundred and twenty-first.

SUBGROUP ON EDUCATION
OF THE
WORKING GROUP ON AMERICAN INDIANS AND ALASKA
NATIVES
OF THE
WHITE HOUSE DOMESTIC POLICY COUNCIL

A G E N D A

Thursday, December 12, 1996
1:30 p.m. - 3:00 p.m.
Room 5160, Main Interior Building
1849 C Street N.W.

Welcome

**Ada E. Deer, Assistant Secretary -
Indian Affairs, Department Of The
Interior**

Review of Executive Order

**Michael Cohen
Special Assistant to The President
for Education, Domestic Policy
Council, The White House**

Implementation of Executive Order

- I Status Report On
Creation of Office
(Within Department of
Education)**
- I Interagency Support**
- I Role of the Agencies**
- I Available Resources**

**Gerald Tirozzi, Assistant
Secretary, Office of Elementary
and Secondary Education,
Department of Education
OMB
Members of the Working Group
Members of the Working Group**

Tribal Colleges' Perspective

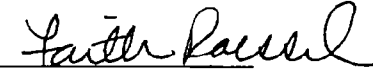
- I Feedback from Tribal Colleges**
- I Discussion**

**AIHEC
Meeting Participants**

DATE: 12-05-96

TO: Members, Working Group On American Indians and Alaska Natives

SUBJECT: Meeting On Executive Order 13021, Tribal Colleges and Universities

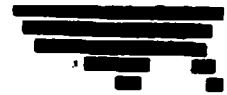
FROM: Faith Roessel 
Special Assistant to The Secretary

On behalf of Assistant Secretaries Ada E. Deer, Indian Affairs, Department of The Interior, and Gerald N. Tirozzi, Office of Elementary and Secondary Education, Department of Education, who are co-chairs of the Subgroup on Education of the White House Domestic Policy Council's Working Group on American Indians and Alaska Natives, you are invited to a meeting from 1:30 - 3:00 p.m. on Thursday, December 12, 1996, in room 5160 of the Main Interior Building, 1849 C Street, N.W., Washington, D.C.

Assistant Secretaries Deer and Tirozzi will chair the meeting which is being convened for the purposes of 1) briefing Members on the recent Executive Order on Tribal Colleges, 2) discussing what role Federal agencies can play in supporting the implementation of the order, including available resources, and 3) allowing the American Indian Higher Education Consortium to make a presentation on their priorities.

I encourage you to attend the meeting so that you can continue to provide executive leadership in keeping your colleagues informed and in identifying opportunities for interagency collaboration involving programs and activities within your agency. Attached is the agenda. Should you have any questions or need additional information, please do not hesitate to call me on 202-208-5904 or Ed Simermeyer on 202-208-7956.

Attachment



**MEMBERS OF DOMESTIC POLICY COUNCIL
WORKING GROUP ON AMERICAN INDIANS
AND ALASKA NATIVES
Subgroup on Education
FAX TRANSMITTAL FORM**

Name	Group	FAX
MARY MCNEIL	USDA	202-720-8819
ROANNE ROBINSON	DOC	202-482-1635
JIM KOHLMOS	ED-OESE	202-205-0303
FRANCINE PICOULT	ED-OPE	202-401-5749
DENNIS BERRY	ED-OVAE	202-205-9650
ROBERTA LEWIS	ED-OVAE	202-205-8895
ANN BAILEY	ED-OIIA	202-401-1971
BERNARD GARCIA	ED-OIE	202-260-7779
MARIA NORTHINGTON	DOE	202-586-0143
CINDY MUSICK	DOE	202-586-0143
ALEX. WHITETAIL FEATHER	DOE	202-586-0293
MARLENE REGALSKY	EPA	202-260-7509
ELIZABETH BELL	EPA	202-260-7509
PHYLLIS EDDY	DHHS-IHS	301-443-4794
GUADALUPE PACHECO	DHHS-OMH	301-594-0767
ROBERT CARSON	DHHS-OMH	301-594-0767
DOLORES CHACON	DOI	202-208-3690
BOB BUECHNER	DOI	202-208-3690
JOANNE SEBASTIAN MORRIS	DOI-BIA	202-208-3312
BILL MEHOJAH	DOI-BIA	202-208-3312
GARY MARTIN	DOI-BIA	202-208-3312
JERRY FRANK	DOD-USAF	202-767-5012
RICK LEMERE	DOD	703-607-4237
RICHARD KODL	OMB	202-396-6899
IRENE JAMES	OMB	202-396-6899
LEANNE SHIMABUKURO	WH-DPC	202-456-5581
MICHAEL COHEN	WH-DPC	202-456-5581

FROM: Faith Roessel, Special Assistant To The Secretary

DATE: 12/6/96 PHONE: 202-2085904 FAX: 202-208-7508

No. of Pages (including cover page): 3

Additional contacts:

Unites States Department of Agriculture

John Kusano
American Indian and Asian Program
Forest Service
(202) 235-2935

United States Department of Education

Joseph Abeyta
Chair, National Advisory Council on Indian Education
Portals Building
1250 Maryland Avenue, SW
Washington, D.C. 20202-7556

(202)205-8353

United States Department of Health and Human Services

Martin Koenig
Executive Director, Intra-Departmental Council on Native American Affairs
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, D.C 20201

(202) 401-7389

United States Department of State

John H.F. Shattuck
Assistant Secretary, Bureau of Democracy, Human Rights and Labor
Main State Department Building
2201 C Street, NW
Washington, D.C. 20520

(202) 647-2126

Additional contacts:

United States Department of Agriculture

John Kusano
American Indian and Asian Program
Forest Service
Jamie L. Whitten Federal Building
14th Street and Independence Avenue, SW
Washington, D.C. 20250

(202) 235-2935

United States Department of Education

Joseph Abeyta
Chair, National Advisory Council on Indian Education
Portals Building
1250 Maryland Avenue, SW
Washington, D.C. 20202-7556

(202) 205-8353

United States Department of Health and Human Services

Martin Koenig
Executive Director, Intra-Departmental Council on Native American Affairs
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, D.C. 20201

(202) 401-7389

United States Department of State

John H.F. Shattuck
Assistant Secretary, Bureau of Democracy, Human Rights and Labor
Main State Department Building
2201 C Street, NW
Washington, D.C. 20520

(202) 647-2126

WHITE HOUSE STAFF:

Ms. Carol Rasco
Assistant to the President for Domestic Policy
West Wing, Second Floor
THE WHITE HOUSE
Washington, D. C. 20500

Phone: 202-456-2216
FAX: 202-456-2878

Staff Contacts:

Ms. Elizabeth Drye
Chief of Staff
Room 222
THE WHITE HOUSE
Washington, D. C. 20500

Phone: 202-456-5573
FAX: 202-456-7028

Mr. Thomas Shea
Office of the Deputy Chief of Staff
Old Executive Office Building, Room 111
17th Street and Pennsylvania Avenue, N.W.
Washington, D. C. 20500

Phone: 202-456-2459
FAX: 202-456-2905

(VACANT)

Deputy Assistant to the President
for Intergovernmental Affairs
Old Executive Office Building, Room 106
17th Street and Pennsylvania Avenue, N.W.
Washington, D. C. 20500

Phone: 202-456-2896
FAX: 202-456-2889

MEMBER: U. S. Office of Management and Budget (Continued)

Staff Contact (Continued)

Mr. Douglas Steiger

Program Examiner

U.S. Office of Management and Budget

725 17th Street, N.W.

Washington, D.C. 20503

Phone: 202-396-4926

FAX: 202-396-3910

MEMBER:**U. S. Office of Management and Budget (Continued)****Staff Contacts (Continued):**

Mr. Bruce Beard
Program Examiner
U. S. Office of Management and Budget
Old Executive Office Building, Room 8235
17th Street and Pennsylvania Avenue, N.W.
Washington, D. C. 20503

Phone: 202-395-4806
FAX: 202-395-6899

Ms. Irene James
Program Examiner
U. S. Office of Management and Budget
Old Executive Office Building, Room 8235
17th Street and Pennsylvania Avenue, N.W.
Washington, D. C. 20503

Phone: 202-395-6968
FAX: 202-395-6899

Mr. Richard Kodl
Program Examiner
U. S. Office of Management and Budget
Old Executive Office Building, Room 8235
17th Street and Pennsylvania Avenue, N.W.
Washington, D. C. 20503

Phone: 202-395-3701
FAX: 202-395-6899

Ms. Nancy-Ann Min, Associate Director
for Health and Personnel
U. S. Office of Management and Budget
Old Executive Office Building, Room 262
17th Street and Pennsylvania Avenue, N.W.
Washington, D. C. 20503

Phone: 202-395-5178
FAX: 202-395-9119
Confidential Asst: Mr. James Blunt

MEMBER:**U. S. Environmental Protection Agency (Continued)****Staff Contact:**

Ms. Dana Minerva
Deputy Assistant Administrator
For Water
U.S. Environmental Protection Agency
401 M Street S.W., Room 1029 East Tower
Washington, D. C. 20460

Phone: 202-260-5700

FAX: 202-260-5711

~~Mr. Tom Wall, Acting Director~~ TERRANCE R. WILLIAMS,
American Indian Environmental Office DIRECTOR
U. S. Environmental Protection Agency
Room 2009, Northeast Mall
401 M Street, S.W.
Washington, D. C. 20460

Phone: 202-260-7939

FAX: 202-260-7509 and/or 202-260-0587

Secretary: Ms. Elise Malinovsky

Environmental Assistant: Ms. Karen Rothstein
Phone: 202-260-6412

MEMBER:**U. S. Office of Management and Budget**

Mr. T. J. Glauthier
Associate Director, Natural Resources,
Energy and Science
U.S. Office of Management and Budget
Old Executive Building, Room 246
17th Street and Pennsylvania Avenue, N.W.
Washington, D. C. 20503

Phone: 202-395-4561

FAX: 202-395-4639

Secretary: Ms. Alicia Ward

MEMBER: U. S. Department of Treasury

Mr. Mozelle W. Thompson
Deputy Assistant Secretary
Government Financial Policy
U. S. Department of Treasury
Main Treasury Building, Room 2334
1500 Pennsylvania Avenue, N.W.
Washington, D. C. 20220

Phone: 202-622-2720
FAX: 202-622-0265
Secretary: Ms. June Young

Staff Contacts:

Mr. Peter Necheles
Special Assistant to Undersecretary for
Domestic Finance
U.S. Department of Treasury
Main Treasury Building, Room 2334
1500 Pennsylvania Avenue, N.W.
Washington, D. C. 20220

Phone: 202-622-2139
FAX: 202-622-0387

MEMBER: U. S. Environmental Protection Agency

Honorable Robert Perciasepe
Assistant Administrator for Water
U. S. Environmental Protection Agency
401 M Street, S. W., East Tower, Rm. 1035
Washington, D. C. 20460

Phone: 202-260-5700
FAX: 202-260-5711
Secretary: Ms. Aurelia Wright

MEMBER: U. S. Department of Labor

Declined to appoint an Assistant Secretary Level Representative
U. S. Department of Labor
Frances Perkins Building, Room S2307
200 Constitution Avenue, N.W.
Washington, D. C. 20210

Phone: 202-219-6050
FAX: 202-219-6827
Secretary: Ms. Mary Ann Battaglia

Staff Contact

Mr. Thomas Dowd
Administrator of Indian and Native
American Programs
U. S. Department of Labor
Frances Perkins Building, Room N-4641
200 Constitution Avenue
Washington, D.C. 20210

Phone: 202-219-8502
FAX: 202-219-6338
Secretary: Ms. Joanne Weikel

MEMBER: U. S. Department of Transportation

Declined to appoint an Assistant Secretary Level Representative
U. S. Department of Transportation
Nassif Building, Room 10130
400 7th Street, S. W.
Washington, D. C. 20590
Phone: 202-366-5459
FAX: 202-366-7952

MEMBER: U. S. Department of Treasury

Mr. Michael Barr
Special Assistant to Secretary Rubin
U. S. Department of Treasury
1500 Pennsylvania Avenue
Washington, D. C. 20220
Phone: 202-622-0016
FAX: 202-622-0073
Secretary: Reavie Harvey

MEMBER:**U. S. Department of Justice**

Honorable Lois J. Schiffer
Assistant Attorney General
Environment and Natural Resources Division
U. S. Department of Justice
10th Street and Constitution Avenue, N. W.
Washington, D. C. 20546

Phone: 202-514-2701
FAX: 202-514-0557
Scheduler: Ms. Norma Kempf

MEMBER:**U. S. Department of Justice****Staff Contacts**

Mr. James F. Simon
Deputy Assistant Attorney General
Environment and Natural Resources Division
10th Street and Constitution Avenue, N.W.
Room 2143, Main Justice
Washington, D. C. 20546
Phone: 202-514-3370
FAX 202-514-0557

~~Mr. Herbert A. Becker~~

Director, Office of Tribal Justice
U. S. Department of Justice
10th Street and Constitution Avenue, N.W.
Washington, D. C. 20546

Phone: 202-514-8812
FAX: 202-514-9078
Scheduler: Ms. Marge Jackson

MEMBER: U.S. Department of the Interior/Bureau of Indian Affairs (Cont'd)**Staff Contacts:**

Ms. Hilda Manuel
Deputy Commissioner - Indian Affairs
U. S. Department of the Interior
1849 C Street, N.W.
MS-4160, Main Interior Building
Washington, D. C. 20240

Phone: 202-208-7163
FAX: 202-208-6334
Secretary: Jill Ranalli

Mr. Michael Anderson
Deputy Assistant Secretary - Indian Affairs
U. S. Department of the Interior
1849 C Street, N. W.
MS-4160, Main Interior Building
Washington, D. C. 20240

Phone: 202-208-7163
FAX: 202-208-6334
Secretary: Daphne Berwald

Catherine Vandemoer, Ph.d.
U. S. Department of the Interior
Bureau of Indian Affairs
1849 C Street, N.W.
MS-4160, Main Interior Building
Washington, D. C. 20240

Phone: 202-208-7163
FAX 202-208-6334

MEMBER:**U. S. Department of Housing and Urban Development****JOSEPH SIKULONER**~~Honorable Kevin E. Marchman (Designee)~~

Assistant Secretary for Public and Indian Housing

U. S. Department of Housing and Urban Development

451 7th Street S.W., Room 4100

Washington, D. C. 20410-5000

Phone: 202-708-0950

FAX 202-619-8478

Secretary: Ms. Tori Ausbon

Staff Contact:

Mr. Dominic Nessi

Deputy Assistant Secretary for

Native American Programs

U. S. Department of Housing and Urban Development

451 7th Street, S.W., Room B-733

Washington, D. C. 20546

Phone: 202-755-0032

FAX: 202-755-0182

Secretary: Ms. Carolyn McComber

MEMBER: U.S. Department of the Interior/Bureau of Indian Affairs

Honorable Ada E. Deer

Assistant Secretary - Indian Affairs (IA)

U. S. Department of the Interior

1849 C Street, N.W.

Mail Stop-4160, Main Interior Building

Washington, D. C. 20240

Phone: 202-208-7163

FAX: 202-208-6334

Scheduler: Jill Ranalli

MEMBER: U. S. Department of Health and Human Services

Staff Contacts:

Honorable Michael H. Trujillo, M.D., M.P.H.
Assistant Surgeon General and Director
Indian Health Services
Parklawn Building, Room 6-05
5600 Fishers Lane
Rockville, Maryland 20887

Phone: 301-443-1083
FAX: 301-443-7425
Secretary: Ms. Sharon Hoppman

Ms. Phyllis Eddy
Indian Health Services
Parklawn Building, Room 6-05
5600 Fishers Lane
Rockville, Maryland 20887

Phone: 301-443-1083
FAX: 301-443-7425

Mr. Gary N. Kimble
Commissioner, Administration for Native
Native American Affairs
U. S. Department of Health and Human Services
Rm. 348F, Hubert Humphrey Building
200 Independence Avenue, S. W.
Washington, D. C. 20201

Phone: 202-690-6502
FAX: 202-690-6677 or 7441
Exec. Asst.: Ms. Vilma Guinn

MEMBER:**U. S. Department of Energy****Staff Contact:**

~~Ms. Maria Northington~~ **ROBERT M. ALCOCK**
Deputy Assistant Secretary for Intergovernmental Affairs
U. S. Department of Energy
Forrestal Building, Room 7B-138
1000 Independence Avenue, S. W.
Washington, D. C. 20585

Phone: 202-586-7944
FAX: 202-586-0143

MEMBER:**U. S. Department of Health and Human Services**

Honorable Philip R. Lee, M.D.
Assistant Secretary for Health
U. S. Public Health Service
716-G Hubert Humphrey Building
200 Independence Avenue, S.W.
Washington, D. C. 20201

Phone: 202-690-7694
FAX: 202-690-6960
Scheduler: Ms. Eileen Conover

Staff Contacts:

Mr. Guadalupe Pacheco
Special Assistant
Office of Minority Health
Office of Public Health and Science
U. S. Department of Health and Human Services
5515 Security Lane, Ste. 1000
Rockville, MD 20852

Phone: 301-443-5084
Fax: 301-594-0767

MEMBER:**Department of Education (Continued)****Staff Contacts:**

Ms. Sandra Spaulding
Acting Director of Indian Education
U. S. Department of Education
4000 Portals Building, Ste. 4300
1250 Maryland Avenue, S.W.
Washington, D. C. 20202

Phone: 202-260-1441
FAX: 202-260-7779

Bernard Garcia
Office of Indian Education
U.S. Department of Education
4000 Portals Building, Ste. 4300
1250 Maryland Avenue, S.W.
Washington, D. C. 20202

Phone: 202-260-1454
FAX: 202-260-7779

Mr. James W. Kohlmoos, Senior Advisor
Acting Deputy Assistant Secretary for Elementary
and Secondary Education
U. S. Department of Education
600 Independence Avenue, S.W.
Washington, D. C. 20202-6100
Location: 1250 Maryland Avenue, S.W., Rm. 4000

Phone: 202-260-1983
FAX: 202-205-0303

MEMBER:**U. S. Department of Energy**

~~Honorable Robert Alcock~~ DIRK FORRISTER
Acting Assistant Secretary for
Congressional and Intergovernmental Affairs
U. S. Department of Energy
Forrestal Building, Room 7B-138
1000 Independence Avenue, S. W.
Washington, D. C. 20585

Phone: 202-586-5450
FAX: 202-586-4891
Scheduler: Ms. Val Vinson-Hatcher

MEMBER:**U. S. Department of Defense**

Ms. Sherri W. Goodman
Deputy Under Secretary of Defense
For Environmental Security
3400 Defense, THE PENTAGON
Washington, D. C. 20301-3400

Phone: 703-695-7011

FAX: 703-693-7011

Confidential Assistant:

Staff Contact:

Mr. Peter Walsh
Assistant Deputy Under Secretary of Defense
For Environmental Quality
2345 Crystal Drive, Ste. 9999
Arlington, Virginia 22202-4805

Phone: 703-695-7178

FAX: 703-614-9284

Scheduler: Ms. Ruth Garrett

Member:**U. S. Department of Education**

Honorable Gerald Tirozzi
Acting Assistant Secretary for Elementary and Secondary Education
U. S. Department of Education
4000 Portals Building, 1250 Maryland Avenue, S.W.
Washington, D. C. 20202

Phone: 202-401-0113

FAX: 202-205-0303

Scheduler: Ms. Iris Lane, Executive Assistant

Phone: 202-401-0113, or 260-1999 (direct line)

MEMBER: U. S. Department of Agriculture (Continued)**Staff Contact:**

Ms. Mary McNeil
U. S. Department of Agriculture
Administrative Building, Rm. 205-W
14th Street and Independence Avenue, S. W.
Washington, D. C. 20250

Phone: Direct 202-720-3805 Office 720-6643
FAX: 202-720-8819
Secretary: Ms. Connie Rothwell
Phone: 202-720-2565

MEMBER: Department of Commerce

(Unfilled)
Deputy Secretary
U. S. Department of Commerce
14th Street and Constitution Avenue, N.W.
Rm. 5838
Washington, D. C. 20230

Phone: 202-482-4625
FAX: 202-482-2741

Secretary: Ms. Linda Law
Phone: 202-482-4625
Scheduler: Althea Allen
Phone: 202-501-6267

Staff Contact:

Ms. Roanne Robinson, Special Assistant
U.S. Department of Commerce
14th Street and Constitution Avenue, N.W.
Washington, D. C. 20230

Phone: 202-482-0516
FAX: 202-482-1635

Please notify Jackie Hough of any corrections,
or updates via phone: 202-208-5904 or
fax 202-208-7508. Thank you.

Revised 07/02/96

**MEMBERS OF WORKING GROUP ON
AMERICAN INDIANS AND ALASKA NATIVES
OF THE
WHITE HOUSE DOMESTIC POLICY COUNCIL**

MEMBER: Corporation for National Service

Ms. Susan Stroud
Director of Office of Federal Partnerships
and Special Programs
Corporation for National Service
1201 New York Avenue, N. W.
Washington, D. C. 20525

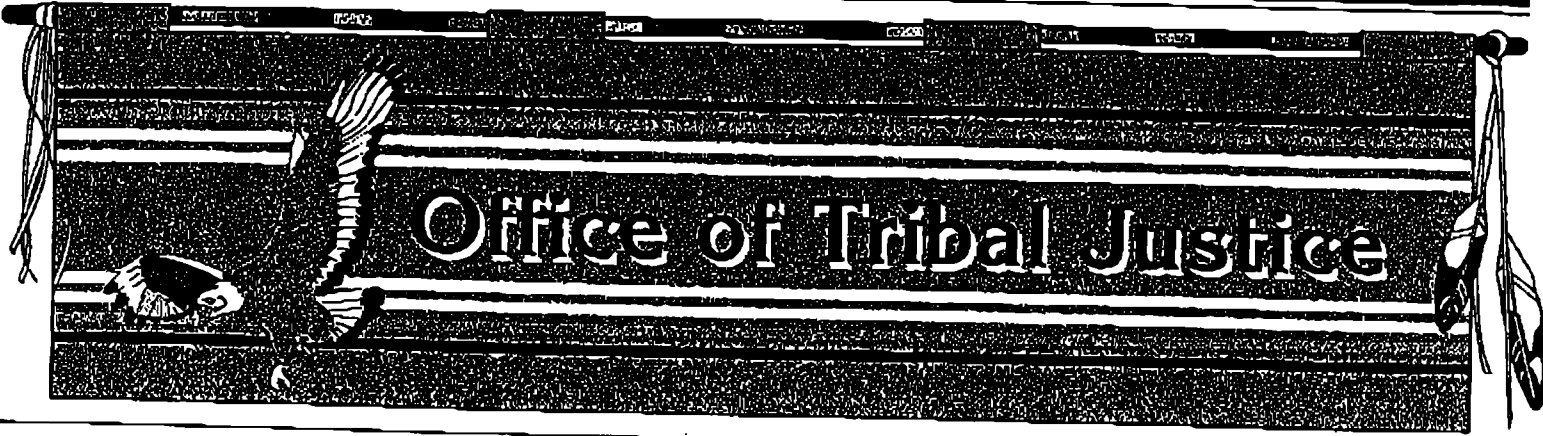
Phone: 202-606-5000, Ext. 169
FAX: 202-565-2781
Scheduler: Markus Josephson

MEMBER: Department of Agriculture

Hon. Jill Long Thompson
Under Secretary
for Rural Economic and Community Development
U.S. Department of Agriculture
Administrative Building, Rm. 205-W
14th Street and Independence Avenue, S.W.
Washington, D.C. 20250

Phone: 202-720-4581
FAX: 202-720-2080
Scheduler: Ms. Leanne Powell

U.S. Department of Justice
Office of Tribal Justice



Office of Tribal Justice

VIA FAX

DATE: 6 Dec. 1996

TO: Leanne Shimabukuro
456-5574 / fax 456-5581

FROM:

MARK VAN NORMAN
DEPUTY DIRECTOR

SUBJECT:

contacts

TOTAL NUMBER OF PAGES INCLUDING THIS ONE: 17

Transmitted by: Datchi

For voice communications with this office, please telephone (202)-514-8812
To transmit to this office via telefax, please telephone (202)-514-9078

Eliz - see next pg.
CR



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

MEMBERS OF DOMESTIC POLICY COUNCIL WORKING GROUP ON AMERICAN INDIANS AND ALASKA NATIVES

FAX TRANSMITTAL FORM

NAME	AGENCY	FAX
TO: ☒ Ms. Susan Stroud	CNC	202-565-2781
☒ Hon. Jill Long Thompson	USDA	202-720-2080
☒ Deputy Secretary	DOC	202-482-3610
☒ Hon. Sherry W. Goodman	DOD	703-693-7011
☒ Hon. Gerald Tirozzi	DOEd	202-205-0303
☒ Mr. Bob Alcock	DOE	202-586-0143
☒ Hon. Philip R. Lee, M.D.	HHS	202-690-6960
☒ Hon. Kevin E. Marchman	HUD	202-619-8478
☒ Hon. Ada E. Deer	DOI/BIA	202-208-6334
☒ Hon. Lois Schiffer	DOJ	202-514-0557
☒ Hon. Timothy Barnacle	DOL	202-219-6827
☒ Hon. Mozelle Thompson	Treasury	202-622-0265
☒ Hon. Robert Perciasepe	EPA	202-260-5711
☒ Mr. T. J. Glauthier	OMB	202-395-4639
☒ Ms. Nancy-Ann Min	OMB	202-395-9119
☒ Ms. Carol Rasco	WH	202-456-2878
Mr. Mike Schmidt	WH	202-456-7028

FROM: Faith Roessel, Special Assistant to the Secretary

FAX: 202-208-7508
Phone: 202-208-5904

DATE: June 12, 1996

NUMBER OF PAGES INCLUDING COVER PAGE 2

REMARKS: See attached. Also, just a reminder that the next Working Group Meeting is to be held July 10, 1996, from 10:00-11:00 a.m. in room 5160 of the Main Interior Building. Looking forward to seeing all of you once again. My secretary, Jackie Hough, has contacted your schedulers several times to remind them as well. Please advise your staff. Thanks

Memorandum

DATE: June 12, 1996

To: Members of the Domestic Policy Counsel - Working Group on American Indians and Alaskan Natives

From: Mike Schmidt *Mike Schmidt*
White House Domestic Policy Council

Subject One Year Later Report and Transition

So far, we have received updated "One Year Later" reports from about half of the agencies on the Working Group. Please get those reports in to Faith Roessel (NOT to me) by next Friday, June 21, 1996. She needs both the hard copy and digital copy in Word Perfect 5.1 format. The Secretary would like to be able to pass out a draft copy of the combined report at our next Working Group meeting, July 10, 1996. I request that you get all your materials to Faith by the June 21, 1996. Faith's mailing address is: Faith Roessel, U.S. Department of the Interior, 1849 C. Street, N.W. (MS-5100) Washington, D. C. 20240 and her E-mail address is as follows: froessel@ios.doi.gov.

The reason that you need to get these reports to Faith, and not to me, is because I will be leaving the White House this month to go home to Michigan. I will be working for Ford Motor Company in their Executive Development and Educational Programs department. While I am excited to get back home to Michigan (I was born and raised in the Detroit area, and as a University of Michigan alum, it will be nice after almost 10 years to finally be able to use my Michigan football tickets!), it is difficult to leave so many friends here in DC and so I wanted to let all of you know how much I have enjoyed working with you on this Working Group over the last year and a half. The work that you have been doing, and will continue to do here is incredibly important, both to the President and, more importantly, to the American Indian and Alaskan Natives communities across the country that look to the Federal government for assistance and support. I think we can all be proud of the work we have done so far -- particularly the Sacred Sites Executive Order that was signed a few weeks ago by the President -- and I look forward to hearing about the great things I know you will be working on in the months ahead. I have learned a great deal from all of you, and I thank you for the patience and kindness you have all shown me over the past few years as I struggled up the learning curve in this area.

What is in the works?
As for the transition here at the White House, it is my understanding that by the next Working Group meeting there should be some announcement about who from the White House will be working with the Working Group.

Please feel free to give me a call in Michigan. Right now, I am not sure of my forwarding address and phone, but I will make sure Faith has this information as soon as I am settled in Michigan in early July.

- **Tribal Trust Fund Report:** DOI forwarded to Congress its initial recommendations on settling balances in the Tribal trust fund accounts which the BIA administers. The report proposes a process for resolving accounts where our reconciliation study demonstrates that an error had been made. It also proposes a series of options that the Administration is considering for addressing two other types of claims: (1) the \$2.4 billion in transactions in 1972-92 where no documents were located during the study to verify the accuracy of the BIA's books; and (2) other claims that Tribes may have outside the scope or time period of the reconciliation study. DOI has sent the recommendations to all Tribes and has asked for written comment by February 14, 1997. DOI is planning Tribal meetings in Portland, OR, Denver, CO, Phoenix, AZ and WA in January. Final recommendations will be submitted to the Hill in April 1997. DOI been meeting with OMB to develop an inter-agency process to address these issues.
- **AK National Petroleum Reserve:** DOI is currently evaluating the implications of, and possible responses to, the recent request by Governor Knowles for the initiation of a new oil and gas leasing program in the National Petroleum Reserve AK (NPRA). The NPRA, at 23 million acres, is the largest single federal property holding in AK, and contains important wildlife, cultural, and subsistence resources, including calving areas for two major caribou herds and world-class waterfowl staging and nesting areas.
- **Secretary's Schedule:** On December 18, Secretary Babbitt will meet with the tribes that are serviced by BIA's Albuquerque Area Office.

UNITED STATES DEPARTMENT OF AGRICULTURE

- **Minority Farmers:** On December 10, Secretary Glickman issued a statement outlining steps to ask the USDA to conduct a review of Farm Service Agency compliance with civil rights procedures. On December 12, Secretary Glickman established a Civil Rights Action Team to develop a plan of action by mid-February to address civil rights complaint and enforcement systems and improved program delivery to minorities and socially disadvantaged farmers. On December 12, the Secretary also met with representatives of a group of 30 minority farmers who protested at the White House. On December 13, the U.S. District Court for D.C. will decide on whether to certify a class in a lawsuit alleging discrimination in USDA's farm lending programs. USDA will oppose the motion because the individual cases that could be consolidated into the lawsuit are factually distinct.
- **Sun-Diamond:** On December 13, USDA announced it has suspended and proposes to debar the directors, officers and the five affiliates of Sun-Diamond Growers, the CA-based cooperative convicted of making improper gifts to former Secretary Espy. The action would preclude their participation in all federal procurement activities, not just USDA programs.

Date: 01/24/97 Time: 08:32

Indian bureau head says she was forced to quit

WASHINGTON (AP) The head of the heavily criticized Bureau of Indian Affairs acknowledges she was forced to quit by her boss, Interior Secretary Bruce Babbitt.

"He just said he wanted a new team. That's his prerogative," said Ada Deer, who was the first Indian woman to serve as the Interior's assistant secretary for Indian affairs.

Deer, on leave from the University of Wisconsin where she was a lecturer, was sometimes booed at tribal meetings, and came under criticism in Congress and the Interior Department for not being forceful enough to manage the bureau.

After Republicans took control of Congress in 1995, she was forced to fight battles on a variety of fronts, included attempts to slash bureau spending, curb tribal powers and tax Indian casinos.

Deer said the agency is the "Rodney Dangerfield of the executive branch" getting no respect.

"Unlike the football that Charlie Brown tries to kick and always misses, nobody misses a kick at the BIA," she said in a farewell speech Thursday to the National Congress of American Indians.

Congressional investigators have long considered the bureau one of the worst-run government agencies. With a \$1.6 billion budget, it provides many services to tribes, including education, law enforcement and social programs, and is a major employer on many reservations.

The Interior Department is being sued over the bureau's decades-long mismanagement of thousands of Indian trust fund accounts.

Deer's job "is one of the most difficult positions to take on in the administration, period," said Ron Allen, president of the Indian congress.

"Her heart was in the right place," he said.

Deer, who was appointed in August 1993, said the bureau has been made the "scapegoat for the failures of U.S. policy to right the wrongs done" to Indians.

"The BIA is a tough sale to a deficit-slashing Congress, especially given the scope and vehemence of the criticism directed at it," she said.

On Wednesday, Babbitt chided tribal leaders for their criticism of Deer. "We all have a tendency in our frustration to turn on our friends," he said.

Candidates for Deer's job include John Echohawk, executive director of the Native American Rights Fund; lawyer Kevin Gover of Albuquerque, N.M.; and Richard Trudell, director of the American Indian Resource Institute.

Deer, a member of Wisconsin's Menominee tribe, said she is looking for another job in the administration.

APNP-01-24-97 0838EST

Date: 01/21/97 Time: 11:01

SHigh court throws out U.S. law on Indian reservation land

WASHINGTON (AP) The Supreme Court today threw out a federal law that requires small shares of Indian reservation land owned by individual tribe members to revert to the tribe when the owners die.

Ruling 8-1 in a case involving reservation land in Montana, North Dakota and South Dakota, the court said the law amounts to an unconstitutional taking of private property without fair payment.

The law ``severely restricts the right of an individual to direct the descent of his property,' ' Justice Ruth Bader Ginsburg wrote for the court.

Between 1887 and 1934, much of the land on Indian reservations was divided into tracts and allotted to tribe members. But as the land passed from one generation to another, large numbers of people began inheriting smaller and smaller shares of individual tracts.

In 1983, Congress enacted the Indian Land Consolidation Act, which required many of the tiniest fractions of ownership to revert to the tribe when the owner died. The Supreme Court ruled in 1987 that the law violated the Constitution's ban on government takings of private property without fair compensation.

Congress subsequently amended the law. The new version affected land interests representing 2 percent or less of a tract that would not generate income, from farming or other use, more than \$100 during any of the next five years.

Owners could leave such land interests to someone who already owned a share of the tract. The new law also said tribes could override the law by enacting their own policies with Interior Department approval.

William Youpee, a member of the Sioux and Assiniboine tribes of the Fort Peck Reservation in Montana, died in October 1990. He owned small interests in land on the Fort Peck Reservation, the Spirit Lake Reservation in North Dakota and the Standing Rock Reservation, which straddles the North Dakota-South Dakota border.

Youpee's heirs sued after an Interior Department official ruled that the land must revert to the tribes. A federal judge ruled the law unconstitutional, and the 9th U.S. Circuit Court of Appeals agreed.

Today, the Supreme Court upheld those rulings. The new amendments did not solve the law's constitutional problems, Ginsburg wrote.

The law is based on income generated by the land rather than the actual value of the land, she wrote. Noting that Youpee's land was valued at \$1,239, Ginsburg said, ``the economic impact of (the amended law) might still be palpable.' '

Her opinion was joined by Chief Justice William H. Rehnquist and Justices Sandra Day O'Connor, Antonin Scalia, Anthony M. Kennedy, David H. Souter, Clarence Thomas and Stephen G. Breyer.

The lone dissenter, Justice John Paul Stevens, said: ``The federal interest in minimizing the fractionated ownership of Indian lands and thereby paving the way to the productive development of their property is strong enough to justify the legislative remedy.' '

The case is Babbitt vs. Youpee, 95-1595.
APNP-01-21-97 1106EST

New Trust Land

N.G.A. Position

The Governors want a concurrent role in federal decisions regarding new trust land and the recognition of new tribes. In addition, NGA believes Congress should require a state and tribe to reach binding agreement on the application of state and local taxes before new trust land is acquired by tribes.

Clinton Administration Position

Pursuant to a revision of federal regulations during the Clinton Administration, there is now a notice and comment period before land can be taken into trust for tribes. The notice period allows states and localities an opportunity to raise their concerns about the transfer of land into trust.

However, the Administration strongly opposes a requirement on tribes to enter into binding agreements on state and local taxes before they can take land into trust. This would undermine tribal sovereignty and the ongoing government-to-government cooperation currently underway between a number of tribes and states that are voluntarily negotiating joint taxation agreements.

The process for tribes to acquire new trust land includes the Governor and State Attorney General to a consultation stage with (state) and local governments in the surrounding area. With respect to taxation, the Administration opposes requiring...

LRM ID: EHF5

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001
12/13/96
LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: *Ronald K. Peterson* Ronald K. Peterson (for) Assistant Director for Legislative Reference
OMB CONTACT: Holly Fitter FAX: (202)395-5691 PHONE: (202)395-3233
SUBJECT: INTERIOR Proposed Draft Bill on Judgment Fund Distribution to the Sault Ste. Marie Chippewa Indians, Michigan
DEADLINE: 10:00 AM, Monday January 6, 1997 *OK*

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS:
DISTRIBUTION LIST

AGENCIES:

59-INTERIOR - Jane Lyder - (202) 208-6706
52-Health and Human Services - Sondra S. Wallace - (202) 690-7760
61-JUSTICE - Andrew Fois - (202) 514-2141
118-TREASURY - Richard S. Carro - (202) 622-0650D

EOP:

Richard H. Kodl
Robert G. Damus
David J. Haun
Douglas L. Steiger
Edward M. Rea
Alicia K. Kolaian
Pamula L. Simms
SHIMABUKUR_L

[illegible]

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

FAX RETURN of _____ pages, attached to this response sheet



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

Honorable Albert Gore, Jr.
President of the Senate
Washington D.C. 20510

Dear Mr. President:

Enclosed is a draft bill, "To provide for the division, use and distribution of judgment funds to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians pursuant to Docket Numbered 18-R before the Indian Claims Commission."

We recommend that the draft bill be referred to the appropriate Committee for consideration and that it be enacted.

The \$15,000 award in Docket 18-R before the Indian Claims Commission was made on December 26, 1973, to the Sault Ste. Marie Band of Chippewa Indians. Funds to satisfy the award were appropriated under the Act of December 18, 1975 (89 Stat. 826) and are held in trust for the beneficiaries.

The award represents payment for 10,240 acres of land located in the area of the present city of Sault Ste. Marie, ceded by the Treaty of June 16, 1820 (7 Stat. 207). We have determined that the beneficiaries of the award in Docket 18-R to be the two successor tribal entities, the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians. The majority of the descendants of the Sault Ste. Marie Treaty bands are represented in these two entities.

The draft bill provides for the division of the funds between the two tribes in accordance with their agreement, with 65% allocated to the Sault Ste. Marie Tribe and 35% to the Bay Mills Indian Community.

The Omnibus Budget Reconciliation Act of 1990 (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go (PAYGO) requirement. That is, no such bill should result in an increase in the deficit. This proposal would not affect direct spending; therefore it satisfies the PAYGO requirements. The net effect of this draft bill on the deficit is zero.

The Office of Management and Budget has advised that there is no objection to enactment of the proposed bill from the standpoint of the Administration's program.

Sincerely,

Ada E. Deer
Assistant Secretary - Indian Affairs

Enclosures

Section by Section Analysis
of
S. _____
H.R. _____

Section 1. Congressional Findings and Declaration of Policy

This section outlines the background of the judgment award and sets forth the purposes of the Act as providing for the equitable division of the judgment fund between the two successor tribal entities, and providing the opportunity for each tribe to develop a plan for the use or distribution of the funds.

Section 2. Description of Funds Affected by this Act.

This section describes the funds to be distributed under the terms of this Act in full satisfaction of the judgment award in Indian Claims Commission Docket 18-R.

Section 3. Division of Funds

This section provides for the division of the funds to the two successor tribes: 65% to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and 35% to the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians.

Section 4. Development of Tribal Plans for Use or Distribution of Funds

This section provides the procedure for the development and submission to Congress of each tribe's plan for the use or distribution of their share of the judgment funds prior to actual disbursement of their share.

Section 5. Tax and Resource Exemption

This section mirrors 25 U.S.C. § 1407 by exempting the funds distributed under the terms of this Act from Federal, State or local income taxes and including provisions regarding treatment of funds under this Act in relation to the Social Security Act and Federal or federally assisted programs.

Section 6. Federal Financial Aid Unaffected

This section provides that eligibility for or receipt of distributions under this Act not be considered by any federal agency or federal department in determining a tribe's eligibility for any financial aid program of the United States.

Section 7. Treaties Not Affected

This section provides that this Act does not amend, modify, or interpret any treaty to which the tribes mentioned in this Act are parties.

A BILL

To provide for the division, use and distribution of judgment funds to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians pursuant to Docket Numbered 18-R before the Indian Claims Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

(a) Congress hereby finds and declares that:

(1) A judgment was rendered in the Indian Claims Commission in Docket Numbered 18-R in favor of the Sault Ste. Marie Band of Chippewa Indians of Michigan.

(2) Congress appropriated the funds to pay this judgment and the funds have been held by the Department of the Interior for the beneficiaries pending a division of the funds among the beneficiaries in a manner acceptable to them and pending development of plans for the use or distribution of the funds by the respective tribes.

(b) It is the purpose of this Act to provide for the fair and equitable division of the judgment funds between the two successor tribal organizations in accordance with their agreement and to provide the opportunity for the tribes to develop plans for the use or distribution of their share of the funds.

SECTION 2. DESCRIPTION OF FUNDS AFFECTED BY THIS ACT

(a) **IN GENERAL.** Notwithstanding any other provision of the Indian Tribal Judgment Funds Use or Distribution Act (87 Stat. 466; 25 U.S.C. 1401 et seq.), as amended, or any plan or regulation under that Act, the funds described in subsection (b) of this Section 2,

(1) reduced by an amount for attorneys fees and litigation expenses, and

(2) increased by the amount of any interest and investment income accrued with respect to such funds,

shall be divided, used and distributed as provided in this Act.

(b) **FUNDS DESCRIBED.** The funds referred to in subsection (a)

of this Section 2 are the funds appropriated in full satisfaction of the judgment made in the Indian Claims Commission in Docket Numbered 18-R in favor of the Chippewa Indians of Michigan.

SECTION 3. DIVISION OF FUNDS.

(a) **DOCKET NUMBERED 18-R FUNDS.** The Secretary of the Interior (hereinafter in this Act referred to as the 'Secretary') shall divide the funds referred to in Section 2(b) in the following manner:

- | | |
|--|-----|
| (1) Sault Ste. Marie Tribe of Chippewa Indians
of Michigan | 65% |
| (2) Bay Mills Indian Community of the Sault
Ste. Marie Band of Chippewa Indians | 35% |

SECTION 4. DEVELOPMENT OF TRIBAL PLANS FOR USE OR DISTRIBUTION OF FUNDS

(a) The governing bodies of the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians shall each submit to the Secretary for his approval a plan for the use or distribution of their respective share of the funds.

(b) The Secretary shall not disburse a tribe's respective share of the funds described in Section 2 until its plan is approved and effective. Disbursal of a tribe's share shall not be dependent upon approval of any other tribe's plan.

(c) In accordance with the provisions of 25 USC § 1403(b), the Secretary shall approve a tribal plan for the use or distribution of the funds.

(d) The tribe shall submit its plan with an accompanying Resolution of its governing body to the Secretary.

(1) The Secretary shall within 90 days of its receipt either approve the plan and submit it to Congress or return it to the tribe with his comments.

(2) The tribal governing body shall respond to the comments of the Secretary within 90 days, or within such other time as the tribe and the Secretary agree upon.

(3) The Secretary shall within 45 days of receipt of the governing body's comments submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b). If the tribal governing body does not submit comments within the 90 day response period, or within such time as agreed to with the Secretary, the Secretary

shall within 45 days from the end of the response time submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b).

(e) If a tribal governing body does not submit a plan to the Secretary within 10 years of the date of enactment of this statute, the Secretary shall submit a plan to Congress in accordance with the provisions of 25 USC § 1403(b).

(f) Notwithstanding 25 USC § 1403(a)(2) and 25 USC § 1404(1), the Secretary need not hold additional hearings, nor submit transcripts of the hearings held by him previously concerning the Indian judgments. The Secretary's submission of the plan pursuant to Section 4 of this Act shall comply with 25 USC § 1404(2).

(g) Once submitted to Congress under this Act, the effective date of the plan and other requisite action, if any, is determined by the provisions of 25 USC § 1405 as amended.

SECTION 5. TAX AND RESOURCE EXEMPTION

None of the funds, including earned income, distributed under the terms of this Act or held in trust pursuant to a plan approved under the provision of this Act, including all interest and investment income accrued thereon while such funds are so held in trust, shall be subject to Federal, State, or local income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act (42 USC § 301 et seq.) or, except for per capita shares in excess of \$2,000 annually, any Federal or federally assisted program.

SECTION 6. FEDERAL FINANCIAL AID UNAFFECTED

The eligibility for or receipt of distributions under this Act by the tribes shall not be considered by any department or agency of the United States in determining the eligibility of or computing payments to these tribes under any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act.

SECTION 7. TREATIES NOT AFFECTED

No provision of this Act shall be construed to constitute an amendment, modification, or interpretation of any treaty to which any of the tribes mentioned in this Act is a party nor to any right or rights secured to such tribes or to any other tribe by any treaty.

LRM ID: EHF8

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001
12/18/96
LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Ronald K. Peterson (for) Assistant Director for Legislative Reference
OMB CONTACT: Holly Fitter FAX: (202)395-5691 PHONE: (202)395-3233
SUBJECT: National Indian Gaming Commission Proposed Draft Bill on Indian Gaming
Regulatory Act Amendment
DEADLINE: 10:00 AM Monday January 6, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS:
DISTRIBUTION LIST

AGENCIES:
59-INTERIOR - Jane Lyder - (202) 208-6706
61-JUSTICE - Andrew Fois - (202) 514-2141

EOP:

R. Kordl
A. Kolodan
P. Simms
Z. Shimabukuro

DRAFT

The Hon. Newt Gingrich
Speaker
House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

The Indian gaming industry has increased by more than 50 percent since the National Indian Gaming Commission (NIGC) opened its doors in 1991, and the NIGC currently is required to enforce the requirements of the Indian Gaming Regulatory Act (IGRA, 25 U.S.C. 2701-2721) in more than 274 operations run by 182 tribes.

The annual revenues of the NIGC come from a \$1,000,000 yearly appropriation, \$1,500,000 in fees assessed on one type of Indian gaming revenue, and direct reimbursement for certain background services. With oversight responsibilities growing and funding being limited, it is becoming increasingly difficult for the NIGC to fulfill its statutory mandate.

Current law caps the total fee assessable to tribes on class II gaming for any year at \$1,500,000 (25 U.S.C. § 2717(a)(2)(B)). To alleviate the funding constraints on the NIGC, we are submitting a bill to amend the IGRA that would allow the NIGC to assess fees on tribes for class II and class III (casino) gaming and would eliminate the yearly cap on fees. A copy of the draft bill is attached.

The Office of Management and Budget has advised that there is no objection to enactment of the proposed bill from the standpoint of the Administration's program.

Sincerely yours,

Harold A. Monteau
Chairman

Charlette Andrea
632-7002/7003
Fax 632-7066

DRAFT AMENDMENT

Section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717 (a)) is amended -

(1) In Paragraph 1, by inserting "and class III" after "class II";

(2) In Paragraph 2, by striking Subparagraph (B).

SUBGROUP ON EDUCATION
OF THE
WORKING GROUP ON AMERICAN INDIANS AND ALASKA
NATIVES
OF THE
WHITE HOUSE DOMESTIC POLICY COUNCIL

A G E N D A

Thursday, December 12, 1996
1:30 p.m. - 3:00 p.m.
Room 5160, Main Interior Building
1849 C Street N.W.

Welcome

**Ada E. Deer, Assistant Secretary -
Indian Affairs, Department Of The
Interior**

Review of Executive Order

**Michael Cohen
Special Assistant to The President
for Education, Domestic Policy
Council, The White House**

Implementation of Executive Order

- I Status Report On
Creation of Office
(Within Department of
Education)**
- I Interagency Support**
- I Role of the Agencies**
- I Available Resources**

**Gerald Tirozzi, Assistant
Secretary, Office of Elementary
and Secondary Education,
Department of Education
OMB
Members of the Working Group
Members of the Working Group**

Tribal Colleges' Perspective

- I Feedback from Tribal Colleges**
- I Discussion**

**AIHEC
Meeting Participants**

DATE: 12-05-96

TO: Members, Working Group On American Indians and Alaska Natives

SUBJECT: Meeting On Executive Order 13021, Tribal Colleges and Universities

FROM: Faith Roessel 
Special Assistant to The Secretary

On behalf of Assistant Secretaries Ada E. Deer, Indian Affairs, Department of The Interior, and Gerald N. Tirozzi, Office of Elementary and Secondary Education, Department of Education, who are co-chairs of the Subgroup on Education of the White House Domestic Policy Council's Working Group on American Indians and Alaska Natives, you are invited to a meeting from 1:30 - 3:00 p.m. on Thursday, December 12, 1996, in room 5160 of the Main Interior Building, 1849 C Street, N.W., Washington, D.C.

Asistant Secretaries Deer and Tirozzi will chair the meeting which is being convened for the purposes of 1) briefing Members on the recent Executive Order on Tribal Colleges, 2) discussing what role Federal agencies can play in supporting the implementation of the order, including available resources, and 3) allowing the American Indian Higher Education Consortium to make a presentation on their priorities.

I encourage you to attend the meeting so that you can continue to provide executive leadership in keeping your colleagues informed and in identifying opportunities for interagency collaboration involving programs and activities within your agency. Attached is the agenda. Should you have any questions or need additional information, please do not hesitate to call me on 202-208-5904 or Ed Simermeyer on 202-208-7956.

Attachment



**MEMBERS OF DOMESTIC POLICY COUNCIL
WORKING GROUP ON AMERICAN INDIANS
AND ALASKA NATIVES
Subgroup on Education
FAX TRANSMITTAL FORM**

Name	Group	FAX
MARY MCNEIL	USDA	202-720-8819
ROANNE ROBINSON	DOC	202-482-1635
JIM KOHLMOS	ED-OESE	202-205-0303
FRANCINE PICOULT	ED-OPE	202-401-5749
DENNIS BERRY	ED-OVAE	202-205-9650
ROBERTA LEWIS	ED-OVAE	202-205-8895
ANN BAILEY	ED-OIIA	202-401-1971
BERNARD GARCIA	ED-OIE	202-260-7779
MARIA NORTHINGTON	DOE	202-586-0143
CINDY MUSICK	DOE	202-586-0143
ALEX. WHITETAIL FEATHER	DOE	202-586-0293
MARLENE REGALSKY	EPA	202-260-7509
ELIZABETH BELL	EPA	202-260-7509
PHYLLIS EDDY	DHHS-IHS	301-443-4794
GUADALUPE PACHECO	DHHS-OMH	301-594-0767
ROBERT CARSON	DHHS-OMH	301-594-0767
DOLORES CHACON	DOI	202-208-3690
BOB BUECHNER	DOI	202-208-3690
JOANNE SEBASTIAN MORRIS	DOI-BIA	202-208-3312
BILL MEHOJAH	DOI-BIA	202-208-3312
GARY MARTIN	DOI-BIA	202-208-3312
JERRY FRANK	DOD-USAF	202-767-5012
RICK LEMERE	DOD	703-607-4237
RICHARD KODL	OMB	202-396-6899
IRENE JAMES	OMB	202-396-6899
LEANNE SHIMABUKURO	WH-DPC	202-456-5581
MICHAEL COHEN	WH-DPC	202-456-5581

FROM: Faith Roessel, Special Assistant To The Secretary

DATE: 12/6/96 **PHONE:** 202-2085904 **FAX:** 202-208-7508

No. of Pages (including cover page): 3

SUBGROUP ON EDUCATION
OF THE
WORKING GROUP ON AMERICAN INDIANS AND ALASKA
NATIVES
OF THE
WHITE HOUSE DOMESTIC POLICY COUNCIL

A G E N D A

Thursday, December 12, 1996
1:30 p.m. - 3:00 p.m.
Room 5160, Main Interior Building
1849 C Street N.W.

Welcome

**Ada E. Deer, Assistant Secretary -
Indian Affairs, Department Of The
Interior**

Review of Executive Order

**Michael Cohen
Special Assistant to The President
for Education, Domestic Policy
Council, The White House**

Implementation of Executive Order

- Status Report On
Creation of Office
(Within Department of
Education)**
- Interagency Support**
- Role of the Agencies**
- Available Resources**

**Gerald Tirozzi, Assistant
Secretary, Office of Elementary
and Secondary Education,
Department of Education
OMB
Members of the Working Group
Members of the Working Group**

Tribal Colleges' Perspective

- Feedback from Tribal Colleges**
- Discussion**

**AIHEC
Meeting Participants**



**MEMBERS OF DOMESTIC POLICY COUNCIL
WORKING GROUP ON AMERICAN INDIANS
AND ALASKA NATIVES
Subgroup on Education
FAX TRANSMITTAL FORM**

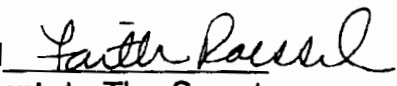
Name	Group	FAX
MARY MCNEIL	USDA	202-720-8819
ROANNE ROBINSON	DOC	202-482-1635
JIM KOHLMOS	ED-OESE	202-205-0303
FRANCINE PICOULT	ED-OPE	202-401-5749
DENNIS BERRY	ED-OVAE	202-205-9650
ROBERTA LEWIS	ED-OVAE	202-205-8895
ANN BAILEY	ED-OIIA	202-401-1971
BERNARD GARCIA	ED-OIE	202-260-7779
MARIA NORTINGTON	DOE	202-586-0143
CINDY MUSICK	DOE	202-586-0143
ALEX. WHITETAIL FEATHER	DOE	202-586-0293
MARLENE REGALSKY	EPA	202-260-7509
ELIZABETH BELL	EPA	202-260-7509
PHYLLIS EDDY	DHHS-IHS	301-443-4794
GUADALUPE PACHECO	DHHS-OMH	301-594-0767
ROBERT CARSON	DHHS-OMH	301-594-0767
DOLORES CHACON	DOI	202-208-3690
BOB BUECHNER	DOI	202-208-3690
JOANNE SEBASTIAN MORRIS	DOI-BIA	202-208-3312
BILL MEHOJAH	DOI-BIA	202-208-3312
GARY MARTIN	DOI-BIA	202-208-3312
JERRY FRANK	DOD-USAF	202-767-5012
RICK LEMERE	DOD	703-607-4237
RICHARD KODL	OMB	202-396-6899
IRENE JAMES	OMB	202-396-6899
LEANNE SHIMABUKURO	WH-DPC	202-456-5581
MICHAEL COHEN	WH-DPC	202-456-5581

FROM: Faith Roessel, Special Assistant To The Secretary
DATE: 12/6/96 **PHONE:** 202-2085904 **FAX:** 202-208-7508
No. of Pages (including cover page): 3

DATE: 12-05-96

TO: Members, Working Group On American Indians and Alaska Natives

SUBJECT: Meeting On Executive Order 13021, Tribal Colleges and Universities

FROM: Faith Roessel 
Special Assistant to The Secretary

On behalf of Assistant Secretaries Ada E. Deer, Indian Affairs, Department of The Interior, and Gerald N. Tirozzi, Office of Elementary and Secondary Education, Department of Education, who are co-chairs of the Subgroup on Education of the White House Domestic Policy Council's Working Group on American Indians and Alaska Natives, you are invited to a meeting from 1:30 - 3:00 p.m. on Thursday, December 12, 1996, in room 5160 of the Main Interior Building, 1849 C Street, N.W., Washington, D.C.

Assistant Secretaries Deer and Tirozzi will chair the meeting which is being convened for the purposes of 1) briefing Members on the recent Executive Order on Tribal Colleges, 2) discussing what role Federal agencies can play in supporting the implementation of the order, including available resources, and 3) allowing the American Indian Higher Education Consortium to make a presentation on their priorities.

I encourage you to attend the meeting so that you can continue to provide executive leadership in keeping your colleagues informed and in identifying opportunities for interagency collaboration involving programs and activities within your agency. Attached is the agenda. Should you have any questions or need additional information, please do not hesitate to call me on 202-208-5904 or Ed Simermeyer on 202-208-7956.

Attachment



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY
WASHINGTON, D.C. 20410-0001

MEMORANDUM FOR: Susan Gaffney, Inspector General, G

FROM: Secretary Henry G. Cisneros, Secretary, S

SUBJECT: Indian Housing Program Administration

It has been brought to my attention that there have been allegations of various improprieties in the use of HUD funds by Tribal Governments and/or Indian Housing Authorities.

Additional concerns have been raised that our program monitoring may have been, in certain instances, inadequate in identifying or resolving potential problems. I believe your office may have already received some referrals from our Office of Native American Programs (ONAP), but I am requesting your thorough review of these allegations and your recommendations for corrective actions, should any abuses be found.

It is our responsibility to serve the housing needs of the American people, and we will continue to do so with no tolerance for abuse of taxpayer funds.

I have also asked Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing, to review this situation and take appropriate steps to rectify any substantiated improprieties.

Generally, we have received favorable reports regarding the management of our Indian Housing and Community Development Program. Also, substantial overall progress has been noted, especially over the past few years, in improving the quality of life on reservations.

Let there be no doubt, however, that I am committed in this instance, as others, to a policy of zero tolerance toward the abuse of federal programs and wish to take any needed corrective actions.

cc: Kevin E. Marchman, Acting Assistant
Secretary for PIH

Address of Ada E. Deer
Assistant Secretary for Indian Affairs
before the
National Congress of American Indians
January 23, 1997
"Indian Affairs on the Eve of the Next Millennium"

Distinguished Tribal Leaders, ladies and gentlemen, friends:

Let me begin by thanking Ron Allen, the Board and the Staff of the National Congress of American Indians for inviting me to be here this morning to say a few words.

It is a special privilege to address this body during the week that saw America inaugurate William Jefferson Clinton as the last President of the twentieth century. It is within this historical context that I have entitled my remarks "Indian Affairs on the Eve of the Next Millennium."

As you know, I will turn the reins over to a new Assistant Secretary for Indian Affairs in a few months. This is the person who will steer Indian Affairs into the new millennium and I urge each of you to give that person your fullest cooperation and support -- I know that I will.

This is a position of great trust to our Native Peoples and I should say at the outset I would not trade my service for anything. It has been, as they say, a great ride --- although at times more like a roller coaster than a carousel and frequently like the bumper cars.

The most rewarding part of the job for me has been the opportunity to travel throughout Indian Country and get a first hand view of the deep and enduring spirit of our Indian People. From Makah to Miccosukee from Arctic Village to Pine Ridge and the points in between, I have met and worked with some of the most brilliant and inspiring minds of our times.

Today, I want to speak to you "Indian to Indian" about my experiences within the Department of the Interior as well as some observations on the future of Indian Affairs as we approach the year 2000.

When I first began as Assistant Secretary in July of 1993, I found a Bureau of Indian Affairs hungry for direction. My task was to oversee its transition from paternalistic landlord to true partner on a government-to-government basis with American Indian tribes and ... I am happy to now add... Alaska Native tribal governments.

From day one, I have promoted tribal sovereignty, self-governance, and self-determination. These are the hallmarks of the Clinton Administration Indian policy.

I testified in favor of the 1994 amendments to the Self-Governance and Self-Determination statutes and advocated negotiated rulemaking as the new way for the Interior Department to develop

substantive rules for Indian programs. I took Vice-President Gore's words to heart: "negotiate don't dictate."

I have urged other government agencies to build on this model. Negotiated rulemaking works, especially when there is strong tribal leadership driving the process such as we had on the 638 and self-governance teams. My special thanks go to the tribal co-chairs of those efforts: Buford Rolin, Julia Davis, Kathy Grosdidier, Ed Mouss, Ron Allen and Bernida Churchill. Also a word of thanks to Deputy Assistant Secretary Michael Anderson and Director of the Office of American Indian Trust Elizabeth Homer for their leadership in these efforts.

But I have been equally committed to making sure that those tribes that wish to retain direct services from the Bureau can continue to exercise that choice. I will continue to urge future policy makers to keep these choices available. I agree with the warnings of my good friends Oglala Chairman John Yellow Bird Steele and Frank Ducheneaux --- we must continue to protect the Tribes' right of access to BIA services.

The greatest challenge I confronted during my term came with the arrival of the 104th Congress. There hasn't been such an all out attack on Tribal Sovereignty since the era of termination. Everything was under attack at the same time --- tribal tax immunity, gaming rights, Indian child welfare, land acquisitions, environmental jurisdiction, and even the core tribal budgets. Individual tribes were attacked. I know how hard Henry Cagey and Randy Noka had to fight for their Tribes. And believe me the fight isn't over.

One of the weapons of the Assistant Secretary is the bully pulpit and I spent the Summer and Fall of 1995 on it. I spent weeks on the road traveling from city to city conducting scores of editorial board meetings, press conferences, and talk radio interviews because I wanted mainstream America to hear our message.

I'll never forget the Fall of 1995 when we stood together on the steps of the U.S. Capitol to rally for sovereignty and push the new Congress to honor its treaty commitments. Some of you may remember that during the budget crisis I, along with many of the Clinton Indian appointees, signed a letter to the President urging a veto of the 1996 Interior budget. We were able to do this because we were confident that this action would receive support from Indian Country and the President who later vetoed it in large part because of the Indian cuts.

This experience demonstrates how powerful we can be when the Indian Affairs office and the Tribes are working together to protect our common good and to fight common enemies.

We also learned that the Assistant Secretary can and must be a powerful voice for Tribal Sovereignty. The Assistant Secretary serves as the conscience of the Federal Government for Indian people.

To my successor and to each of you, I say that this is a tough job and nobody can do it alone. The Assistant Secretary wears many hats. The Congress expects the Assistant Secretary to execute its

Indian policy and direct the Bureau. The Department expects a loyal team player. The staff expects a defender, and Indian Country expects an advocate. When these roles collide, the Assistant Secretary must have the support of Indian Country in order to have the power it takes to advocate successfully for Indian people.

What happens in D.C. is about power and power is based on perception. But, it is important to understand that we are not always in control of how we are perceived. The actions of some can be and often are reflected back onto others, justly and unjustly. It has been my experience that when things go wrong in Indian Affairs, both the Tribes and the BIA share the blame regardless of who did or did not do what. Outside of those who work in Indian Affairs, few possess the time, interest, or understanding to delve below the surface to find the truth.

Most people don't know a whole lot about Indians. Some care, but lack understanding and some have or serve interests that conflict with ours. All three branches of the Federal Government contain people fitting into one of these categories and it is up to the Assistant Secretary for Indian Affairs to convince them that they have a legal and moral duty to defer to tribal sovereignty and carry out treaty obligations. Making sure that the trust responsibility it carried out in due deference to tribal sovereignty is perhaps the Assistant Secretary's most important function.

Then there is the subject of the BIA --- the paradox of paradoxes. The BIA is perhaps the most maligned agency in the Federal Government. It is the Rodney Dangerfield of the Executive branch -- unlike the football that Charlie Brown tries to kick and always misses, nobody misses a kick at the BIA.

In reality, though, the BIA is the scapegoat for the failures of U.S. policy to right the wrongs done to the First Americans. The services and resources it provides are crucial to tribal governments, communities, and members. I know that what people really want from the BIA is better, more responsive performance; active cooperation; respect for Tribal sovereignty; fulfillment of trust obligations in accordance with trust standards; appropriate assistance; prompt action; and advocacy on behalf of Indian interests.

But, let me tell you, friends, the BIA is a tough sell to a deficit slashing Congress, especially given the scope and vehemence of the criticism directed at it.

As we head into the new millenium we're going to have to wrap up the business of the twentieth century and lay the foundation for the future. The new Assistant Secretary will be responsible for getting BIA ready for the challenges the new century will present. This will require taking a hard look at the BIA and how it operates. Change for the BIA is inevitable, but to paraphrase President Clinton on another topic -- we need to "mend it not end it."

In addition to re-shaping the BIA, the new Assistant Secretary will face at least ten other major challenges.

First, advancing Tribal sovereignty by transferring regulatory and management authority to Tribal governments through self-governance compacts, 638 contracts, co-management agreements, and other inter-governmental instruments. The implementation of President Clinton's sacred sites, trust, and government-to-government policies are also important tasks.

Second, fighting for the Indian budget. As Secretary Babbitt said yesterday, the Administration is on our side, but we will have to bring Congress along. The new Assistant Secretary is going to need sharp political skills and tribal support. Remember, the BIA budget is more the tribes' budget than it is a Federal agency budget. Contrary to popular myth, 90% of the money budgeted for the BIA actually goes to tribes.

Third, the A.S. must keep education as a top priority. Implementing the President's Executive Order and leveraging more funds for Tribal Colleges will be one of the first tasks. I also think that school construction starts should be increased as well as funds for school improvements.

Fourth, I would like to see a fair resolution to the trust funds issues for tribal and individual Indian monies account holders.

Fifth, gaming and economic development initiatives must continue. Existing gaming compacts must be renewed on favorable terms and the right of all Tribes to commence class III gaming operations must be supported. Efforts must be made to protect loan guarantee programs and expand business development initiatives.

Sixth, the right of Tribes to acquire trust lands must be protected from both Congressional and Judicial attacks.

Seventh, the backlog of legitimate petitions for Federal Recognition of tribal groups must be eliminated.

Eighth, the A.S. must champion the expansion of the number of Indian policy makers outside of the BIA. Why not an Indian as Counselor to the Secretary?

Ninth, litigation support of Tribal claims in the Federal District Courts, Appellate Courts and the Supreme Court must continue as well as the negotiations for water rights settlements.

Tenth, ensuring that U.S. policy reflects the highest standards for the protection of Indigenous Rights in the International Community.

In closing, I would urge everyone to take personal responsibility for improving the lives of Indian people. We do a great job of talking about the importance of our actions on the seventh generation, but we need to do more. Like ...

My good friend, Lucille Echohawk, didn't stop at talking about the importance of Indian children -- she adopted one.

My dear friend, Henry Cagey, didn't just talk about Tribal sovereignty, he created a nationwide movement to support it.

My good friend, LaDonna Harris, didn't just talk about mentoring young Indians -- she created the Ambassadors program.

My young friends, Gary Bohnnee and Loretta Tuell, didn't come to D.C. just to talk policy, they came to make policy.

My friend, Julie Johnson, didn't just talk about political jobs for Indian women, she brought the head of White House Personnel to meet Indian women.

As I look out into this room -- I see so many who are living by the values we have been handed down over the generations. I have done my best to bring these values to my work as Assistant Secretary for Indian Affairs, and I thank you from the bottom of my heart for all your support, friendship, and many kindnesses.



Protecting Indian Trust Resources and the Environment

- ◆ Improved tribal-federal coordination on wildland fire operations.
- ◆ Provided \$1.5 million to abate lead, asbestos and other soil and water contaminants.
- ◆ Confirmed the boundary of the Metlakatla Indian Reservation.
- ◆ Endorsed inclusion of Warburton Island in the Annette Island Indian Reservation.
- ◆ Assisted with the Makah Tribe's whaling request before the International Whaling Commission.
- ◆ Signed a Memorandum of Understanding with the Department of the Army protecting in-lieu fishing sites along the Columbia River.
- ◆ Provided funds to improve fisheries in the Columbia River Basin.
- ◆ Supported tribal wetland rehabilitation in the Great Lakes Region.
- ◆ Completed reclamation of the Jackpile Mine, Laguna Pueblo, one of the largest open-pit uranium mines in the U.S.

For more information on accomplishments contact:

Office of Assistant Secretary for Indian Affairs
Department of the Interior
1849 "C" Street, NW MS 4140
Washington, D. C. 20240
Phone (202) 208-3710

Department of the Interior Assistant Secretary Indian Affairs

ACCOMPLISHMENTS Spring 1996

Greetings!

Following President Clinton's historic meeting with American Indian tribal leaders on April 29, 1994, we have forged new partnerships with tribes, opened lines of communication through tribal consultation, and enhanced Interior's capacity to serve as an effective and responsive trustee. We successfully accelerated our efforts to improve overall services and operation of Indian programs in spite of harsh budget cuts. I am pleased to highlight some of our major accomplishments of the last three years with a pledge to accomplish even more. In the coming months we will increase our efforts to support tribal self-determination and self-governance, effect positive changes for Indian Country, ensure meaningful tribal consultation, and take on new challenges designed to enhance the government-to-government relationship.

Ada E. Deer



Protecting Indian Trust Resources

- ◆ Instituted permanent, comprehensive Indian trust protection policies requiring each bureau to develop implementing procedures. (See: Departmental Manual Chapter 512, Part 2)
- ◆ Published and distributed, *Protection of Indian Trust Resources Protection*, a single volume containing each bureau's trust protection policies and procedures.



Advancing Tribal Sovereignty

- ◆ Reaffirmed the government-to-government relationship with 223 Alaska Native Villages.
- ◆ Extended federal recognition to 12 tribes.
- ◆ Eliminated the distinction between "historic" and "nonhistoric" tribes.
- ◆ Revised and streamlined the federal acknowledgment process.



Advancing Inter-Governmental Coordination

- ◆ Serving on the Inter-Departmental Working Group on American Indians and Alaska Natives under the direction of the White House Domestic Policy Council.
- ◆ Serving on 5 interagency subgroups to address: religious freedom and access to sacred sites; Indian education; environment and natural resource protection; and improvements in tribal services.



Advancing Self-Governance and Self-Determination

- ◆ Expanded tribal self-governance to 180 tribes through 54 annual funding agreements in 1996.

- ◆ Transferring over \$150 million to tribes through the Self-Governance Program in 1996.
- ◆ Expanded the Self-Governance Program to non-BIA bureaus with the execution of 2 agreements between tribes and the Bureau of Reclamation in 1996.
- ◆ Transferred \$44 million to 125 tribes and tribal organization for wildlife management.



Striving for Tribal Economic Growth

- ◆ Protected 5,400 jobs in Indian Country by securing restoration of BIA economic development programs.
- ◆ Increased BIA loan guaranty ceiling by 49% between 1995 and 1996.
- ◆ Approved 145 tribal-state gaming compacts between 130 tribes and 24 states.
- ◆ Establishing 15 Tribal Business Information Centers to provide technical assistance to tribally based businesses.
- ◆ Co-chaired Vice President Gore's Subcommittee for Indian Economic Development.
- ◆ Supporting the passage of Native American Financial Services Organization legislation.
- ◆ Forged new partnerships between SBA, BIA, tribes, and Tribal Community Colleges by sponsoring an Economic Summit Conference in South Dakota.



Effecting Statutory and Regulatory Reform

- ◆ Supported amendment of the Indian Religious Freedom Act providing for the traditional use of peyote by Indians for religious and other purposes.
- ◆ Rewrote or eliminated 55 parts of the CFR, substantially reducing the regulatory burden on tribes by removing obsolete or onerous requirements.

- ◆ Published proposed regulations for the 1994 amendments to the Indian Self-Determination Act drafted by a tribal-federal negotiated rulemaking committee.
- ◆ Established a tribal-federal negotiated rulemaking committee to draft regulations to implement the Self-Governance Act of 1994.



Protecting Tribal Rights

- ◆ Settled the longstanding Great Lakes Tribes - FERC dispute over fish mortality from Michigan's Ludington Pumped Storage Facility operations, transferring of \$213,000 to the Great Lakes Fishery Trust.
- ◆ Settled the Navajo/Hopi Tribe Coal Mining dispute in a manner that recognizes each Tribe's inherent sovereign authority to regulate coal mining operations on tribal lands.
- ◆ Settled the century-old boundary dispute with the Crow Tribe, restoring tribal lands and providing compensation for lost coal reserves and revenue.
- ◆ Completed negotiations between the Shoshone-Bannock Tribes of Fort Hall Reservation and the State of Idaho, finalizing the 1990 water rights settlement.
- ◆ Successfully advocated passage of legislation to settle water rights between the Northern Cheyenne Tribe and the State of Montana.



Indigenous Peoples Initiatives

- ◆ Endorsed tribal consultation on the U.S. position on the United Nation's Draft Declaration on the Rights of Indigenous Peoples.
- ◆ Testified before the United Nations Human Rights Commission about the civil and political rights of American Indians and Alaska Natives.

- ◆ Advocated review of the potential affects of the North American Free Trade Agreement on American Indian and Alaska Native communities.
- ◆ Advocating the participation of Alaska Native Tribes and Villages on the proposed Arctic Policy Council.



Improving Intra-Departmental Coordination

- ◆ Established a "Circuit Rider" to consult regularly with Indian mineral owners and resolve outstanding issues.
- ◆ Established the Indian Minerals Steering Committee to coordinate policies and programs affecting Indian minerals development.
- ◆ Initiated the Farmington National Performance Review Laboratory to examine and re-engineer trust services for individual Indian landowners.



Investing in a Better Tomorrow Children and Families

- ◆ Provided family literacy services to more than 1,100 families at 22 Indian schools through the Family and Child Education Program.
- ◆ Extended access to recurring Indian Child Welfare Act funds to all tribes on a non-competitive basis.
- ◆ Secured tribal eligibility for direct funding for Social Security Title IV-B child funds and HHS Family Preservation Funds.
- ◆ Initiated the multi-agency Pine Ridge Pilot Project to demonstrate a community-based approach to alcohol and substance abuse prevention in tribal communities.
- ◆ Supported the 1994 and 1995 Indian Youth Leadership Conference sponsored by the United National Indian Tribal Youth (UNITY) Council.
- ◆ Published proposed regulations for the Indian Child Protection and Family Violence Prevention Act.

- ◆ Published proposed regulations for the Indian Tribal Justice Act.
- ◆ Published the final Indian Child Welfare Act rule.
- ◆ Successfully worked for pro-tribal provisions in the Violent Crime Control and Law Enforcement Act of 1994.

Schools

- ◆ Adopted new standards for Indian Education based on President Clinton's *Goals 2000: Educate America Act*.
- ◆ Advanced tribal control of Indian education with 52% of Indian schools now under management of tribal councils or tribal boards of education.
- ◆ Transferred the Johnson-O'Malley Program to the Tribal Priority Allocation category of the Tribal Budget System.
- ◆ Received the Department of Education "Blue Ribbon School Award" for outstanding academic programs at 8 BIA schools.

Infrastructure

- ◆ Rehabilitated 163 bridges on Indian reservations.
- ◆ Completed \$16.3 million in roads projects for 11 Alaska Native Villages.
- ◆ Working with tribes and states to improve roads and replace bridges.

Community Services

- ◆ Secured tribal access to the FBI's National Criminal History Information database to facilitate background investigations of persons who work with children.
- ◆ Created an Internal Affairs Unit to supervise the conduct of BIA and tribal law enforcement officers.
- ◆ Entered into a Memorandum of Understanding with the DOJ to coordinate criminal investigations.

- ◆ Installed the *Indian Law Enforcement Information Network*, computer system to interface with the FBI's National Incident Based Reporting System.

- ◆ Revised policies and standards for community and residential holding facilities.

- ◆ Signed a Memorandum of Agreement with IHS to reduce injuries and prevent deaths caused by drug and alcohol abuse.



Improving Management and Administration

- ◆ Increased on-time resolution of tribal audits from 36% to 90%.
- ◆ Decreased uncollected audit related debts from 90% to 12%.
- ◆ Closed 71% of the open Inspector General audits of BIA Operations for 1995.
- ◆ Reduced the number of material weaknesses in the BIA from 16 to 7 -- a 66% reduction.



Energy and Mineral Resource Exploration and Development

- ◆ Convened 3 national Indian Mineral Conferences.
- ◆ Provided advanced minerals training to 35 tribal resource managers at the Colorado School of Mines.
- ◆ Installed the National Indian Oil and Gas Evaluation and Management System (NIOGEMS) at Osage.
- ◆ Funded minerals assessments in support of Indian Mineral Development Agreement between the Torres Martinez Desert Cahuilla Tribe and Kennecott Corporation.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

Memorandum

To: Members of the Working Group on American Indians and Alaska Natives

From: Faith Roessel, Special Assistant to the Secretary *Faith Roessel*

Subject: Action Items from Last Meeting of January 28, 1997 and Draft Minutes

The first meeting of the new year was busy and many items were discussed and agreed to for further action. *This memorandum summarizes the action items that will need to be carried out before the next meeting tentatively scheduled for early April.* Where an item provoked discussion and is intrinsic to keep the process going, I took the liberty of setting out specific action steps.

Action Items

Subgroup on Education:

- 1) send a directive memorandum to all agencies, preferably from the Secretary of Education, laying out the requirements for agencies to meet the implementation of the tribal colleges executive order.
- 2) included in the directive memorandum or separately, the Office of Adult and Vocational Education, Department of Education will notify Working Group members of staffing and other needs for creating the tribal college office, and is encouraged to continue communication and collaboration among the Members.
- 3) deadline for five year plans is on or before August 30, 1997 which coincides incidentally with the reporting deadline for historically black colleges and universities and hispanic serving institutions.

Subgroup on Environment and Natural Resource Protection:

- 1) the subgroup co-chairs will invite all Members to a meeting to discuss what should be included in an Indian environmental policy.
- 2) all interested Members should contact the subgroup co-chairs for further information on the National Tribal Environmental Council meeting in April and are encouraged to attend.

3) all interested Members need to contact the subgroup co-chairs to participate in upcoming consultations with tribes on the proposed Indian environmental policy.

Subgroup on Consultation:

1) the White House Domestic Policy Council will issue a memorandum to all agencies regarding a status report on implementation of the Presidential Memorandum of April 1994 on Government to Government Relations with Indian Tribes with sufficient time for Members to respond so that a report can be given at the next Working Group meeting,

2) all Members are encouraged to begin organizing their status report since a draft of this proposed memorandum was circulated to Members at the January 28, 1997 meeting.

Subgroup on Reinvention:

The Indian Health Service and Bureau of Indian Affairs will continue to collaborate and both agencies agreed to the time line presented to the Working Group toward implementation of the quarters and telecommunications joint projects.

1997 Work Plan:

Person(s) who suggested topics for consideration (see attached minutes) are responsible for developing the background paper explaining 1) why the issue is important, 2) what can be accomplished in the Working Group on that issue and 3) how it will further strengthen administration policies toward tribes and interagency coordination.

These papers are due to Mike Anderson, Department of the Interior, on or before March 14, 1997 and each author should circulate the paper for comment among the Members before finalizing them.

Final papers for presentation and discussion will be made at the next Working Group meeting.

Staff Contact:

For the time being, Mike Anderson of the Department of the Interior will be taking over as the staff contact for the Working Group. He can be reached at (202) 208-7163, FAX: (202) 208-6334 and all material should be directed to his attention. His secretary is Daphne Berwald and she can be reached at the same number.

Working Group Member List:

At tab 10 of the meeting notebook of January 28, 1997, please take a moment and check the Member list to see if the information is correct. Please add your e-mail address if it is not listed. We rely on this list to communicate with you and make notebook deliveries before meetings.

Draft Minutes and Attendance List:

Attached is the draft minutes from the January 28, 1997 meeting and a typed list of those who attended, i.e., signed-in. If you have edits please direct them to Mike Anderson.

I want to thank everyone for a truly exceptional experience in government and for the opportunity to work with each of you. Best regards for the new year.

Attachment

cc: Secretary Babbitt
Anne Shields, Chief of Staff

**Draft of Minutes of Working Group on
American Indians and Alaska Natives
Meeting held on January 28, 1997**

The meeting of the Working Group was convened by the Honorable Bruce Babbitt, Secretary of the Interior, on January 28, 1997, at 11:10 a.m.

Secretary Babbitt welcomed the Members and their staffs and then began the meeting.

OLD BUSINESS

Minutes of Last Meeting: Secretary Babbitt asked if there were any amendments or changes to the minutes and hearing none declared the minutes were approved.

Subgroup on Education: Jim Kohlmoos, Office of Elementary and Secondary Education, Department of Education expressed the regrets of Dr. Gerald Tirozzi who was called away at the last minute to the White House. Mr. Kohlmoos introduced Patricia McNeil, Assistant Secretary for Vocational and Adult Education. Assistant Secretary McNeil stated that she was present to give the report on the status of implementation of the tribal colleges executive order. She said that her office is responsible for community colleges generally and that it was a "good fit" that her office will house the initiative. The Office of Vocational and Adult Education (OVAE) already has a tribal colleges liaison and funds programs to tribal colleges through the Carl Perkins Act. She emphasized that implementation of the order will be a "joint venture" with the Office of Elementary and Secondary Education. She described there have been three "program measurements" to date: 1) \$50,000 has been reprogrammed from the Office of Indian Education to OVAE to get this off the ground, 2) the charter for the Advisory Board is ready for Congressional review, and 3) authority is in place to hire a "schedule C" executive director. Consultation has started with the American Indian Higher Education Consortium and Assistant Secretary McNeil said one of the biggest challenges will be staffing and funding the office.

In response to a question about how much the office will cost, Assistant Secretary McNeil said although the amount was not in the FY'98 budget, she estimated \$300,000. Secretary Babbitt asked T. J. Glauthier, OMB for his reaction. Mr. Glauthier, said that additional money was put in for tribal colleges under BIA. But he did not know if any funds were put in for administration of the order. Mr. Kohlmoos stated there is an unfriendliness on the hill especially with funding advisory committees. He emphasized that the collaborative process among the agencies was excellent and is a testament to the order being signed by the President. He expressed the hope that the same approach would be taken during implementation. Secretary Babbitt asked Assistant Secretary McNeil if a date had been set for submitting the five-year plans required under the order and recommended the deadline of August 30, 1997. No objections were expressed by the Members.

Dr. Trujillo, Director of the Indian Health Service (IHS) said he had a chance to talk with the tribal colleges and suggested that someone ought to be in an advisory capacity on health care. Ada Deer, Assistant Secretary Indian Affairs told Assistant Secretary McNeil that the Office of

Indian Education Programs had offered to send a person on detail to assist in setting up the initiative office. Victoria Thorton of the Department of Energy suggested to Assistant Secretary McNeil that it would be extremely helpful if she could get a letter from Secretary Riley asking for outside assistance in implementing the executive order. She added that she will check to see what resources her department could find to support the order although Energy is going through reductions at the moment. Assistant Secretary McNeil responded she thought sending a Riley memorandum was a great idea. Secretary Babbitt asked Faith Roessel, Special Assistant if she had any comments. Faith said she believed that following the interagency meeting that Assistant Secretary's Tirozzi and Deer convened in December 1996 that the agencies were poised to help and were awaiting direction from the Department of Education. She also stressed the collaborative process as being important and urged that information be forthcoming to the agencies so they could help fulfill the purposes of the order which requires interagency support.

Subgroup on Environment and Natural Resource Protection: Dana Minerva, Deputy Administrator for Water, Environmental Protection Agency, and Tom Wall, Acting Director, American Indian Environmental Office, Environmental Protection Agency, reported on the three projects previously approved of by the Working Group for further work: 1) development of a draft federal policy on natural resources and environmental protection in Indian country; 2) preparation of draft guidance on implementation of the National Environmental Policy Act (NEPA) when federal actions affect tribal environments or natural resources; and 3) development of a Tribal Environmental Assistance Handbook to help tribes identify and, where possible, leverage all available federal programs, technical assistance, and grant and loan opportunities to address their environmental needs. Ms. Minerva said the subgroup is concentrating on the draft federal policy. She emphasized the need for uniform principles and common approaches to policy. There are 12 specific issues that have been identified for consideration in formulating an Indian environmental policy. She recommended that the subgroup draft a proposal and seek comments from the Working Group at large and that tribes would be consulted thereafter. Ada Deer stressed how important this is to tribes and said this would be the first time these issues would be focused on government wide. Dr. Trujillo added that IHS is working with a consortium of tribes and will be addressing the National Tribal Environmental Council at their upcoming meeting. He encouraged interested members and agency representatives to attend on April 20-24, 1997. Actions needed are: 1) development of agency specific policies or implementation strategies; 2) identification of procedural and legal impediments and agency specific plans for removing those impediments; and, 3) submitting annual progress reports to the Domestic Policy Council.

Funding for Major Government-wide Indian Programs: T.J. Glauthier, Associate Director, Natural Resources, Energy and Science, Office of Management and Budget stated that details will be provided after the budget is released and Irene James, OMB analyst, will put together a summary table on the FY '98 funding of Indian Programs government-wide. He did say that Native American programs are being treated very well in light of a difficult budget year. Mr. Glauthier said OMB has been working with the Working Group and has tried very hard to support Native American Programs. He believes the results of the Working Group and subgroups have been especially helpful. He reported that there is a greater emphasis (in the FY '98 budget) on a) tribal decision making; b) IHS tribal hospital management; c) EPA tribal

funding; d) HUD block grant funding; e) tribally controlled community colleges and universities; f) BIA priorities; and, g) trust funds. Assistant Secretary Deer complimented Mr. Glauthier for his strong leadership and for "trekking across Indian country." She noted it was the first time OMB staff had regularly visited sites and sat through field meetings listening to Indian people. Mr. Glauthier thanked Assistant Secretary Deer and said it means a lot, adding Irene James and Richard Kodl have tried to always be available and to reach out.

Subgroup on Consultation: Thomas LeClaire, Director, Office of Tribal Justice, Department of Justice, reported that a third memorandum had been drafted and sent to the White House for comment. The memorandum asks agencies and departments to provide a status report on a) policy statements on government-to-government relations, b) persons/offices that work with tribal governments, and c) a 2-3 page synopsis of the agency's approach to implement the President's April 23, 1994 Executive Memorandum. Mr. LeClaire said hopefully, a status report will be given by the next Working Group meeting. Leanne Shimabukuro, Policy Analyst, Domestic Policy Committee, explained that when the Domestic Policy Council received the draft memo, Carol Rasco was departing and now Bruce Reed is head of the office. She said the memo should go out soon. Secretary Babbitt asked for a firm commitment and Leanne said yes.

Subgroup on Religious Freedom: James Simon, Deputy Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, began the report stating at the last meeting the DOJ had circulated informal guidance in implementing the Executive Order. He passed out a status report on that guidance. At this meeting the subgroup's focus is to report on plans to consult with tribes regarding Federal agencies setting up procedures to implement the access to sacred sites executive order. Mr. Simon asked Elizabeth Homer, Director, Office of American Indian Trust, to report on the subgroup's plan. Ms. Homer said that her office used the Interior model of trust resources protection procedures to plan the consultation with tribes which is scheduled in March. Ms. Homer distributed a blue packet containing the schedule of workshops. The Working Group members were in agreement and recommended that the land management agencies participate in the March meeting rather than schedule their own separate consultations. Currently, Interior has a draft departmental manual plan going through the review process and Ms. Homer said there is an Executive Order deadline of May 24, 1997 for a status report on government-wide implementation of the Order. Mike Anderson, Deputy Assistant Secretary - Indian Affairs said a letter inviting the tribes to the consultation will be sent this week so if agencies will be participating let Interior know so your agency will be referenced. He also commended the Hopi tribal letter (in the blue packet) to the Members stating it captures the concerns of tribes.

Mr. Simon asked for input on the agenda for the meeting and said he would also like practical suggestions on how to coordinate amongst agencies. He suggested that the land management agencies form a working group and meet on an ongoing basis and asked that names from agencies be sent to either Craig Alexander or Judy Rabinowitz, both with the Department of Justice. Secretary Babbitt said the working group is an important idea because if we get it right the first time we would achieve better follow through on the Order.

Subgroup on Reinvention: Dr. Trujillo, Assistant Surgeon General and Director of Indian Health Service, reported on progress on reinvention efforts, specifically the joint BIA/IHS shared

facilities and telecommunications projects. Regarding the telecommunications project, Hilda Manuel, Deputy Commissioner Indian Affairs, Department of the Interior, said, the BIA will meet the deadlines for completing the tasks. Dr. Trujillo reported that a Memorandum of Agreement has been signed between BIA and IHS that specifies each agency's lead roles, joint ownership, and sites. Secretary Babbitt responded that this is the stuff of governance that will not make the front page. He said "I salute you".

Future Work Plan for the Working Group on American Indians and Alaska Natives:

Secretary Babbitt asked the Members to engage in a brief brainstorming session for a 1997 agenda and said we now have an opportunity to think of new issues and said he is delighted to hear suggestions from the members. The following comments and ideas were shared:

1. Federalism: Growing State Authority and Decision Making vs. Protecting/maintaining Tribe and Federal Interests:

Dr. Boufford, Principal Deputy Assistant Secretary for Health, Department of Health and Human Services, noted that there is increasing State authority and discretion being recognized, e.g. welfare reform and Medicaid. There is a lot of State discretion regarding eligibility and holding money. Issues arise when States do not pay particular attention to tribes, especially when there is historical tension between some States and tribes. Jim Kohlmoos, Department of Education, agreed and said general education funding may go to States with a set-aside for tribes, but in another education program funding may only go directly to public schools. How are tribes assured of accessing all available funds becomes a challenge.

2. Venetie Case:

Dana Minerva, Environmental Protection Agency, raised the issue of the "Venetie" case which involves Alaska Native villages and Alaska. She said the case will have an affect on EPA programs and has implications for all programs. Jim Simon, Department of Justice, agreed the case is important. He said the 9th Circuit Court decision is on appeal and does not automatically apply to other Alaska Native villages. The decision may have generic reach to the rest of the villages and beyond.

3. Freedom of Information Act (FOIA):

Craig Alexander, Department of Justice, said the issue of confidentiality arises in FOIA requests by non-tribal groups wanting tribal related data. Should there be a FOIA exemption? Mike Anderson, Department of the Interior, concurred stating that other laws provide a basis for cultural exemptions.

4. Economic Development:

Assistant Secretary Deer suggested that a subgroup be created to look at economic development and to analyze tribal economies and the economic health of American Indian communities.

5. Outreach:

Dr. Trujillo said we need to get the message to Indian country of the work and accomplishments of the Working Group. He reiterated that this is important for positive communications.

6. Means Testing:

Dr. Trujillo urged consideration of the issue of "means testing" of Indian programs and related questions about why Indians appear to be getting special attention/treatment or have unique programs.

7. Foundation Support:

Dr. Trujillo raised the issue of how to coordinate outside foundation efforts that complement Federal human/social services, education, and health projects for American Indians and Alaska Natives. He thought there should be pilot programs to look at model programs of public-private-tribal efforts.

Secretary Babbitt said the Members were "soaring" with ideas. He asked that on each idea and topic expressed that those persons prepare a 1-2 page paper on long term development. Then the Working Group members could select the topics that will engage their attention. The Secretary stated that he was very pleased with the brainstorming session.

Appreciation for Faith Roessel:

A comment about Faith Roessel, Special Assistant to the Secretary, was expressed by Victoria Thornton, Department of Energy who was concerned what would happen to the Working Group now that Faith was leaving. Secretary Babbitt acknowledged that Faith was leaving and that she gave the only acceptable reason to leave and that was to be with her family. He noted her high level of work and agreed she had added significantly to the Working Group's success. There was applause for Faith.

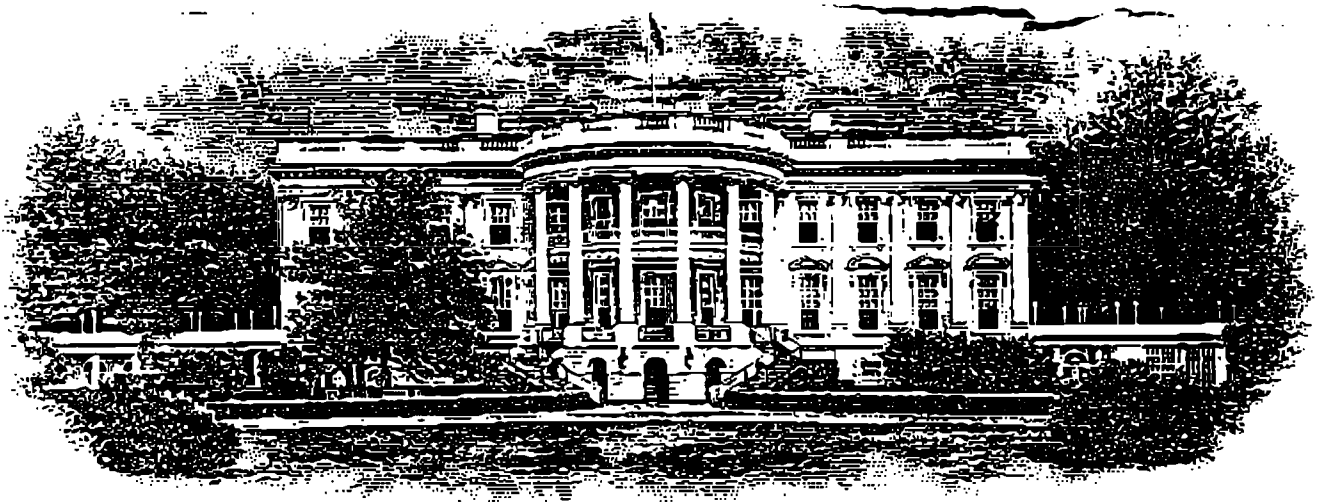
Next Meeting Date and Adjournment: The Secretary said that the next meeting will be in April to keep the Working Group on track with quarterly meetings. The meeting adjourned at approximately 12:15 p.m.

SIGN IN SHEET FOR THE
WORKING GROUP ON AMERICAN INDIANS AND ALASKA NATIVES
WHITE HOUSE - DOMESTIC POLICY COUNCIL
28 JANUARY 1997

NAME	AGENCY	PHONE
Douglas Offerman	Corporation for National Service	(202) 606-5000 EXT: 341
Jill Long Thompson	Agriculture	(202) 720-4581
Brad Chilton	Agriculture	(202) 720-4581
Albert Barros	Agriculture	(202) 720-0352
Jeffrey Hunker	Commerce	(202) 482-6055
Roanne Robinson	Commerce	(202) 501-2564
Martha Riche	Commerce	(301) 457-2135
Bruce Beard	Defense	(703) 604-1630
Patricia McNeil	Education	(202) 205-5451
Dennis Berry	Education - OVE	(202) 205-9650
Sandra Spaulding	Education - OIE	(202) 260-1441
James Kohlmoos	Education	(202) 260-1983
Victoria Thornton	Energy	(202) 586-5499
Elizabeth Bell	Environmental Protection Agency	(202) 260-8106
Meghan Kelly	Environmental Protection Agency	(202)
Dana Minerva	Environmental Protection Agency	(202) 260-5700 Ext 5711
Tim Wall	Environmental Protection Agency	(202) 260-1489
Jo Ivy Boufford	Health and Human Services	(202) 690-7694
Dr. Michael Trijillo	Health and Human Services - (IHS)	(301) 443-1083
Leo Nolan	Health and Human Services - (IHS)	(301) 443-4245
Robert Carson	Health and Human Services - OSI	(301) 443-5084
Deborah Yatsko	Health and Human Service	(202) 690-7843
Ada Deer	Interior - ASIA	(202) 208-7163

SIGN IN SHEET FOR THE
WORKING GROUP ON AMERICAN INDIANS AND ALASKA NATIVES
WHITE HOUSE - DOMESTIC POLICY COUNCIL
28 JANUARY 1997

NAME	AGENCY	PHONE
Kate Vandemoer	Interior - BIA	(202) 208-6033
Janie Sheppard	Interior - Solicitor	(202) 208-6260
Michael Anderson	Interior - ASIA	(202) 208-7163
Elizabeth Homer	Interior - Indian Trust	(202) 208-3338
Duncan Brown	Interior - Fish and Wildlife Service	(202) 208-4133
Dana Cooper	Interior - Water and Science	(202) 208-5158
Michael Chapman	Interior - BIA	(202) 208-7163
Tom LeClaire	Justice - OTJ	(202) 514-8835
Judith Robenovitz	Justice	(202) 514-2714
T. J. Glauthier	Office of Management and Budget	(202) 395-4061
Irene James	Office of Management and Budget	(202) 395-6968
Craig Alexander	Transportation	(202) 514-9080
James Simon	Transportation	(202) 514-3372
Peter Necheles	Treasury	(202) 622-2139
Catherine dePlour	Housing and Urban Development	(202) 755-0102 x-106
Ted Key	Housing and Urban Development	(202) 755-0066
Leanne Shimabukwo	White House	(202) 456-5574

EXECUTIVE OFFICE OF THE PRESIDENT**OFFICE OF THE CHIEF OF STAFF**

Please Deliver To:

Leigh Ann Shinaburo

of Pages (including cover sheet):

3

Fax #:

6-5581

Sender:

Sylvia Mathews

Date:

Message:

*Call Integrity
→ Corporal app
→ help prepare
policy papers
but it's ongoing
new for Sylvia*

Note : The information contained in this facsimile message is **CONFIDENTIAL** and intended for the recipient **ONLY**. If there are any problems with this transmission please call (202) 456-6798

CALIFORNIA RURAL INDIAN HEALTH BOARD, INC.

1451 River Park Dr., Suite 220 • Sacramento, CA 95815 • (916) 929-9761 • Fax (916) 929-7246

FAX MEMORANDUM

TO: Ms. Sylvia Matthews
Deputy Chief of Staff
202/456-1907

FROM: Barbara Beller *Barbara Beller*
Tribal Government Resource Specialist

SUB: Request for meeting

DATE: February 5, 1997

A delegation of tribal leaders will be in Washington D.C. the week of March 3, 1997 to attend the Interior Appropriations hearing on March 6th. March 4th and 5th we are scheduling appointments with Congressional staff to discuss California tribal health issues. I had been discussing the idea of a "round table" format with Tom Shay before the election. I sent him a request last month and left phone messages, and until recently, I did not know he had left. I am in hopes you will be able to help since a new Native American Coordinator has not yet been named.

What I am proposing is for our delegation to meet with you, key Congressional staffers and representatives from OMB (Nancy Ann Minn), HCFA (Lawrence Caffer) and the Veterans Administration (Pharmacy/Purchasing staff). I believe the critical issues facing California tribes would be best addressed before these individuals collectively.

The following program description will give you an idea of who we are. I will be happy to mail you additional information.

Background

The California Rural Indian Health Board, Inc., was incorporated in 1970 and is sanctioned by 33 Tribal governments and Indian controlled to operate under the Indian Self-Determination Act (P.L. 93-638) as a Tribal Organization for the purpose of contracting with the Indian Health Service. We provide the highest possible level of service to 11 rural Indian clinics by means of program development, legislation and advocacy, financial resources development, training and technical assistance, shared services and benefits, and consensus building. Our programs include Family and Community Health services, Tribal Governments Consultation Committee, Head Start, Health Systems Development, Human Resources and Public Information and Training.

Thank you for considering my request, it would be an excellent opportunity for us.

ALISON E. BRACEWELL

02/06/97 11:22:18 AM

Record Type: Record

To: June G. Turner/WHO/EOP

cc:

Subject: From Marcia to Sylvia

In response to yesterday's e-mail regarding Barbara Beller:

Marcia is hoping to fill the position, which works with Native American issues, on her staff in the coming weeks---and she would like to discuss that with Sylvia. Until then, Leanne Shimabukuro in DPC is handling policy issues in relation to Native Americans. She can be reached at 6-5574.

Would you like us to forward the info on to Leanne or will you speak with her?
Thanks!

✓
→ Emily?

- **Arctic National Wildlife Refuge Case:** For decades the U.S. and AK have both claimed ownership of the coastal submerged lands along AK's northern coast, including lands within the boundaries of the Arctic National Wildlife Refuge and the National Petroleum Reserve-AK (NPRA). On February 24, the U.S. Supreme Court heard oral arguments in the Dinkum-Sands case, which will determine who owns these critical North Slope lands beneath the territorial sea and beneath tidally influenced coastal inland waters. A decision from the Court is expected by the end of June. If AK wins, it intends to lease the lands in question, some of which are in the ecologically critical lagoons of the Arctic National Wildlife Refuge. The Court has before it a report by a Special Master in which he found the application for withdrawal and creation of the Arctic National Wildlife Range did not effectively reserve to the U.S. offshore submerged lands within the Range from AK. At stake in these areas is over \$1 billion in escrowed oil revenues.
- **GA Conservation Grant:** On March 3, DOI and Governor Miller will announce a \$1 million grant to The Trust for Public Land from the North American Wetland Conservation Act for wetland conservation activities along the Ocmulgee River greenway in central GA.
- **New Science Scholarships:** On March 7, Secretary Babbitt will meet with partners with the National Park Service who created and recently announced the National Parks Science Scholars Program. The National Parks Science Scholars Program will help develop the next generation of scientists working in the fields of conservation, environmental science, and park management. The program will award three-year \$75,000 scholarships to each of four finalists who are presently enrolled as Ph.D. candidates.
- **Termination of Tribe Food Stamp Benefits:** DOI is very concerned about the impact of the provision of the Welfare Reform Act which limits receipt of food stamp benefits to three months in a three-year period for able-bodied adults who are not working. Under the new law, states are authorized to request waivers of the eligibility criteria on behalf of tribes where unemployment levels are above 10 percent. Secretary Babbitt expressed several concerns in a meeting with Secretary Glickman, including that states may be unaware that they are responsible to request waivers on behalf of tribes and also that states may not have a mechanism in place to coordinate with tribal governments. A telephone survey of some BIA Area Offices shows that Indian welfare assistance clients rely heavily on food stamps and that 50-80 percent have been receiving food stamps. Based on the information provided by the states, it appears that four states are planning no waiver requests at all: IA (1 tribe), WI (11 tribes), MI (11 tribes), and MN (12 tribes).



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

March 11, 1997

Memorandum

To: Members of the Working Group on American Indians Alaska Natives

From: Michael J. Anderson *Michael J. Anderson*
Deputy Assistant Secretary - Indian Affairs

Subject: Funding Table for Indian Programs

At the January 28, 1997, meeting of the Domestic Policy Working Group, T.J. Glauthier, Associate Director, National Resources, Energy and Science, Office of Management and Budget agreed to provide the Working Group with a summary of the FY 1998 government-wide funding table for Indian programs. This table, the only comprehensive source of such information, is compiled annually by the Office of Management and Budget and is attached. You may distribute the two-page summary table to the public. The program specific table is for internal use only. For further information please call the Office of the Assistant Secretary for Indian Affairs at (202) 208-7163 or Irene James at OMB at (202) 395-6968.

Also, please mark your calendars for the next meeting of the DPC Working Group which is scheduled for **Wednesday, April 23, 1997**, from 10:30 a.m. to 11:30 a.m., in Room 5160 of the Department of the Interior.

Attachment

2/19/97

**SELECTED FEDERAL FUNDING FOR MAJOR (GREATER THAN \$100 MILLION)
GOVERNMENT-WIDE INDIAN PROGRAMS**
(Dollars in Thousands)

	FY 1993 Actual BA	FY 1995 Actual BA	FY 1996 Actual BA	FY 1997 Request BA	FY 1997 Enacted BA	FY 1998 Request BA	Change: FY98 Req. vs. FY97 Enacted BA
<u>Department of Health and Human Services</u>							
Head Start.....	74,664	95,178	96,216	107,409	107,409	116,109	8,700
Indian Health Service.....	2,022,234	2,156,052	2,241,282	2,400,219	2,341,708	2,412,057	70,349
<u>Department of the Interior</u>							
Bureau of Indian Affairs.....	1,646,793	1,729,398	1,589,132	1,782,490	1,604,800	1,731,779	126,979
Bureau of Reclamation.....	90,533	93,478	104,769	121,835	99,056	102,045	2,989
<u>Department of Housing and Urban Development</u>							
Indian Housing Construction, Modernization, and Operating Subsidies.....	0	456,278	411,600	454,800	454,800	0	0
Native American Block Grant 1/.....	--	--	--	--	--	485,000	30,200
<u>Department of Transportation: Federal Highway Administration</u>							
Federal Lands -- Indian Reservation Roads.....	185,270	183,343	182,483	181,928	132,527	195,000	62,473
<u>Department of Education</u>							
Impact Aid Basic Support Payments and Suppl. Payments for Children with Disabilities.....	252,140	220,800	224,300	213,500	306,440	291,346	(15,094)
TOTAL	4,271,634	4,934,527	4,849,782	5,262,181	5,046,740	5,333,336	286,596

NOTE:

1/ Beginning in FY98, funds are consolidated with other smaller programs into Native American Block Grant for affordable housing activities.

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	<u>FY 1993 Actual BA</u>	<u>FY 1995 Actual BA</u>	<u>FY 1996 Actual BA</u>	<u>FY 1997 Request BA</u>	<u>FY 1997 Enacted BA</u>	<u>FY 1998 Request BA</u>	<u>Change: FY98 Req. vs. FY97 Enacted BA</u>
<u>Department of the Interior</u>							
Bureau of Indian Affairs	1,646,793	1,729,398	1,589,132	1,782,490	1,604,800	1,731,779	126,979
<u>Department of Health and Human Services</u>							
Indian Health Service	2,022,234	2,156,052	2,241,282	2,400,219	2,341,708	2,412,057	70,349
All Other	1,833,316	1,899,357	1,872,726	2,059,263	2,129,261	2,298,034	168,774
TOTAL	5,502,343	5,784,807	5,703,140	6,241,972	6,075,769	6,441,870	366,102

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	<u>FY 1993</u> <u>Actual</u> <u>BA</u>	<u>FY 1995</u> <u>Actual</u> <u>BA</u>	<u>FY 1996</u> <u>Actual</u> <u>BA</u>	<u>FY 1997</u> <u>Request</u> <u>BA</u>	<u>FY 1997</u> <u>Enacted</u> <u>BA</u>	<u>FY 1998</u> <u>Request</u> <u>BA</u>	<u>Change:</u> <u>FY98 Req. vs.</u> <u>FY97 Enacted</u> <u>BA</u>
Department of Agriculture	261,554	94,704	124,679	132,912	140,035	152,376	12,341
Department of Commerce	4,523	6,984	5,086	4,499	4,080	4,076	(4)
Department of Defense	8,530	8,000	8,000	0	8,000	0	(8,000)
Department of Education	458,509	436,723	411,901	447,699	521,895	520,353	(1,542)
Department of Health and Human Services	2,197,719	2,367,040	2,446,448	2,622,263	2,593,974	2,673,335	79,361
Department of Housing and Urban Development and Related Agencies	400,711	533,846	479,752	549,368	547,050	555,000	7,950
Department of the Interior	1,788,412	1,920,944	1,811,307	2,034,906	1,839,244	1,983,061	143,817
Department of Justice	3,769	11,599	17,001	10,925	18,725	11,489	(7,236)
Department of Labor	77,814	63,151	63,867	65,840	68,342	68,342	0
Department of Transportation	201,586	198,955	192,908	199,937	164,286	213,629	49,343
Department of Veterans Affairs	5,000	218	205	205	205	515	310
Environmental Protection Agency	38,314	51,896	74,947	98,759	106,732	136,555	29,823
Smithsonian Institution	17,450	37,200	32,800	22,800	22,000	78,000	56,000
Army Corps of Engineers	4,145	17,446	8,394	21,359	16,356	20,294	3,939
Other Independent Agencies	34,307	36,101	25,845	30,500	24,845	24,845	0
TOTAL	5,502,343	5,784,807	5,703,140	6,241,972	6,075,769	6,441,870	366,102

2/19/97

**SELECTED FEDERAL FUNDING FOR MAJOR (GREATER THAN \$100 MILLION)
GOVERNMENT-WIDE INDIAN PROGRAMS
(Dollars in Thousands)**

	<u>FY 1993 Actual BA</u>	<u>FY 1995 Actual BA</u>	<u>FY 1996 Actual BA</u>	<u>FY 1997 Request BA</u>	<u>FY 1997 Enacted BA</u>	<u>FY 1998 Request BA</u>	<u>Change: FY98 Req. vs. FY97 Enacted BA</u>
<u>Department of Health and Human Services</u>							
Head Start.....	74,664	95,178	96,216	107,409	107,409	116,109	8,700
Indian Health Service.....	2,022,234	2,156,052	2,241,282	2,400,219	2,341,708	2,412,057	70,349
<u>Department of the Interior</u>							
Bureau of Indian Affairs.....	1,646,793	1,729,398	1,589,132	1,782,490	1,604,800	1,731,779	126,979
Bureau of Reclamation.....	90,533	93,478	104,769	121,835	99,056	102,045	2,989
<u>Department of Housing and Urban Development</u>							
Indian Housing Construction, Modernization, and Operating Subsidies.....	0	456,278	411,600	454,800	454,800	0	0
Native American Block Grant 1/.....	—	—	—	—	—	485,000	30,200
<u>Department of Transportation: Federal Highway Administration</u>							
Federal Lands — Indian Reservation Roads.....	185,270	183,343	182,483	181,928	132,527	195,000	62,473
<u>Department of Education</u>							
Impact Aid Basic Support Payments and Suppl. Payments for Children with Disabilities.....	252,140	220,800	224,300	213,500	308,440	291,348	(15,094)
TOTAL	4,271,634	4,934,527	4,849,782	5,262,181	5,048,740	5,333,336	286,596

NOTE:

1/ Beginning in FY98, funds are consolidated with other smaller programs into Native American Block Grant for affordable housing activities.

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	<u>FY 1993 Actual BA</u>	<u>FY 1995 Actual BA</u>	<u>FY 1996 Actual BA</u>	<u>FY 1997 Request BA</u>	<u>FY 1997 Enacted BA</u>	<u>FY 1998 Request BA</u>	<u>Change: FY98 Req. vs. FY97 Enacted BA</u>
<u>Department of the Interior</u>							
Bureau of Indian Affairs	1,646,793	1,729,398	1,589,132	1,782,490	1,604,800	1,731,779	126,979
<u>Department of Health and Human Services</u>							
Indian Health Service	2,022,234	2,156,052	2,241,282	2,400,219	2,341,708	2,412,057	70,349
All Other	1,833,316	1,899,357	1,872,726	2,059,263	2,129,261	2,298,034	168,774
TOTAL	5,502,343	5,784,807	5,703,140	6,241,972	6,075,769	6,441,870	366,102

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	<u>FY 1993</u> <u>Actual</u> <u>BA</u>	<u>FY 1995</u> <u>Actual</u> <u>BA</u>	<u>FY 1996</u> <u>Actual</u> <u>BA</u>	<u>FY 1997</u> <u>Request</u> <u>BA</u>	<u>FY 1997</u> <u>Enacted</u> <u>BA</u>	<u>FY 1998</u> <u>Request</u> <u>BA</u>	<u>Change:</u> <u>FY98 Req. vs.</u> <u>FY97 Enacted</u> <u>BA</u>
Department of Agriculture	261,554	94,704	124,679	132,912	140,035	152,378	12,341
Department of Commerce	4,523	6,984	5,086	4,499	4,080	4,078	(4)
Department of Defense	8,530	8,000	8,000	0	8,000	0	(8,000)
Department of Education	458,509	436,723	411,901	447,699	521,895	520,353	(1,542)
Department of Health and Human Services	2,197,719	2,367,040	2,446,448	2,622,263	2,593,974	2,673,335	79,361
Department of Housing and Urban Development and Related Agencies	400,711	533,846	479,752	549,368	547,050	555,000	7,950
Department of the Interior	1,788,412	1,920,944	1,811,307	2,034,908	1,839,244	1,983,061	143,817
Department of Justice	3,769	11,599	17,001	10,925	18,725	11,489	(7,236)
Department of Labor	77,814	63,151	63,867	65,840	68,342	68,342	0
Department of Transportation	201,586	198,955	192,908	199,937	164,286	213,629	49,343
Department of Veterans Affairs	5,000	218	205	205	205	515	310
Environmental Protection Agency	38,314	51,896	74,947	98,759	108,732	136,555	29,823
Smithsonian Institution	17,450	37,200	32,800	22,800	22,000	78,000	56,000
Army Corps of Engineers	4,145	17,446	8,394	21,359	18,356	20,294	3,939
Other Independent Agencies	34,307	36,101	25,845	30,500	24,845	24,845	0
TOTAL	5,502,343	5,784,807	5,703,140	6,241,972	6,075,769	6,441,870	366,102

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	FY 1993	FY 1995	FY 1996	FY 1997	FY 1997	FY 1998	Change:
	Actual	Actual	Actual	Request	Enacted	Request	FY98 Req. vs.
	BA	BA	BA	BA	BA	BA	FY97 Enacted
Department of Agriculture: Cooperative State Research, Education, and Extension Service (CSREES)							
Native American Endowment Fund	0	0	4,600	4,600	4,600 **	4,600	0
Native American Endowment Fund Interest	0	0	116	0	575 **	862	287
Payments to 1994 Institutions	0	0	1,450	1,450	1,450 **	1,450	0
Extension, Indian Reservation Agents	1,750	1,750	1,724	1,724	1,672 **	1,672	0
Extension Activities at the 1994 Institutions	0	0	0	0	2,000 **	2,000	0
Subtotal, CSREES	1,750	1,750	7,890	7,774	10,297 **	10,584	287
Department of Agriculture: Farm Service Agency (FSA)							
Indian Land Acquisition Loans	182	123	149	54	54 **	132	78
Intertribal Ag. Council (IAC) Outreach Initiative (thru NRCS)	N/A	85	74	74	74 **	0	(74)
Intertribal Ag. Council (IAC) Outreach Initiative for County Committee Elections (thru NRCS)	N/A	0	49	0	0 **	0	0
Subtotal, FSA	182	208	272	128	128 **	132	4
Department of Agriculture: Food and Consumer Service (FCS)							
Food Distribution Program on Indian Reservations (FDPIR)	72,849	33,154	63,816	65,000	65,000 1a/	75,000	10,000
Elderly Feeding Program	1,520	1,605	1,573	1b/	1,633 **	1,500	(133)
Spec. Supplemental Nutrition Program for Women, Infants, and Children (WIC)	35,032	40,157	41,240	42,335	40,486 **	41,086	600
Subtotal, FCS	109,401	74,916	106,629	107,335	107,119 **	117,586	10,467
Department of Agriculture: Rural Development (RD) Mission Area 1c/							
Direct Water and Waste Disposal Loans	0	1,144	1,325	1,848	2,001 **	2,342	341
Water and Waste Disposal Grants	121,484	5,803	2,336	6,745	14,986 **	15,810	824
Solid Waste Management Grants	0	0	0	0	79 **	90	11
Guaranteed Community Facility Loans	16,771	259	331	247	9 **	27	18
Direct Community Facility Loans	4,724	2,220	971	1,545	359 **	574	215
Community Facility Grants	0	0	0	0	194 **	300	106
Guaranteed Business and Industry Loans	0	203	33	358	192 **	194	2
Direct Business and Industry Loans	0	0	0	0	8 **	0	(8)
Intermediary Relending Program Loans 1d/	0	1,800	595	876	518 **	507	(11)
Rural Business Enterprise Grants	6,225	4,152	1,632	3,808	1,230 **	1,320	90
Rural Business Opportunity Grants	0	0	0	0	22 **	0	(22)
Rural Tech. & Coop. Dev. Grants 1e/	0	0	481	0	660 **	660	0
Subtotal, RD	149,204	15,581	7,704	15,427	20,258 **	21,824	1,566

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	<u>FY 1993</u> <u>Actual</u> <u>BA</u>	<u>FY 1995</u> <u>Actual</u> <u>BA</u>	<u>FY 1996</u> <u>Actual</u> <u>BA</u>	<u>FY 1997</u> <u>Request</u> <u>BA</u>	<u>FY 1997</u> <u>Enacted</u> <u>BA</u>	<u>FY 1998</u> <u>Request</u> <u>BA</u>	<u>Change:</u> <u>FY98 Req. vs.</u> <u>FY97 Enacted</u> <u>BA</u>
<u>Department of Agriculture: Natural Resources</u>							
<u>Conservation Service (NRCS) [previously Soil</u>							
<u>Conservation Service]</u>							
Conservation Technical Assistance	1,017	2,000	2,000	2,000	2,000 **	2,000	0
Subtotal, NRCS	1,017	2,000	2,000	2,000	2,000 **	2,000	0
 Subtotal, Agriculture	 261,554	 94,455	 124,495	 132,664	 139,802 **	 152,126	 12,324
 <u>Other Programs:</u>							
Foreign Agricultural Service: Intertribal Ag. Council (IAC)							
Outreach Initiative	0	0	10	10	10	10	0
Forest Service 1//	0	176	159	159	159	159	0
National Agricultural Statistics Service: Recruitment and Training of Native Americans	0	15	15	15	0	15	15
Native American Programs Coordinator	0	58	0	64	64	66	2
Subtotal, Other Programs	0	249	184	248	233	250	17
 Subtotal, USDA Programs which Assist Native Americans	 261,554	 94,704	 124,679	 132,912	 140,035	 152,376	 12,341
 <u>Army Corps of Engineers</u>							
Columbia River Treaty Fishing Access Sites (OR)	294	3,900	1,720	8,000	4,300	8,400	4,100
Native American Graves Protection and Repatriation Act	0	3,235	2,000	2,000	1,000	2,000	1,000
Flood Plain Management Service	55	389	225	400	300	600	300
Planning Assistance to States	0	312	350	500	300	500	200
Cont. Authorities Programs (Sections 14, 103, 107, 205)	400	7,550	2,200	8,358	8,355	7,735	(620)
Cochiti Wetfields Project (NM)	1,718	0	0	0	0	0	0
Fort Yates Bridge (ND)	0	0	0	0	0	0	0
Chief Joseph Dam Pool Raise, WA (Feasibility Study)	200	528	400	300	300	100	(200)
Environmental Restoration (Section 1135)	0	28	0	300	300	300	0
Maintenance of Harbors	1,478	1,504	1,499	1,501	1,501	659	(842)
Subtotal, Army	4,145	17,446	8,394	21,359	16,356	20,294	3,939
 <u>Department of Commerce: Economic</u>							
<u>Development Administration (EDA)</u>							
Defense Economic Conversion	0	0	0	0	0	0	0
Economic Adjustment	0	0	0	0	0	0	0
Planning	2,901	2,901	2,901	3,108	2,750	2,750	0
Public Works	0	0	0	0	0	0	0
Technical Assistance	0	0	0	0	0	0	0
Midwest Floods of 1993	0	0	0	0	0	0	0
Hurricane Andrew	0	0	0	0	0	0	0
Subtotal, EDA	2,901	2,901	2,901	3,108	2,750	2,750	0

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	<u>FY 1993</u> <u>Actual</u> <u>BA</u>	<u>FY 1995</u> <u>Actual</u> <u>BA</u>	<u>FY 1996</u> <u>Actual</u> <u>BA</u>	<u>FY 1997</u> <u>Request</u> <u>BA</u>	<u>FY 1997</u> <u>Enacted</u> <u>BA</u>	<u>FY 1998</u> <u>Request</u> <u>BA</u>	<u>Change:</u> <u>FY98 Req. vs.</u> <u>FY97 Enacted</u> <u>BA</u>
<u>Department of Commerce: International Trade Administration (ITA)</u>							
Grant to the American Indian Trade and Development Council (Grant of \$349K awarded in FY92.)	0	0	0	0	0	0	0
Subtotal, ITA	0	0	0	0	0	0	0
<u>Department of Commerce: Minority Business Development Agency (MBDA)</u>							
American Indian Program Grants	1,372	1,740	1,321	1,375	1,321	1,321	0
Subtotal, MBDA	1,372	1,740	1,321	1,375	1,321	1,321	0
<u>Department of Commerce: National Oceanic and Atmospheric Administration (NOAA)</u>							
Navajo Atmospheric Modification Research	0	100	0	0	0	0	0
Subtotal, NOAA	0	100	0	0	0	0	0
<u>Department of Commerce: National Telecommunications and Information Administration (NTIA)</u>							
Public Telecommunications Facilities, Planning and Construction Grant to American Indian Higher Education Consortium (AIHEC)	250	1,290	449	0	0	0	0
National Information Infrastructure	0	934	402	0	0	0	0
Subtotal, NTIA	250	2,224	851	0	0	0	0
<u>Department of Commerce: Patent and Trademark Office (PTO)</u>							
Commerce Grant to Cities in Schools	0	19	13	16	9	5	(4)
Subtotal, PTO	0	19	13	16	9	5	(4)
Subtotal, Commerce	4,523	6,984	5,086	4,499	4,080	4,076	(4)
<u>Department of Defense</u>							
Legacy Resource Management Program	530	0	0	0	0	0	0
Administration for Native Americans	8,000	8,000	8,000	0	8,000	0	(8,000)
Subtotal, Defense	8,530	8,000	8,000	0	8,000	0	(8,000)

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	FY 1993	FY 1995	FY 1996	FY 1997	FY 1997	FY 1998	Change:
	Actual	Actual	Actual	Request	Enacted	Request	FY98 Req. vs.
	BA	BA	BA	BA	BA	BA	FY97 Enacted
Department of Education							
Bilingual Education	25,517	20,371	16,600	20,371	20,371	25,870	5,499
Title I -- Even Start	1,339	1,470	1,500	1,470	1,530	1,620	90
Title I -- LEA Grants 2/	34,696	42,163	41,600	44,435	44,707	47,019	2,312
Eisenhower Professional Development (Math and Science) 2/	1,309	1,256	1,571	3,050	1,547	1,800	253
Goals 2000	0	2,200	2,100	2,900	2,900	3,841	941
Homeless Children and Youth	50	100	100	100	100	100	0
Impact Aid Construction	3,770	0	5,000	4,000	2,000	2,720	720
Impact Aid Basic Support Payments and Supplemental							
Payments for Children with Disabilities	252,140	220,800	224,300	213,500	306,440	291,348	(15,094)
Indian Education	80,583	81,041	52,500	81,500	61,000	62,600	1,600
Institutional Aid Program (Title III)	2,040	2,040	1,000	1,000	1,400	1,452	52
Library Services for Indian Tribes	1,793	1,871	1,900	1,650	1,933	0	(1,933)
Safe and Drug-Free Schools and Communities 2/	5,620	4,410	4,410	5,150	5,310	5,900	590
School to Work Opportunities	0	1,225	1,800	2,000	2,000	2,000	0
Special Education: Grants to States	25,342	28,479	28,500	32,541	38,011	39,535	1,524
Special Education: Infants and Families	2,607	3,862	3,300	3,863	3,864	3,969	105
Technology Learning Challenge	N/A	N/A	N/A	1,250	1,000	2,001	1,001
Tribally-Controlled, Postsecondary Vocational Institutions	2,946	2,919	2,900	2,919	2,919	2,919	0
Vocational Education	12,554	12,245	12,220	14,000	12,863	13,301	438
Vocational Rehabilitation	6,203	10,271	10,600	12,000	12,000	12,360	360
Subtotal, Education	<u>458,509</u>	<u>436,723</u>	<u>411,901</u>	<u>447,699</u>	<u>521,895</u>	<u>520,353</u>	<u>(1,542)</u>
Department of Health and Human Services							
Administration for Native Americans Grants	34,507	38,382	34,933	38,382	34,933	34,933	0
Administration on Aging Grants	15,110	16,902	16,057	16,057	16,057	16,057	0
Child Care and Development Fund 3a/	26,719	27,969	27,989	31,388	57,740	61,340	3,600
Child Welfare Services/Title IVB Foster Care 3b/	760	1,064	996	1,049	4,000	4,000	0
Community Services Block Grant	2,430	2,473	2,473	2,473	3,108	2,632	(476)
Family Planning Services	707	680	680	894	678	690	14
Family Preservation and Support	0	1,500	2,250	2,400	2,400	2,550	150
Family Violence	1,234	3,020	4,514	5,750	7,030	6,750	(280)
Head Start	74,664	95,178	96,216	107,409	107,409	116,109	8,700
Indian Health Service 3c/	2,022,234	2,156,052	2,241,282	2,400,219	2,341,708	2,412,057	70,349
Low-Income Home Energy Assistance (LIHEAP) 3b/	11,787	13,957	10,929	8,100	10,698	7,991	(2,707)
Prevention Block Grant	92	95	87	87	87	87	0
Substance Abuse Block Grant	396	455	442	455	490	501	11
Tribal Work Program	7,079	9,313	7,600	7,600	7,638	7,638	0
Subtotal, Health and Human Services	<u>2,197,719</u>	<u>2,367,040</u>	<u>2,446,448</u>	<u>2,622,263</u>	<u>2,593,974</u>	<u>2,673,335</u>	<u>79,361</u>

* Annual amounts are yet to be determined or reported. ** Estimate -- subject to change. N/A: Not applicable.

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	FY 1993	FY 1995	FY 1996	FY 1997	FY 1997	FY 1998	Change:
	Actual	Actual	Actual	Request	Enacted	Request	FY98 Req. vs.
	BA	BA	BA	BA	BA	BA	FY97 Enacted
Department of Housing and Urban Development (HUD)							
Community Development Block Grant (CDBG)							
Indian Setaside	40,000	46,000	50,000	69,000	67,000	67,000	0
Emergency Shelter Grants		1,568	1,152	1,568	1,250	4b/	4b/
HOME Indian Setaside	10,000	14,000	14,000	21,000	21,000	4b/	4b/
Indian Housing Amendments	25,600	13,000	N/A	N/A	N/A	N/A	N/A
Indian Housing Loan Guarantee	500	3,000	3,000	3,000	3,000	3,000	0
Indian Housing New Construction	257,611	202,000	160,000	200,000	200,000	4b/	4b/
Operating Subsidies	40,000	92,800	89,600	92,800	92,800	4b/	4b/
Modernization	0	161,478	162,000	162,000	162,000	4b/	4b/
Section 8 (Inventory = 4,042 units)	27,000	--	--	4a/	4a/	4b/	4b/
Section 8 Renewals	--	--	--	4a/	4a/	4b/	4b/
Native American Block Grant	--	--	--	--	--	485,000	4b/
Subtotal, HUD	400,711	533,846	479,752	549,368	547,050	555,000	7,950
Department of the Interior: Bureau of Indian Affairs							
Operation of Indian Programs:							
Community Development	90,450	34,759	25,499	23,795	23,572	23,851	279
Education	421,180	448,309	449,866	493,468	491,349	511,436	20,087
General Administration	117,828	134,782	117,266	112,102	108,763	109,504	741
Human Services	111,801	109,901	2,474	1,404	1,556	1,567	31
Other Trust Services	56,030	66,421	37,191	44,243	38,637	43,453	4,816
Public Safety and Justice	8,974	8,412	6,970	6,902	6,851	6,917	66
Resources Management	76,457	82,621	75,137	74,116	74,796	77,072	2,276
Tribal Government	86,653	111,424	12,599	11,698	11,637	11,137	(500)
Tribe/Agency Operations (Tribal Priority Allocations)	394,296	520,846	654,152	811,695	680,861	757,348	76,487
Reauthorized Expired Balances	0	0	4,500	0	0	0	0
Subtotal, Operation of Indian Programs	1,363,669	1,517,475	1,385,654	1,579,423	1,438,022	1,542,305	104,283
CONSTRUCTION:							
Education	90,195	39,887	44,539	44,016	31,139	49,179	18,040
General Administration	7,495	8,085	5,049	10,340	7,746	8,118	372
Public Safety and Justice	7,221	7,212	6,000	14,500	4,400	16,500	12,100
Resources Management	43,071	62,337	61,745	53,968	51,246	51,321	75
Tribal Government	1,631	2,894	0	0	0	0	0
Subtotal, BIA Construction	149,613	120,415	117,333	122,824	94,531	125,118	30,587

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	FY 1993 Actual BA	FY 1995 Actual BA	FY 1996 Actual BA	FY 1997 Request BA	FY 1997 Enacted BA	FY 1998 Request BA	Change: FY98 Req. vs. FY97 Enacted BA
OTHER:							
Direct Loans	2,479	779	0	0	0	0	0
Guaranteed Loans	9,687	9,671	5,000	5,002	5,000	5,004	4
Navajo Rehabilitation Trust Fund	3,966	1,996	0	0	0	0	0
Settlements and Miscellaneous Payments	38,609	77,096	80,645	75,241	67,247	59,352	(7,895)
Technical Assistance/Indian Business	1,970	1,966	500	0	0	0	0
Tribal Economic Recovery Funds	76,800	0	0	0	0	0	0
Subtotal, BIA Other	133,511	91,508	86,145	80,243	72,247	64,356	(7,891)
 Subtotal, Bureau of Indian Affairs	 1,646,793	 1,729,398	 1,589,132	 1,782,490	 1,604,800	 1,731,779	 126,979
 Department of the Interior: Bureau of Land Management*							
Coal, Uranium, and Non-Energy Minerals Management	1,149	446	446	448	446	446	0
Conveyance of Alaska Native Lands	2,725	3,685	3,685	3,185	3,395	3,185	(210)
Fire Preparedness	0	24,020	26,238	26,080	26,882	33,651	6,769
Fire Suppression	0	24,794	22,710	23,717	23,717	28,819	3,102
Oil and Gas Leasing	2,839	3,028	3,028	3,028	3,028	3,028	0
Surveys of Alaska Native Lands	3,524	2,900	2,990	3,420	3,646	3,420	(226)
Subtotal, Bureau of Land Management	10,237	58,873	59,097	59,876	61,114	70,549	9,435
 Department of the Interior: Bureau of Reclamation*							
Construction Program	75,544	75,370	82,789	100,931	81,229	84,428	3,199
Studies, Loans, O&M	14,989	18,108	21,980	20,904	17,827	17,617	(210)
Subtotal, Bureau of Reclamation	90,533	93,478	104,769	121,835	99,056	102,045	2,989
 Department of the Interior: Fish and Wildlife Service (FWS)*							
Hatchery O&M	1,750	1,750	1,800	1,800	1,800	1,550	(250)
Technical Assistance	2,000	2,000	2,000	2,000	1,900	2,000	100
Subtotal, FWS	3,750	3,750	3,800	3,800	3,700	3,550	(150)
 Department of the Interior: Minerals Management Service*							
Royalty Management	16,856	13,746	13,962	13,962	13,962	13,205	(757)
Subtotal, Minerals Management Service	16,856	13,746	13,962	13,962	13,962	13,205	(757)

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	<u>FY 1993</u> <u>Actual</u> <u>BA</u>	<u>FY 1995</u> <u>Actual</u> <u>BA</u>	<u>FY 1996</u> <u>Actual</u> <u>BA</u>	<u>FY 1997</u> <u>Request</u> <u>BA</u>	<u>FY 1997</u> <u>Enacted</u> <u>BA</u>	<u>FY 1998</u> <u>Request</u> <u>BA</u>	<u>Change:</u> <u>FY98 Req. vs.</u> <u>FY97 Enacted</u> <u>BA</u>
<u>Department of the Interior: National Indian Gaming Commission*</u>							
Indian Gaming Oversight	2,040	1,000	999	1,000	1,000	1,000	0
Subtotal, National Indian Gaming Commission	2,040	1,000	999	1,000	1,000	1,000	0
<u>Department of the Interior: National Park Service*</u>							
Historic Preservation Fund (Grants)	1,487	1,996	1,896	1,896	1,896	2,296	400
Native American Grave Protection (Grants & Admin.)	0	2,453	2,453	2,453	2,453	2,455	2
Park Service Assistance (Water, Sewer, Law Enforcement, etc.)	600	600	600	600	600	600	0
Subtotal, National Park Service	2,087	5,049	4,949	4,949	4,949	5,351	402
<u>Department of Interior: Office of Surface Mining</u>							
Abandoned Mine Land Program	7,154	4,457	4,218	4,500	4,500	4,500	0
Regulation and Technology			340	120	120	120	0
Subtotal, Office of Surface Mining	7,154	4,457	4,559	4,620	4,620	4,620	0
<u>Department of Interior: Office of the Secretary*</u>							
Office of the Assistant Secretary for Indian Affairs	3,013	3,638	578	613	613	613	0
Construction Management	1,972	1,796	500	0	0	0	0
Hearings and Appeals	2,109	2,106	1,825	1,900	1,900	1,900	0
Subtotal, Office of the Secretary	7,094	7,540	2,903	2,513	2,513	2,513	0
<u>Department of Interior: Office of Special Trustee for American Indians*</u>							
Program Ops., Support, and Improvements	N/A	N/A	18,162	34,788	32,494	37,676	5,182
Executive Direction	N/A	N/A	424	1,550	1,626	1,661	35
Subtotal, Special Trustee	N/A	N/A	18,586	36,338	34,120	39,337	5,217
<u>Department of Interior: Solicitor*</u>							
Legal Services for BIA	4,618	6,405	5,946	6,425	6,400	6,092	(308)
Subtotal, Solicitor	4,618	6,405	5,946	6,425	6,400	6,092	(308)
<u>Department of Interior: U.S. Geological Survey*</u>							
Federal Share of Cooperative Programs	1,000	998	2,605	898	3,010	3,020	10
Subtotal, U.S. Geological Survey	1,000	998	2,605	898	3,010	3,020	10
Subtotal, Interior	1,788,412	1,920,944	1,811,307	2,034,908	1,839,244	1,983,061	143,817

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	FY 1993 Actual BA	FY 1995 Actual BA	FY 1996 Actual BA	FY 1997 Request BA	FY 1997 Enacted BA	FY 1998 Request BA	Change: FY98 Req. vs. FY97 Enacted BA
Department of Justice							
Environment and Natural Resources	1,596	1,940	1,943	2,162	1,943	2,012	69
Office of Justice Programs (OJP)							
Crime Victims Fund (Technical Assistance Grants)	1,297	2,043	4,052	1,500 5a/	2,275 5b/	1,500 5c/	(775)
Justice Assistance	N/A	367	150	0	0 5b/	0 5c/	0
Juvenile Justice Programs	568	2,731	503	0	1,700 5b/	0 5c/	(1,700)
State and Local Law Enforcement Assistance	308	3,134	2,727	0	540 5b/	0 5c/	(540)
Local Law Enforcement Block Grant	N/A	N/A	1,475	0	0 5b/	0 5c/	0
Violence Against Women Act	N/A	1,171	6,151	5,800 5a/	8,989 5b/	6,400 5c/	(2,589)
Drug Courts	N/A	119	0	0	0 5b/	0 5c/	0
Corrections	N/A	94	0	1,463 5a/	2,678 5b/	1,577 5c/	(1,101)
Executive Office for Weed and Seed	N/A	N/A	0	0	600 5b/	0 5c/	(600)
Subtotal, Justice	3,769	11,599	17,001	10,925	18,725	11,489	(7,236)
Department of Labor							
Native Americans Employment and Training	61,871	59,787 6/	52,502	50,000	52,502	52,502	0
Summer Youth Employment and Training	15,943	3,364	11,365	15,840	15,840	15,840	0
Subtotal, Labor	77,814	63,151	63,867	65,840	68,342	68,342	0
Department of Transportation: Federal Highway Administration							
Emergency Relief – Regular Program (BIA)	97	2,406	1,306	3,000	6,000	4,000 **	(2,000)
Federal Lands – Indian Reservation Roads (IRR)	185,270	183,343	182,483	181,928	132,527	195,000 **	62,473
Highway Bridge Replacement and Rehabilitation	14,584	11,530	7,417	13,119	24,000	13,795 **	(10,205)
Rural Access Projects – Turquoise Trail	1,086	1,086	1,086	1,086	1,086	0 **	(1,086)
Subtotal, Federal Highway Administration	201,037	198,365	192,292	199,133	163,613	212,795 **	49,182
Department of Transportation: National Highway Traffic Safety Administration (NHTSA)							
Highway Traffic Safety Grants: Section 402							
Highway Safety Formula Grants/NHTSA 402 Programs for Indian Nations	549	590	616	804	673	834	161
Subtotal, NHTSA	549	590	616	804	673	834	161
Subtotal, Transportation	201,586	198,955	192,908	199,937	164,286	213,629	49,343
Department of Veterans Affairs							
Native American Veteran Housing Loan Program	5,000	218	205	205	205	515	310
Subtotal, Veterans Affairs	5,000	218	205	205	205	515	310

2/19/97

FEDERAL FUNDING OF INDIAN PROGRAMS
(Dollars in Thousands)

	FY 1993 Actual BA	FY 1995 Actual BA	FY 1996 Actual BA	FY 1997 Request BA	FY 1997 Enacted BA	FY 1998 Request BA	Change: FY98 Req. vs. FY97 Enacted BA
<u>Environmental Protection Agency</u>							
Air Quality	2,034	1,599	5,303	9,343	9,058	13,675	4,617
Hazardous/Solid Waste	2,889	3,179	3,845	5,812	5,693	6,758	1,065
Leaking Underground Storage Tanks (LUST)	500	870	796	1,283	844	849	5
Multimedia	9,719	12,971	22,276	33,479	34,592	47,825	13,233
Pesticides Grants	1,183	656	644	1,080	644	944	300
Superfund	2,525	2,641	2,707	3,955	3,784	4,842	1,058
Support	605	191	191	103	192	192	0
Toxic Substances	41	1268	334	984	984	2,196	1,212
Water/Drinking Water Programs	7,898	9,620	14,129	12,720	14,338	28,669	14,331
Water Infrastructure Fund	10,922	18,901	24,722	30,000	36,604	30,604	(6,000)
Subtotal, EPA	38,314	51,896	74,947	98,759	106,732	136,555	29,823
<u>Smithsonian Institution</u>							
Salaries and Expenses	15,300	17,700	17,800	18,800	18,000	20,000	2,000
Construction	2,150	19,500	15,000	4,000	4,000	58,000	54,000
Subtotal, Smithsonian	17,450	37,200	32,800	22,800	22,000	78,000	56,000
<u>Other Independent Agencies</u>							
Office of Navajo and Hopi Indian Relocation	24,698	24,888	20,345	25,000	19,345	19,345	0
Institute of American Indian and Alaska (IAIA) Native Culture and Arts Development	9,312	11,213	5,500	5,500	5,500	5,500	0
Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives	297	0	0	0	0	0	0
Subtotal, Other Independent Agencies	34,307	36,101	25,845	30,500	24,845	24,845	0
GRAND TOTAL	5,502,343	5,784,807	5,703,140	6,241,872	6,075,769	6,441,870	366,102

FOOTNOTES:

1. (a) This is the amount estimated in the Budget. The FY 1997 Appropriation includes funding for this program under the Food Stamp appropriation.
(b) Program was proposed for transfer to HHS.
(c) FY 1998 estimates are based on the implementation of the 1997 FAIR Act which establishes the Federally Recognized Indian Tribe Account in which 3 percent of Rural Community Advancement Program (RCAP) funds are required to be deposited. FY 1997 Enacted estimates are also based on the RCAP program although it is not being implemented in FY 1997.
(d) Although Intermediary Relending Program is not included in RCAP, 3 percent of funding for this program is estimated to assist Native Americans in FYs 1997 and 1998.
(e) Although Rural Technology and Cooperative Development Grants are not included in RCAP, 22 percent of the budget authority in FY 1997 and FY 1998 is estimated to be targeted towards Federally recognized Indian tribes based on FY 1996 actuals.
(f) FS estimates reflect the headquarters' program leadership. Additional financial and technical assistance to Native Americans are provided by FS field units but it is not separately tracked. For each FY with an estimate above, additional \$800,000 in BA and OL is estimated for the assistance provided by FS field units.
2. In 1995 and 1996, outlays and budget authority were transferred to BIA for the following programs: Title 1 LEA grants, professional development, and drug-free schools and communities.
3. (a) Starting in FY 1997, Tribes will receive 2 percent of both discretionary and entitlement child care dollars. In addition, FY 1997 enacted levels are comparable, taking into account the conversion of discretionary funds to an advance appropriation.
(b) Estimated based on presently available data; FY 1998 grant applications are still coming in.
(c) Includes Health Insurance Collections and Quarters.
4. (a) For FY96, included in Annual Contributions for Assisted Housing; for FY97 included in Prevention of Resident Displacement.
(b) Beginning in FY98, funds are consolidated into Native American Block Grant (NABG).
5. (a) Numbers are inclusive of what is mandated by law.
(b) Numbers are inclusive of mandates by law and known to date. Programs within OJP involve competition, therefore, number cannot be definitive.
(c) Funding amounts not yet available, but are expected to be at or above the FY 1997 enacted level. Numbers, however, are inclusive to what is mandated by law based upon 1998 MAX data.
6. Adjusted to include the effects of PL 104-19.