



ACHIEVING A BRIGHTER FUTURE FOR TRIBAL NATIONS

Synopsis of the
2011 White House Tribal Nations Conference

APRIL 2012





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We would like to thank the Secretary of the Interior, Ken Salazar, for providing the venue for the 2011 White House Tribal Nations Conference and our diligent note takers.

We would also like to thank all tribal leaders and participants for taking part in this important government-to-government conversation and look forward to our continued collaboration and dialogue.



Executive Summary

At the White House Tribal Nations Conference on December 2, 2011, President Obama, joined by Cabinet Secretaries and other senior administration officials from the Departments of the Interior, Housing and Urban Development, Health and Human Services, Agriculture, Justice, Homeland Security, Education, Labor, State, Transportation, Energy, Veterans Affairs, the Office of Management and Budget, the Small Business Administration, the Federal Emergency Management Agency, the Environmental Protection Agency, the Office of National Drug Control Policy, and Members of Congress, met with leaders invited from all 566 federally recognized tribes for the third consecutive year to continue to strengthen the relationship between the United States government and tribal governments.

In his remarks during the closing session of the Conference, President Obama emphasized the accomplishments of and the important relationship built between Tribal Nations and the Administration over the last three years. As the President told the tribal leaders at the Conference, the relationship between the Federal government and tribal governments is a “relationship that recognizes our sometimes painful history, a relationship that respects the unique heritage of Native Americans and that includes you in the dream that we all share.” The President and his Administration are working with representatives from Indian Country to develop a policy agenda to achieve a brighter future for tribal governments and the people they serve.



Photo courtesy of the White House Photo Office

The President noted that over the last three years, his Administration has worked tirelessly to overcome and remedy the most difficult problems facing tribal governments. The Administration oversaw the permanent reauthorization of the Indian Health Care Improvement Act, (Pub. L. 111–148, Title X, § 10221(a) and see Pub. L. 94-437), which ensures that Native Americans have access to quality health care. Additionally, the Administration oversaw passage of the Tribal Law and Order Act, (Pub. L. 111–211, Title II), to enhance public safety in Indian Country. In June 2011, the First Lady launched *Let's Move! in Indian Country* to promote health and well-being among youth in tribal communities. The President is continuing to work to make our government-to-government relationship stronger, by supporting legislation to recognize tribal authority to prosecute, in tribal courts, perpetrators of domestic violence who assault Indian partners or who violate protection orders in Indian Country, regardless of whether the perpetrator is Indian or non-Indian, and by asking Congress to pass legislation to reaffirm the Secretary of the Interior's authority to take land into trust for all federally recognized Indian tribes following the *Carcieri v. Salazar* decision.

Because Native Americans face unemployment and poverty rates that are far higher than the national average, the Administration is continuing to work to find solutions to promote economic growth in Indian Country. The President's commitment to this goal was reflected in the American Jobs Act proposal that he laid out in the fall of 2011 and in many of the Administration's efforts already underway. For example, the President has sought remedies for "obstacles that are unique to Indian Country" by increasing loans for homeowners and small business owners and working to equip Indian Country with high-speed Internet access in an effort to increase jobs.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

In conjunction with the Conference, Federal agencies made a series of announcements about new initiatives and programs being launched by key agencies. The Department of Energy announced the launch of a new initiative called the Strategic Technical Assistance Response Team ("START") designed to expand clean energy usage in Indian Country and provide federally recognized American Indian and Alaska Native governments with technical assistance to accelerate clean energy projects. The Department of the Interior (DOI) announced a sweeping reform of federal surface leasing regulations for American Indian lands that will streamline the approval process for home ownership, expedite economic development and spur renewable energy development in Indian Country. Additionally, DOI named five prominent tribal leaders to the National Commission on Indian Trust Administration and Reform. This Commission will evaluate the DOI's trust management and administration of Native American trust monetary and nonmonetary assets. The Department of Transportation announced \$15 million in grants to help rural American Indian and Alaska Native tribal governments invest in public transit to improve access to employment centers and promote economic development on tribal lands. Finally, during the Promoting Safe and Strong Tribal Communities Session, the Federal Emergency Management Agency (FEMA) Administrator, Craig Fugate, announced that FEMA would support amending the Stafford Act to allow federally recognized tribal governments to make direct requests to the President for federal emergency or disaster declarations and aid. Amending the law would acknowledge the tribal sovereignty of federally recognized tribes and allow tribal governments to choose whether to directly request a separate declaration or to receive assistance under a declaration for a state.



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Eleven Native American youth leaders also attended the Conference, and were honored as part of a White House program called “Champions of Change.” In his remarks, President Obama focused on these young leaders and others as being the future of Indian Country. To this end, the President announced the signing of Executive Order No. 13592 entitled, “*Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities.*” As President Obama said, “We have to prepare the next generation for the future.” He went on to add that Federal agencies have to “work together on this effort to prepare Native American youth to compete for the high-skilled, good jobs of tomorrow.” With the signing of this Executive Order the Administration will be able to work with tribal governments to reduce the drop-out rate among Native American youth, re-enroll students who already dropped out, and strengthen Tribal Colleges and Universities. The Departments of the Interior and Education will work together on this new initiative to help the youth of Indian Country succeed academically and professionally.

These last three years mark a turning point for relations between Tribal Nations and the U.S. government. As the President stated in his remarks, “It would be nice to say that the work was done, but we know the truth. We haven’t solved all our problems. We’ve got a long road ahead. But I believe that one day, we’re going to be able to look back on these years and say this was a turning point.” Despite this long road ahead, steps have been taken to begin to build a strong middle class in Indian Country, to increase the number of businesses on reservations, and to invest in future generations. The President proclaimed this is “the moment when we stopped repeating the mistakes of the past, and began building a better future together, one that honors old traditions and welcomes every Native American into the American dream.”



Photo courtesy of the White House Photo Office

Disclaimer: Summaries of the main themes and topics raised by tribal leaders who attended the break-out sessions are included in this report. This synopsis serves as a record of the issues raised at each session and does not necessarily reflect the policy positions of the President or the Administration.



Break-Out Sessions

Following opening remarks, tribal leaders participated in break-out sessions on the following topics:

1. Creating Jobs and Growing Tribal Economies
2. Promoting Safe and Strong Tribal Communities
3. Protecting Natural Resources and Respect for Cultural Rights
4. Improving Access to Healthcare, Education, Housing, Infrastructure and Other Federal Services
5. Strengthening the Government-to-Government Relationship

Session 1: Creating Jobs and Growing Tribal Economies

Designated Break-Out Leaders:

Secretary Thomas J. Vilsack, Department of Agriculture
Administrator Karen Mills, Small Business Administration

U.S. Government Participants:

Karen Atkinson, Department of the Interior,
Office of Indian Energy and Economic
Development, Director

Chris James, Small Business Administration,
Office of Native American Affairs, Assistant
Administrator

Aaron Klein, Department of the Treasury,
Deputy Assistant Secretary for Economic Policy
Coordination

Del Laverdure, Department of the Interior,
Principal Deputy Assistant Secretary – Indian
Affairs

Tracey LeBeau, Department of Energy, Office of
Indian Energy Policy and Programs, Director

Dr. Gabriela Lemus, Department of Labor,
Director of Public Engagement

Dr. Arun Majumdar, Department of Energy,
Advanced Research Projects Agency, Director

Taxes

- Tribal leaders expressed frustration that their governments sometimes lack taxing authority over non-Indians in Indian country. State governments tax activities that occur on tribal lands but do not send revenues back to the tribes. Tribes felt they are being asked to do more with less.
- Some tribes felt that current tax laws are creating obstacles for development of new forms of economic growth, such as investment in energy technologies like wind farms.
- Tribal representatives expressed an interest in having Internal Revenue Service (IRS) representatives at the panel to hear tribal tax complaints and concerns.
- Tribal governments would like to access New Market Tax Credits but need guidance to determine eligibility for IRS requirements.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

Tribal Bonds/Bonding/Investment

- Tribal representatives urged the Department of the Treasury to release a then-forthcoming report on Tribal Economic Development Bonds. Tribal leaders supported the position that tribes should be treated as state taxing authorities are treated with respect to Federal tax exemptions.¹

1. The Treasury Department's report on Tribal Economic Development Bonds was released on December 19, 2011. It is available at <http://www.treasury.gov/resource-center/economic-policy/tribal-policy/Documents/Report%20to%20Congress%20-%20Tribal%20Economic%20Development%20Bonds%20-%20FINAL%2012.19.11.pdf>

Energy Issues

- Tribal leaders expressed an interest in expanding into alternative energy projects like biofuels but need details and guidance for how to enter the industry.
- Tribal leaders noted that tribal governments face obstacles gaining access to transmission queues.
- Tribal leaders emphasized the need to be given a preference in marketing diesel, kerosene and propane.
- Tribal leaders stressed that their attempts to diversify tribal economies into new energy markets are met with constant impediments from government regulators and from lawsuits.
- Alaska Natives requested that the tax exemptions for ultra-low sulfur diesel refineries be extended and that regulations be implemented to allow them to operate the refinery.
- Tribal leaders urged the Department of Energy to designate more areas as suitable for development as energy zones so that the tribes may develop more alternative energy opportunities to spur jobs and economic growth.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

Accessing Export Markets

- Tribal leaders expressed an interest in getting their products into the foreign trade zone.
- Some tribal leaders expressed a desire to attract international investment and need guidance on establishing Employment-Based Immigration: Fifth Preference Centers (EB-5 centers).

General Business Assistance

- Tribal leaders expressed frustration that tribes with a small land base face greater economic development challenges compared to large land base tribes.
- Some tribal leaders expressed frustration that despite following requirements and guidelines in their applications to the Small Business Administration (SBA) they continue to be turned down due to the structural design of their tribal businesses.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

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- Tribal leaders noted that Alaska Native tribes have experienced additional difficulty dealing with the SBA because the agency lacks funding for its offices, expressed opposition to attempts to undermine the 8(a) program, and are concerned about disparities in provisions of the Alaska Native Claims Settlement Act, which includes some tribes in government programs while excluding others.
- Tribal leaders expressed additional dissatisfaction with the 8(a) program's requirement that successful businesses graduate from the program. This requirement frequently diminishes the business' success, which may result in its closure.
- Tribal leaders expressed interest in expanding their business contacts beyond government contracts and forming new business relations with private corporations.

Workforce Development

- Tribal leaders are interested in bringing the U.S. Department of Agriculture's "Strikeforce Initiative" to the Northern Great Plains because this area includes ten of the nation's poorest counties.
- Alaska Natives requested additional support and help with educating and training tribal members for jobs.
- Alaska Natives and other tribal leaders expressed satisfaction with the Public Law 102-477 program (477 program), created by the Indian Employment, Training, and Related Services Demonstration Act of 1992, which allows tribes flexibility in using government funds. The leaders requested expansion of the 477 program to other areas because it helps alleviate burdensome reporting requirements.

Tribal Sovereignty

- Multiple tribal leaders expressed frustration with states' continued infringement on tribal sovereignty and expressed a general dissatisfaction with the state of tribal-state relations.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

Session 2: Promoting Safe and Strong Tribal Communities

Designated Break-Out Leaders:

Deputy Secretary David J. Hayes, Department of the Interior
Associate Attorney General Thomas J. Perrelli, Department of Justice
Administrator Craig Fugate, Department of Homeland Security,
Federal Emergency Management Agency
Ronald Vitiello, Department of Homeland Security, U.S. Customs and Border
Protection, Deputy Chief
Benjamin Tucker, Office of National Drug Control Policy, Deputy Director

U.S. Government Participants:

Charles Addington, Bureau of Indian Affairs,
Office of Justice Services, Associate Director,
Field Operations

Patricia Brokenleg-Brill, Bureau of Indian
Affairs, Office of Justice Services, Acting Deputy
Associate Director of Corrections

Bob Bullock, Office of Management and Budget,
Justice Branch, Program Examiner

Meghan Conklin, Department of the Interior,
Associate Deputy Secretary

Darren Cruzan, Bureau of Indian Affairs, Office
of Justice Services, Director

Richard Flores, Federal Emergency
Management Agency, External Affairs, National
Tribal Liaison

Josefine Haynes-Battle, Substance Abuse and
Mental Health Services Administration, Project
Officer – Native American Center for Excellence

Sam Hirsch, Department of Justice, Deputy
Associate Attorney General

Joseph LaPorte, Office of the Director of
National Intelligence, Tribal Advisor to the
Program Manager, Information Sharing
Environment

Kevin Martin, Bureau of Indian Affairs, Office
of Justice Services, Deputy Associate Director,
Support Services

Tony Martinez, Office of National Drug Control
Policy, Office of Intergovernmental Affairs,
Associate Director

Robert McSwain, Department of Health and
Human Services, Indian Health Service, Director
for Management Operations

Audrey Sessions, Bureau of Indian Affairs, Office
of Justice Services, Associate Director, Support
Services

Jessica Smith, Federal Emergency Management
Agency, External Affairs, Director

Stephanie Tennyson, Department of Homeland
Security, Intergovernmental Affairs, Deputy
Assistant Secretary

Jason Thompson, Bureau of Indian Affairs,
Office of Justice Services, Assistant Deputy
Bureau Director

Tricia Tingle, Bureau of Indian Affairs, Office of
Justice Services, Associate Director, Tribal Justice
Support

Funding/Deficit Concerns

- Several tribal leaders expressed concern about the Federal budget deficit and the potential harmful impact on tribes from efforts and “compromises” in Washington, D.C. to address the deficit.
- Tribal leaders stated the United States has responsibilities to tribes based in statutes and treaties. One tribal leader asked, “Who is protecting our treaties?”
- Tribal leaders expressed the belief that the Federal government should ensure that Federal officials who have responsibilities to tribes also have the means to fulfill those responsibilities.
- Tribal leaders stated that government funding for tribes should all be mandatory because tribes need long-term, stable, and sufficient funding.
- Tribal leaders stated that tribal applications for grants should not be denied because of technical errors and that Federal agencies should assist tribes with their applications.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

Jurisdiction/Tribal Sovereignty

- Many tribal leaders voiced concern regarding Public Law 83-280, also known as the “State Jurisdiction Over Offenses Committed by or Against Indians in the Indian Country Act.” They consider the law an affront to tribal sovereignty and that in many areas there is a lack of cooperation from state and local authorities.
- Tribal leaders noted that tribal criminal jurisdiction over all individuals within Indian country should be extended beyond domestic violence cases.
- Tribal leaders stated that the appropriate government agencies should address the theft of resources from tribal lands.
- One tribal leader complained that local authorities had refused to recognize and enforce a tribal court protective order.

Illegal Drug Trafficking

- Tribal leaders stated that the drug trade continues to plague tribal communities, especially those on international borders.
- Concerns among tribal leaders regarding drug trafficking ranged from the prevalence of prescription drugs and methamphetamines to marijuana cultivation on tribal lands and the armed guards patrolling the growing areas.
- Tribal leaders requested revival of the Safe Trails Task Force. The Safe Trails Task Force program was established in 1994 and continues to provide a means to enhance cooperation between the

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Federal Bureau of Investigation and state, local, and tribal law enforcement agencies in order to more effectively address crime and to improve public safety in tribal communities.

Improving Federal Responsiveness

- Tribal leaders would like for Federal officials to investigate and prosecute more cases and to work faster on background checks and training for tribal law enforcement officials.
- Some tribal leaders expressed appreciation for the law enforcement surges on their respective reservations, but think that more needs to be done. They believe that Federal officials need to persuade Congress that modest investments can achieve tremendous results.
- Tribal leaders also raised concerns about housing, education and health care needs, alleged violations of the Indian Child Welfare Act by state agencies, and environmental issues. They noted that these issues are interdependent in achieving safe and strong tribal communities. One tribal leader explained, "We can't have safe and strong communities if our water, air, sacred sites and land are contaminated."
- Tribal leaders noted that Indian tribes lack authority to go directly to the President for disaster relief; instead they must go to their state governors to request declarations on their behalf. Tribal leaders stated that this diminishes the sovereignty of tribal governments. Tribal leaders praised the Administration's support for amending the Stafford Act so that federally recognized tribes can request Emergency Disaster Relief directly.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

Session 3: Protecting Natural Resources and Respect for Cultural Rights

Designated Break-Out Leaders:

Administrator Lisa Jackson, Environmental Protection Agency
Deputy Secretary Kathleen Merrigan, Department of Agriculture

U.S. Government Participants:

Craig Alexander, Department of Justice,
Environmental and Natural Resources Division,
Indian Resources Section Chief

Mike Black, Department of the Interior, Bureau
of Indian Affairs, Director

Michelle DePass, Environmental Protection
Agency, Office of International and Tribal Affairs,
Assistant Administrator

Larry Echo Hawk, Department of the Interior,
Assistant Secretary for Indian Affairs

Kimberley Luczynski, Office of Management
and Budget, Environment Branch, Examiner

Ignacia Moreno, Department of Justice,
Environment and Natural Resources Division,
Assistant Attorney General

Joyce Silverthorne, Department of Education,
Office of Indian Education, Director

Lillian Sparks, Department of Health and
Human Services, Administration for Children &
Families, Administration for Native Americans,
Commissioner

Melanie Stansbury, Office of Management and
Budget, Interior Branch, Examiner

Maureen Sullivan, Department of Defense,
Director of Environmental Management

Pilar Thomas, Department of Energy, Office
of Indian Energy Policy and Programs, Deputy
Director

Administration & Consultation

- Tribal leaders believe the agencies should recognize that the tribal governments have resource management ability and capacity and should utilize tribal governments' skill sets.
- One tribal leader expressed frustration that urban area tribes are not eligible for the same programs and benefits as rural tribes and suggested an exemption from funding restrictions for urban tribes.
- Tribal leaders stressed a need for streamlining and simplifying access and requirements for programs at the Agriculture and Energy Departments.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

BREAK-OUT SESSIONS

- Tribal leaders stated the Federal government should provide more assistance in acquiring culturally significant lands for the benefit of tribes.
- Tribal leaders recommended the Department of the Interior consultation process as the model for other agencies when dealing with tribal governments.
- Tribal leaders expressed concerns about private companies and Alaska Native corporations participating in the tribal consultation process.
- Tribal leaders were concerned that the U.S. Census Bureau practice of aggregating tribal members with non-members who live on the reservation could negatively impact tribal governments. The leaders noted that the Census numbers do not reflect tribal sovereignty and treaty rights.
- Tribal leaders suggested better coordination between the Bureau of Indian Affairs and the Fish and Wildlife Service to protect tribal rights.
- Tribal leaders asked that Native American representatives serve on the Northern Pacific Fishery Management Council, and they complained that most representatives on the Council reflect commercial fishing interests.
- Some tribal leaders expressed disappointment that the Conference is so short and that many tribal leaders who made the costly journey do not get a chance to speak.
- One tribal leader stated it should be a matter of the Federal trust responsibility to ensure irrigation rights, law enforcement and land into trust for tribes.
- Leaders expressed the desire for early consultation with Federal, State, and local officials on a variety of issues (e.g., subsistence fishing, Columbia River Treaty, EPA regulations, water rights, schools, economic development, and renewable energy).



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

Protecting Cultural Resources & History

- One tribal leader voiced concern that implementation of a plan to transport nuclear waste on a railroad line through a reservation could endanger the safety of reservation lands and sacred sites.
- Tribal leaders expressed a desire for better education about cultural sites, traditions, and tribal sovereignty for Federal border agents and other Federal law enforcement agents operating on tribal lands.

- Multiple tribal leaders raised concerns about needing better protection from looters desecrating sacred sites, as well as from excavation and archaeologists. Tribal leaders stated that increased fines and punishments should help to dissuade potential offenders. They feel the current fines are inadequate.
- Some tribal leaders expressed a concern that pollution is a significant threat to the preservation of important cultural and historical sites, especially because some Superfund sites are exempt from the consultation requirements of Section 106 of the National Historic Preservation Act of 1966.
- Some tribal leaders believe the Federal government should not allow energy projects, even renewable energy projects, on tribal lands where there are negative consequences for cultural resources or tribal lands, as happened with wind turbines outside of San Diego, CA.
- Some tribal leaders urged that there should be a greater focus on Native American relations and contributions during the national Thanksgiving celebration; instead of pardoning a turkey the President could honor the origin and spirit of the holiday by inviting members of tribal governments and communities for dinner at the White House.

Economic Development & Environmental Protection

- Tribal leaders raised concerns about the overregulation of subsistence fishing and hunting. They said it does not make sense to regulate and issue permits by arbitrary dates because the dates do not correspond with the natural cycles of fish and game availability. Additionally, they stated that the costs of permits are frequently prohibitive for the average Native American community member.
- Tribal leaders were concerned that climate change disproportionately affects Indian Country and therefore think the Bureau of Indian Affairs should have a greater portion of the Department of the Interior's climate change budget and responsibilities.
- Some tribal leaders raised concerns with the Environmental Protection Agency's (EPA) regulations on tribal lands. They emphasized interest in a partnership with EPA, but objected to the ability of the EPA to have a final say over environmental decisions on tribal property. They fear that some regulations by the EPA will hurt potential and existing job opportunities.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

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- Other tribal leaders asked for more regulation of energy and environmental issues on and near tribal lands, especially in regards to activities like natural gas drilling near reservation land. Some tribal leaders are worried about the quality and supply of tribal water, especially in areas where hydraulic fracturing operations occur.
- One tribal leader expressed the need to establish a system for international relations between tribal governments in the United States and those in Canada to help create more opportunities for job growth and environmental protection. Tribal leaders desire to have a seat at the table akin to the positions of state governments.
- Tribal governments are concerned about tribal water rights and the need for tribes to have higher priority in the distribution of local water resources.
- One tribal leader advocated for a change in the procedure for issuance of mining permits; tribal governments would prefer that comprehensive studies regarding the impacts of mining be done before permits are issued and include reclamation plans in order for the mining operations to minimize the effect on the surrounding area.
- Tribal leaders believed the Federal government should be more involved in helping to prevent state and municipal governments from polluting on tribal land and water.
- Several tribal leaders expressed concern over the granting of permits for mining operations that have the potential to adversely affect the water quality of streams and rivers that support the fish upon which they depend.
- Several tribal leaders expressed concern regarding increased oil well exploration in sensitive areas that might impair subsistence hunting and fishing.

Sovereignty

- Tribal leaders on land near U.S. international borders stated that Federal authorities should consult with them before border patrols enter the reservation or change the landscape.
- One tribal leader raised the issue of encroachment, in particular air encroachment from airports (including military facilities) near protected tribal lands. Tribal leaders are concerned not only about the problem of air traffic in tribal airspace, but also about airplanes dumping fuel over reservation lands.
- One tribal leader questioned which government entity or agency should have the jurisdiction to prosecute non-Indian neighbors who dump chemicals into rivers that run through reservations.
- Tribal leaders voiced concern over difficulties maintaining roads and infrastructure on the reservations to comply with Federal regulatory standards. Many tribal governments believed their roads should not be regulated at the same level as other Federal roads because their roads do not have the same level of usage and traffic as Federal roads.
- Tribal governments stated that their Federally-recognized role in resource management under the Clean Water Act dictates a larger role in Federal processes relating to environmental decisions.
- One leader expressed a desire for states to have better communication with the Federal government regarding requirements and responsibilities that affect tribal rights and lands.

Session 4: Improving Access to Healthcare, Education, Housing, Infrastructure and Other Federal Services

Designated Break-Out Leaders:

Administrator Victor Mendez, Department of Transportation, Federal Highway Administration

Director Yvette Roubideaux, Department of Health and Human Services, Indian Health Service

U.S. Government Participants:

Stephanie Birdwell, Department of Veterans Affairs, Office of Tribal Government Relations, Director

Geoffrey Blackwell, Federal Communications Commission, Office of Native Affairs and Policy, Chief

Stacey Ecoffey, Department of Health and Human Services, Office of Intergovernmental and External Affairs, Principal Advisor for Tribal Affairs

Keith Fontenot, Office of Management and Budget, Program Associate Director for Health

John Garcia, Department of Veterans Affairs, Office of Intergovernmental Affairs, Deputy Assistant Secretary

Jodi Gillette, Department of the Interior, Deputy Assistant Secretary – Indian Affairs

Sandra Henriquez, Department of Housing and Urban Development, Assistant Secretary for Public and Indian Housing

Sam Kass, White House Assistant Chef & Food Initiative Coordinator

Bill Mendoza, White House Initiative on Tribal Colleges and Universities, Executive Director

Dustin Miller, Department of Agriculture, Office of Tribal Relations, Program Specialist

Keith Moore, Department of the Interior, Bureau of Indian Education, Director

Joel Neimeyer, Federal Co-Chair, Denali Commission

Doug O'Brien, Department of Agriculture, Deputy Under Secretary for Rural Development

John O'Brien, Office of Personnel Management, Healthcare and Insurance, Director

Deana O'Hara, Department of Housing and Urban Development, Office of Native American Programs, Senior Advisor to the Deputy Assistant Secretary

Chris Rupar, Department of Housing and Urban Development

Michael Shapiro, Environmental Protection Agency, Deputy Assistant Administrator for Water

Joanna Turner, Department of Transportation, Deputy Assistant Secretary for Governmental Affairs

Tom Wright, Department of Housing and Urban Development, Office of Loan Guarantee, Office of Native American Programs, Director

Healthcare Services and Coordination

- Tribal leaders discussed the importance of treaty rights to health care and the government-to-government relationship.
- Tribal leaders requested access to more resources and services for health care.
- Tribal leaders requested that traditional tribal medicine and healing practices be integrated and included as accepted services for health care and veterans services, and that such practitioners receive insurance reimbursement in the same manner as Western medical providers.
- Tribal leaders expressed a belief that the Department of Veterans Affairs management of services for Native American veterans lacks coordination.
- Many tribal leaders had questions about implementation of the 2010 Memorandum Of Understanding (MOU) between the Indian Health Service and the Department of Veterans Affairs.
- Tribes would like to expand self-determination and self-governance in health programs beyond the Indian Health Service, and more consideration of program administration models like the P.L. 102-477 program from the Indian Employment, Training, and Related Services Demonstration Act of 1992 , which is a single, coordinated employment and training program.
- One tribal leader suggested initiating loan forgiveness for educational debt for Native American healthcare workers who return to work on reservations.
- Tribal leaders would like more assistance for Native American servicemen and servicewomen to help them successfully transition back to civilian life and to honor their service. Tribal governments believed the current services are inadequate, especially related to mental health and Post Traumatic Stress Disorder (PTSD).
- Tribal leaders requested more support for addressing chronic diseases such as diabetes.
- A Tribal leader indicated that healthy lifestyles need a good economy, and that health issues relate to other issues in the community.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

Infrastructure

- Tribal leaders believed the Federal government should continue to provide funding and services for facilities after their construction to help maintain them.
- Tribal leaders stated the government should ensure that facilities, like schools, are properly maintained. Children cannot attend deteriorating schools and fall further behind in their studies when they do not attend.
- Tribal governments expressed the belief that funding provided for Indian Reservation Roads should not be used for off-reservation or county and state roads. They stated that the government should re-work the funding distribution formula.

Natural Resources and Subsistence Rights

- Many tribal leaders emphasized the importance of subsistence rights and the importance of protection and expansion of subsistence rights and practices.
- Several tribal government leaders identified problems associated with the implementation of water rights settlements, including delays in the construction or repair of water projects or administrative restrictions placed on funding agreed to in the settlement.
- Tribal leaders would like the government to clear the administrative backlog on oil and gas permitting and leasing. Tribal leaders noted this is especially important for non-gaming tribes that depend primarily on oil and gas revenues for their economies.

Federal Services

- Several tribal leaders complained that they often encounter challenges in trying to work with states and suggested that the Federal government intervene to try and prevent states from harming tribes.
- Tribal leaders suggested that Federal agencies should attempt to streamline the administration of grants. In particular, they noted that auditing and other reporting requirements can be very burdensome to the tribes.
- Tribal leaders stressed that tribal governments face significant challenges dealing with Federal agencies because of a lack of agency coordination. For example, they would like to see agencies like the Department of Veterans Affairs and the Indian Health Service better coordinate the services they provide.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

BREAK-OUT SESSIONS

- Tribal leaders noted that many members of tribal communities are employed under the table and are then ineligible for housing because their employment cannot be verified. Tribal leaders would like the government to allow exceptions for the housing rules or verify employment differently.
- Tribal leaders believed the government should streamline the system for services and make it easier for grandparents to access services for their grandchildren because large numbers of elders in tribal communities care for their grandchildren, but have difficulty accessing housing and other services while on a fixed-income.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

Session 5: Strengthening the Government-to-Government Relationship

Designated Break-Out Leaders:

Secretary Ken Salazar, Department of the Interior
Solicitor Hilary Tompkins, Department of the Interior

U.S. Government Participants:

Lorena Balanta, U.S. Department of Homeland Security, Immigration and Customs Enforcement, Outreach Coordinator, State, Local, and Tribal

Joanne Chase, Environmental Protection Agency, Director of Indian Resources

Steve Golubic, Department of Homeland Security, Intergovernmental Affairs, Director of Tribal Affairs

Joseph Grant, Internal Revenue Service, Tax Exempt and Government Entities, Acting Division Commissioner

Harold Hurtt, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Assistant Director

Sandra Pattea, Department of Health and Human Services, Indian Health Service, Deputy Director of Intergovernmental Affairs

Ethan Shenkman, Department of Justice, Environment and Natural Resources Division, Deputy Assistant Attorney General

Harris Sherman, Department of Agriculture, U.S. Forest Service, Under Secretary for Natural Resources and Environment

Tracie Stevens, National Indian Gaming Commission, Chairwoman

Tracy Toulou, Department of Justice, Office of Tribal Justice, Director

George Sibley, Department of State, Office of Environmental Policy, Director

Consultation Policy

- Tribal leaders expressed an interest in having a dialogue with the Office of Management and Budget (OMB) on many subjects, especially regarding participation in appropriations discussions.
- Tribal governments expressed concern that recent changes within the Office of the Special Trustee at the Department of the Interior caused necessary payments to tribes to be late.
- Tribal leaders would like to work more with OMB to know how it collects and analyzes data.
- Tribal leaders suggested that a Native American desk be established within the OMB and that OMB should consult with tribal governments.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

Taxes

- Tribal leaders would like tribes to receive tax immunity and incentives to help stimulate economic empowerment on the reservation and within tribal communities. Tribal leaders view the IRS as aggressive and taking money from tribes (e.g., taxation of tribal benefits like health care, schools).
- One tribal leader suggested eliminating taxes on the reservation to incentivize people to stay.
- Tribal leaders from tribes with no land base stated that landless tribes should receive the same taxation benefits that tribes with land receive.
- Additionally, leaders of landless tribes expressed frustration with financing challenges; contracts awarded under the Indian Self-Determination Act (PL 93-638), provide meager help, especially because new tribes with no history of past performance are unlikely to win contracts.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann

Environmental Damage

- Alaska Native Village leaders are concerned that the Beaufort Sea, which contains a third of the world's fisheries, is disappearing due to oil leasing and seismic exploration. They expressed concern that tribal leaders were not consulted on these leases and feel disrespected by the Federal government.
- One tribal leader emphasized the need for clean-up of Superfund sites on tribal lands to preserve the tribe's way of life.

Changes in Consultation: Monitoring and Collaboration

- Tribal leaders emphasized that one yearly summit is not enough to deal with the problems facing Indian Country. They believed that establishing workgroups that meet quarterly to discuss and find solutions for problems challenging Native Americans would be more helpful. As well, there should be regional meetings where agency leaders come to Indian Country.
- Alaska Native Village leaders complained that oil drilling has been allowed in tribal waters without consultation with affected tribes.
- Tribal leaders stressed that the government-to-government relationship needs to move from consultation, which only gives tribes a listening role, toward collaboration between governments.
- Tribal leaders stated that the government should provide details of the government responses to comments and complaints made at the conference so that tribes know how the government is reviewing and addressing problems.

Tribal Sovereignty

- Tribal leaders believed Federal agencies and states should be educated about the sovereignty status of tribal governments.
- Tribal leaders stated government documents should refer to tribal governments as “nations” to reflect their sovereignty.
- Tribal leaders expressed the desire for the Federal government to change the language of the consultation policy to reflect the sovereignty status of tribal governments.
- Tribal leaders emphasized the importance of addressing the problems created by the Supreme Court’s *Carcieri* decision and said that the decision affects tribal sovereignty.

Agency & Administrative Changes

- Tribal leaders believe that the U.S. Government has a duty to defend tribal treaty rights; they felt that historically the U.S. has not met this duty.
- Tribal leaders requested that the State Department establish a desk for defending indigenous rights.
- Tribal leaders expressed the belief that the Federal government needs to protect tribal governments and communities from state and local governments who do not understand tribal sovereignty.
- Tribal leaders believed the Federal government should pay for litigation when a tribal government is a party in a dispute.
- Tribal governments wanted the Federal government to adopt the United Nations Declaration on the Rights of Indigenous People, not just support it.
- Tribal leaders asked the government to issue a Memorandum Of Understanding so that tribes can issue their own identification cards; this issue is especially important to tribes that straddle international borders.
- Tribal governments would like the Department of the Interior to assist them in water rights disputes.
- Tribal leaders stated the Federal government should create one commission in the White House so tribes only need to communicate with one office rather than responding to each agency separately.
- Tribal leaders suggested they should be invited to participate in the National Governors’ Association annual conference.
- Tribal leaders stated the Federal government should execute its trust responsibilities with integrity and should create an Advisory Board of tribes to work with the State Department, other agencies and the White House.



Photo courtesy of the Department of the Interior
Photo by Tami Heilemann



Conclusion

While the Obama Administration has made great strides in Indian Country, much remains to be done. The President spoke about these strides in his remarks to the Conference. He stated, “We’ve got to finish what we started. So today, I want to thank all of you for everything that you do. I want to ask you to keep going. And when you go back home, making your communities better places to live, I want you all to know that you’ve got a partner in Washington. You have an administration that understands the challenges that you face and, most importantly, you’ve got a President who’s got your back.”



Photo courtesy of the White House Photo Office

The President’s commitment to greater engagement, consultation, and interagency collaboration is the foundation upon which we will build stronger tribal communities and enable the United States’ historic government-to-government² relationship with Indian tribes to flourish. Many of the President and his Administration’s accomplishments were outlined in the [2011 White House Tribal Nations Conference Progress Report](http://www.whitehouse.gov/sites/default/files/2011whtnc_report.pdf). President Obama recognizes that leadership starts from the top and that is why he invites tribal leaders to Washington to help us develop an agenda that reflects your hopes and concerns. As we continue to build our government-to-government relationship we will also continue to look to the wisdom and experience of tribal leaders to help propose concrete solutions that best address the challenges facing Indian Country. President Obama and his Administration look forward to continuing to work with tribal leaders and to continuing to make progress for Indian Country.

2. http://www.whitehouse.gov/sites/default/files/2011whtnc_report.pdf

