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Update on Federal Legislative and Policy Developments

Affiliated Tribes of Northwest Indians
2016 Mid Year Convention

May 24, 2016

Where We Are

- 2nd Session of the 114th Congress
- Presidential election in November
- House has 57 scheduled work days left in 2016; Senate has 71
- House and Senate moving some FY 2017 spending bills
- Flurry of activity before summer recess in mid-July

Budget and Appropriations

- U.S. House of Representatives
 - Has passed one spending bill: \$81.6 billion Military Construction—VA bill
 - Committee on Appropriations has approved Agriculture, Defense, Energy and Water, and Legislative Branch bills
 - Full Committee markup of Commerce-Justice-Science spending bill on May 24
 - Interior Subcommittee markup of Interior-Environment spending bill on May 25

Budget and Appropriations

- U.S. Senate
 - Has passed three spending bills:
 - \$37.5 billion Energy-Water (\$20 million for Office of Indian Energy)
 - \$83 billion Military Construction-VA, and
 - \$56.5 billion Transportation-HUD (IHBG \$648 million; ICDBG \$60 million; Section 184 \$6.5 million)
 - Senate Committee on Appropriations has approved three spending bills: Agriculture, C-J-S, and Legislative Branch
 - Many believe a year-end continuing resolution is again likely

Bills that have Become Law

- 156 bills have been signed into law this Congress
- Six bills relate to Indians and tribes:
 - Miami Tribe of Oklahoma charter of incorporation bill (P.L. 114-40)
 - Land conveyance bill of the Yukon Kuskokwim Health Corporation (P.L. 114-56)
 - New Mexico Water Settlement Technical Corrections Act (P.L. 114-57)
 - Albuquerque Indian School Land Transfer Act (P.L. 114-69)
 - Bill Frank Jr. Tell Your Story Act (P.L. 114-101)
 - Miami Tribe of Oklahoma land transfer bill (P.L. 114-127)
- **Native American Children's Safety Act (S. 184)** passed House yesterday and headed to President

Indian Trust Asset Reform Act

- Originated from ATNI Trust Reform Committee
- Authorizes Indian tribes to have trust assets managed under tribal standards, requires report to Congress on OST, and authorizes expedited appraisals and valuations
- SCIA approved Senate bill (S.383) on July 29, 2015
- House passed bill (H.R. 812) on Feb. 24, 2016
- Senate passage of H.R. 812 expected soon
- Would be first major Indian policy bill to be sent to President Obama this Congress

Indian Trust Asset Reform Act

Rep. Denny Heck (D-WA-10) speaking
on H.R. 812 on House floor on Feb. 24, 2016



Indian Energy

- Both the House (H.R. 538) and the Senate (S.209) have passed similar but slightly different Indian energy bills
- Both bills contain provisions that would streamline energy development on Indian lands
- House and Senate are preparing to conference national energy policy bills
 - S. 209 in Senate passed bill; H.R. 538 in House passed bill
- Good chance of passage this year

Tribal Labor

- **Tribal Labor Sovereignty Act (H.R.511/S.248)**
 - Would exempt tribes from definition of “employer” in National Labor Relations
 - Passed House H.R. 511 on November 17, 2015 by 249 to 177 vote
 - Senate Committee on Indian Affairs approved S.248 on June 10, 2015
- **Senator Jerry Moran (R-KS) has offered bill as amendment to National Defense Authorization Act (NDAA)**
 - NDAA is a “must pass” bill
 - Vote could happen as early as this week
 - 60 votes needed

“Ancient One”

- Would direct the Army Corps to return the “Ancient One”/Kennewick Man remains to Washington State for transfer to the five tribes for reburial
- Senator Patty Murray introduced Senate bill (S.1979) and Rep. Denny Heck the House bill (H.R. 4131)
- Senate bill (S.1979) included in Senate Water Resources Development Act (WRDA)

Administration Updates and Initiatives

- **Overtime Rule**
 - U.S. Department of Labor finalized a rule (29 CFR Part 541) that will require employers to pay overtime to employees making less than \$47,500 per year.
 - Would apply to most tribal and Indian owned businesses to same extent as non-Indian businesses
 - Rule becomes effective December 1, 2016
- **Title Evidence for Trust Land Acquisition (81 FR 30173)**
 - Rule eliminates the requirement for fee-to-trust applicants to furnish title evidence that meets DOJ title standards
 - Rule effective as of May 16, 2016

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