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Update on Federal Legislative and Policy Developments

Affiliated Tribes of Northwest Indians
2016 Annual Convention

September 27, 2016

Where We Are

- 2nd Session of the 114th Congress
- Election in November
- After this week, Congress goes home until after elections
- House has 16 scheduled work days left in 2016; Senate has 24

November 8, 2016



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2016 Elections

- Regardless of who wins presidency, change is coming
- Senate could flip
 - Republicans control 54-45
 - Of the 34 U.S. Senate seats, 24 are held by Republicans
 - Dems need 4 or 5 (if Trump wins)
- House more likely remain in Republican control
 - 30 seat majority
 - Incumbents have advantage in House races

Budget and Appropriations

- Another year, another continuing resolution
- CR being considered through December 9, 2016
- Funds for Flint water upgrades remain in dispute
- Stage set for another year-end omnibus
- Some conservatives wanted CR through spring of 2017 to avoid omnibus

Bills that have Become Law

- 221 bills have been signed into law this Congress
 - 55 name Post Offices, federal buildings, or highways
- 10 relate to Indians and tribes:
 - 1) Miami Tribe of Oklahoma charter of incorporation (P.L. 114-40)
 - 2) Land conveyance for the Yukon Kuskokwim Health Corporation (P.L. 114-56)
 - 3) New Mexico Water Settlement Technical Corrections Act (P.L. 114-57)
 - 4) Albuquerque Indian School Land Transfer Act (P.L. 114-69)
 - 5) Bill Frank Jr. Tell Your Story Act (P.L. 114-101)
 - 6) Miami Tribe of Oklahoma land acquisition (P.L. 114-127)
 - 7) Native American Children's Safety Act (P.L. 114-165)
 - 8) Indian Trust Asset Reform Act (P.L. 114-178)
 - 9) Susanville Rancheria trust land acquisition (P.L. 114-181)
 - 10) Native American Tourism and Improving Visitor Experience Act (P.L. 114-221)

Water Resources Development Act

- Authorization for USACE and water infrastructure projects
- Senate bill (S.2848) passed 95-3 on Sept. 15, 2016 and includes:
 - “Ancient One”/Kennewick Man
 - Tribal housing studies
 - Indian Dam Safety
 - Pechanga, Blackfeet, Chickasaw-Choctaw water settlements
- House to vote on its bill this week
 - Rep. Denny has offered “Ancient One” amendment
- Unclear how bills will be reconciled

Indian Energy

- Both the House (H.R. 538) and the Senate (S. 209) have passed similar but slightly different Indian energy bills
- Both versions contain provisions that would streamline energy development on Indian lands
 - Tribal biomass provision would allow tribes to manage federal forest land for up to 30 years
- House Natural Resources Committee holding field hearing on Indian energy next week in Santa Fe, NM
- Good chance of passage this year

Employment and Training

- Indian Employment, Training and Related Services Consolidation Act of 2015 (S.1443)
- Would reform and update the “477” program
- Passed Senate in July 2016
- Passed House Natural Resources Committee in March 2016
- Changes will likely be necessary in House
 - Judiciary and Ways and Means have weighed-in
 - Changes likely needed to clear House

Bills with Uncertain Outlook

- **Tribal Labor Sovereignty Act (H.R.511/S.248)**
 - Would exempt tribes from definition of “employer” in National Labor Relations Act
 - Passed House in Nov. 2015 and SCIA in June 2015
 - Senate Committee on Indian Affairs approved S.248 on June 10, 2015
 - 60 votes in Senate lacking
- **NAHASDA reauthorization**
 - Passed House in early 2015
 - Native Hawaiian provisions remain problem in the Senate
- ***Carcieri* fix**
 - Political climate makes consensus difficult
 - Tribe-specific *Carcieri* bills have emerged as alternative to universal fix

Administration Updates and Initiatives

- **Indian Trust Asset Reform Act**
 - Comments on implementation due Oct. 7, 2016
 - Under Secretary, OST transition plan, and appraisals
- **IHS policy to expand Community Health Aide Program (CHAP) to lower 48**
 - Comments accepted through Oct. 30, 2016
 - Implications for use of dental therapists for lower 48 tribes
- **Procedures for establishing govt-to-govt relationship with Native Hawaiian community**
 - October 1, 2016 proposed rule (80 FR 59113)
 - Would recognize Native Hawaiian community the same as Indian tribes
 - Comments due Dec. 30, 2016

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