



Working with Tribal Nations to Build a Brighter Future

Synopsis of the 2010 White House Tribal Nations Conference

“We know that, ultimately, this is not just a matter of legislation, not just a matter of policy. It’s a matter of whether we’re going to live up to our basic values. It’s a matter of upholding an ideal that has always defined who we are as Americans. E pluribus Unum. Out of many, one. That’s why we’re here. That’s what we’re called to do. And I’m confident that if we keep up our efforts, that if we continue to work together, that we will live up to the simple motto and we will achieve a brighter future for the First Americans and for all Americans.”

-President Barack Obama

We would like to thank the Department of the Interior Secretary, Ken Salazar, for providing the venue for the 2010 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 nation-to-nation conversation and look forward to our continued collaboration and dialogue.

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Executive Summary

At the second White House Tribal Nations Conference on December 16, 2010, President Obama, several cabinet secretaries, and other senior administration officials from the Departments of the Treasury, Defense, Justice, the Interior, Agriculture, Commerce, Labor,



President Obama delivering opening remarks at the White House Tribal Nations Conference. (Photo courtesy of White House Photo Office)

Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, Veterans Affairs, and Homeland Security, the Environmental Protection Agency, the Office of Management and Budget, the Office of Personnel Management, the Corporation for National and Community Service, the Export-Import Bank of the United States, and the Office of National Drug Control Policy met with tribal leaders to continue delivering on the President's promise to build a new path forward that ensures that Indian nations are full partners in the Federal family.

Secretary of the Interior, Ken Salazar delivered the opening remarks and outlined President Obama's initiatives and accomplishments since the 2009 White House Tribal Nations Conference. Secretary Salazar emphasized the Administration's work in five main areas: (1) restoring tribal homelands, (2) building safer Native communities, (3) building strong, prosperous Native American economies, (4) fostering healthy communities through investments in youth, and (5) developing a structured and meaningful consultation policy. In particular, the Secretary noted that the Department of the Interior has acquired more than 36,000 acres of land in trust on behalf of Indian nations. The Secretary also noted that the Bureau of Indian Affairs (BIA) extended offers to over 100 new law enforcement officers in 2010. Secretary Salazar shared with tribal leaders an observation from one tribal leader he met with, who stated, "President Obama's Administration has done more on tribal issues in less than 2 years than has been accomplished in 20 years."



Secretary of the Department of the Interior, Ken Salazar. (Photo courtesy of Department of the Interior)

Secretary Salazar's remarks were followed by the presentation of the colors by the Navajo Code Talkers, the Flag Song by Hunter Street (Hidatsa/Dakota), an invocation by Governor James Lujan of the Taos Pueblo, and an introduction of the President of the United States by President Fawn Sharp of the Quinault Indian Nation.

The President emphasized that the number one concern for all Americans is improving the economy and creating jobs. Toward that end, the Administration has collaborated with tribal leaders and has been focusing on boosting the investment in roads through the Indian Reservation Roads Program, offering new loans for reservation broadband internet, and working

to break down bureaucratic barriers that have prevented tribal nations from developing clean energy. President Obama also stressed that, in light of *Carciari v. Salazar*, he supports legislation that would “make clear—in the wake of a recent Supreme Court decision—that the Secretary of the Interior can take land into trust for all federally recognized tribes.”

Recognizing that American Indians and Alaska Natives die from many illnesses at far higher rates than the rest of the population, the President stated that closing the gaps in health disparities is “not just a question of policy, it’s a question of our values, it’s a test of who we are as a nation.” To help achieve this goal, in 2010 the President signed into law the Affordable Care Act, which will make quality health insurance affordable to all Americans and permanently reauthorize the Indian Health Care Improvement Act.



President of the Quinault Indian Nation, Fawn Sharp.
(Photo courtesy of the Department of the Interior)

The President also noted that his Administration is engaged in the rebuilding of schools on tribal lands and is working with tribal governments to ensure they play a larger role in determining school curricula. The President also discussed efforts to improve programs available to students at tribal colleges, including reforms he signed into law last year increasing student aid and making college loans more affordable.

To make tribal communities safer, last year the President signed into law the Tribal Law and Order Act of 2010 (Title II of Public Law 111-211). The Act will go a long way toward helping combat drug and alcohol abuse and improving the effectiveness of tribal justice systems.

The President also discussed efforts to resolve longstanding disputes through the Claims



(Photo courtesy of the Department of the Interior)

Resolution Act of 2010. The Act, signed into law last year, provides funding and statutory authorities for the settlement agreements reached in the *Cobell* lawsuit, brought by Native Americans; the *Pigford II* lawsuit, brought by African American farmers; and four separate water rights suits, brought by Native American tribes. In addition, *Keepseagle v. Vilsack*, a decade-long discrimination suit against the United States Department of Agriculture involving Native farmers and ranchers was settled, offering significant monetary and programmatic relief. The President also acknowledged the adoption of a bipartisan resolution that recognized

the “sad and painful chapters in our shared history.” The President remarked that “[i]t’s only by heeding the lessons of our history that we can move forward.”

President Obama announced that the United States supports the United Nations Declaration on the Rights of Indigenous Peoples. The President stated that the aspirations the Declaration affirms, including the respect for the institutions and rich cultures of Native peoples, are aspirations that we must all seek to fulfill.

Following the 2009 conference, the President encouraged every cabinet agency to promote more consultation with tribal nations and, for the last year, the Administration has worked to strengthen those relationships. President Obama emphasized his commitment to action on these issues, stating “what matters far more than words . . . are actions to match those words.”

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

- Nation-to-Nation Relationship;
- Education/Healthcare/Community Service;
- Economic Development/Housing/Infrastructure;
- Tribal Land/Cultural Protection/Natural Resources/Energy;
- Public Safety/Homeland Security.

Summaries of the main comments and recommendations made 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 officials in attendance.

Break-Out Sessions

SESSION 1: NATION-TO-NATION RELATIONSHIP

Designated Break-Out Leaders: Secretary Ken Salazar, *Department of the Interior*
Solicitor Hilary Tompkins, *Department of the Interior*
Deputy Secretary David Hayes, *Department of the Interior*
Deputy Secretary Bill Corr, *Health and Human Services*
Sally Ericsson, *Office of Management and Budget*,
Associate Director

U.S. Government Participants: Thomas L. Mesenbourg Jr., *United States Census Bureau*,
Deputy Director
Jan Jacobs, *United States Census Bureau*,
Intergovernmental Affairs Office
Ann Kendall, *Office of Management and Budget*,
Program Examiner
Tracy Toulou, *United States Department of Justice*,
Office of Tribal Justice, Director
Tseming Yang, *Environmental Protection Agency*,
Deputy General Counsel

Consultation

- A number of tribal leaders emphasized the need to ensure that President Obama's consultation policy continues after the President leaves office. This was referred to as putting consultation into the "DNA of the Federal Government."
- Because Indian tribes are sovereign nations, the Federal Government should consult with Indian tribes on a nation-to-nation basis, before consulting with states.
- The Federal Government needs a comprehensive and specific consultation policy. Concerns were expressed that without uniformity, agencies' consultation policies could substantially differ.



(Photo courtesy of the Department of the Interior)

- Indian tribes should be consulted before the President signs legislation that is harmful to Indian tribes, especially if the piece of legislation affects treaty rights. Participants specifically mentioned the Prevent All Cigarette Trafficking Act of 2009 (PACT Act, Public Law 111-154) and its effect on an Indian tribe's economy.
- Some participants requested that the President travel throughout Indian country and meet with smaller groups of tribal leaders.

- Alaska Native leaders requested that consultations be held in Alaska, because traveling to a consultation is cost-prohibitive for many tribal leaders in Alaska, even on the west coast (California or the Pacific Northwest).
- Multiple tribal leaders complained that the Internal Revenue Service (IRS) is not consulting with Indian tribes.

Role of the Federal Government

- The Federal Government should be an advocate for Indian tribes instead of acting primarily (or solely) as the protector of the Federal Government’s interests. In addition, the Federal Government should stand “shoulder-to-shoulder” with Indian tribes when negotiating or discussing matters with states.
- The Federal Government’s trust responsibility to Indian tribes should be specifically defined.
- One tribal leader requested that the Federal Government reconsider using the phrase “tribal communities” because it devalues the sovereignty of Indian tribes. Instead terms such as “nations” or “sovereigns” should be used.
- Requests were made for an executive order that reaffirms and funds tribal treaty rights.

Lands

- Lands placed in trust within the boundary of a reservation should be placed in trust without consultation with the states.
- When states and the Federal Government sell excess land that is significant to Indian tribes, Indian tribes should have a right of first refusal to buy the land.
- Indian-owned lands, whether held in trust or in fee, should not be taxed by the Federal Government.

Funding

- Indian programs should be exempt from mandatory spending cuts. In particular, the Indian Health Service programs should not be reduced.
- Funding should be allocated based on the needs of Indian tribes.
- Every agency should have to pay for “indirect costs,” not just the Bureau of Indian Affairs and the Indian Health Service.



(Photo courtesy of the Department of the Interior)

Healthcare

- Tribal health clinics should be designated as public health stations, to improve the delivery of vaccines to tribal health clinics.

SESSION 2: EDUCATION-HEALTHCARE-COMMUNITY SERVICE

- Designated Break-Out Leaders:** Charles Rose, *Department of Education, General Counsel*
Dr. Yvette Roubideaux, *Indian Health Service, Director*
Patrick Corvington, *Corporation for National and
Community Service, Chief Executive Officer*
John Berry, *United States Office of Personnel Management
Director*
Robin Schepper, *Let's Move!, Executive Director*
Robert Gordon, *Office of Management and Budget,
Associate Director*
Keith Fontenot, *Office of Management and Budget,
Associate Director*
- U.S. Government Participants:** Christie Jacobs, *Internal Revenue Service, Indian Tribal
Government, Director*
Mary Lou Leary, *United States Department of Justice,
Deputy Assistant Attorney General*
Keith Moore, *Department of the Interior, Bureau of Indian
Education, Director*
Dr. Robert Jesse, *Department of Veterans Affairs,
Principal Deputy Under Secretary for Health*
Dr. Janey Thornton, *Department of Agriculture, Deputy
Under Secretary for Food, Nutrition and Consumer
Services*
Mary Fischietto, *Office of Management and Budget,
Program Examiner*
Dr. Mary Beth Skupien, *Department of Veterans Affairs,
Director, Office of Rural Health*

Suicide Prevention

- A coordinated, interagency approach should be developed to address the epidemic of suicide; tribal leaders noted the need for coordinated leadership from tribal leaders, parents, communities, and governments to address the suicide crisis, which disproportionately affects Indian youth.
- Traditional native approaches should be used to engage native youth, including traditional healing and spirituality; these have been demonstrated to increase resilience and instill the protective factors that keep youth from harmful behaviors.
- Tribal leaders requested help facilitating support groups for parents and families who have dealt with suicide, bipolar disorder, depression, and other mental health issues.
- An “It Gets Better” style campaign was proposed to reach Indian youth in crisis. Such a campaign would include using brief YouTube videos directed at Indian youth letting them know that they are not alone and all young people experience challenges.
- Tribal leaders should lead by example by supporting youth and families in crisis.

Healthcare

- Additional support for community health aides and clinics is needed, especially in rural areas where access to doctors and hospitals is difficult. Additional support is also needed for elder-care programs.
- Better healthcare can be a means of suicide prevention, because inadequate mental health services contribute to the suicide crisis, especially among youth in Alaska.
- Tribal leaders emphasized that in Alaska, eliminating schools reduces health care facilities, because school facilities often house the only clinic in the community.
- The quality and delivery of behavioral health services should be improved.
- Indian Health Service reform efforts should continue and administrative costs should be reduced.
- Programs should be promoted to encourage Indian youth to explore the outdoors and to familiarize Indian youth with traditional hunting and gathering.
- Indian tribes need coordinated points of contact in the Federal Government to access the resources offered by the Federal Government.
- Infrastructure development is needed to improve the delivery of clean water and the sewer systems on tribal lands. In addition, transportation concerns need to be addressed on tribal lands.



(Photo courtesy of the Department of the Interior)

Education

- The relationship between public schools and Indian tribes should be improved.
 - Public school curricula should reflect and respect local tribal history, culture, and language.
 - The Federal Government should support Native heritage education in tribal schools and public schools with a large Native student population.
 - Students need to be provided with a safer route to school.
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- Some tribal leaders believe that public schools are more responsive to the needs of immigrant communities than the needs of Native communities.
 - The Government should enhance support for early childhood education and Head Start programs. The Government should identify the best Indian Head Start programs and use them as models to demonstrate best practices for Indian country.
 - Out-of-school programs are needed to

(Photo courtesy of the Department of the Interior)

support youth outside of the typical “after-school” programs.

- Participants raised concerns that leadership changes at the state level could negatively impact relationships in Indian country.

Federal Funding

- Federal funding should be delivered directly to Indian tribes or Tribal consortia without interference from the states. Problems arise when Federal funds flow through states to Indian tribes.
- The role of tribal governments should be defined in the same way the roles of state and local governments are defined, possibly through an Executive order.
- The Office of Management and Budget should engage more directly with Indian tribal governments.
- Government regulations should be simplified and streamlined and inconsistencies in regulations need to be addressed.
- Administration officials need to advocate for Federal funding to programs that serve Indian country, because Indian tribes are expected to fund programs that the Federal Government should be funding. An increase in funding for public schools and decrease in Bureau of Indian Education funding is not appropriate.

Trust Responsibilities

- As the Federal Government restructures, trust and treaty responsibilities need to remain intact; tribal sovereignty cannot be compromised.
- The Office of Management and Budget should consider establishing an office for Native relations/tribal consultation.
- Indian tribes need a point of contact at each agency/program to assist in accessing available resources.

Detention Facilities

- Detention facilities need to provide educational opportunities, mental health services, and rehabilitation services, especially for youth. Detention facilities need to prepare individuals to be productive members of the community.

Community Needs

- Elder care and youth programs need to be a focus.
- Prevalence of drug abuse on tribal lands needs to be addressed.
- There is a need for boat access to remote Alaska Native villages.
- Native community centers need to be improved or built.
- Parenting classes for young parents need to be provided.
- Better background checks are needed at the tribal council level.

SESSION 3: ECONOMIC DEVELOPMENT-HOUSING-INFRASTRUCTURE

- Designated Break-Out Leaders:** Secretary Ray LaHood, *Department of Transportation*
Secretary Hilda Solis, *Department of Labor*
Secretary Shaun Donovan, *Department of Housing and Urban Development*
Deputy Secretary Neal Wolin, *Department of the Treasury*
Chairman Fred Hochberg, *Export-Import Bank of the United States*
Marie Johns, *United States Small Business Administration, Deputy Director*
Xavier Briggs, *Office of Management and Budget, Associate Director*
- U.S. Government Participants:** Dave Hinson, *Minority Business Development Agency, Director*
Del Laverdure, *Department of the Interior, Deputy Assistant Secretary for Indian Affairs*
Dallas Tonsager, *Department of Agriculture, Under Secretary for Rural Development*
Karl Brooks, *Environmental Protection Agency, Regional Administrator*
Don Chapman, *Department of Commerce, Senior Policy Advisor on Native American Affairs*

Economic Development

- Tribal governments are at a disadvantage compared to other governments in this country. Other governments raise revenue through taxes, but Indian tribes lack the ability to tax tribal land, and often people within the tribe's reservation.
- Employment opportunities in Indian country need to be improved. Tribal leaders want more tribal preference for Federal contracts and in the hiring of tribal members for projects funded by the American Recovery and Reinvestment Act and other federally funded projects on reservations.
- Consistent tax rules are needed.
- Indian tribes need the ability to enact exclusive geographical taxation over reservations, regardless of land status.
- The Federal Government has a trust responsibility to protect the resources of Indian tribes including civil powers, such as taxing authority. The Federal Government should not favor states over Indian tribes in tax disputes because the Federal Government does not have trust responsibility to the states.



(Photo courtesy of the Department of the Interior)

- Indian tribes lack resources to acquire additional land to be used for economic development, housing, schools, and infrastructure.
- Tribal governments lack capital. Indian tribes need additional funding and should be afforded more opportunities for start-up and Tribal Priority Allocation funding.
- Session participants from Alaska requested special rules for Alaska Native villages regarding road funding. Alaska Native villages face challenging circumstances because of the cost of goods and accessible transportation. For example, roads are often in poor condition and many locations are only accessible by air or sea.
- Alaska Natives and other tribal leaders want to ensure that tribally owned enterprises maintain eligibility for the 8(a) business development program.
- More assistance is needed with tax-exempt bonds. Tribal Economic Development bonds can be used to level the playing field with states and local communities.

Housing

- There is currently a lack of land for Indian tribes to develop housing facilities.
- High-level Federal officials should visit tribal communities to see firsthand the housing conditions.
- Leasing and probate regulations need to be addressed; land title standards and other Federal obstacles are unacceptable. A tribal leader provided an example of a family from his community that spent two years trying to secure the necessary approvals to buy a home.
- Due to a lack of housing and job opportunities, Indian tribes have a hard time attracting members back to the reservation after they obtain a college degree; therefore, many tribal members who could help the tribe do not return to the community.

Infrastructure

- Economic development funding and investments should be made for regional planning. Some Indian tribes want to partner with others in their area to develop the entire region.



(Photo courtesy of the Department of the Interior)

- A tribal member stated that the Federal high speed rail funding that was awarded to the State of Wisconsin should have been provided to the Indian tribes in the state.
- Federal funding should be provided directly to tribal governments rather than being funneled through the states. Indian tribes have difficulty accessing money that is funneled through the states.
- Energy and transportation costs are a heavy burden on Alaska Native

villages. In Alaska, everything from road construction to purchasing basic groceries is more expensive and funding does not stretch as far as in other areas of the country.

SESSION 4: TRIBAL LAND-CULTURAL PROTECTION-NATURAL RESOURCES-ENERGY

Designated Break-Out Leaders: Secretary Tom Vilsack, *Department of Agriculture*
Administrator Lisa Jackson, *Environmental Protection Agency*
Cathy Zoi, *Department of Energy, Undersecretary*

U.S. Government Participant: Ignacia Moreno, *Department of Justice, Assistant Attorney General*
Tomer Hasson, *Office of Management and Budget*
Anne Castle, *Department of the Interior, Assistant Secretary for Water and Science*
Mike Black, *Department of the Interior, Bureau of Indian Affairs, Director*
Eric Schwaab, *Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Assistant Administrator*

Tribal Land

- The process for leasing tribal lands needs to be improved. The current process takes too long and impedes economic development.
- A clean fix to the *Carcieri v. Salazar* decision is needed to allow all Indian tribes to get land placed in trust.
- More assistance is needed in prosecuting trespassers who enter tribal lands to hunt or fish. When trespasses occur, the Federal Government should support prosecution under tribal jurisdiction.
- Tribal leaders raised concerns that agreements between the National Park Service (NPS) and tribal governments that allow Alaska Natives to travel across NPS land have not been upheld.
- Indian tribes should have better opportunities to acquire surplus Federal lands.
- Standard agreements, contracts, and approval processes involving tribal lands, businesses, and management initiatives are needed for use across all Federal agencies.

Cultural Protection

- The Federal Government needs to assist Indian tribes in repatriation efforts where remains are discovered on state, municipal, or private lands. Complaints were raised that the current repatriation process involves too much bureaucracy.
- The Federal Government should help tribes protect sacred sites to allow Indian tribes and tribal members to engage in traditional religious activities.
- Indian tribes and individual Indians need to have better access to courts to protect sacred sites from degradation; specifically, Indian tribes and individual Indians should have a statutory right of action in Federal court to protect sites on public lands that are sacred to their religion.
- The Sacred Sites Executive Order (E.O. 13007 (May 24, 1996)) should be strengthened.

- Rather than museums, Indian tribes should have more control over objects discovered on public and private lands.
- Native American Graves Protection and Repatriation Act regulations should be amended so that funerary objects found in conjunction with culturally unidentified remains go to the Indian tribes identified with the region in which the remains were found.
- Regulations issued by the Department of Agriculture should be amended to allow Indian tribes to serve traditional tribal foods (tribally-caught fish, wild rice, bison, etc.) in tribal schools.
- More eagle feathers should be made available to allow tribal members to practice religious and cultural traditions. Native practitioners need to feel that they will not be prosecuted for the religious and cultural use of feathers.

Natural Resources

- Alaska Native subsistence issues dominated the discussion. Tribal leaders consistently reiterated Alaska Natives’ rights to engage in subsistence hunting and fishing activities. Particular comments included:
 - the need to address the problem of “by-catch” of subsistence species by commercial fishermen; according to one participant, commercial fishing industries are allowed a by-catch of 60,000–120,000 Yukon River King Salmon, drastically depleting salmon stocks for Native users;
 - Federal agents are confiscating subsistence fish from Alaska Natives, and jeopardizing their ability to eat and provide for their families;
 - the way people think of subsistence needs to be reframed—change from the “allowance” of natural resources to the exercise of an inherent and basic human right; and
 - participants reported problems dealing with the Alaska Department of Fish and Game.
- Tribal consultation needs to be improved on issues such as critical habitat designations (particularly for the polar bear), discharge permits, and other issues outside the purview of the Bureau of Indian Affairs.
- Climate change is having numerous effects on Alaska Native villages and subsistence resources (whales and fish). Federal action is needed to counteract climate change.
- The Federal Government needs to take action to protect against degradation of habitat for treaty resource species (e.g., fish and medicinal plants). Pollution and lack of in-stream flow are jeopardizing tribal fishing.
 - Participants raised concerns about permits for mining operations that impact streams and fish, particularly where those operations affect areas in which salmon



(Photo courtesy of the Department of the Interior)

spawn. There should be consultation with Indian tribes and Alaska Native villages prior to the issuance of such permits.

- The Federal Government should address off-shore oil drilling in order to protect whale habitats for subsistence whaling activities.
- The Federal Government needs to fully fund treaty rights protection implementation in the Great Lakes and the Northwest. The United States Government entered into settlements with states, on behalf of tribes, to protect tribal treaty rights. Settlements require tribal regulation of treaty resources, and the Federal Government has an obligation to fund those regulatory activities.
- Better engagement and cooperation with Canada is needed concerning lakes, rivers, and streams that flow into the United States that contain treaty and subsistence fish. Indian tribes should be involved in negotiations related to treaties between the United States and Canada.
- The 1872 mining law needs to be reexamined and modernized; the law should take into account other interests, including sacred sites, hunting and fishing rights, and subsistence rights.
- Issues relating to fish and oceans are so numerous that a separate meeting should be held on the matter.
- Relevant Federal agencies, Indian tribes, and Alaska Native villages should be brought together to discuss issues related to treaty and subsistence fishing and ocean and lakes habitat.

Energy

- The cost of energy for Alaska Natives is too high (some reported as much as \$5.75 per gallon of gasoline). Villages need Federal assistance to deal with the cost of energy.
- Indian tribes need more clean-energy projects to promote economic development and protect habitat and natural resources from pollution.
- Off-shore oil drilling threatens Alaska Native villages; more rigorous science-based analysis is necessary to ensure the safety of these activities and to protect villages and the habitat of species relied upon by villagers.

SESSION 5: PUBLIC SAFETY-HOMELAND SECURITY

Designated Break-Out Leaders: Thomas J. Perrelli, *Department of Justice, Associate Attorney General*
Craig Fugate, *Federal Emergency Management Agency, Administrator*
David Aguilar, *Department of Homeland Security, U.S. Customs and Border Protection Deputy Commissioner*
Larry Echo Hawk, *Department of the Interior, Assistant Secretary*
Ben Tucker, *Office of National Drug Control Policy,*

U.S. Government Participants:

Deputy Director of State, Local and Tribal Affairs
Chief Harold Hurtt, *Department of Homeland Security,*
U.S. Immigration and Customs Enforcement,
Assistant Director of State, Local and Tribal
Coordination
David Sanborn, *Department of Defense,*
Senior Tribal Liaison
Wizi Garriott, *Department of the Interior, Senior Advisor*
Dr. Susan Karol, *Indian Health Service,*
Chief Medical Officer
Dennis Romero, *Substance Abuse and Mental Health*
Services Administration
Bob Bullock, *Office of Management and Budget*
Mathy Stanislaus, *Environmental Protection Agency,*
Assistant Administrator

Impact of State Criminal Jurisdiction over Indian Country under Public Law 83-280 (P.L. 280)

- The resources provided by P.L. 280 are too limited to provide for critical public safety needs.
- P.L. 280 is having a significant impact on the ability to conduct effective drug raids in California. A request was made for a Federal directive that would mandate Federal offices to fill the gaps created by P.L. 280.
- P.L. 280 has challenged the Federal-state-tribal collaboration in prosecutions and investigations.
- One tribe raised concerns that the P.L. 280 framework required the Indian tribe to spend over \$1 million per year to enforce state laws, yet the state is able to demand additional contributions from the Indian tribe as part of a re-negotiated memorandum of understanding.

Tribal Law and Order Act

- The Tribal Law and Order Act was an important step in addressing the treatment of jurisdiction across Indian country.
- Concerns were raised that the Tribal Law and Order Act does not provide sufficient measures for retrocession and Indian tribes are in need of more support from Federal officials, especially for the unique needs that exist in Alaska.
- Tribal leaders stated that they needed greater jurisdictional authority. For example, one tribal leader stated that his tribe can only hold individuals for 12 hours.



Larry Echo Hawk, Assistant Secretary for Indian Affairs leads a breakout session with other government administrators.
(Photo courtesy of the Department of the Interior)

Special Law Enforcement Commissions

- More support is needed for Special Law Enforcement Commissions.
- The Tribal Law and Order Act of 2010 directs the Bureau of Indian Affairs to clarify the role of Special Law Enforcement Commissions (SLEC) by January 25, 2011. During the break-out session, the BIA described the SLEC authority as being similar to the limited authority of a BIA Federal officer.
- Tribes raised concerns with getting SLEC cards issued in a timely manner.

Funding for Tribal Law Enforcement

- Indian country needs more funds to increase law enforcement staffing and purchase equipment.
- Federal business practices can help reduce unmet needs by improving the administration of Special Law Enforcement Commissions and the execution of Federal self-governance funds.
- The combined impact of the Administration's success at restoring traditional land bases for tribal communities and the anticipation of the growing law enforcement needs among currently landless communities seeking restoration of their land base creates a significant funding need that the Federal Government must consider.

Detention and Rehabilitation

- Concerns were raised that the increased detention needs created by the Tribal Law and Order Act might strain existing detention center agreements.



(Photo courtesy of the Department of the Interior)

- An unmet need exists for detention center facility construction and maintenance.
- Indian country needs more opportunities for restorative systems of justice for veterans and youth impacted by substance abuse.
- One tribal leader stated that some previously condemned youth detention facilities were still being used and that use of the condemned facilities made the youth detainees ill.
- Indian country needs greater attention in the Federal coordination of programs that serve mental health needs as part of the rehabilitation process.

Illegal Drug Trafficking and Alien Transport

- Numerous tribal leaders raised concerns regarding the growing of marijuana on tribal land and drug trafficking in or near tribal land. Participants from the Yakama Nation stated that this illegal activity has extended to protected lands.

- Effectively addressing the transport of illegal drugs in Indian country requires cross-jurisdictional (tribal-Federal-state) and inter-agency coordination at the Federal level.
- One tribal leader stated that illegal drugs are having a drastic impact on the Pueblos near the Interstate 40 corridor in New Mexico. In fact, Pueblo leadership reports found that drug use is becoming a problem among children in grade school.
- Drug dealers are aware of, and exploit, lapses in patrols due to interruptions in funding.
- State removals of illegal crops do not take place until late June, when the crops are mature. As a result, illegal activity and threats to public safety are prolonged.
- One tribal leader proposed that the Bureau of Indian Affairs support an early growth eradication program in order to destroy crops that the growers are less likely to aggressively defend. This proposal also suggested coordination between the U.S. Customs and Border Protection, the BIA, tribal justice departments, and the National Crime Information Center's shared investigation data.

Tribal Collaboration with Homeland Security

- There is an ongoing need to improve communication and ability for tribes and the Federal Government to predict disaster response needs in Indian country.
- Youths and veterans in tribal communities could be used to establish innovative approaches to disaster response.
- Indian tribes told of mixed experiences with the Federal officials at ports of entry along the international borders. For example, a complaint was raised that Federal officers working the international border near Montana were harassing tribal and spiritual leaders, taking feathers that were used by veterans for protection and making leaders count and inspect their feathers.
- A Federal assessment should be conducted of the United States' existing policy position on passport documents issued by tribal governments.



(Photo courtesy of the White House Photo Office)

Conclusion

President Obama believes that progress is being made on issues related to American Indians and Alaska Natives. Major accomplishments have been achieved this past year, but the President recognizes that a great deal of work remains to be done. The Conference is one conversation in an ongoing dialogue that will serve as a basis of action to provide a better future for American Indians and Alaska Natives. We will continue to work with tribal nations to establish a foundation for sustainable economic growth in Indian country, address health disparities, provide sound educational opportunities, and ensure the safety of Native communities from violent crime. The President said in his opening remarks, “What matters far more than words -- what matters far more than any resolution or declaration – are actions to match those words. And that’s what this conference is about.” President Obama looks forward to working with tribal leaders to continue making progress on these important policy areas.