Legislative Activity in the 116th Congress
and Administrative Actions Affecting Tribes

In this Issue, Dated September 23, 2019 through October 25, 2019, the Following Federal Legislative and Administrative Actions Were Taken on Issues Affecting Tribes—

I. **Federal Congressional Hearings – 116th Congress**
   i. **September 25, 2019** – House Committee on Natural Resources, Subcommittee for Indigenous Peoples of the United States, Legislative Hearing on H.R. 1128 and H.R. 1135.
      - H.R. 1128, Indian Programs Advanced Appropriations Act
      - H.R. 1135, Indian Health Service Advanced Appropriations Act of 2019

Witnesses:

*Panel I: Members of Congress*
- Rep. Betty McCollum Minnesota, 4th District
- Rep. Don Young, Alaska, At Large

*Panel II: Tribal Leaders and Experts*
- Hon. Victoria Kitcheyan, Chairperson, The National Indian Health Board, Tribal Council Member, Winnebago Tribe of Nebraska, Winnebago, NE
- Ms. Verne Boerner, President and CEO, Alaska Native Health Board, Inupiaq (Village of Kiana), Anchorage, AK
- Hon. Cheryl Andrews-Maltais, Board of Directors, United South and Eastern Tribes SPF, Chairwoman, Wampanoag Tribe of Gay Head Aquinnah, MA
- Hon. Janet Wak Wak Nicholson, Colville Business Council Member, Confederated Tribes of the Colville Reservation, Nespelem, WA
Panel III: Administration

- Mr. Jason Freihage, Deputy Assistant Secretary for Management, Office of the Assistant Secretary for Indian Affairs, U.S. Department of the Interior, Washington, DC
- Rear Adm. Michael D. Weahkee, Principal Deputy Director, the Indian Health Service, U.S. Department of Health and Human Services, Rockville, MD

ii. October 7, 2019 – Senate Committee on Indian Affairs, Field Oversight Hearing on “America’s Nuclear Past: Examining the Effects of Radiation in Indian Country”. Field Hearing held at the Southwestern Indian Polytechnic Institute in Albuquerque, NM, no recording available.

Panel I:

- Mr. David Gray, Deputy Regional Administrator, U.S. Environmental Protection Agency, Washington, DC
- Mr. Peter O’Konski, Deputy Director, Office of Legacy Management, U.S. Department of Energy, Washington, DC
- Dr. Loretta Christensen, Chief Medical Officer, Navajo Area, Indian Health Service, Window Rock, AZ

Panel II:

- The Honorable Jonathon Nez, President, Navajo Nation, Window Rock, AZ
- The Honorable J. Michael Chavarria, Governor, Santa Clara Pueblo, Espanola, NM
- The Honorable Ryan Riley, Council Representative, Pueblo of Laguna, Laguna, NM
- Mr. Phil Harrison, Consult and Advocate, Navajo Uranium Radiation Victims Committee, Mitten Rock, NM
- Ms. Tina Cordova, Co-Founder, Tularosa Downwinders Consortium, Albuquerque, NM


- H.R. 3160, Blackwater Trading Post Land Transfer Act
- S. 46, Klamath Tribe Judgment Fund Repeal Act

Witnesses:

- Hon. Stephen Roe Lewis (H.R. 3160), Governor, Gila River Indian Community, Sacaton, AZ
- Mr. Donald R. Wharton (S. 46), Senior Attorney, Native American Rights Fund

iv. October 16, 2019 – Senate Committee on Indian Affairs, Oversight Hearing on “Lending Opportunities: Opening the Door to Homeownership in Indian Country.”
Witnesses:

- The Honorable R. Hunter Kurtz, Assistant Secretary for Public and Indian Housing, U.S. Department of Housing and Urban Development, Washington, DC
- The Honorable Max Zuni, Governor, Pueblo of Isleta, Isleta, NM
- The Honorable Nathaniel “Nate” Mount, Council Member, Ft. Belknap Indian Community, Harlem, MT
- Mr. Darryl LaCounte, Director, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, DC
- Ms. Patrice H. Kunesh, Director, Center for Indian Country Development / Assistant Vice President, Federal Reserve Bank of Minneapolis

v. **October 17, 2019** – House Committee on Natural Resources, Subcommittee on Water, Oceans, and Wildlife, Legislative Hearing on H.R. 2795 and H.R. 3742.

- H.R. 3742, Recovering America’s Wildlife Act of 2019

Witnesses:

*Panel I: Congressional Sponsors*

- Rep. Don Beyer, Virginia, 8th District
- Rep. Debbie Dingell, Michigan, 12th District

*Panel II: Administration*

- Mr. Stephen Guertin, Deputy Director for Policy, U.S. Fish and Wildlife Service, Washington, DC

*Panel III: Experts*

- Marnie Urso, Policy Director, Audubon Great Lakes
- Collin O'Marra, President and CEO, National Wildlife Federation
- Gloria Tom, Director, Navajo Nation Department of Fish and Wildlife
- Jennifer Fielder, CEO, American Lands Council

II. **Federal Bills Introduced/Considered by the 116th Congress**


iii. September 24, 2019 – S. 2533, A bill to amend the Alaska Native Claims Settlement Act to exclude certain payments to Alaska Native elders for determining eligibility for certain programs, and for other purposes. Introduced by Sen. Lisa Murkowski (R-AK), read twice, and referred to the Senate Committee on Energy and Natural Resources.


ix. September 26, 2019 – H.R. 4533, Native Health Access Improvement Act of 2019. Introduced by Rep. Frank Pallone, Jr. (D-NJ-6) and referred to the House Committee on Energy and Commerce, the House Committee on Ways and Means, and the House Committee on Natural Resources.


xii. September 27, 2019 – H.R. 4582, To amend the Alaska Native Claims Settlement Act to provide that Alexander Creek, Alaska, is and shall be recognized as an eligible Native village under that Act, and for other purposes. Introduced by Rep. Don Young (R-AK-At Large) and referred to the House Committee on Natural Resources.


xvi. **October 16, 2019** – S. 2159, A bill to repeal the Act entitled “An Act to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation”. Reported by Chairman Hoeven of the Senate Committee on Indian Affairs without amendment and with written report No. 116-130 and placed on the Senate Legislative Calendar under General Orders, Calendar No. 244. Introduced by Sen. John Hoeven (R-ND) on July 18, 2019.


**III. Federal Administrative and Regulatory Actions**

i. **September 23, 2019** – Environmental Protection Agency; Notice: Notice of Grant Funding Guidance for State and Tribal Response Programs for Fiscal Year 2020.

ii. **October 2, 2019** – Department of Transportation; Notice of Proposed Rulemaking: Tribal Transportation Self-Governance Program.

iii. **October 11, 2019** – Department of Education; Office of Elementary and Secondary Education; Notice: Indian Education Discretionary Grant Programs; Professional Development Program.
iv. **October 15, 2019** – Department of the Interior; Bureau of Indian Affairs; Notice of Meeting: Advisory Board of Exceptional Children.

v. **October 15, 2019** – Department of the Interior; Fish and Wildlife Service; Proposed Rule: Migratory Bird Hunting; Proposed 2020-21 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals; Notice of Meetings.

vi. **October 16, 2019** – Department of the Interior; National Park Service; Notice of Meeting: Native American Graves Protection and Repatriation Review Committee; Notice of Public Meeting.

vii. **October 17, 2019** – Department of the Interior; Bureau of Indian Affairs; Interim Final Rule: Tribal Transportation Program; Delay of Compliance Date.

viii. **October 17, 2019** – Revision to Policy Statement on Consultation with Indian Tribes in Commission Proceeding.

**Federal Congressional Hearings – 116th Congress**

i. **September 25, 2019** – House Committee on Natural Resources, Subcommittee for Indigenous Peoples of the United States, Legislative Hearing on H.R. 1128 and H.R. 1135. [Link to Hearing](#).

- H.R. 1128, Indian Programs Advanced Appropriations Act. [Link to Bill](#).
- H.R. 1135, Indian Health Service Advanced Appropriations Act of 2019. [Link to Bill](#).

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*Panel II: Tribal Leaders and Experts*

- Hon. Victoria Kitcheyan, Chairperson, The National Indian Health Board, Tribal Council Member, Winnebago Tribe of Nebraska, Winnebago, NE. [Link to Testimony](#).
- Ms. Verne Boerner, President and CEO, Alaska Native Health Board, Inupiaq (Village of Kiana), Anchorage, AK. [Link to Testimony](#).
- Hon. Cheryl Andrews-Maltais, Board of Directors, United South and Eastern Tribes SPF, Chairwoman, Wampanoag Tribe of Gay Head Aquinnah, MA. [Link to Testimony](#).
• Hon. Janet Wak Wak Nicholson, Colville Business Council Member, Confederated Tribes of the Colville Reservation, Nespelem, WA. Link to Testimony.

Panel III: Administration

• Mr. Jason Freihage, Deputy Assistant Secretary for Management, Office of the Assistant Secretary for Indian Affairs, U.S. Department of the Interior, Washington, DC. Link to Testimony.

• Rear Adm. Michael D. Weahkee, Principal Deputy Director, the Indian Health Service, U.S. Department of Health and Human Services, Rockville, MD. Link to Testimony.

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Panel I:

• Mr. David Gray, Deputy Regional Administrator, U.S. Environmental Protection Agency, Washington, DC. Link to Testimony.

• Mr. Peter O’Konski, Deputy Director, Office of Legacy Management, U.S. Department of Energy, Washington, DC. Link to Testimony.

• Dr. Loretta Christensen, Chief Medical Officer, Navajo Area, Indian Health Service, Window Rock, AZ. Link to Testimony.

Panel II:

• The Honorable Jonathon Nez, President, Navajo Nation, Window Rock, AZ. Link to Testimony.

• The Honorable J. Michael Chavarria, Governor, Santa Clara Pueblo, Espanola, NM. Link to Testimony.

• The Honorable Ryan Riley, Council Representative, Pueblo of Laguna, Laguna, NM. Link to Testimony.

• Mr. Phil Harrison, Consult and Advocate, Navajo Uranium Radiation Victims Committee, Mitten Rock, NM. No Available Link to Testimony.

• Ms. Tina Cordova, Co-Founder, Tularosa Downwinders Consortium, Albuquerque, NM. Link to Testimony.


• H.R. 3160, Blackwater Trading Post Land Transfer Act. Link to Bill.

• S. 46, Klamath Tribe Judgment Fund Repeal Act. Link to Bill.

Witnesses:
• Hon. Stephen Roe Lewis (H.R. 3160), Governor, Gila River Indian Community, Sacaton, AZ. Link to Testimony. Map Exhibit Attachment.

• Mr. Donald R. Wharton (S. 46), Senior Attorney, Native American Rights Fund. Link to Testimony.

iv. October 16, 2019 – Senate Committee on Indian Affairs, Oversight Hearing on “Lending Opportunities: Opening the Door to Homeownership in Indian Country.” Link to Hearing.

Witnesses:

• The Honorable R. Hunter Kurtz, Assistant Secretary for Public and Indian Housing, U.S. Department of Housing and Urban Development, Washington, DC. Link to Testimony.

• The Honorable Max Zuni, Governor, Pueblo of Isleta, Isleta, NM. Link to Testimony.

• The Honorable Nathaniel “Nate” Mount, Council Member, Ft. Belknap Indian Community, Harlem, MT. Link to Testimony.

• Mr. Darryl LaCounte, Director, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, DC. Link to Testimony.

• Ms. Patrice H. Kunesh, Director, Center for Indian Country Development / Assistant Vice President, Federal Reserve Bank of Minneapolis. Link to Testimony.


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• Marnie Urso, Policy Director, Audubon Great Lakes. Link to Testimony.

• Collin O’Marra, President and CEO, National Wildlife Federation. Link to Testimony.

• Gloria Tom, Director, Navajo Nation Department of Fish and Wildlife. Link to Testimony.
Federal Bills Introduced/Considered by the 116th Congress


• Bill amends the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.) to enable Indian tribes and tribally-designated housing entities to apply for, receive, and administer grants and subgrants under the Continuum of Care Program of the Department of Housing and Urban Development.


• Bill would amend the Indian Health Care Improvement Act (25 U.S.C. 1680q) to authorize advance appropriations for the Indian Health Service, Indian health facilities, and Indian Health Service contract support costs by providing a two year fiscal year budget authority.

iii. September 24, 2019 – S. 2533, A bill to amend the Alaska Native Claims Settlement Act to exclude certain payments to Alaska Native elders for determining eligibility for certain programs, and for other purposes. Introduced by Sen. Lisa Murkowski (R-AK), read twice, and referred to the Senate Committee on Energy and Natural Resources. Link to Bill.


• Bill would amend the Coastal Zone Management Act of 1972 and authorize grants to Indian Tribes to achieve Tribal Coastal Zone objectives. Grants would be awarded to tribes by the Secretary of the Department of Commerce. Grants less than $200,000 will be covered entirely by the federal government and grants exceeding $200,000 will be 95 percent covered by the federal government. Bill authorizes a $5 million appropriation for each fiscal year. Grants for Tribal Coastal Zones will be used for the protection, restoration, or preservation of areas in the Tribal coastal zone of a tribe that holds important ecological, cultural, or sacred significance to the tribe or has traditional, historic, and esthetic values to the tribe.


• Bill would authorize new budget authority for advanced appropriations, beginning with fiscal year 2020 for the Department of the Interior and the Department of Health and Human Services. Covered accounts include those for the Department of the Interior, Bureau of Indian Affairs, and the Bureau of Indian Education accounts to cover the operation of Indian
program, contract support costs, and the Indian Guaranteed Loan Program account. For the Department of Health and Human Services, covered accounts include those for the Indian Health Services and contract support costs.


- Bill would amend the Indian Health Care Improvement Act (25 U.S.C. 1680o) to authorize advance appropriations for the Indian Health Service and Indian health facilities by providing a two year fiscal year budget authority.


- This bill proposes bridging significant data gaps relating to missing and murdered Indians by administering stricter Federal law enforcement database reporting requirements, introducing a tribal liaison(s) to work within the National Missing and Unidentified Persons System, ensuring greater access to law enforcement databases for tribal law enforcement officials, and requiring annual reports from the Attorney General concerning DOJ investigations in Indian Country. Further, this bill seeks to ensure the safety of Native communities by improving upon the background check system for applicants for law enforcement positions in the BIA, establishing a grant program aimed at supplying tribes or tribal organizations with the resources necessary to track and respond to missing persons and murder cases of interest, improving the coordination between tribes and tribal organizations and federal, state, and local law enforcement agencies, and introducing a study by the Comptroller General meant to provide greater transparency of Federal investigations in Indian Country.

viii. **September 26, 2019** – H.R. 4530, Native American Health Savings Improvement Act. Introduced by Rep. John R. Moolenaar (R-MI-4) and referred to the House Committee on Ways and Means. [Link to Bill](#).

- Bill would amend the Internal Revenue Code of 1986 to allow individuals eligible for assistance from the Indian Health Service to qualify for health savings accounts.

ix. **September 26, 2019** – H.R. 4533, Native Health Access Improvement Act of 2019. Introduced by Rep. Frank Pallone, Jr. (D-NJ-6) and referred to the House Committee on Energy and Commerce, the House Committee on Ways and Means, and the House Committee on Natural Resources. [Link to Bill](#).

- Bill would amend the Public Health Service Act to improve behavioral health outcomes for American Indians and Alaska Natives. Bill directs the Director of the Indian Health Services, in coordination with the Assistant Secretary for Mental Health and Substance Abuse to award grants to provide services for the prevention and treatment of mental health and substance abuse disorders. Grants for services would be provided through the Indian Health Service; an Indian health program operated by an Indian tribe or tribal organization that has a contract, grant, cooperative agreement, or compact with the Indian Health Service; or an urban Indian health program operated by an urban Indian organization that has a grant or contract with the Indian Health Service. Bill also directs the Director of the Indian Health Service to establish a technical assistance center to provide assistance to
grantees and collect and evaluate information on programs. Bill authorizes $150 million in appropriations for each fiscal years 2020 through 2024 for grant making purposes. Bill amends the Patient Protection and Affordable Care Act to define “Indian” as any individual who is eligible for health services provided by the Indian Health Service under Section 809 of the Indian Health Care Improvement Act (25 U.S.C. 1679); who is of Indian descent and belongs to the Indian community served by local facilities and programs of the Indian Health Service; or is a member of a federally-recognized Indian tribes. Bill also includes in the definition of “Indian” any resident of an urban center who meets one of the four following criteria: 1) membership in a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside, or being a descendant in the first of second degree of any such member; 2) is an Eskimo or Aleut or other Alaska Native; 3) is considered by the Secretary of the Interior to be an Indian for any purpose; or 4) is determined to be an Indian under regulations promulgated by the Secretary.


- Bill proposes amendments to the Public Health Service Act that would improve the public health system in tribal communities and increase the number of American Indians and Alaska Natives pursuing health careers. This bill would accomplish its first goal by establishing a tribal health block grant available to tribes and/or tribal organizations. This grant would be used to establish or support preventive health service programs that facilitate the achievement of health-status goals, establish or support public health services that reduce the prevalence of chronic disease among AIANs, and strengthen public health infrastructure to survey and respond to infectious disease and foodborne illness outbreaks. Recipients of this grant would be required to submit status reports to the Secretary of the Interior. To increase the number of AIANs pursuing health careers, this bill proposes the establishment of grants for the purpose of recruiting and mentoring AIAN youth and young adults in health professions. Tribes or tribal organizations who receive this grant would use funds to expose AIAN youth or young adults to health professions, promote science education, establish mentoring relationships between AIAN youth and health professionals, and provide hands-on learning experiences in a health care setting, among other things.


- Bill would amend Title 38 of the United States Code to authorize the Secretary of Veterans Affairs to make certain grants to assist nursing homes for veterans located on tribal lands.

xii. September 27, 2019 – H.R. 4582, To amend the Alaska Native Claims Settlement Act to provide that Alexander Creek, Alaska, is and shall be recognized as an eligible Native village under that Act, and for other purposes. Introduced by Rep. Don Young (R-AK-At Large) and referred to the House Committee on Natural Resources. Link to Bill.

- Bill would amend the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to recognize the village of Alexander Creek as an Alaska Native village corporation within the Alaska Native Cook Inlet Regional Corporation.

- Bill would allow tribes to request the Secretary of the Department of Education, beginning in the 2020-2021 school year and each subsequent school year, to disburse amounts transferred under section 2102(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6611(a)(2)) for each fiscal year to tribes that administer education savings account programs to enable tribes to award grants to education savings accounts for ESA eligible students for such school year. A tribe may enter into an agreement with a nonprofit entity for administration of the accounts created through a tribe’s education savings account program. Funds disbursed to a tribe shall be used to deposit $8,000 each year in the tribal education savings accounts of ESA eligible students. Permissible use of funds include: private tutoring for academic, Native language, or cultural tutoring; costs of attendance to private elementary or secondary school recognized by a state, which may include a private school that has a religious mission; private online learning programs; services provided by a public elementary or secondary school attended by a child on a less than full-time basis, including individual classes and extracurricular activities and programs; textbooks, curriculum programs, or other instructional materials, including any supplemental materials required by a curriculum program, private school, private online learning programs, or a public school, or any parent directed curriculum associated with K-12 education; computer hardware or other technological devices that are used to help meet a student’s educational needs, except that such hardware or devices may not be purchased by a parent more than once in a 18-month period; educational software and applications; uniforms for attending a private school recognized by the State; fees for nationally standardized assessment exams, advanced placement exams, any exams related to college or university admission, or tuition or fees for preparatory courses for such exams; fees for summer education programs and specialized after-school education programs (but not including after-school childcare); educational services and therapies including occupational, behavioral, physical, speech-language, and audiology therapies; cost of attendance at an institution of higher education; costs associated with an apprenticeship or other vocational training program; fees for State-recognized industry certification exams, and tuition or fees for preparatory courses for such exams; contributions to a college savings account; and any other educational expenses approved by the Secretary of the Department of Education.


- Bill would amend Title 38 of the United States Code to authorize the Secretary of Veterans Affairs to make certain grants to assist nursing homes for veterans located on tribal lands.


- Bill repeals P.L. 89-224, commonly known as the “Klamath Tribe Judgment Act” (79 Stat. 897). Upon passage of the bill, any remaining balance of funds that were appropriated or
deposited into trust accounts for legal fees, administration, and per capita trust accounts, shall be disbursed to the Klamath Tribe.

**xvi. October 16, 2019 – S. 2159, A bill to repeal the Act entitled “An Act to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation”.** Reported by Chairman Hoeven of the Senate Committee on Indian Affairs without amendment and with written report No. 116-130 and placed on the Senate Legislative Calendar under General Orders, Calendar No. 244. Introduced by Sen. John Hoeven (R-ND) on July 18, 2019. [Link to Bill.]

**xvii. October 16, 2019 – S. 2610, Tribal Energy Reauthorization Act.** Introduced by Sen. Lisa Murkowski (R-AK), read twice, and referred to the Senate Committee on Indian Affairs. [Link to Bill.]

- Bill would reauthorize certain programs under the Office of Indian Energy and Policy Programs at the Department of Energy. Bill would make tribal energy development organizations eligible for the Department of Energy Indian Energy Education Planning and Management Assistance Program and authorizes an appropriation of $50 million for each of fiscal years 2020 through 2030. Bill also provides an authorization of appropriations of $30 million for each of fiscal years 2020 through 2030 for the Department of Energy Loan Guarantee Program.

**xviii. October 16, 2019 – S. 2616, Alaska Tribal Public Safety Empowerment Act.** Introduced by Sen. Lisa Murkowski (R-AK), read twice, and referred to the Senate Committee on Indian Affairs. [Link to Bill.]

- Bill would provide civil and criminal jurisdiction over Alaska Natives and non-Alaska Natives for certain Indian tribes in the State of Alaska. Bill would affirm that any Indian tribe in the State of Alaska occupying a village may exercise criminal and civil jurisdiction over all Alaska Natives present in the village and have authority to issue and enforce protection orders involving any individual, including the authority to enforce such an order through a civil contempt proceeding. They would also be authorized to exclude violators from the village and use appropriate mechanisms to address matters arising anywhere in the village that are subject of protection orders. Bill would establish a pilot program for no more than five tribes per year to exercise criminal and civil jurisdiction over all individuals present in a village occupied by an Indian tribe who are not subject to the jurisdiction of the Indian tribe. Selection of qualifying Indian tribes for the pilot program shall be conducted by the Attorney General in consultation with the Secretary of the Interior with preference given to Indian tribes occupying villages which have predominately Alaska Native populations or lack a permanent State law enforcement presence. Two or more qualifying tribes, or a tribal organization acting on behalf of two or more qualifying tribes, may elect to jointly participate in the pilot program.

**xix. October 18, 2019 – H.R. 4752, The Prairie Island Indian Community Land Claim Settlement Act.** Introduced by Rep. Angie Craig (D-MN-2) and referred to the House Committee on Natural Resources. [Link to Bill.]

- Bill would accept approximately 1,244.75 acres of land into trust for the benefit of the Prairie Island Indian Community as compensation for the tribe for tribal lands that have been rendered dangerous by the use and storage of highly toxic nuclear materials, some of which have been inundated by flood waters.

- Bill repeals certain obsolete laws relating to Indian tribes.

Federal Administrative and Regulatory Actions


- The Environmental Protection Agency (EPA) has announced guidance to assist states and tribes in the development and submission of grant applications and the use of Fiscal Year 2020 section 128(a) funds under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) noncompetitive $50 million grant program. EPA will consider grant requests up to a maximum of $1.0 million per state or tribe. State or tribal response programs that oversee assessment and cleanup activities at brownfield sites may be eligible. Response programs generally address the assessment, cleanup, and redevelopment of brownfields sites and other sites with actual or perceived contamination. To acquire grant guidance, visit www.regulations.gov and search Docket ID number EPA-HQ-OLEM-2019-0540. Or visit https://www.epa.gov/brownfields/types-brownfields-grant-funding.

  Grant application deadline: December 6, 2019.

ii. October 2, 2019 – Department of Transportation; Notice of Proposed Rulemaking: Tribal Transportation Self-Governance Program. Link to Federal Register Notice.

- The U.S. Department of Transportation (DOT or Department) has issued a notice of proposed rulemaking (NPRM), which would establish and implement the Tribal Transportation Self-Governance Program (TTSGP or Program). The Department is requesting comments on the NPRM. The Program would provide to participating Tribes greater control and decision-making authority over their use of certain DOT funding for which they are eligible recipients while reducing associated administrative burdens. The proposed regulations include eligibility criteria, describe the contents of and process for negotiating self-governance compacts and funding agreements with the Department, and set forth the roles, responsibilities, and limitations on the Department and Tribes that participate in the TTSGP.

  Comments may be submitted online at www.regulations.gov with Docket ID No. DOT-OST-2018-0104. Comments must be received by December 2, 2019.

iii. October 11, 2019 – Department of Education; Office of Elementary and Secondary Education; Notice: Indian Education Discretionary Grant Programs; Professional Development Program. Link to Federal Register Notice.
• The Department of Education has issued a notice regarding changes to the Professional Development program as it relates to the Indian Education Discretionary Grant Programs. The changes are mostly technical in nature, for example, replacing the term “Indian institution of higher education” with “Tribal College or University (TCU).” Other changes include broadening the qualifying employment program requirement and defining “local educational agencies (LEAs) that serve a high proportion of Indian students” to provide clarity and in order to allow as many LEAs as possible to serve as a qualifying job placement for successful participants.

Go to www.regulations.gov to submit comments online. Use Docket ID ED-2019-OESE-0068. Comments must be received by November 12, 2019.

iv. October 15, 2019 – Department of the Interior; Bureau of Indian Affairs; Notice of Meeting: Advisory Board of Exceptional Children. Link to Federal Register Notice.

• The Bureau of Indian Education (BIE) has announced that the Advisory Board for Exceptional Children will hold its next meeting in Albuquerque, NM, November 13-15, 2019. The Advisory Board members will convene from 8:30 a.m. to 4:30 p.m. MT each day from November 13-15, 2019. During the November 15, 2019 meeting, time has been set aside for public comment via conference call from 11:00 a.m. to 11:30 a.m. MT. The call-in information is: Telephone Number 1-888-417-0376, Passcode 1509140.


• The U.S. Fish and Wildlife Service (FWS or Service) has issued a proposed rule to establish annual hunting regulations for certain migratory game birds for the 2020-21 hunting season. The Service notes, “Migratory bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.”

In the proposed rule, the FWS requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands. The guidelines include possibilities for (1) on-reservation hunting by both tribal and nontribal members, (2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates, season length, and daily bag and possession limits; and (3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits. Tribes usually have the authority to regulate migratory game bird hunting by nonmembers on Indian-owned reservation lands, subject to FWS approval.

Tribes that wish to use the guidelines to establish special hunting regulations for the 2020-21 migratory game bird hunting season should submit a proposal that includes: (1) The requested migratory game bird hunting season dates and other details regarding the proposed regulations; (2) harvest anticipated under the proposed regulations; and (3) tribal capabilities to enforce migratory game bird hunting regulations. More details are listed in the Federal Register Notice link above.

Tribes should submit their proposals no later than December 1, 2019.

- The National Park Service is hereby giving notice that the Native American Graves Protection and Repatriation Review Committee (Review Committee) will hold one meeting via teleconference on October 30, 2019, from 2:00 p.m. until approximately 6:00 p.m. ET. The agenda will include the discussion of the Review Committee Report to Congress; and requests for disposition of Native American human remains. The meeting is open to the public and there will be time for public comment. Information on joining the teleconference and the final agenda will be available on the National NAGPRA Program website at [https://www.nps.gov/nagpra](https://www.nps.gov/nagpra).

vii. **October 17, 2019** – Department of the Interior; Bureau of Indian Affairs; Interim Final Rule: Tribal Transportation Program; Delay of Compliance Date. [Link to Federal Register Notice](https://www.federalregister.gov).  

- The Bureau of Indian Affairs (BIA) has issued an interim final rule that updates the Tribal Transportation Program regulations to delay the deadline for Tribes to comply with requirements to collect data on proposed roads for the National Tribal Transportation Facility Inventory (NTTFI). Regulations governing the Tribal Transportation Program were published in 2016. The regulations required Tribes to collect data for proposed roads to be added to, or remain in, the NTTFI by November 7, 2019. This interim final rule delays the current deadline to March 6, 2020. This delay will allow the Bureau of Indian Affairs time to complete the rulemaking that is reexamining the need for this data collection in the NTTFI and determining whether revision or deletion of the data collection requirements in § 170.443 is appropriate.


- The Federal Energy Regulatory Commission has revised its 2003 Policy Statement on Consultation with Indian Tribes in Commission Proceedings by adding a specific reference to treaty rights and noting that the Commission addresses tribal input in its National Environmental Policy Act (NEPA) documents and orders. The revision states, “While the Commission already considers the effect of actions on treaty rights in its NEPA and decision documents, the Commission is taking this opportunity to clarify that point by adding specific mention of treaty rights in the policy statement.”

In addition, the Commission is adding consultation with Alaska Native Corporations to the policy statement, consistent with Congress’ requirement that all Federal agencies consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175. The update states, “The Commission distinguishes the Federal relationship to ANCSA Corporations from the government-to-government relationship between the Federal Government and federally recognized Indian Tribes in Alaska and elsewhere, and the update to the policy will not diminish in any way that relationship and the consultation obligations towards federally recognized Indian Tribes.”

More information can be found in the Federal Register Notice link above.
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