

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 021 - FOLDER -008

[12/23/1997 - 12/29/1997]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Julie Fernandes to Elena Kagan re: Race Initiative [partial] (1 page)	12/24/1997	P6/b(6)
002. email	Mary Smith to Elena Kagan re: Holiday (1 page)	12/24/1997	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[12/23/1997 - 12/29/1997]

2009-1006-F
ch198

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-DEC-1997 12:53:21.00

SUBJECT: Announcements

TO: Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Paul E. Begala (CN=Paul E. Begala/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Lawrence J. Haas (CN=Lawrence J. Haas/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: John Podesta (CN=John Podesta/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Rahm I. Emanuel (CN=Rahm I. Emanuel/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Douglas B. Sosnik (CN=Douglas B. Sosnik/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Jennifer M. Palmieri (CN=Jennifer M. Palmieri/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Michael D. McCurry (CN=Michael D. McCurry/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Franklin D. Raines (CN=Franklin D. Raines/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Erskine B. Bowles (CN=Erskine B. Bowles/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Stacie Spector (CN=Stacie Spector/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

This list should reflect this morning's meeting and subsequent conversations:

CALENDAR OF ANNOUNCEMENTS : PROPOSED

Staff assignments noted as made; Larry Haas to coordinate all press

LIHEAP: VP to announce continued funding
Perhaps to AP or regional press

12/25 story ; 12/24 release
Increase in homeless grants
Cuomo to release

12/27 Radio address; 12/26 tape
Expansion of Medicare benefits in balanced budget
Ann

12/28 story; 12/27 release
Food safety budget increase
Rahm to Glickman

12/29 story; 12/28 release
FEMA mitigation grants w/El Nino angle
Goal: Print and CBS
Paul to James Lee Witt
Steve Silverman

12/30 story; 12/29 leak
Increase in Ryan White funds
Major paper (NYTimes?)
Ann to Sandy Thurman

1/1 story ; 12/31 release
Health care Quality funding
Elena to HHS
To discuss: First White House Lecture by Michael Kammen (Millennium)

1/3 Radio address; taped 1-2
IRS reform, funding for customer service
Ann
Or: if IRS not ready, Peace Corps for radio ??

1/5 story; 1/4 release
Peace Corps Increase
Gearan

1/6 story; 1/5 event or release
New deficit baseline

1/7 story; 1/6 event
New domestic initiative: child care or Medicare expansion ?

1/8 departure statement ; optional

1/9 events ,Texas
Access to higher education, increased work-study grants

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-DEC-1997 11:38:13.00

SUBJECT: Mike Smith's after school memo

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

I read Mike's e-mail written after your discussion last night. I thought I ought to respond to you rather than to him. A couple of thoughts about his last point, regarding the administrative feasibility of funding community groups as a last resort. Couldn't the Department address this issue through the following steps:

1. The Department would announce that applications from community-based groups would be reviewed only if the relevant LEA did not submit an application, or submitted one that was judged to be of low quality and therefore unacceptable, OR,
2. Applications from community-based groups must include a letter from the relevant LEA indicating that the LEA (1) is not itself applying for the funds and, (2) supports the community group's application if the group proposes to use school facilities or resources for the program. If the community group is not going to use school resources, there is no need for the LEA to indicate its support for the application.

I think either of these approaches gets us out of the business of announcing a set aside, while adding only a slight bit of complexity to the review process.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Julie Fernandes to Elena Kagan re: Race Initiative [partial] (1 page)	12/24/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[12/23/1997 - 12/29/1997]

2009-1006-F
eh198

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 24-DEC-1997 14:59:02.00

SUBJECT: Race Initiative

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ: UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ: UNKNOWN

TEXT:
Elena,

I am leaving in a few minutes, so I suppose we can have our conversation about the Race Initiative another day. Actually, I am going to be at my house packing for the rest of the day and into the night and wouldn't at all mind your calling me there to talk. Though I am moving tomorrow (so more or less out of commission) you can call me over the week-end (at my new number: P6/(b)(6)).

[001]

A lot of my thinking about this has been informed both by conversations with folks at the Initiative and my involvement in the planning of the last Board meeting (Fairfax) and the upcoming meeting in Phoenix. Apparently, the folks at the PIR (including Judy) have had some big picture discussions about the objectives of the Board and the Initiative and have asked to meet with Sylvia about this next week (maybe Monday). I am not sure what the agenda of this meeting is or even if it is going to happen. Either way, we should talk before then.

julie

Draft 12/23/97 11:30pm

PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS ON MEDICARE CANCER SCREENING
December 27, 1997

Good morning. The holidays are a time when families come together to celebrate the season with love. And they remind us of our bonds of duty to care for one another. Today, I would like to talk to you about how we are enlarging the blanket of Medicare protection to honor our parents and grandparents in important new ways in the new year.

Looking back over 1997, it's clear that we achieved major reforms of the Medicare system that will help Americans live healthier, happier, and longer lives. This year's bipartisan balanced budget agreement reaffirmed our commitment to preserving and strengthening Medicare. We extended the life of the Medicare Trust Fund until at least 2010. We made Medicare protection more affordable for low-income Americans. We modernized the Medicare system by expanding choice, injecting competition, and controlling costs. And we created a blue-ribbon commission that will examine ways in which we can ensure that Medicare will serve baby boomers and our children as well as it has our parents.

Now, we will begin the New Year by implementing expanded Medicare benefits so that they provide greater protection to Americans in our fight against cancer. That's why, on New Year's Day, we will introduce a series of changes in Medicare that will make screening, prevention, and detection of cancer more affordable and frequent. We are ringing in the New Year resolved to take new steps in our battle against cancer -- one of mankind's oldest foes.

First, for the first time, we will guarantee the option of annual mammograms for every woman over 40. And, by waiving the deductible, we will make annual breast cancer screenings more affordable. By making mammograms more accessible and detecting cancer earlier, we can significantly increase the likelihood of successful treatment for this disease. And I would like to thank Hillary for her long-standing campaign to encourage older women to get regular mammograms -- and to make sure that no woman is denied this crucial test because they can't afford it.

Second, we are expanding coverage for the early detection of cervical cancer. We have sophisticated tests to pick up early signs of cervical cancer and, from now on, Medicare will pay for regular access to this life-saving technology.

And third, for the first time, we will now cover regular examinations for colorectal cancer. When we catch this cancer early, we can beat it more than 90% of the time.

Nearly every family has been touched by the hand of cancer. My own mother passed away because of breast cancer and I miss her dearly -- especially at this time of the

year. And that's why these actions are so important. By detecting cancer early on, we offer our loved ones the greatest gifts of all -- the gifts of life, of health, and of many holidays to come.

Thank's for listening. Happy Holidays and have a happy -- and healthy -- New Year.

###

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Mary Smith to Elena Kagan re: Holiday (1 page)	12/24/1997	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[12/23/1997 - 12/29/1997]

2009-1006-F
eh198

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-DEC-1997 16:15:55.00

SUBJECT: Update on legal immigrants and the budget

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Elena, I think you know all of this anyway, but here's what I know. The agreement is to spend \$2.5 billion on benefit restorations to legal immigrants. The initial list was:

- (1) food stamps for legal immigrant families with children, regardless of date of entry;
- (2) food stamps for refugees and asylees for 7 years instead of 5;
- (3) Medicaid/CHIP for children who entered the country after the law was signed; and
- (4) food stamps for the Hmong (a compelling group who fought in the Vietnam War).

Most of the cost (\$2 billion) is the first item.

However, immigration advocates that OMB consulted objected strenuously -- particularly Greenstein. They were delighted with the size of the package, but felt we were making a big tactical mistake by leaving out the disabled and elderly (who cost \$400 million). Our rationale for doing so was that they already benefitted from the major SSI/Medicaid restorations enacted this summer, so it's time to help a new group. Greenstein's response is that (1) the disabled/elderly are the Ag Committee's top priority and, if we don't propose this restoration, Congress will have an excuse to ignore this issue altogether; (2) we are spending a lot of money on prospective restorations for families with children that are unlikely to be enacted; and (3) the disabled/elderly are compelling enough that leaving them out entirely leaves us vulnerable as debate on this proceeds.

OMB's solution is a partial restoration for the disabled/elderly -- the non-disabled elderly over 75, and the disabled. This is paid for by deeming sponsor income for those with affidavits of support, plus some other money OMB dug up.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-DEC-1997 10:33:32.00

SUBJECT: Law Enforcement Consultation on Needle Exchange

TO: Sylvia M. Mathews (CN=Sylvia M. Mathews/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Sandra Thurman (CN=Sandra Thurman/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Sandy is away. Scott Hitt called to follow-up on his meeting w/ Erskine. After talking with several key advocates on needle exchange, he now believes that we could successfully argue that we needed to have a "law enforcement consultation clause in whatever we worked out. Progress.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barry White (CN=Barry White/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:24-DEC-1997 09:08:32.00

SUBJECT: Dec. 23 Education Options

TO: Franklin D. Raines (CN=Franklin D. Raines/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: Jacob J. Lew (CN=Jacob J. Lew/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Jonathan Orszag (CN=Jonathan Orszag/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

CC: Naomi M. Tinklepaugh (CN=Naomi M. Tinklepaugh/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Leslie S. Mustain (CN=Leslie S. Mustain/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Wayne Upshaw (CN=Wayne Upshaw/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Lisa B. Fairhall (CN=Lisa B. Fairhall/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Mary I. Cassell (CN=Mary I. Cassell/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Timothy A. Rosado (CN=Timothy A. Rosado/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Kathryn B. Stack (CN=Kathryn B. Stack/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Janet Himler (CN=Janet Himler/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

Barry White (CN=Barry White/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:

The attached table (also coming by fax to Kagan and Sperling/Orszag) is my understanding of what you did last night, as modified by Gene's late call that changed the cut in Teachers in Technology to a cut in Technology Literacy Challenge, and reserved \$10 m for HUD.

As I have it, the total for spenders doesn't add up to the total for

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_55733297_opd_html_1.xls

Attachment Number: [ATTACH.D32]MAIL489233756.316

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-DEC-1997 12:11:46.00

SUBJECT: INS

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Elena,

Sorry. I obviously misunderstood the process. I can let them all know my mistake, and ask them to disregard any comments I sent them.

jf

Draft 12/23/97 12:00pm

PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS ON MEDICARE CANCER SCREENING
December 27, 1997

Good morning. The holidays are a time when families come together to celebrate the season with love. And they remind us of our bonds of duty to care for one another. Today, I would like to talk to you about how we are enlarging the blanket of Medicare protection to honor our parents and grandparents in important new ways in the new year.

Looking back over 1997, it's clear that we achieved major reforms of the Medicare system that will help Americans live healthier, happier, and longer lives. This year's bipartisan balanced budget agreement reaffirmed our commitment to preserving and strengthening Medicare. We extended the life of the Medicare Trust Fund until at least 2010. We made Medicare protection more affordable for low-income Americans. We modernized the Medicare system by expanding choice, injecting competition, and controlling costs. And we created a blue-ribbon commission that will examine ways in which we can ensure that Medicare will serve baby boomers and our children as well as it has our parents.

Now, we will begin the New Year by implementing expanded Medicare benefits so that they provide greater protection to Americans in our fight against cancer. That's why, on New Year's Day, we will introduce a series of changes in Medicare that will make screening, prevention, and detection of cancer more affordable and frequent. We are ringing in the New Year resolved to take new steps in our battle against cancer — one of mankind's oldest foes.

First, for the first time, we will guarantee the option of annual mammograms for every woman over 40. And, by waiving the deductible, we will make annual breast cancer screenings more affordable. By making mammograms more accessible and detecting cancer earlier, we can significantly increase the likelihood of successful treatment for this disease. And I would like to thank Hillary for alerting us to the barriers that keep nearly half of women from getting regular mammograms and for her long-standing campaign to encourage older women to get these crucial tests.

Second, we are expanding coverage for the early detection of cervical cancer. We have sophisticated tests to pick up early signs of cervical cancer and, from now on, Medicare will pay for regular access to this life-saving technology.

And third, for the first time, we will now cover regular examinations for colorectal cancer. Most Americans don't get this important preventive test, but when we catch this cancer early, we can beat it more than 90% of the time.

Nearly every family has been touched by the hand of cancer. My own mother

passed away because of breast cancer and I miss her dearly -- especially at this time of the year. And that's why these actions are so important. By detecting cancer early on, we offer our loved ones the greatest gifts of all -- the gifts of life, of health, and of many holidays to come.

Thank's for listening. Happy Holidays and have a happy -- and healthy -- New Year.

###

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-DEC-1997 16:54:11.00

SUBJECT:

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

OMB is carrying only \$50 million for the research and evaluation fund. I think if we care enough, they will increase it to \$150. Do you have an opinion?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas Reilly (CN=Thomas Reilly/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:29-DEC-1997 11:38:40.00

SUBJECT: Needles/Embryos/Abortion and Other Selected L/HHS General Provisions

TO: Janet L. Crist (CN=Janet L. Crist/OU=ONDCP/O=EOP@EOP [ONDCP])

READ:UNKNOWN

TO: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Sandra Thurman (CN=Sandra Thurman/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC: Jill M. Pizzuto (CN=Jill M. Pizzuto/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Corey G. Lee (CN=Corey G. Lee/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Richard J. Turman (CN=Richard J. Turman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Janet Himler (CN=Janet Himler/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Charles E. Kieffer (CN=Charles E. Kieffer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Richard P. Emery Jr. (CN=Richard P. Emery Jr./OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Ann Kendall (CN=Ann Kendall/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Mark E. Miller (CN=Mark E. Miller/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Barry T. Clendenin (CN=Barry T. Clendenin/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Jacob J. Lew (CN=Jacob J. Lew/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Joshua Gotbaum (CN=Joshua Gotbaum/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TEXT:

Josh Gotbaum does not have access to his e-mail system this morning and has asked me to forward this note to all of you for him.

Attached is a table of selected Labor/HHS General Provisions related to health that will require policy decisions in order to print the FY 1999 Budget Appendix. Traditionally, the Budget shows the prior year's (i.e., FY 1998 enacted) appropriations language, and brackets language proposed for deletion, and italicizes any new or revised language.

Due to the FY 1999 Budget print schedule, we are requesting your views/comments on these General Provisions by January 5. Please let us know by then whether or not you agree with the recommendations in the attached file, or if you think we need to meet on any of these issues.

The file to the right shows:

1. The FY 1997 enacted language.
2. Our proposed language in the FY 1998 Budget.
3. The FY 1998 enacted language.
4. OMB staff and HHS (where available) recommendations for the FY 1999 Budget.

The provisions we've included are:

1. Needle Exchange - Probably the stickiest issue this year. It will require extensive consultation within the Administration. Detailed background on this issue is included below.
2. Human Embryos/cloning - The recommendation would repeat the FY 1998 Budget policy of deleting the language with a footnote saying we don't recommend addressing this issue in legislation. However, the world of cloning has changed in the past year, and we may need to rethink our position. Detailed background on this issue is also included below.
3. Abortion/Hyde Amendment - We would repeat the FY 1998 Budget policy of deleting the language with a footnote saying we'll work with Congress to address the issue. Note that while the FY 1998 enacted language was more expansive than in past years, we would still recommend returning to the FY 1998 Budget policy.
4. Family Planning - We would repeat the FY 1998 enacted language.
5. Limitation of the use of funds for promotion of controlled substances - We would repeat the FY 1998 enacted language, which is the same as was proposed in the FY 1998 Budget.

CLICK ON THE SECTIONS BELOW FOR BACKGROUND ON NEEDLES AND CLONING

NEEDLE EXCHANGE

Statutory Restrictions on the Use of Federal Funds for NEPs:

Since 1988, US Appropriations or Authorization law has placed a conditional prohibition on the use of Federal funds for the operation of needle exchange programs.

Currently, there are three statutory restrictions on the use of Federal funds for the operation of needle exchange programs:

The Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act of 1992, prohibits the use of Substance Abuse and Mental Health Services Administration Block grant funds for needle exchange programs unless the Surgeon General determines that they are effective in reducing the spread of HIV and the use of illegal drugs. The statute does, however, allow Federal research and evaluation of existing needle exchange programs.

Section 422 of the 1996 Ryan White CARE Act reauthorization places a flat prohibition on the use of Ryan White funds for needle exchange.

Sections 505 & 506 of the FY 1998 L/HHS / Ed Appropriations bill read:

505: Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

506: Section 505 is subject to the condition that after March 31, 1998, a program for exchanging such needles and syringes (referred to in this section as an "exchange project") may be carried out in a community if (1) the Secretary of Health and Human Services determines that exchange projects are effective in preventing the spread of HIV and do not encourage the use of illegal drugs; and (2) the project is operated in accordance with criteria established by such Secretary for preventing the spread of HIV and for ensuring that the project does not encourage the use of illegal drugs.

This limitation has been in Labor/ H appropriations language in some form since 1990. In the FY 1998 Appropriations bill, the Appropriators split the provision into two provisions and added the six-month moratorium on certification and the language requiring that the exchange programs must be operated in accordance with criteria established by the Secretary.

In the past, the Administration has worked to avoid an outright ban on the use of Federal funds for NEPs (like the current Section 505) and maintain the authority of the Secretary to certify that Federal funds can be used for such programs.

RECOMMENDATION:

There have been several studies done on the efficacy of NEPs in recent years, and there is current data available to meet the first requirement in this language (e.g. that NEPs are successful in preventing the spread of HIV), but HHS maintains that the data on the second provision (that NEPs do not encourage the use of illegal drugs) is still inconclusive. HHS is expecting the results of additional studies on NEPs in the coming year and wants to maintain the Secretary's authority to continue to evaluate the evolving scientific data on this issue and to certify that Federal funds can be used for NEPs.

To maintain maximum flexibility for the Secretary, we recommend bracketing (deleting) Section 506 and modifying Section 505 by re-proposing the language that was proposed in the FY 1998 Budget on this issue:

505: Notwithstanding any other provision of this Act, no funds

appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Surgeon General determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

[Note: The words "or syringes" were added in FY 1998 enacted language -- they were not proposed in the 98 Budget. Our recommendation would repeat "or syringes" in the FY 1999 Budget.]

ALTERNATE RECOMMENDATION:

In addition to bracketing section 506, we could add a footnote similar to that placed on the Hyde language deletions: The Administration proposes to delete this provision and will work with Congress to address this issue.

Also, rather than repeat the language in the FY 1998 Budget that gave the authority to certify NEPs to the Surgeon General to the Secretary of Health and Human Services, we could maintain the language that was made by Congress in the FY 1997 Labor/HHS/Ed Appropriations bill that gave such authority to the Secretary of Health and Human Services. This may be something the Administration wants to consider given the upcoming confirmation hearings for Surgeon General nominee David Satcher.

Background on Human Embryos/Cloning

Both the House and Senate L/HHS bills for FY 1998 extended the FY 1996 and FY 1997 appropriations Act ban on using Federal funds on human embryo research, and modified it to include research involving "human diploid cells." NIH staff advise that in practice, this extension does not differ from the original ban on human embryo research and would have no effect on NIH's present research efforts. The words "human diploid cells" were apparently added in an attempt to address cloning.

A diploid cell is produced after fertilization occurs in humans -- it is one stage of a developing embryo. Diploid cells could theoretically be produced via somatic cell nuclear transfer, which is more commonly referred to as "cloning." The FY 1996 and FY 1997 L/HHS Acts barred Federal funding for the creation of human embryos for research purposes or performing research on human embryos that subjects them to significant risk. The prohibition on creating embryos for research purposes would, de facto, prohibit creating a human embryo through cloning technology. This is why including diploid cells in the embryo research ban does not differ practically from banning the creation of human embryos.

The FY 1998 Budget proposed to delete the embryo research ban, stating that the Administration "does not support addressing this issue in legislation." In December 1994, the President had issued a statement barring the use of Federal funds for creating human embryos for research purposes. On June 9, 1997, the President announced that he was sending proposed legislation to the Congress, the "Cloning Prohibition Act of 1997," which would prohibit any attempt to create a human being using somatic cell nuclear transfer. The Administration did not oppose the language in the FY 1998 bill in its letters or SAP's.

Observations: Last year's budget's proposal to delete this provision came before the cloning debate of last spring (e.g., Dolly).

**Clinton Presidential Records
Automated Records Management
System [EMAIL]**

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_46242327_opd_html_1.msoff

Attachment Number: [ATTACH.D4]MAIL472324265.316

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-DEC-1997 15:29:57.00

SUBJECT: INS reform

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Elena,

I spoke with Steve Mertens this morning and explained to him that you had not signed off on the the draft that I sent to him last week, and thus it only refected suggestions from me and Leanne. Steve informed me that he sent his old version off to Larry Haas last week (before receiving our suggestions), but now wants to make some changes to reflect what we sent him. I am e-mailing you both Steve's most recent version (99org.rev) and a red-lined version (99org.red) that reflects my suggested edits (not in cluding the substantive issues discussed below). According to Steve, Michael wants him to complete work on the chapter by noon tomorrow (Tuesday).

There seem to be two issues that are being grappled with here. First, whether we want to assert that the Administration has "a plan." Steve's version states that the Administration has developed "a plan to ..." and the draft that Leanne and I did states that "[a]fter completing our study of various proposals for reform, including the recent final report of the [CIR], the Administration will put forth a broad reform proposal aimed at ..." I think that we need to figure out whether the assertion that we ha ve completed work on "a plan" will somehow foreclose our ability to work with the Congress to develop a "plan" based on the principles that we outline (therefore not presented them with a fait accompli. Second, we should decide whether we want to communicate so directly (as done in the OMB draft) that we are making a reform proposal because of the CIR recommendation. Given how different our proposal will be from what they recommended, I am not sure that we want to characterize ourselves as responding to the CIR.

julie===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D0]MAIL45586526Y.316 to ASCII,
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000750D000000020000023561A7B9E544EAB7A9376
9AB227708F3BA353073F2B918CC9C597DAE6E3F10B5F8F61720852B527E69FA2A29EB006E950B2
CBE253288129D6A326A6E616D2F0605F4961780573010F8E598C248DC1813A3EB1FBC54F268ED4
246EA4C8C8D9158EC4AD1F208B9686B390C93CB8EC7D58B7BD2070E612381E32E0B0D333F28A5B
7AB75AF9E0390FE50E3C94637B0EC1D385E05A3CE1942CE484310B780DDA7B2A56C1A41340DDEB
F339E3635C0A1039C5A0A8BBC0E43037B3FBEF425DD7596D2E05D4F29D9D90080EE6A3B64A7A1C
F7D81BBEB732364450507A903841162F94BB74FEF077DDEC7F8E6598DF78EC5FF380B35E73D528

Organization and Structure: The recent final report of the Commission on Immigration Reform (CIR) called for major changes in how the ~~Federal Government~~ federal government sets and administers its immigration policy ~~and organized enforcement and benefits~~. The Administration has studied various proposals for reform, including the CIR recommendations, and has developed a ~~plan to enhance~~ broad reform proposal aimed at enhancing immigration law enforcement and improve improving the delivery of immigration services and benefits. The Administration's plan will build on INS' achievements over the past five years while enhancing its ability to meet future challenges.

Within the INS, the plan will separate enforcement and service operations in headquarters and the field to improve efficiency and effectiveness, while strengthening accountability, lines of authority and leadership. ~~To support these structural changes, management and administrative improvements will be implemented to increase the effectiveness of INS' enforcement and service operations.~~ The Administration's plan will also improve coordination among Federal agencies involved in immigration and establish greater accountability within each agency. These reforms within the INS and across the government will support and sustain the progress made over the last five years to enforce our immigration laws and fulfill the Nation's commitment to its immigration heritage.

Organization and Structure: The recent Commission on Immigration Reform (CIR) called for major changes in how the Federal Government sets immigration policy and organized enforcement and benefits. The Administration has studied various proposals for reform, including the CIR recommendations, and has developed a plan to enhance immigration law enforcement and improve the delivery of immigration services and benefits. The Administration's plan will build on INS' achievements over the past five years while enhancing its ability to meet future challenges.

Within the INS, the plan will separate enforcement and service operations in headquarters and the field to improve efficiency and effectiveness, while strengthening accountability, lines of authority and leadership. To support these structural changes, management and administrative improvements will be implemented to increase the effectiveness of INS' enforcement and service operations. The Administration's plan will also improve coordination among Federal agencies involved in immigration and establish greater accountability within each agency. These reforms within the INS and across the government will support and sustain the progress made over the last five years to enforce our immigration laws and fulfill the Nation's commitment to its immigration heritage.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Daniel I. Werfel (CN=Daniel I. Werfel/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:29-DEC-1997 10:32:35.00

SUBJECT: EEOC Briefing

TO: John F. Morrall III (CN=John F. Morrall III/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: Daniel J. Chenok (CN=Daniel J. Chenok/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: Susan M. Carr (CN=Susan M. Carr/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Donald R. Arbuckle (CN=Donald R. Arbuckle/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Wendy A. Taylor (CN=Wendy A. Taylor/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:

OMB is currently reviewing a proposed rule entitled Federal Sector Equal Employment Opportunity.

There will be a briefing by EEOC to walk us through the major aspects of the rule on Tuesday January 6 at 10:00 A.M. in Room 8103 of the NEOB.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer Friedman (CN=Jennifer Friedman/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:29-DEC-1997 14:30:05.00

SUBJECT: Re: Head Start Options: Cost of Doubling Early Head Start

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC: Keith J. Fontenot (CN=Keith J. Fontenot/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Barry White (CN=Barry White/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TEXT:

No, #5 was the cost of doubling the Early Head Start set-aside from 5% of total BA to 10% of total BA, while maintaining program growth for regular head start.

It is my understanding that the policy decided on in the Director's office was to double Early Head Start slots, from 40,000 slots (projected FY98 number) to 80,000 slots by 2002. These slots would count toward the goal of 1 million by 2002. This policy will cost less than #5. We are still estimating the cost of this policy.

Elena Kagan

12/29/97 11:07:26 AM

Record Type: Record

To: Jennifer Friedman/OMB/EOP@EOP

cc:

Subject: Re: Head Start Options: Cost of Doubling Early Head Start

Is it your understanding that DPC, NEC, and OMB have now agreed to #5 (in the meeting in Frank's office)?

Jennifer Friedman

12/23/97 11:00:08 AM

Record Type: Record

To: Elena Kagan/OPD/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject: Head Start Options: Cost of Doubling Early Head Start

Below are estimates of the cost of expanding Head Start to 1 million children by 2002 under the tentative agreement policies (\$150 million for both the quality set-aside and COLA in FY99 and outyears) and HHS' request (full COLA and quality set-aside every year). The numbers below also

provide estimates for doubling the Early Head Start (EHS) set-aside to 10 percent by 2003 (because set-aside is a percentage of the total, the higher cost options increase the cost of the set-aside). All increments are shown as deltas from the FY98 level of \$4,355 million.

Message Copied

To:

Barbara Chow/OMB/EOP@EOP

Barry White/OMB/EOP@EOP

Keith J. Fontenot/OMB/EOP@EOP

Edwin Lau/OMB/EOP@EOP

Sandra Yamin/OMB/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-DEC-1997 16:48:58.00

SUBJECT: Re: Race/service

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Diana and I met last week with Ann Lewis, Jen Palmieri, PIR, someone from the VP's office and others to discuss the plan for the day. John Gomperts from the National Service Corporation was also there.

The President would like to do service during the day, and hold a town hall in the early evening. The communications folks are trying to get network sponsorship of the town hall (they have interest from one of the networks for a prime time slot or maybe Nightline). Because of the likely involvement of a network, they are unable to decide where the town hall will take place (though likely not in D.C.). This impacts the service event, because we may want to have the President's service take place in the community where the town hall is located. According to Jen, the decision about the location for the town hall will not be made until after the New Year, so we can't definitively determine the precise service event until then either.

The Corporation is sponsoring an America Reads event at the MCI Center; set for 1-3pm (but with some flexibility for change). At this event, kids will hook up with Americorps tutors, build a bookshelf, and receive a backpack with 10 books, at least one that is about MLK. John said that they are scheduled to have the participation of some of the Washington Wizards and would love Presidential involvement. We discussed wanting the President to do a service event in the community (rather than at a convention center) that could be better connected to an ongoing effort to serve that community (like the CityYears effort that we discussed previously) and the possibility of holding the Presidential service out of town. We also discussed the involvement of Black, White, and Latino churches, in an effort to build on the idea of bringing people of different races together to serve as part of the Race Initiative. John seemed to think that all of this made sense, and suggested that the First Lady could participate in his event. The VP wants to give a race speech in Atlanta on that day, and will likely also be involved in service.

All of the specifics of what the President could do won't be able to be worked out until we know where he will be during the service part of his day.

All agreed that it would be good to coordinate service events for the Cabinet members and the Advisory Board members for that day. Tomorrow (probably at 3pm) I am meeting with folks from PIR, Cabinet Affairs and the Corporation to begin to coordinate the day's activities for them. The folks from the Corporation are going to take the lead in locating good

service sites (hopefully linked to Americorps) all over the country for the various Cabinet and Board members who want to participate.

Also, John has agreed to review the list of cities where there are NCCC sites (thus Americorps folks that we can direct), to give the Presidential planners a better sense of where he could go (both inside and outside the District).

Diana is putting together an options paper for Jen that outlines our general ideas related to service (churches; community; maybe related to a child-care or after-school center and CityYears) and how it would fit into the President's day.

julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-DEC-1997 11:10:05.00

SUBJECT: Holiday schedule

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Do either of you have a copy of the holiday schedules we submitted to Cathy several weeks ago? Donna Geisbert, the new assistant for welfare and health teams, started today, and it would be helpful for her to know schedules for the health folks. She's sitting in Room 216 and can access Chris Jennings email there, but I don't believe she's gotten her own account yet. If you send me information I'd be glad to give it to her.

REPORT ON EXECUTIVE BRANCH GOVERNMENT-TO-GOVERNMENT RELATIONS WITH NATIVE AMERICAN TRIBAL GOVERNMENTS

I. Executive Summary -- The Status of Government-to-Government Relations between the United States and Tribal Governments

On April 24, 1994, President Clinton issued the Executive Memorandum on Government-to-Government Relations with Native American Tribal Governments, which recognized the unique status of Indian tribes as governments reflected in the United States Constitution, treaties, statutes, executive orders, and judicial decisions.¹ The Executive Memorandum directs all departments and agencies, to the greatest extent practicable and permitted by law, to work with tribal governments within a framework of government-to-government relations concerning tribal government, treaty rights and trust resources.

The Executive Memorandum has fostered improved working relationships, coordination and communication between agencies and tribal governments. Several agencies have established offices, or designated staff within existing offices, to ensure that work on Native American issues proceeds within a government-to-government framework. Agency personnel receive training on the unique governmental status and rights of Indian tribes and frequently meet with tribal leaders, both in Washington and in tribal communities. Also, Cabinet officers now appear at national meetings of tribal governments to consult face-to-face with tribal leaders.

The Administration also has secured important legislation supporting Indian tribes and has successfully opposed legislative proposals that would undercut tribal self-government. For example, the White House Offices of Intergovernmental Affairs successfully coordinated Administration opposition to a recent effort to eliminate tribal sovereign immunity, and last year the President signed the Native American Housing Assistance and Self-Determination Act into law. Under the President's government-to-government relations policy, the Federal Government works with tribal governments on a basis of mutual respect.

On May 23, 1997, the White House Chief of Staff requested agency reports on the implementation of the Executive Memorandum. This report summarizes agency responses and includes recommendations to improve government-to-government relations and enhance tribal self-government.

II. Background of U.S. Relations with Indian Tribes

Before Europeans landed on America's shores, Indian nations were self-governing

¹ Executive Memorandum on Government-to-Government Relations with Native American Tribal Governments, 59 Fed. Reg. 22951 (1994).

societies with remarkable scientific, artistic, and cultural achievements. In order to acquire land and establish peace, European nations entered into treaties with Indian nations, thereby recognizing their sovereignty. Since the founding of our nation, the United States has recognized many Indian tribes as domestic dependent nations with sovereign powers over their members and territory and has entered into numerous treaties with various tribes pledging protection and guaranteeing tribal self-government.

However, throughout our history, Indian peoples have suffered when the United States has failed to recognize tribal self-governance. From 1887 to 1934 alone, Indian tribes lost almost 100 million acres of Indian lands, leaving their people destitute. Then, in 1934, President Roosevelt announced the Indian New Deal -- the Indian Reorganization Act ("IRA"). The IRA's goal was to revitalize tribal governments to help ensure that Native Americans can maintain Native languages and cultures and determine their own future. In the 1950s, Congress, under its Termination Policy, again turned away from its support for tribal self-government and removed federal recognition from so-called "advanced tribes," effectively ending their governmental functions.

In the 1960s, the Kennedy and Johnson Administrations returned to a policy of support for tribal governments by including tribes in the War on Poverty programs. By 1968, the Johnson Administration secured passage of the Indian Civil Rights Act which recognized the right of Indian tribes to self-government while securing Bill of Rights protections for people within tribal jurisdictions. In the 1970s, the Nixon Administration built on progress made in the 1960s by declaring the Indian Self-Determination Policy. Implementing legislation authorized Indian tribes to contract to perform governmental functions (such as education, health care, public safety, and transportation), that the Departments of Interior and Health and Human Services had traditionally performed. The Carter, Reagan, and Bush Administrations continued to follow the Indian Self-Determination Policy without major departure.

Yet even after these years of federal government attention to the issues of tribal self-government, many Native Americans continue to be among the poorest people in the nation. The 1990 Census reported that 43% of Native American children under five years old fall below the poverty line.

III. The Executive Memorandum on Government-to-Government Relations with Native American Tribal Governments

The 1994 Executive Memorandum on Government-to-Government Relations with Native American Tribal Governments was a milestone in the field of Indian affairs. By directing *all* departments and agencies to work on a government-to-government basis with Indian tribes on issues of tribal self-government, treaty rights, and trust resources, the Executive Memorandum transformed the way that the Federal Government works with Indian tribes.

In the past, American Indian issues were overlooked by some agencies because they were considered only relevant to the Department of Interior. However, as a result of the Executive Memorandum, several departments and agencies established American Indian offices and hired coordinators in component agencies. For example, the Department of Justice created an Office of Tribal Justice to perform department-wide coordination of Indian affairs policy, set-up an American Indian and Alaska Native desk in the Office of Justice Programs, established an Indian Country Investigations Office at the FBI, and designated Assistant U.S. Attorneys to serve as tribal government liaisons in Indian country jurisdictions.

From Agriculture to Veterans' Affairs, departments and agencies are working actively and effectively with tribal governments. Some highlights of their work include:

- The Small Business Administration's Natural Resource Conservation Service (NRCS) has established 33 full-time and 73 part-time offices at tribal headquarters to facilitate tribal access to NRCS programs.
- The Department of Energy allocated \$15 million in FY97 to support Indian initiatives, including fish habitat restoration in the Pacific Northwest, cultural resource protection programs, and renewable energy projects.
- The EPA established an American Indian Environmental Office, adopted a Nine Point Plan to strengthen EPA tribal operations, and increased resources for Indian country environmental protection from \$36 million in FY94 to \$137 million in FY98.
- In FY95, the Department of Health and Human Services ("HHS") provided over 75 Tribal JOBS grantees a total of \$8,521,220. In FY96, Tribal JOBS grantees assisted 1,250 AFDC recipients get jobs at an average hourly wage of \$6.36.
- HHS's Indian Health Service transferred over \$730 million in FY95 to Indian tribes and tribal organizations to support tribal health delivery programs.
- The Administration and the Department of Housing and Urban Development ("HUD") secured passage of the Native American Housing Assistance and Self-Determination Act of 1996, which promotes tribal self-government by authorizing direct block grants for Indian housing.
- The Department of Interior has instituted formal written policies requiring every bureau and office to incorporate trust protection procedures into all planning and operations.

- Since 1995, DOJ's Community Oriented Policing Services (COPS) office has made over \$43 million in grants to 143 tribal law enforcement agencies to fund over 570 police officers in Indian communities.
- DOJ's Violence Against Women Office made \$5.7 million in grants to Indian tribes in FY97.
- SBA's loan dollar volume for Native American firms increased by over 50 from FY94 to FY96, rising from \$52 million to \$81 million.
- The Department of Transportation ("DOT") is seeking passage of the National Economic Crossroads Transportation Efficiency Act, which would require states to consult with tribal governments in developing transportation improvement plans, and would provide a modest increase to \$200 million annually for Indian reservation roads.
- The VA has opened three American Indian "Vet Centers" on Indian reservations to provide counseling and other services.

As these programs demonstrate, the Executive Memorandum has revitalized the nation's respect for Indian tribes as "domestic dependent nations" and renewed its commitment to honor the treaty pledges that guarantee tribal self-government.

IV. Recommendations

A. General

Based on information supplied by the Agencies, we suggest several recommendations to improve government-to-government relations and enhance tribal self-government:

1. Department Policies on Government-to-Government Relations.

All departments and agencies (including GSA, SBA, State, and Treasury), that have not adopted a formal policy to implement the Executive Memorandum should consider adopting such a policy.

2. Regulations and Operating Manuals.

Departments and agencies should consider whether to incorporate their specific policies on government-to-government relations into their regulations and operating manuals.

3. Staff Assignments and Coordination.

Departments and agencies should designate intergovernmental affairs or other central office staff with the responsibility for coordinating agency implementation of the government-to-government relations policy. Departments and agencies should coordinate Internet websites on Indian issues and scheduling of major tribal meetings. The White House Office of Intergovernmental Affairs should host periodic interagency meetings of designated agency staff to coordinate tribal government issues that affect several agencies. For example, drug and alcohol abuse in Indian country is of concern to the Office of National Drug Control Policy, HHS, HUD, Interior, Justice, and Treasury.

4. Existing Authority.

Departments and agencies should periodically review their programs and operations to ensure that they are effectively exercising existing authority to promote government-to-government relations and support tribal self-government. For example, DOD might review its Indian business development incentives programs and its surplus property programs to ensure optimal assistance to Indian tribes under existing statutory authority; Interior might consider applying its Buy Indian Act authority to all component agencies; and all agencies should implement the Indian employment and training requirements of § 7(b) of the Indian Self-Determination Act.

5. Authorizing Legislation

Departments and agencies should review authorizing legislation, and where appropriate, should seek amendments to ensure treatment of Indian tribes as governments and to remove impediments to working directly and effectively with Indian tribes. For example, DOT might review its authorizing legislation to ensure that its scenic by-ways program comports with government-to-government relations; Labor might review FLSA and OSHA to ensure that Indian tribes are treated as governments; and FEMA might review its authorizing legislation to consider whether an amendment would enable it to work more directly and effectively with tribal governments.

6. Confidential Tribal Communications

The Administration might consider whether to seek an amendment to the Freedom of Information Act (FOIA) to ensure that when Indian tribes communicate confidential information to the United States within the framework of government-to-government relations, the confidential tribal government information is exempt from disclosure under FOIA.

B. Initiatives to Support Tribal Governments

1. Education.

Given the Administration's emphasis on education in general and the unique Federal responsibilities to promote Indian education, the Administration and the Department of Education should consider efforts to restore funding to Indian education programs that have been cut and to enhance educational programs on Native American languages and cultures. Working with GSA, the Department of Education might consider avenues to enhance the transfer of computer technology to elementary and secondary schools on Indian reservations.

2. Economic Development.

An important goal of the longstanding Federal Indian Self-Determination Policy is economic self-sufficiency for Indian tribes, yet despite recent gains made by a small number of tribes, many reservation Indians continue to suffer in conditions of economic deprivation. BIA labor statistics indicate that unemployment rate on some of the large, remote Indian reservations in the West exceeds 50 . The Departments of Agriculture, Commerce, Defense, HHS, HUD, Interior, Justice, and Treasury and the Small Business Administration should consider holding an interagency summit to plan an economic development initiative for depressed areas of Indian country.

3. Indian Children and Youth

Early child care and intervention programs present the greatest opportunity for assisting Indian tribes in promoting healthy tribal communities. This is a critical area of work because, as noted above, the 1990 Census reported that 43 of Native American children under age five fall below the poverty line and there is a growing disparity in the health status of Indian children and youth compared to other American youth. HHS is developing an interagency initiative for Indian children and youth to promote the physical, mental, social, economic and environmental well-being of Indian children and youth.

4. Indian Country Law Enforcement.

Given the significant concerns about rising crime rates on reservations, the Department of Justice, in cooperation with the Department of Interior, is considering steps to enhance law enforcement in Indian country. The Administration should continue to support these efforts.

5. Tribal Courts

As a complement to efforts to enhance law enforcement in Indian country, the Departments of Interior and Justice are considering steps to enhance tribal courts, which are central institutions of tribal government that have been historically under-funded. The Administration should support these efforts.

6. Indigenous Rights

The United Nations ("U.N.") has declared 1994-2004 at the Decade of Indigenous Peoples. Currently, the U.N. and the Organization of American States ("OAS") are considering declarations on the rights of indigenous peoples. These efforts represent important standard setting exercises, reflecting many of the positive principles of federal Indian law, and offer the Administration a historic opportunity to promote understanding and respect for the rights of Native Americans, indigenous peoples in the Americas and indigenous peoples throughout the world. The Administration should consider focusing attention on these initiatives to bring them to fruition.

V. *Department and Agency Reports on Government-to Government Relations with Tribal Governments*

A. Department of Agriculture (USDA)

1. *Policy on Government-to-Government Relations.*

USDA policy recognizes that Indian tribes possess the right of self-government and the right to manage American Indian resources. USDA pledges to consult with tribal governments, share technical skills and information, and coordinate with other agencies.

2. *Native American Programs Director, Office of Intergovernmental Affairs*

The Director serves as USDA's principal adviser on American Indian policy and programs and the primary liaison with tribal governments; chairs USDA's Native American Working Group; and assists the Under Secretary for Rural Development with the work of the Domestic Policy Council Working Group on American Indians and Alaska Natives.

3. *Improved Working Relations with Indian Tribes*

The Farm Service Agency (FSA), Foreign Agricultural Service (FAS), Forest Service (FS), Natural Resources Conservation Service (NRCS), Food and Consumer Service (FCS), Rural Development (RD), Marketing and Regulatory Programs, and Office of Civil Rights have designated American Indian coordinators who serve as liaisons with tribal governments.

The FY 1996 USDA funding level American Indians and Alaska Natives programs was \$146 million, the estimated FY 1997 program level is \$189 million, and the anticipated FY 1998 program level is \$212 million. These funds support USDA initiatives for food and nutrition assistance, rural development loans and grants, extension, and conservation practices.

USDA is conducting outreach efforts to tribal governments and communities to ensure that they have access to its programs. USDA is publishing a *Guide to USDA Programs for American Indians and Alaska Natives*. For the first time, the *Agriculture Fact Book 1997* includes a summary of highlights of recent activities and programs in USDA mission areas which serve Indian tribes and their members. FS recently published the *Forest Service National Resource Book on American Indian and Alaska Native Relations* to promote cooperative relations with Indian tribes. FSA, FAS, NRCS, the Animal and Plant Health Inspection Service (APHIS) and the Risk Management Agency (RMA) are implementing a 5-year joint outreach effort with the Intertribal Agriculture Council to increase awareness of USDA services available to tribal communities.

NRCS has established 33 full-time and 73 part-time offices at tribal headquarters and plans to locate an additional 47 full-time offices at tribal headquarters during the next 2 years. NRCS has conducted 20 "Working Effectively with American Indians" workshops in 10 states; these sessions focus on historical, legal, and cultural issues that are significant for effective program delivery to American Indians and Alaska Natives.

USDA has increased emphasis on economic development and programs in tribal communities. RD, working at the national, State, and local level to provide financial and technical assistance directly to tribal governments, has increased investments in tribal water and waste programs, housing, community facilities, and business projects. RD also adopted a policy acknowledging tribal government authority to apply Tribal Employment Rights Ordinances in certain contracts and grants on Indian reservations.

FCS administers the Food Distribution Program on Indian Reservations (FDPIR) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and, in many instances, Indian Tribal Organizations deliver services to program participants. In consultation with tribal leaders and tribally appointed FDPIR Directors, USDA modified the FDPIR food package to improve its nutritional value and increase its appeal, without increasing its costs, and initiated and expanded the FDPIR Fresh Fruit and Vegetable Pilot Project (FFV), under which fresh produce is available to tribes. FCS worked with American Indian WIC advisers to develop an award winning fetal alcohol syndrome prevention video.

The Cooperative State Research, Education, and Extension Service (CSREES) works with the 29 designated Land-Grant Tribal Colleges to provide an annual award to strengthen instruction programs in the food and agricultural sciences and to disburse the interest from an endowment fund to each of these institutions. USDA's new Tribal Colleges Extension Program, established in October 1997, will support training and education in production agriculture, business management, community and family development, 4-H and youth leadership, natural resources and conservation, nutrition, diet, and health.

APHIS has founded its Native American Working Group to improve communication and delivery of services to Indian tribes, and enters into Memoranda of Understanding or cooperative agreements with Indian tribes to provide a wide variety of services to protect resources and human health and safety.

The Office of Civil Rights sponsored education programs for USDA staff and tribal representatives on building partnerships with tribal governments and on tribal realty and land management. USDA recently published the *Civil Rights at the United States Department of Agriculture, A Report by the Civil Rights Action Team*, which contains recommended actions, including Indian-specific recommendations, which USDA will implement to remedy its long-standing civil rights problems.

4. *Coordination with other Executive Departments and Agencies*

USDA works in partnership with DOD to implement the FDPIR Fresh Fruit and Vegetable Pilot Project. DOD serves as USDA's project procurement agent and delivery service. FCS and Health and Human Services' Indian Health Service entered into a Memorandum of Understanding to coordinate issues of mutual interest, share resources and information, and resolve concerns and problems. USDA works with Justice on tribal self-government and tribal lands issues and with Interior to maximize the delivery of USDA programs and services to American Indians and Alaska Natives.

5. *Current Initiatives to Support Tribal Self-Government*

a. Rural Housing Native American Pilot Loan Program

RD's Rural Housing Service has a pilot program with Fannie Mae and several Indian tribes under its Section 502 Guaranteed Rural Housing loan program to improve home financing on Indian reservations.

b. Tribal Conservation Districts

Indian tribes have the option of establishing Tribal Conservation Districts under tribal law. A Tribal Conservation District provides guidance to American Indian farmers and ranchers regarding USDA program assistance to Indian tribes and assists NRCS in implementing USDA conservation programs. NRCS has established relationships with 15 Tribal Conservation Districts; two additional agreements are in the development phase.

B. Department of Commerce

1. *Policy on Government-to-Government Relations*

The Commerce Department's policy recognizes the inherent sovereignty of Indian tribes and their right to self-government. It also acknowledges the trust responsibility, commits to a government-to-government relationship, and directs Commerce agencies to remove impediments to working with Indian tribes and to promote the tribes' economic development and self-sufficiency.

2. *Office of the Secretary*

A senior policy advisor in the Office of the Secretary serves as the primary liason between Commerce and tribal governments. This advisor also coordiantes the activities of several tribal liasons designated by component agencies.

3. *Improved Working Relationships with Indian Tribes*

The Census Bureau is working with Indian tribes to increase the participation of Native Americans in the 2000 Census. They are asking tribes to designate tribal officials to work directly with Census personnel and are planning a Census 2000 rehearsal at the Menominee Reservation.

Though the Economic Development Administration ("EDA") grant programs have been substantially reduced, within its resources, the EDA has established the Indian Planning Program (IPP) to support tribal formulation and implementation of economic development programs. IPP is intended to help create and sustain full-time permanent jobs for Native Americans, with a focus on those who are unemployed or underemployed. Currently, sixty tribes receive IPP funding.

The Minority Business Administration at Commerce has established an Office of Native American Programs, with eight Native American Business Development Centers and a business consultant, that provides management and technical assistance to Native American businesses.

The National Oceanographic and Atmospheric Administration has a Memorandum of Understanding with the American Indian Science and Engineering Society that promotes educational, internship and employment opportunities for Native American students and professionals. The Patent and Trademark office also has several programs to improve educational opportunities for students at tribal community colleges.

Finally, the National Telecommunication and Information Administration ("NTIA") is working with Indian tribes to extend the benefits of the Internet to tribal communities. Since 1994, the NTIA has funded over a dozen model projects within Indian country. NITA is also working with over forty tribal communities to modernize public broadcasting under its Public Telecommunications Facilities Program.

4. *Coordination with Other Agencies*

On June 5, 1997, Secretary Daley and Secretary Babbitt signed a secretarial order that clarifies Commerce's responsibilities when the implementation of the Endangered Species Act affects tribal rights, trust resources or lands.

C. Department of Defense (DOD)

1. *Policy on Government-to-Government Relations*

DOD has initiated a consultation process with Indian tribes to develop a department-wide

American Indian and Alaska Native policy by the close of the year. The DOD policy will emphasize: 1) government-to-government relations; 2) empowering tribal governments; and 3) cleaning-up Native American lands.

2. *Office of the Under Secretary for Environmental Security*

DOD designated the Office of the Under Secretary for Environmental Security as its primary liaison with tribal governments and the Under Secretary and her staff attend numerous tribal government consultations.

3. *Improved Working Relationships with Indian Tribes*

DOD is currently working with the Oglala Sioux Tribe on a technology demonstration project. This project will assist the tribe to develop the technical and management skills necessary to operate a program to remove live ordnance from a World War II bombing range located on reservation lands. DOD is also working to transfer surplus buildings to the Oglala Sioux from Ellsworth Air Force base.

DOD has consulted with tribal leaders on the development of the Range Rule (i.e., cleaning-up closed or transferred firing and bombing ranges), and will provide tribal leaders with guidelines for funding and clean-up.

4. *Coordination with Other Executive Departments and Agencies*

DOD participates, along with other agencies, in the DPC Working Group on American Indians and Alaska Natives, chaired by Secretary Babbitt. DOD is working with EPA and DOJ on an environmental enforcement policy for Indian country. DOD is working with DOJ and other agencies in reviewing affirmative action programs, including programs available to Native American owned firms.

5. *Current Initiatives to Support Tribal Self-Government*

a. Native American Mitigation Information System

This system will provide reliable information regarding the environmental, human health, and cultural impacts of DOD activity on tribal lands. Information will be available on the Internet.

D. Department of Education

1. *Policy on Government-to-Government Relations*

Education has not developed a specific policy on government-to-government relations, but development of a policy is planned.

2. *Office of Indian Education (OIE)*

OIE's Director is designated as the primary liaison with tribal governments. OIE has 4 major duties: 1) Administering Title IX of the Improving America's Schools Act (IASA); 2) developing policies affecting Indian children and adults under Office of Elementary and Secondary Education programs; 3) coordinating development of policy for all Indian-related programs; and 4) assisting the Assistant Secretary of the Office of Educational Research and Improvement in identifying Indian educational research priorities.

3. *Working Relationships with Indian Tribes*

Education consults with Indian tribes through the National Advisory Council on Indian Education (NACIE), established by Congress to advise the Secretary on the funding, administration and development of policies and programs for the education of American Indians.

NACIE's board is appointed by the President from a list submitted by tribal governments. In 1995, NACIE consulted with Indian tribes and prepared a report for Secretary Riley on the status of American Indian education. After consultation with the American Indian Higher Education Consortium, Education has taken important steps to implement the Executive Order on Tribal Colleges. Recently, Congress has eliminated NACIE's funding; thus, Education now funds NACIE at a reduced level from general appropriations. Over Education's objections, Congress eliminated key Indian education discretionary programs for FY96 and FY97, which compromised efforts to promote Indian educational opportunities.

4. *Coordination with other Executive Departments and Agencies*

Working with the White House Office of Intergovernmental Affairs, Education has participated in meetings with tribal government leaders at the White House. Education is coordinating with HHS on a proposed Executive or Secretarial Order on American Indian and Alaska Native Children and Youth. OIE coordinates quarterly with Interior's BIA Education programs.

5. *Key Areas for Future Development to Support Tribal Self-Government*

a. Restore funding for Indian Education Programs

Education needs additional funding for Indian education to restore important programs lost in budget cuts.

b. Executive Order on American Indian Education

Education has worked closely with NACIE and other federal agencies to develop an Executive Order to improve educational opportunities for Native Americans.

c. American Indian Language and Culture

Indian tribes have identified a commitment to education in American Indian languages and cultures as an important priority.

E. Department of Energy (DOE)

1. *Policy on Government-to-Government Relations*

DOE policy pledges that DOE will work with tribal governments within the framework of government-to-government relations, recognizes the federal trust responsibility to Indian tribes, and pledges to remove impediments to working directly and effectively with Indian tribes. DOE has also pledged to coordinate with other Federal and state agencies on tribal issues, and to include tribal government relations in long-term planning and management processes.

2. *Office of Congressional, Public and Intergovernmental Affairs*

DOE has assigned the Office of Congressional, Public, and Intergovernmental Affairs as the primary policy office on Indian issues, and has created the position of DOE Liaison for Indian Issues within that office to guide and monitor a network of Indian issues points of contact throughout the agency.

3. *Improved Working Relations with Indian Tribes*

DOE allocated \$15 million in FY97 to support Indian initiatives, including fish habitat restoration in the Pacific Northwest, cultural resource protection programs, and renewable energy projects. DOE entered into ten cooperative agreements with Indian tribes in 1997 to address health and safety issues. DOE also initiated some activities relating to the Executive Order on Tribal Colleges.

4. *Coordination with Other Executive Departments and Agencies*

DOE has coordinated with the Department of Interior and other agencies on several of its Indian country projects.

5. *Current Initiatives to Support Tribal Self-Government*

DOE is developing a handbook for Indian tribes on the implications of the restructuring of the electric utility industry that concerns the commercial and consumer interests of tribal communities.

DOE is establishing an Indian program presence on the Internet and is participating in the Interagency American Indian Telecommunications Infrastructure Working Group.

F. Environmental Protection Agency (EPA)

1. *EPA Policy on American Indians and Alaska Natives*

EPA has been a leader in the area of government-to-government relations with Indian tribes since the early 1980s. EPA policy establishes that EPA will work with Indian tribes on a government-to-government basis, recognizes Indian tribes as the primary authorities for setting standards, environmental policy decisions, and managing environmental programs for Indian reservations. EPA has also pledged to remove impediments to dealing directly and effectively with Indian tribes, included tribal government concerns in EPA policy-making decisions, and coordinated with other federal agencies to ensure compliance with federal environmental statutes and regulations in Indian country. EPA has a five-year strategic plan to actuate its policy.

2. *American Indian Environmental Office*

The Director of the American Indian Environmental Office serves as the primary EPA liaison with tribal governments, and coordinates EPA policy with Indian liaison officers in EPA field offices.

3. *Improved Working Relationships with Indian Tribes*

Since 1994, EPA has worked hard to improve working relationships with Indian tribes. EPA established a Tribal Operations Committee and American Indian Environmental Office, adopted a nine-point plan to strengthen EPA's tribal government operations, and received significant increases in EPA resources for environmental protection in Indian country.

EPA conducts quarterly meetings with its Tribal Operations Committee (TOC), which includes nineteen tribal representatives and EPA's senior leadership team. The TOC discusses implementation of joint EPA / tribal environmental protection efforts. EPA also includes tribal leaders on working groups, such as the Grand Canyon Visibility Transport Commission.

EPA has actively removed impediments to dealing directly and effectively with Indian tribes through actions such as removing the previous \$15 million cap on tribal environmental protection multi-media program grants. EPA also tailors its efforts to meet unique tribal needs

through the Indian Environmental General Assistance Program, which provides funding for tribes to establish, implement, and enforce environmental codes and regulations tailored to their reservation's environmental needs.

4. *Coordination with Other Executive Departments and Agencies*

EPA has been an active participant in the DPC Working Group on American Indians and Alaska Natives, and has actively assisted other agencies, such as DOD, Agriculture and other land management agencies, with Indian environmental issues. EPA has an Memorandum of Understanding with DOI's Bureau of Indian Affairs, HHS's Indian Health Service, and HUD to address pollution control in Indian country. EPA also works closely with DOJ and DOI on environmental enforcement in Indian country.

5. *Current Initiatives to Support Tribal Self-Government*

a. Policy Implementation Team.

EPA Administrator Carol Browner has directed the formation of a team of senior managers and tribal representatives to draft implementation guidelines for EPA's Indian policy.

b. Treatment of Tribes in the Same Manner as States.

Recognizing that Indian tribes have unique characteristics, as domestic dependent nations, EPA has adopted a policy to respect Indian sovereignty by applying certain program requirements to Indian tribes in the same manner as those program requirements are applied to states.

c. Consolidation of Tribal Grant Applications.

Through the Performance Partnership Grant (PPG) program, Indian tribes may consolidate grant applications, budgets, work plans and reports to reduce administrative burdens on tribal governments.

G. Federal Emergency Management Agency (FEMA)

1. *Policy on Government-to-Government Relations*

FEMA is in the process of developing an agency policy on government-to-government relations with tribal governments.

2. *Office of Intergovernmental Affairs*

The Office of Intergovernmental Affairs is FEMA's designated liaison with tribal governments, and an experienced American Indian staff member has been hired in that office to work with Indian tribes.

3. *Improved Working Relationships with Indian Tribes*

FEMA has established a Tribal Policy Working Group composed of representatives from Intergovernmental Affairs and regional offices, which has met with Indian tribes to consult about the proposed FEMA policy on government-to-government relations with Indian nations. As an adjunct to this effort, FEMA has increased outreach efforts to Indian tribes to promote responsiveness to tribal communities and increase awareness of FEMA program availability.

4. *Coordination with other Executive Departments and Agencies*

The Tribal Policy Working Group has worked with DOI and DOJ to learn about tribal self-government, treaty rights, and trust resources.

5. *Key Areas for Future Development to Support Tribal Self-Government*

FEMA may need to examine authorizing legislation to determine if an amendment is necessary to work more directly and effectively with tribal governments.

H. General Service Administration (GSA)

1. *Policy on Government-to-Government Relations*

GSA has not adopted a written policy on government-to-government relations with tribal governments.

2. *Office of Congressional Affairs and Intergovernmental Relations*

GSA has designated the Office of Congressional Affairs and Intergovernmental Relations as the primary GSA liaison with tribal governments.

3. *Improved Working Relationships with Tribal Governments*

GSA has been working directly with tribal governments on a number of issues:

a. Surplus and Real Property Transfers.

Under the Property Act of 1949, GSA has authority to transfer excess real property within Indian reservations to the Secretary of the Interior to be held in trust for Indian tribes. From FY92 through FY97, GSA transferred approximately 7,058 acres under this authority. In addition, GSA has authority to transfer excess personal property, and from October 1, 1996

through May 31, 1997, GSA transferred 6,727 items of personal property (pens to desks to cars) to Indian tribes with a dollar value of \$31,345.

b. Travel and Transportation Payment and Expense Control System.

Under the Indian Self-Determination Act, tribal governments may use discounted U.S. government fares for tribal government travel. GSA enters into contracts with numerous airlines for the discounted fares. Tribal government may use these contracts by first obtaining government travel charge accounts from American Express Travel Related Services, Inc.

c. Federal Telecommunications Service.

Under the Indian Self-Determination Act, when carrying out self-determination contracts, tribal governments may use GSA's long-distance rate, video, and voice telecommunications services, as well as local telecommunications and wireless services. In December 1996, a MOU between the DOI and GSA was executed which allows tribal governments to order these services directly from GSA. Since then, a number of tribal entities have signed individual MOU's with GSA to access these services.

d. Computers to Schools.

Executive Order 12999 permits Indian reservation schools (BIA schools) to obtain computers from GSA for their primary and secondary students under the same procedures available to all other educational facilities. At the time of GSA's report in August, 1997, no transfers had yet been made under this authority.

e. Sacred Sites.

GSA is preparing a memorandum for the Assistant to the President for Domestic Policy regarding implementation of Executive Order 13007, regarding Indian Sacred Sites.

I. Health and Human Services (HHS)

1. *Policy on Government to Government Relations*

HHS policy recognizes the government-to-government relationship between the U.S. and Indian tribes and the Federal trust responsibility to Indian tribes. It also encourages maximum participation by Indian people in Indian health planning and services, directs components to consult with, assess program impacts on, and remove procedural impediments to working with Indian tribes, and pledges to collaborate with other agencies to this end.

2. *Director, Office of Intergovernmental Affairs*

Until a planned tribal consultation division is established in that office, the Director of the Office of Intergovernmental Affairs is the HHS tribal government liaison. HHS has recommended that component agencies designate individual tribal points of contact.

3. *Improved Working Relationships with Tribal Governments*

In both 1995 and 1996, the Administration on Aging awarded over \$15 million in grants to 221 tribal organizations to provide supportive and nutrition services to tribal elders. The Administration for Children and Families (ACF) holds trainings for tribes on ACF programs and Head Start. In FY96, the American Indian Head Start Program provided \$98 million to 130 grantees representing 144 Indian tribes and 8 Alaska Native Regional Corporations serving 35 villages and cities. The Administration for Native Americans (ANA) administers programs to enhance tribal economic development, environmental protection, and Native languages and cultures.

In the Office of Community Services, the Family Violence Prevention & Services Program provided \$4.5 million in grants to 140 Indian tribes and tribal organizations in FY96, and the Community Services Block Grant allocation for Indian tribes to reduce poverty in tribal communities was \$2.3 million in FY96. The Child Care Bureau provided \$28 million in grants to 225 tribal consortia representing over 500 Indian tribes and Alaska Native Villages in child care and development block grants. The Office of Child Support Enforcement created a Native American Working Group and significantly increased its efforts in this area since the enactment of the Temporary Assistance to Needy Families Act ("TANF") in 1996.

In FY95, tribal Job Opportunities and Basic Skills (JOBS) training grantees assisted 1,250 AFDC recipients get jobs at an average hourly wage of \$6.36. JTPA and JOBS held numerous consultations and provided technical assistance to tribes around the country. The Office of Family Assistance administers the JOBS and in FY96, more than 75 Tribal JOBS grantees received a total of \$8,521,220.

The Indian Health Service (IHS) worked with DOI to revise Indian Self-Determination contract regulations through negotiated rule-making with Indian tribes. In FY95, IHS transferred over \$730 million to Indian tribes and tribal organizations to support tribal health delivery programs. For FY96, IHS negotiated 29 self-governance compacts and 42 annual funding agreements, and transferred approximately \$300 million to 197 tribes in Alaska and 28 tribal governments in the lower 48 states.

4. *Coordination with other Executive Departments and Agencies*

HHS works closely with the DPC Working Group on American Indians and Alaska Natives. HHS is also working with DOJ and DOI on welfare reform and child support

enforcement issues. The Indian Health Service has coordinated with Education, DOI, and DOJ on its American Indian and Alaska Native Youth Initiative.

5. *Current Initiatives to Support Tribal Self-Government*

a. Temporary Assistance to Needy Families (TANF).

TANF replaces AFDC, Emergency Assistance, and JOBS money with a block grant available to Indian tribes. HHS has established a new Division of Tribal Services within the Administration for Children and Families to provide program assistance to tribes seeking to administer their own TANF programs. They have published Tribal Guidance for TANF Program which explains the new provisions to tribes. HHS and DOJ worked to craft technical amendments to the TANF legislation that would accommodate the unique economic situation in Indian country and allow for the establishment of realistic time limits, set by the Secretary in consultation with tribes, for tribal members.

J. Department of Housing and Urban Development (HUD)

1. *Policy on Government-to-Government Relations*

HUD has adopted a departmental policy on government-to-government relations, which recognizes the unique status of tribal governments, the trust responsibility, and emphasizes HUD's special responsibility to promote safe, sanitary housing for low income families and its goal of maximizing Indian self-determination through Indian Housing Authority administration of programs in tribal communities.

2. *Deputy Assistant Secretary, Office of Native American Programs*

HUD established the Office of Native American Programs (ONAP) under the direction of the Assistant Secretary for Public and Indian Housing. The Deputy Assistant Secretary for Indian Housing serves as ONAP's administrator and primary HUD liaison with tribal governments. The Deputy Assistant Secretary has offices in Washington, D.C., but ONAP's main offices are in Denver, Colorado, close to Indian country. ONAP also has field offices in Chicago, Oklahoma City, Phoenix, Seattle, and Anchorage.

3. *Improved Working Relationships with Indian Tribes*

In 1996, the Administration secured passage of the Native American Housing Assistance and Self-Determination Act, which promotes tribal self-government by authorizing direct block grants to Indian housing authorities, under the direction of tribal governments.

In 1995, HUD issued a policy on Customer Service which requires HUD personnel to adopt certain core principles for interaction with Indian tribes and tribal members consistent with the Executive Memorandum on Government-to-Government Relations.

4. *Coordination with Other Executive Departments and Agencies*

HUD entered into an Interdepartmental Agreement with the Bureau of Indian Affairs and the Indian Health Service to improve the delivery of services and financial assistance to tribal and Indian Housing authorities through better interagency communication. HUD's CODETALK, an interagency Indian program website, is available to Indian programs at other federal agencies.

5. *Current Initiatives to Support Tribal Self-Government*

HUD is currently working with tribal governments through a negotiated rule-making process to develop regulations to implement the Native American Housing Assistance and Self-Determination Act.

a. Operation Safe Home.

HUD's Operation Safe Home campaign is a continuing initiative begun in 1994 to combat crime in HUD housing, with a special focus on violent crime and criminal gang activity. Programs that facilitate eviction of habitual criminals from HUD housing and removal of gang graffiti are operated in Indian country.

b. Native American Women and Youth

HUD is working together with Native American women and youth to strengthen leadership ability and fight drug and alcohol abuse through peer counseling and leadership training workshops.

c. Boys & Girls Club

Recognizing that Native American youth face many socioeconomic difficulties and disadvantages, HUD has teamed with the Boys & Girls Clubs of America to promote comprehensive club development in Indian Country. More than twenty clubs are currently operating in Indian country, serving Native American youth aged five to nineteen. The clubs provide athletic and cultural activities for young people and focus on the problems of drugs, alcohol and teen pregnancy.

J. Department of Interior (DOI)

1. *Policy on Government-to-Government Relations*

Secretary Babbitt has ordered component agencies to establish guidelines for implementing the Executive Memorandum on Government-to-Government Relations. The

Secretarial order (which requires agencies to establish written guidance to enhance tribal consultation, improve agency coordination, and ensure compliance with the trust responsibility) is included in the Department Manual, and DOI agencies have promulgated agency policies pursuant to that Order.

2. *Assistant Secretary for Indian Affairs and Director, Office of American Indian Trust*

The Assistant Secretary for Indian Affairs is DOI's primary liaison with Indian tribes. Several Interior component agencies have established agency liaisons with Indian tribes, and these agency liaisons coordinate with the Director of the Office of American Indian Trust, who has primary responsibility for ensuring department-wide implementation of the government-to-government relations policy and trust procedures.

3. *Improved Working Relationships with Indian Tribes*

The Secretary and Assistant Secretary actively consult with Indian tribes on issues important to tribal governments, including Indian lands, water rights, tribal governmental authority, and the application of federal law in Indian country. Efforts to establish better working relationships with Indian tribes have included the use of the negotiated rulemaking process in the development of the new regulations for the Indian Self-Determination Act and the Indian Self-Governance Act. DOI has expanded its use of memoranda of understanding and negotiations on a wide variety of issues, including the implementation of the Endangered Species Act in Indian country. Much of this work is effected by the small tribal liaison offices established in each Bureau to advance the Federal Indian Self-Determination Policy, ensure fulfillment of the trust responsibility, and improve government-to-government relations.

4. *Coordination with Other Executive Departments and Agencies*

The Secretary chairs the Domestic Policy Council's Inter-Departmental Working Group on American Indians and Alaska Natives, and has fostered an unprecedented level of cooperation between coordinate agencies. Interior works closely with DOJ on Indian country law enforcement and litigation related to tribal governments, treaty rights, and trust resources. Other agencies, such as DOD, EPA, DOE, and HHS, are routinely invited to Interior consultations with Indian tribes. Interior works with the White House Office of Intergovernmental Affairs on issues of national importance to tribal leaders.

5. *Current Initiatives to Support Tribal Self-Government*

- a. Implementation of the Indian Self-Determination Act Amendments and the Indian Self-Governance Act.

Through consultations with Indian tribes, Interior has streamlined Indian self-determination contracting and self-governance contracting to ensure that Indian tribes are able to undertake management of governmental services to the Indian peoples. Since the enactment of the Indian Self-Governance Act of 1991, 203 Indian tribes have entered into self-governance compacts.

b. Advancing Tribal Sovereignty.

DOI has an ongoing program to advance tribal sovereignty, which recently resulted in the streamlining of federal acknowledgment process regulations and the recognition of 223 Alaska Native villages as Indian tribes.

c. Implementing the Executive Order on Sacred Sites

The Office of American Indian Trust facilitated interagency consultations with tribal governments on the Executive Order on Sacred Sites and developed important agency guidance for implementing the Executive Order.

d. Endangered Species Act

Recognizing that the Endangered Species Act (ESA) may impact tribal treaty rights and trust resources, DOI conducted a series of consultations with Indian tribes and developed a MOU on the implementation of the ESA in Indian country.

e. Furthering Federal-Tribal Consultation

Each DOI bureau is now bound by departmental policy to consult with tribes on a government-to-government basis. Currently, many of the offices are also developing specific internal procedures for consultation with Indian tribes. The new consultation procedures have made it easier for Indian tribes to work with DOI agencies on issues such as tribal historic preservation.

In addition, each bureau has instituted several activities to support tribal self-governance, improve and expand services to tribes, effect better relationships, enhance education and outreach, improve access to information, resolve conflicts, and improve communications. Internal training and education efforts are on-going.

6. *Area of Concern -- Confidential Tribal Information.*

The United States works with Indian tribes through government-to-government consultation with tribes. Consultation may result in the sharing of confidential information, and

the release of such information under the Freedom of Information Act (FOIA) could jeopardize the United States' ability to defend tribal interests and could therefore chill communications. DOI and DOJ are working on agreements on a case-by-case basis to establish consultant status for tribes, so that confidential tribal information is FOIA exempt. The Administration could consider a more global solution to the problem by proposing an amendment to FOIA.

L. Department of Justice (DOJ)

1. *Policy on Government-to-Government Relations with Indian Tribes*

DOJ Policy recognizes Indian tribes as domestic dependent nations and pledges support for tribal self-government. DOJ policy directs components to work with tribes on a government-to-government basis, to remove impediments to working directly with Indian tribes, and to work cooperatively with other federal agencies on Indian issues.

2. *Office of Tribal Justice (OTJ)*

Established under the Executive Memorandum on Government-to-Government Relations, OTJ functions to: (1) provide a government-to-government communication channel between DOJ and Indian tribes; (2) coordinate Indian affairs policy within DOJ and with other agencies; and (3) promote DOJ government-to-government relations with Indian Tribes.

3. *Improved Working Relationships with Indian Tribes*

U.S. Attorneys with jurisdiction in Indian country each appointed Assistant U.S. Attorneys as tribal liaisons to improve criminal justice and enhance working relations with Indian tribes. The FBI created an Office of Indian Country Investigations, assigned thirty new Indian country agents in FY97, and requested 30 more Indian country agents for FY98.

In consultation with Indian tribes and the Department of Interior (DOI), the Environment and Natural Resources Division and Office of the Solicitor General support tribal interests in cases involving tribal government, treaty rights, tribal lands, waters, and natural resources, and environmental regulation. The Solicitor General is currently supporting tribal sovereign immunity and Indian reservation boundaries before the Supreme Court, and the Environment Division's Indian Resources Section is supporting tribal environmental protection programs in the lower federal courts. The Civil Rights Division protects Indian and Alaska Native civil rights (including voting rights), and recently, won notable lending and education discrimination cases. The Community Relations Service assists tribes in resolving community disputes.

The Office of Justice Programs (OJP) created an American Indian and Alaska Native desk

to ensure that Indian tribes have access to DOJ funded programs, and OJP funds domestic violence programs, drug courts, corrections, victims services, and multi-disciplinary crime prevention and other programs in Indian country. The Violence Against Women Office made \$5.7 million in grants to Indian tribes in FY97. Since 1995, the Community Oriented Policing Services (COPS) Office has made over \$43 million in grants to 143 tribal law enforcement agencies for over 570 officers in Indian communities. OJP's Bureau of Justice Statistics initiated projects to improve tribal law enforcement information systems, the National Institute of Justice is researching crime in Indian country, and the Bureau of Prisons provides technical assistance to tribal governments through the National Institute of Corrections.

4. *Coordination with other Executive Departments and Agencies*

DOJ works closely with the White House Office of Intergovernmental Affairs and DOI on Indian policy issues. DOJ also works with USDA on tribal self-government and tribal lands issues, with DOD and EPA on environmental enforcement policy for Indian country, with the Comptroller of the Currency on Indian banking issues, and with HHS and IHS on welfare reform and youth and family issues in Indian country.

5. *Current Initiatives to Support Tribal Self-Government*

a. Indian Country Law Enforcement

Pursuant to the President's directive on Indian country law enforcement, DOJ is working with DOI and Indian tribes to develop options for the President to improve public safety and law enforcement in Indian country.

b. Tribal Courts

DOJ is also working actively with DOI on tribal courts issues because they are central institutions of tribal self-government. Working in cooperation with DOI, DOJ has proposed a Tribal Court Enhancement Bill, which is pending with OMB. This legislation is important to ensure that tribal courts may take their place as true partners with federal and state courts in our nationwide system of justice.

c. Indigenous Rights

DOJ is working with the State Department and DOI on the OAS and U.N. Draft Declarations on the Rights of Indigenous Peoples. These declarations offer an important opportunity for the United States to support the rights of indigenous peoples throughout the Americas (and the world) and for the Administration to establish a lasting legacy in the field of indigenous rights.

L. Department of Labor (DOL)

1. *Policy on Government-to-Government Relations*

DOL has drafted a policy, but it has not yet been finalized.

2. *Division of Indian and Native American Programs*

The Division of Indian and Native American Programs is the primary Labor liaison with Indian tribes. Labor consults with tribes about employment and training issues through the DOL Native American Employment and Training Council, whose charter was recently renewed by the Secretary for another two-year term. The Council meets not less than twice annually to consider policy, regulations, performance measures, and information technology.

3. *Improved Working Relationships with Indian Tribes*

The Division of Indian and Native American Programs seeks to work with Indian tribes and tribal grantees as "partners" in the administration of employment and training programs.

4. *Coordination with other Executive Departments and Agencies*

The Division of Indian and Native American Labor has been working with HHS's Indian Health Service and other departments and agencies on an initiative for American Indian and Alaska Native Youth.

5. *Areas of Concern*

Indian tribes have expressed concern that Labor seeks to apply the labor laws contained within the Fair Labor Standards Act and Occupational Safety and Health Act to Indian tribes, although the statutes do not expressly refer to Indian tribes and do not contain provisions to treat Indian tribes as governments. The statutes do contain special provisions for state governments, and consideration should be given to amending the statutes to provide similar protections for tribal governments.

O Small Business Administration (SBA)

1. *Policy on Government-to-Government Relations with Indian Tribes*

SBA does not have a formal written policy to implement the Executive Memorandum on Government-to-Government Relations with Tribal Governments.

2. *Office of Native American Affairs (ONAA)*

ONAA coordinates SBA policy, develops legislative and regulatory initiatives on Indian issues, serves as tribal government liaison and technical assistance provider, and provides outreach to enhance tribal access to SBA programs. ONAA has an annual National Native American Small Business Conference.

3. *Improved Working Relationships with Indian Tribes*

Through ONAA, SBA has new and innovative methods to encourage tribal economic development. ONAA partners with other SBA program offices and Federal and state agencies to assist Indian tribes and individual Native Americans to develop business skills and access to capital. The Office of Women Owned Business opened two centers in reservation communities.

ONAA facilitates intertribal economic development and joint venture partnerships for tribal organizations. SBA District Offices also facilitate business partnerships for tribal governments, support tribally-owned SBA 8(a) small disadvantaged business enterprises, and promote tribal opportunities for access to capital and credit markets.

4. *Coordination with other Executive Departments and Agencies*

Since 1995, in conjunction with the DOI's Bureau of Indian Affairs, ONAA established seventeen Indian reservation-based Tribal Business Information Centers to provide a full range of technical assistance and business and program information for small businesses.

5. *Current Initiatives to Support Tribal Self-Government*

SBA is now working on regulatory reforms to remove impediments to working with tribal governments.

O Department of State (DOS)

1. *Policy on Government-to-Government Relations with Indian Tribes*

State has not adopted a written policy on government-to-government relations with tribal governments.

2. *Under Secretary for Global and Environmental Affairs*

The Under-Secretary for Global and Environmental Affairs has coordinated the State Department's consultations with tribal governments. Several State Department bureaus have been involved in indigenous issues, most notably the Bureau of Democracy, Human Rights, and Labor.

3. *Improved Working Relationships with Indian Tribes*

State has several matters relating to tribal governments: (1) the U.N. Draft Declaration on the Rights of Indigenous Peoples; (2) the OAS Draft Declaration on the Rights of Indigenous Peoples; (3) the Arctic Council Declaration; (4) Section 8(j) of the International

Convention on Bio-diversity; and (5) International whaling and fishing agreements.

The U.N. Draft Declaration on the Rights of Indigenous Peoples and the OAS Draft Declaration on the Rights of Indigenous Peoples hold great promise for the future of indigenous peoples worldwide. The declarations represent an important standard-setting exercise, providing protections for indigenous local self-governance, lands and natural resources, religions, cultures, languages, and freedom from discrimination.

4. *Coordination with other Executive Departments and Agencies*

State works closely with Justice and Interior on the U.N. and OAS Draft Declarations on the Rights of Indigenous Peoples. In cooperation with Interior and Justice, State has held consultations with tribal governments on these initiatives in Washington and around the nation.

5. *Key Areas for Future Development to Support Tribal Self-Government*

In essence, both the U.N. and OAS Draft Declarations on the Rights of Indigenous Peoples present an historic opportunity to reinforce the positive aspects of Federal law relating to American Indians and Alaska Natives, and provide similar protections for indigenous peoples throughout the Americas and around the World. Many Indian tribes view the adoption of the declarations as a milestone in their efforts to foster respect for tribal self-governance. Because the declarations present issues which interest a number of agencies there is a need for high-level Administration commitment and definitive guidance to realize progress on the declarations. The OAS Draft Declaration presents an immediate opportunity for progress for indigenous peoples because strong Administration support and policy guidance could very well result in its adoption in 1998 or 1999.

P Department of Transportation (DOT)

1. *Policy on Government-to-Government Relations with Indian Tribes*

Though DOT has not issued a department-wide policy, most operating administrations have informally incorporated the requirements of the Executive Memorandum into their activities. FHWA and FAA are developing agency policies on government-to-government relations.

2. *Governmental Affairs*

Deputy Assistant Secretary for Governmental Affairs serves as DOT's principal liaison with tribal governments.

3. *Improved Working Relationships with Indian Tribes*

DOT consults with tribal governments in transportation planning processes, in the development and implementation of policies that impact tribes (such as NEXTEA, the surface transportation reauthorization proposal), and specific projects. FHWA, FTA, and DOI's BIA have developed guidelines for including Indian tribes in federal and state transportation planning under ISTEA, and have worked to increase state-tribal cooperation. The Federal Lands Highway program (within FHWA) works cooperatively with the BIA to implement the \$191 million Indian Reservation Roads Transportation Improvement Program (IRR). About one-third of the IRR program is carried out by Indian tribes, and under the Indian Self-Determination Act, the Buy-Indian Act, and the Tribal Employment Rights Ordinances (TEROs), over 82 of the IRR projects employed Indians or Indian firms. The Local Technical Assistance Program (LTAP) was expanded to provide services to tribal governments and there are six Native American LTAP centers.

The National Highway Traffic Safety Administration (NHTSA) has provided technical support to tribal government safety programs, focusing on alcohol safety, occupant protection, and effective police traffic services. Recognizing that Native Americans die from motor vehicle crashes at rates up to three times greater than other Americans, NHTSA has emphasized face-to-face communication with tribal leaders concerning traffic safety. States are required to include Indian tribes in a fair distribution of funds under FTA's non-urbanized formula assistance program.

FAA is conducting consultations with neighboring Indian tribes concerning overflights of the Grand Canyon National Park and a Native American representative serves on the National Park Overflight working group.

The Coast Guard is working with Indian tribes regarding marine safety and with the American Indian Science and Engineering Society to promote Coast Guard career opportunities.

The Office of Small and Disadvantaged Business encourages the participation of Native American small businesses, among others, to participate in DOT-funded and assisted projects.

4. *Coordination with Other Executive Departments and Agencies*

FHWA hosted a Native American issues conference in Denver in January 1997, and invited BIA and DOJ to participate. DOT's General Counsel is working with FAA, DOJ and DOD to consult with tribal governments in New Mexico about their complaints regarding aircraft noise interference with their religious ceremonies.

5. *Current Initiatives to Support Tribal Self-Government*

a. NEXTEA

DOT is working toward the enactment of the Administration's National Economic Crossroads Transportation Efficiency Act (NEXTEA), which reiterates ISTEA's requirements of state consultation with tribal governments in state transportation improvement plans, and provides an increase to \$200 million annually for the Indian Reservation Road program.

b. FAA Policy on Government-to-Government Relations

FAA is currently developing a policy on government-to-government relations with Indian tribes.

Q. Department of Treasury

1. *Policy on Government-to-Government Relations with Indian Tribes*

Treasury has not developed an official policy to implement the Executive Memorandum on Government-to-Government Relations with Tribal Governments.

2. *Public Liaison*

The Assistant Secretary for Public Liaison is the Department's designated liaison with tribal governments.

3. *Improved Working Relationships with Indian Tribes*

Treasury's working relations with tribal governments cover banking, financial services, tax, and community development issues. The Office of the Comptroller of the Currency (OCC) is working to improve banking and lending in Indian country, issuing a guide to mortgage lending in Indian country, providing technical assistance to Indian tribes that operate or acquire national banks, and with DOJ, cosponsoring a *Banking in Indian Country* conference attended by over 500 tribal leaders and bankers. The Comptroller has successfully encouraged national banks to open new branches in Indian country.

Treasury and the IRS have published the *Indian Assistance Handbook* to provide guidance to promote uniform application of the federal tax laws in Indian country and the Handbook recognizes that Indian tribes are not subject to federal income tax under existing law.

4. *Coordination with Other Agencies*

Working together with the White House Offices of Intergovernmental Affairs and

Legislative Affairs, the DOI and the DOJ, Treasury opposed recent attempts to impose federal income tax on tribal government business activities.

R. Department of Veterans' Affairs (VA)

1. *Policy on Government-to-Government Relations*

The VA circulated the Executive Memorandum on Government-to-Government Relations with Tribal Governments to all employees with a memorandum expressing the Secretary's commitment to working with Indian tribes within the framework of government-to-government relations.

2. *Director, VA Center for Minority Veterans*

VA has established an Indian liaison in the VA Center for Minority Veterans who is responsible for outreach to Indian tribes and American Indian veterans. The Center hosts a bi-monthly telephone conference with tribal and other veterans groups around the nation.

3. *Improved Working Relationships with Indian Tribes*

The Secretary has personally attended Native American events, such as the National Congress of American Indians' annual meeting to meet with tribal leaders. VA encourages and fosters greater interaction with Indian tribes, including participation in tribal governmental and cultural activities.

Three American Indian "Vet Centers" have been opened on Indian reservations to provide counseling and other services, and more are planned. VA is also working to address transportation problems, and has executed several agreements with Indian tribes to improve access to health care for Indian veterans. VA has also provided additional staff training on Indian issues.

VA has appointed two American Indian veterans to its Advisory Committee on Minority Veterans, and the Secretary has appointed a Hopi veteran as his designated staff representative to the Committee.

4. *Coordination with other Executive Departments and Agencies*

VA participates in several interagency working groups on Indian issues, and is working with HHS's Administration on Aging to explore the long term health care needs of elderly Indian veterans. VA is also working with the National Cancer Institute to bring state-of-the-art cancer treatment trials to American Indian and other minority veterans.

5. *Current Initiatives to Support Tribal Self-Government*

a. Native American Veteran Direct Loan Program

VA has finalized 50 memoranda of understanding with tribal governments to provide direct home loans to Indian veterans residing on trust lands through the Loan Guaranty Service of the VA's Benefits Administration. An information campaign about this program is also being implemented.

b. Indian "Vet Centers"

Planning efforts to open new Indian "Vet Centers" in tribal communities is underway. The centers will provide counseling to Indian veterans.