

DOT

file  
Schmitt-Lee  
16  
DPC 6/27  
USA

ISSUES RELEVANT TO NATIVE AMERICANS

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 made prominent mention of transportation planning activities and services for Native Americans and tribal governments. Many of the following activities describe how this legislation is being implemented within the Department of Transportation.

IMPLEMENTING ACTIVITIES

**Conference with Native Americans on ISTEA Issues**

In May of 1993, the Federal Highway Administration of the United States Department of Transportation and the Transportation Research Board co-sponsored a conference titled: "Exploring Solutions to Native Americans Transportation and Economic Development Problems."

The agenda of the conference was to discuss the provisions of ISTEA pertaining to Native Americans. Over 200 tribes and/or tribal associations were invited to attend, and 110 people participated in the proceedings. Sixteen topic areas were selected for the workshop discussions and tribal officials were asked to present their tribal concerns relating to transportation at the conference.

The primary goal of the conference was to improve communication and create partnerships between Federal agencies and tribes regarding transportation programs and issues affecting tribal lands and peoples.

A significant outcome of the conference was the establishment of the Intertribal Transportation Association, a coalition of Native American organizations which was created to maximize new transportation funding opportunities provided for in ISTEA.

Continuing efforts are underway and a proposal for an Indian Transportation and Land-Use summit in 1995 is currently in development by the FHWA and Transportation Research Board.

**Local Transportation Assistance Program (LTAP)**

*In 1993, FHWA established four technology transfer centers to serve tribal governments;*

- 1) Northwest Tribal Rural Technical Assistance Program  
Eastern Washington University, Cheney, Washington  
affiliated tribes of Idaho, Washington and Oregon.

- 2) Indian Local Technical Assistance Program  
Montana State University, Bozeman, Montana  
affiliated tribes of Montana, Wyoming, the Dakotas.
- 3) Technology Transfer and Training Program for Native Americans  
Colorado State University, Ft. Collins, Colorado  
affiliated tribes of Colorado, Utah, Arizona, New Mexico.
- 4) Technology Transfer Center for American Indian Tribal  
Governments in the Eastern United States  
Michigan Technological University, Houghton, Michigan  
affiliated tribes in areas east of the Mississippi.

*Two of these centers were mandated in ISTEA, and an additional two came to fruition through a joint sponsorship and funding agreement between FHWA and the Bureau of Indian Affairs (BIA), Department of the Interior.*

FHWA and BIA have scheduled meetings to discuss future expansion of the LTAP sites. FHWA has identified an Indian-owned firm to develop training materials for the existing technology centers.

#### **Rural Transit Assistance Program**

The Rural Transit Assistance Program (RTAP) provides transit professionals with training materials, technical assistance and communications to address rural transportation needs, including those of tribal communities. The FTA and the Chickasaw Nation have established a four year Van Transportation pilot program for low-income and elderly Native Americans from the Chickasaw Nation in Oklahoma. This program will provide and coordinate access and transportation to nutritional, medical, recreational, and other supportive social services.

#### **Traffic Safety Issues**

The National Highway Traffic Safety Administration (NHTSA) provided \$760,000 to the Bureau of Indian Affairs' Indian Highway Safety Office in order to initiate fifteen projects emphasizing seat belt usage and a plan to address alcohol abuse in tribal communities. In addition, NHTSA is working with the Hopi tribe to fund a program to promote seat belt usage and alcohol awareness.

file: Native Americans

THE WHITE HOUSE

WASHINGTON

April 8, 1994

MEMORANDUM FOR MARK GEARAN

FROM: Carol H. Rasco *CHR*

SUBJECT: Native American Event/Press Briefing

I met this morning with Ada Deer and Les Ramirez of Interior along with Donsia Strong of my staff and Alan Stone regarding the speech the President will give at the April 29 Native American event. Alan is doing an excellent job of getting himself briefed in order to write the speech for this historic occasion. Phil Lader visited the meeting briefly after Alan had left. I mentioned to Phil that we sure need to do what is necessary to free Alan to spend an adequate amount of time to this speech preparation due primarily to the amount of vetting that will be needed in the process. Is there someone besides you with whom I should speak about the "freeing up" of his time?

Secondly, especially in light of the policy side of it, we felt there should be a press briefing on the event as well as perhaps more importantly the substance of Native American issues prior to the event. We even wondered if it should be more than a day or so in advance in order to set the tone positively before speculation sets the tone in a confused manner. None of us are of course communication experts, but would like to know if we need to discuss this further with you, what we need to do to help facilitate such a briefing and its agenda?

cc: Phil Lader  
Marcia Hale  
Christine Varney  
Donsia Strong

EXECUTIVE OFFICE OF THE PRESIDENT

27-Sep-1993 11:10am

TO: Carol H. Rasco  
FROM: Donsia Strong  
Domestic Policy Council  
SUBJECT: Tribal Land Claim in NY

Does in "Indian"  
file I left w/  
you which goes  
w/me for POTUS  
briefing.  
Add to POTUS  
agenda

Carol,

There is an issue flaring up in New York State that you may want to be aware of. Over the past year, the Oneida Tribe of New York has been involved in a land claim dispute with the State of New York. Both sides of the dispute have been frustrated at the slow pace of negotiations in this matter. One of the reasons that the negotiations are taking so long is that there has been some question as to who the "official" leadership of the tribe is.

As an aside, it is important for the tribe to designate an official "leader" to negotiate with the state for more than land claim reasons -- recently, New York opened a state Indian Affairs office and agreed to negotiate with tribal leaders and/or individuals for the rights to begin casino gaming operations on tribal lands. This is not the usual practice in tribal-state gaming negotiations, and it is thus very important for the tribe to designate an official leader to take part in these negotiations.

To settle the tribal leadership question, Ada Deer recently sent a letter outlining a two-step process by which the tribe will choose new leaders:

- First, the tribe will use traditional selection methods to choose a leader;
- Then, within 90 days of the selection of a leader, the tribe will hold a referendum on the new leadership to make sure they have popular support.

The reason that you may need to be aware of this issue is that the traditional chiefs of the tribe are furious at Ms. Deer's process. They claim that traditional methods for choosing tribal leaders are violated by the call for a referendum, and they are demanding a meeting with the President to ask him to intervene on their behalf. Scott Dacy, the lobbyist that represents the tribe, called us this morning with this information. He realizes that a meeting with the President is out of the question, but called anyway just to let us know what was going on. It is impossible to tell what these chiefs might do to publicize their demands for a meeting with the President, but we do know that the land claim dispute has turned ugly in recent months.

Let us know what other information we can give you on this issue.

Donsia and Mike

CC of all for  
CTR

Orig. of all  
to Bill Burton  
from me.

THE WHITE HOUSE  
WASHINGTON

September 21, 1993

MEMORANDUM FOR THE PRESIDENT

FROM DONSIA STRONG, DPC  
MICHAEL SCHMIDT, DPC

SUBJECT The Native American Free Exercise of Religion Act

There are two principal bills before Congress which address protections for religious freedom, the Native American Free Exercise of Religion Act (NAFERA) and the Religious Freedom Restoration Act (RFRA). These bills were introduced in response to two Supreme Court cases: Lyng v. Northwest Indian Cemetery Assoc.; and Employment Division v. Smith.

**BACKGROUND: SUPREME COURT CASES**

In 1988, the Supreme Court held in Lyng v. Northwest Indian Cemetery Assoc., 485 U.S. 439 that the government's action in constructing a road across a sacred Indian religious site did not burden native religious practice because "it did not coerce Native Americans into violating their religious beliefs or penalize religious activity by denying any person an equal share of the rights, benefits or privileges enjoyed by other persons." Commentators interpret Lyng as redefining "burden" on religious freedom to include only coercion or penalties in practicing ones' religion while excluding the destruction of religious beliefs. NAFERA addresses the holding in this case.

In Employment Division v. Smith, 494 U.S. 872 (1990), the Court held that an Oregon state law of general effect could abridge the free practice of religious rituals such as use of peyote by members of the Native American Church. RFRA restores the law to pre-Smith status.

Earlier this year, you sent a letter to Senator Kennedy in support of RFRA and urged its swift passage.

**AMERICAN RELIGIOUS FREEDOM ACT OF 1978**

NAFERA amends the American Religious Freedom Act of 1978. The 1978 Act requires Federal agencies to respect the customs, ceremonies and traditions of Native American religions. The Act directed Federal agencies to examine their policies and procedures and work with Native American tribes to assure minimal interference with sacred sites. Agency reviews led to a report

which made five legislative proposals and 11 recommendations to Congress for proposed uniform administrative procedures to correct and remove identified barriers to Indian religious freedom. Only one of the recommendations, which related to a prohibition on the theft and interstate transport of sacred objects, has been acted upon. This lack of action and the two adverse Supreme Court decisions have led to the introduction of the bill.

#### **NAFERA**

The major purpose of NAFERA is to place enforceable restrictions on activities of Federal agencies with respect to "federal or federally assisted undertakings" that "may affect" Native American religious practices or sites, or require a agency to consider alternative actions. Federal agencies would be required to provide notice and consult with tribes as part of the planning process whenever a federal undertaking were expected to interfere with Native American religion. Native Americans would be allowed to stop major as well as minor Federal actions if the activity were found to interfere with Native American religious practices or sites.

#### **OUTSTANDING ISSUES**

The agencies have a number of outstanding questions about the bill, such as:

- Is the bill constitutional? -- The bill allows Indian tribes to stop government action if they believe the action harms their religion, perhaps in violation of the establishment clause.
- What tribes should be covered by the bill? -- The bill provides no limitation as to which tribes are protected -- state recognized tribes, special California tribes or tribes seeking recognition.
- Should there be an automatic work stoppage on government projects when notified by a tribe of possible desecration?
- Under what circumstances may federal land managers limit access to religious sites on Federal land? National security?
- What level of protection should be afforded eagle parts and feathers which are valued for religious observances?

These are but a few of the outstanding issues surrounding the bill. White House staff and federal agencies have been and are continuing an interagency dialogue and review of the bill. In addition, the agencies held two days of meetings with the

American Indian Religious Freedom Coalition in August. The Administration also participated in several early meetings with Senator Inouye's Senate Committee staff. Senator Inouye is the primary co-sponsor of NAFERA.

The Administration has expressed support for the goals of the bill to the Coalition.

From the Office of the Chief of Staff

Phone: 202/456-6797 Fax: 202/456-1121

Date: 17 Sept 93 Response needed by: 20 Sept 93

COS Office Contact: Bill Burton

	Action	FYI		Action	FYI
Joan Baggett			Leon Panetta		
Rahm Emanuel			Howard Paster		
Mark Gearan			John Podesta		
David Gergen			Jack Quinn		
Jack Gibbons			Carol Rasco	X	
Marcia Hale			Bob Rubin		
Alexis Herman	X		Eli Segal		
Nancy Herreich			Ricki Seidman		
Tony Lake			George Stephanopoulos		
Bruce Lindsey			Christine Varney		
Katie McGinty			David Watkins		
Regina Montoya			Maggie Williams		
Dee Dee Myers					
Roy Neel					
Bernie Nussbaum	X				

Remarks:

Pls review the President's notes attached & advise <sup>re</sup> you followup. Franks

Response:

① Call & tell Burton we didn't get this until 20<sup>th</sup>. Indian person out this aft. Return this to me.

② Send to Dennis

THE WHITE HOUSE  
WASHINGTON

follow up w/ meeting with  
~~an~~ MLK Comm yesterday

check on this bill  
re: Indian Religious Rights  
are we for it?

B.C.  
Religious Freedom for  
Native American Art  
They say Babbitt's for it, underlings  
at Justice "underlings" ~~underlings~~  
Advise

B. Nussbaum

Pls advise

B.

Follow up with meeting with MLK Comm yesterday

Check on this bill re: Indian Religious Rights  
are we for it?

B.C.

Religious Freedom for Native American Art. They say  
Babbitt's for it, underlings at Justice  
Advise

B. Nussbaum

Pls Advise

B

THE WHITE HOUSE  
WASHINGTON

Thomas Rhodenbaugh  
Director, U.S. Programs  
Christian Children's Fund  
2821 Emerywood Parkway  
Post Office Box 26484  
Richmond, VA 23261-6484

THE WHITE HOUSE

August 6, 1993

Tom-

Thank you for your kind note and the report on the pilot program. I find the report quite interesting and will keep its findings in mind as we further discuss Indian issues.

Hope to see you soon! Carol L. Rasco



CHRISTIAN CHILDREN'S FUND

① Mail note of response  
② Wonsia-fyi

2821 Emerywood Parkway  
P.O. Box 26484  
Richmond, VA 23261-6484 USA

(804) 756-2700  
Fax: (804) 756-2718  
Telex: 6844270 CCF UW

July 30, 1993

8/15 5 9:27

Miss Carol Rasco  
Assistant to the President  
for Domestic Policy  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20050

Dear Carol,

Someone was kind enough to share with me the June 17th New York Times article on your long struggle as an advocate. It was the side of you that I know very little about.

Given your personal experience, I thought you might be interested in the attached report on a pilot program we have recently completed in Arizona for American Indian families facing similar challenges. Given the success of this effort, we are now looking for a way to expand this training to the other Indian communities that we serve.

In addition to the traditional challenges facing many parents, American Indian families must negotiate the complex system of providers at the state and local government levels, with the Bureau of Indian Affairs, and tribal programs. Each tends to point to the others as the responsible party leading many families to give up and their children unserved.

We hope that our training initiative can provide consumer education them and involve them as advocates on behalf of their children.

I will keep you informed of our steps in moving this initiative forward.

Best wishes.

*Tom*

Thomas Rhodenbaugh  
Director, U.S. Programs

TR\rs

**Dr. Paul F. McCleary**  
President

**Dr. Margaret C. McCullough**  
Vice President

*Development*  
**William R. Dixon**

*Finance*  
**John V. Lindholm**

*Human Resources*  
**Ralph E. Black**

*Information Systems*  
**William C. Gilbert**

*Program*  
**Corazon O. Espiritu**  
Child and Family Services

**Thomas R. Rhodenbaugh**  
U.S. Programs

**Eugene D. Ries**  
European Programs

*Sponsor Services*  
**Dr. John F. Schultz**

**International Partnership Offices**

- CCF of Australia
- CCF of Canada
- Boernekonden, Denmark
- Un Enfant Par La Main, France
- CCF Kinderhilfswerk, Germany
- CCF of Great Britain
- Hongkong Children & Youth Services
- CCWA, Japan
- Korea Children's Foundation
- CCF of New Zealand
- Chinese Children's Fund, Taiwan

**Program Countries**

- Belarus, Bolivia,
- Brazil, Colombia,
- Ecuador, Estonia,
- Ethiopia, The Gambia,
- Guatemala, Haiti,
- Honduras, India,
- Indonesia, Kenya,
- Larvia, Lithuania,
- Mexico, Philippines,
- Poland, Romania,
- Senegal, Sierra Leone,
- Sri Lanka, Thailand,
- Togo, Uganda,
- U.S.A., Zambia

**Sally Struthers**  
International Chatperson

DATE: July 20, 1993  
TO: Carol Rasco  
FROM: Mike Schmidt  
RE: FYI -- Intergovernmental Meeting with American Indian Leaders

*Thank you  
so much!*

This is just a short summary of the June 14 meeting that Loretta Avent set up between the Administration and American Indian Tribal leaders. Administration Departments represented included Energy, Commerce, Transportation, Labor, EPA, Interior, HUD, and Agriculture. White House representation included DPC, OMB, Public Liaison, and Intergovernmental Affairs. The meeting was described as the first in a series of meetings to identify key issues to be raised in an eventual meeting between Tribal leaders and the President.

### **ISSUES RAISED AT THE MEETING**

A number of important issues were raised by the Tribal leaders, including the following:

- Tribal leaders are hoping to find ways to improve communications between the Administration and the Tribes so that the Administration is able to understand the Indian point of view on policy matters that affect Indian Country. For example, in the current budget reconciliation, Tribal leaders feel very strongly about having the Investment Tax Credit (for reservations) provisions passed by the Senate incorporated in the final budget, and not the one Enterprise Zone for Indians that was passed by the House. Unfortunately, they feel that their views are not being acknowledged by the Administration on this issue.
- It is very important to Tribal leaders that Administration officials understand and recognize that their dealings with Tribal governments take place in a government-to-government relationship (not a ward-trustee relationship) that is based on the U.S. Constitution and supported by numerous Supreme Court rulings.
- Tribal leaders see this meeting as one of a series of meetings to discuss the Administration's American Indian policies and other related issues. They do not see it as a one-time event.
- To the Tribes, it seems that Indian policy is still being made in the same place it always has -- on the Hill. American Indians were and are strong supporters of President Clinton, and feel that the Administration should step-up its policymaking role.

- Tribal leaders would like to see more American Indians being appointed to Administration positions -- so far, only two American Indians have been nominated.
- Tribal leaders are still committed to a White House meeting/conference with the President at some time in the near future.

## **OTHER DEVELOPMENTS**

- Secretary Cisneros stopped by briefly to address the meeting. He used the opportunity to announce that he is currently working with Tribal leaders to find and appoint a special assistant who will work exclusively on American Indian housing issues in HUD.
- The Departments of Interior and Agriculture announced that they will be creating American Indian policy positions similar to HUD's. Persons filling these positions will be charged with looking to see how American Indian policy affects their departments across all departmental functions. Both agencies stated their commitment to bring Tribal peoples into the front end of the decisionmaking process.
- Intergovernmental Affairs will be hosting another meeting like this one between Tribal leaders and Administration officials sometime in the next few weeks.

*Sent - 3/25 - way Reed*



# LUMMI INDIAN BUSINESS COUNCIL

2616 KWINA RD. • BELLINGHAM, WASHINGTON 98226-9298 • (206) 734-8180

MAR 24 REC'D

# FAX

Date:

*3/24/94*

Number of pages including cover sheet:

*2*

To:

*Carol Rasco*  
*Asst. to the President*  
*for Domestic Policy*

Phone:

Fax phone:

*206/456-2878*

CC:

From:

*Henry Cagey*

Department

*Chairman*

*Lummi Nation*

Charge Line #

Phone:

*206-647-6229*

Fax phone:

*206-384-3321*

REMARKS:

Urgent

For your review

Reply ASAP

Please comment

*a copy of our letter to the President*

**LUMMI INDIAN BUSINESS-COUNCIL**

2010 KWINA RD. • BELLINGHAM, WASHINGTON 98226-9295 • (206) 734-8160

DEPARTMENT: \_\_\_\_\_

EXT. \_\_\_\_\_

March 23, 1994

President Clinton  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

*Dear President Clinton:*

The Indian Tribes and Nations have had more laws passed by the U.S. Congress addressing their resources than any other group in America. All the legislation is typified by a "taking." This history has impoverished Indian Country.

We have the highest infant mortality, shortest life expectancy, highest poverty, highest under/unemployment, lowest educational/vocational attainment, poorest housing, and tribal governments that have been constantly destabilized by national and state politics -- supported by the churches.

We have been "protected" by the Bureau of Indian Affairs. Of all funds appropriated by the U.S. Congress for Indian affairs, the Bureau spends 90 percent upon itself. The remaining 10 percent is then distributed amongst the urban and reservation Indian populations for funding services.

The U.S. Congress has the power (Art. I, Sec. 8, Clause 3) to regulate trade and commerce "with the Indian tribes." The Indian Gaming Act is an example of positive action that actually has created economic benefits for some Indian tribes. The Indian gaming industry represents only 4.5 percent of the total gaming industry in America.

Our Indian Nations, as sovereign governments, are dependent upon those revenues for providing services and benefits to our tribal populations. The imposition of a tribal tax is a part of our inherent powers. But such an imposition by the United States or one of the individual states is an encroachment.

We adamantly oppose the proposed taxation of Indian gaming and ask that the legislative initiative absolutely exclude this industry from the new tax.

Indian tribal governments are not taxable entities under the Internal Revenue Code. The U.S. Constitution was intended to protect tribal governments from such encroachments and should be honored in that respect.

Respectfully yours,

Henry Cagey, Chairman  
Lummi Indian Nation

March 7, 1994

MEMORANDUM FOR CAROL H. RASCO

FROM: JENNIFER KLEIN

SUBJECT: INDIAN HEALTH SERVICE

*file*

You asked for information about the Indian Health Service (IHS) for your meeting with Congressman Richardson. This memorandum outlines: (1) current IHS programs; (2) the proposed FY 1995 IHS budget; (3) the proposed changes to IHS under the Health Security Act; and (4) recent events involving IHS.

Congressman Richardson will most likely be concerned about the proposed budget cuts to IHS for FY 1995 and the impact of those cuts on the ability of IHS to deliver the comprehensive benefit package under proposed the Health Security Act. However, the reduction in total budget authority is not as extensive as advocacy groups have charged. In addition, the Health Security Act provides sources of funding beyond appropriations to enable IHS programs to deliver the comprehensive benefit package.

A. Current Indian Health Service Programs

1. Services Provided

- IHS operates -- or contracts with tribes to operate -- 50 hospitals, 140 service units, 164 health centers, 7 school health centers, 112 health stations, 172 Alaska village clinics, and 28 urban clinics. IHS also purchases services from other public and private providers.
- Through these facilities, the Indian Health Service provides a wide array of clinical services as well as supplemental services (such as transportation and translation) and public health programs. The services offered range from clinical preventive and diagnostic services for individuals to community-based programs such as health education and sanitation.
- All services are provided at no cost to individual American Indians and Alaska Natives.

2. Population Served

- The Indian Health Service serves 1.3 million American Indians and Alaska Natives throughout 33 states.

- Indian people have higher rates of unemployment, poverty, disease and mortality than most other Americans. For example, more than 30% of Indian households live below the poverty level.
- 72% of the population served by IHS has no private health insurance.

### 3. Current Problems

- The fundamental problem with IHS today is that, while the program provides a broad range of services, budget constraints limit the amount and quality of care that can be provided.
- In addition, because many IHS facilities are in remote areas, they have difficulty recruiting and retaining providers and providing specialized care.

## B. Proposed FY 1995 Indian Health Service Budget

### 1. Services Funding

- The Administration requested \$1,571,305 million for the IHS services account, which is \$74.8 million below the FY 1994 appropriation of \$1.65 billion. However, the FY 1995 budget assumes private and public third party reimbursements of \$276 million, thereby increasing gross budget authority for FY 1995 by \$12 million from FY 1994.
- Advocacy groups claim that the projected increase in private third party collections is unrealistic.
- OMB counters that private collections have increased 500% over three years and will continue to grow given the incentives provided in the President's budget.

### 2. Facilities Funding

- The Administration requested \$129 million in budget authority for IHS facilities -- approximately \$172 million below the FY 1994 appropriation of \$301 million. Approximately half of the reduction from the FY 1994 level is due to completion of construction projects in FY 1994. The remaining \$85 million is a one year postponement of new sanitation facility construction, because IHS has carried forward an unobligated balance of \$146 million from FY 1993.

- The FY 1995 budget increases funding for alcohol and substance abuse programs by \$14.5 million.

### 3. FTE Reductions

- OMB set FTE reductions by agency but left decisions about resource allocation within departments to each Cabinet Secretary.
- Advocates claim that the IHS FTE reductions account for 35 percent of the total proposed reduction within the Department of Health and Human Services. According to the Department of Health and Human Services, IHS staff will be reduced only seven percent over two years, and the reductions will occur mostly by attrition.
- Moreover, IHS can provide the same level of services without hitting federal FTE ceilings by increasing contracting -- particularly with tribes or tribal organizations.

### 4. Shiprock, New Mexico Facility

- A new facility is scheduled to open in Shiprock, New Mexico in FY 1995. There has been controversy because the FY 1995 budget does not include funding for the facility.
- IHS plans to move 446 employees into the facility until new staff can be added. In addition, IHS has been given an exemption from hiring freezes to hire staff for the facility as long as the agency-wide FTE target is not exceeded.
- Dr. Lee is aware of the controversy over the Shiprock facility and expects to visit the facility in April.

### C. Indian Health Service Under the Health Security Act

1. It is important to note that the Health Security Act is the only health reform proposal currently before Congress that specifically addresses Indian health care programs.
2. Structure of the Indian Health Service Under Reform
  - The Indian Health Service will expand and improve facilities to provide the comprehensive benefit package by January 1, 1999.
  - Indians may enroll in health programs of the Indian Health Service or in health plans offered within the

alliance. While care in the IHS system remains free, Indians choosing to enroll in an alliance health plan will pay premiums and cost sharing but will be eligible to receive discounts based on income.

- Because of historical tensions between tribes and states, Indian Health Service programs will not be certified by the states and will not be offered within the state-operated regional alliance system.
- The IHS will continue to provide a wide array of supplemental services to all Indians -- whether they enroll in an IHS program or an alliance health plan.

### 3. Funding for Indian Health Service Programs

- Advocates have argued that, given the budget cuts, it will be impossible for Indian Health Service programs to deliver the comprehensive benefit package. As noted above, the budget cuts are not as extensive as the advocates charge. In addition, under the Health Security Act, the Indian Health Service will capture funds not currently available to it. Therefore, while we should acknowledge the great challenge ahead, IHS should be able to provide the health services that will be guaranteed to all other Americans under the Health Security Act.
- Funding to deliver the comprehensive benefit package will come from the following sources:
  - Employer premium payments;
  - Premium discount payments that would have been available to low-income, unemployed Indians had they enrolled in alliance health plans;
  - Premium and other cost sharing payments from non-Indian family members who enroll in IHS programs;
  - Reimbursements from alliance health plans; and
  - Congressional appropriations.
- The Act authorizes new appropriations of \$40 million for FY 1995, \$180 million for FY 1996, and \$200 million for FY 1997-2000 for:
  - Supplemental health services;
  - Construction and renovation of facilities; and

- Establishment of a revolving loan program for infrastructure development.

#### 4. Other Programs in the Health Security Act

In addition to specific provisions about Indian Health Service programs, the Health Security Act includes a wide range of programs available to all Americans that will increase access and improve health care delivery for Indian people. For example:

- The Act authorizes \$9.245 billion to be appropriated over fiscal years 1995 to 2000 for programs to ensure access to underserved populations. This includes funding to expand the community and migrant health center program.
- The Act creates a comprehensive school health education program designed to promote healthy lifestyles, deter substance abuse, and educate students about health promotion and proper nutrition.
- The Act includes workforce initiatives to increase the number of primary care providers and encourage those providers to practice in underserved areas.

#### D. Recent Events

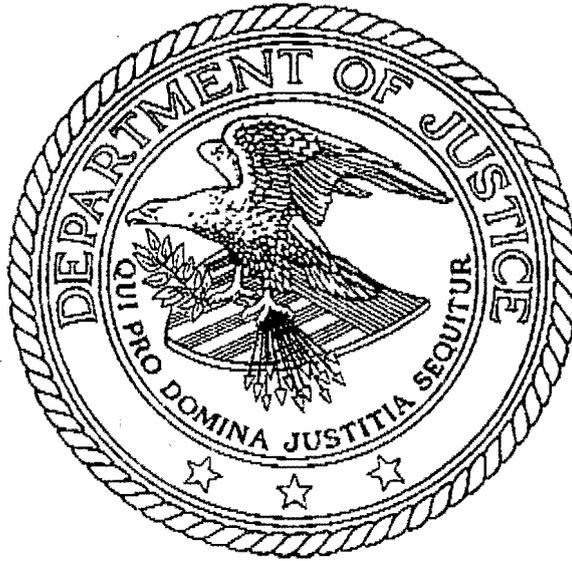
The following events have taken place recently:

- On January 27, the Senate Indian Affairs Committee held its confirmation hearing for Dr. Trujillo, the nominee for Director of the Indian Health Service. Congressman Richardson introduced Dr. Trujillo at that hearing and is one of Dr. Trujillo's biggest supporters.
- Dr. Lee, Assistant Secretary for Health, scheduled a series of public meetings with tribal leaders in four different regions. In early February, he held a three day session in Albuquerque.
- On February 28, Congressman Richardson chaired the hearing of the House Natural Resources Subcommittee on Native American Affairs on the Health Security Act.

**NATIONAL AMERICAN INDIAN LISTENING CONFERENCE****UPDATE****MONDAY, APRIL 11, 1994****JUSTICE AND INTERIOR OFFICIALS MEET/PHONE OVER 500 TRIBAL LEADERS  
AS PREPARATION FOR LISTENING CONFERENCE CONTINUES**

- \* Officials from the Departments of Justice and Interior have reached out to tribal leaders across the county in an effort to include their judgement and counsel in the planning of the Listening Conference to be held in Albuquerque, New Mexico May 5-6, 1994.
- \* Gerald Torres, Counsel to the Attorney General Faith Roessel, Deputy Secretary/ Indian Affairs, traveled to Albuquerque on April 4-5 for a series of briefings with tribal, political, federal and judicial leaders from throughout the State.
- \* With the help of Governor Bruce King, Senator Jeff Bingaman, Congressman Bill Richardson's staff, U.S. Attorney John Kelly, the American Indian Law Center at the University of New Mexico, the Bureau of Indian Affairs regional office, and others, the Administration staff met with:
  - \* federal and tribal law enforcement officials
  - \* representatives from every tribe in the State
  - \* other state and local elected officials, including Governor Bruce King and Attorney General Udall
- \* In addition, the Departments have completed phoning the 545 federally recognized tribes. The phone calls resulted in contacting 421 tribal offices. Of those, 98 elected tribal leaders have already confirmed they will attend the Albuquerque Confernece.
  - \* Follow-up calls are being made daily
  - \* A second mailing is planned for April 12
  - \* Interviews with leaders about tribal priorities continues
- \* The 12 Bureau of Indian Affairs regional offices are holding Listening Conference planning meetings the week of April 11-15 with all tribal leaders in each region. The officers will generate recommendations for tribal speakers, discuss the 6 Conference themes, and explain the rules governing the Conference format.

REC'D



**OFFICE OF THE ATTORNEY GENERAL**

**FACSIMILE TRANSMITTAL COVER SHEET**

**DATE:**

4-11-94

**TO:**

Carol Rosco

**FACSIMILE NO.**

456-6423

**TELEPHONE NO.**

**FROM:**

Mr. Jackson

**FACSIMILE NO.**

5

**TELEPHONE NO.**

514-8812

**NUMBER OF PAGES INCLUDING COVER SHEET**

2

**COMMENTS:**



DEPARTMENT OF HEALTH & HUMAN SERVICES

Chief of Staff

Washington D.C. 20201

*File: Indians*

**FACSIMILE**

DATE April 20, 1994

TO: (NAME, ORGANIZATION, CITY/STATE AND PHONE NUMBER):

Carol Rasco  
Assistant to the President  
for Domestic Policy

456-2216

FROM: (NAME, ORGANIZATION, CITY/STATE AND PHONE NUMBER):

Kevin Thurm  
Chief of Staff

690-6133

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COMMENTS:



## DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

Chief of Staff

Washington, D.C. 20201

TO: CAROL RASCO  
FROM: KEVIN THURM *K-Thurm*  
SUBJ: INDIAN HEALTH SERVICE FTE APPEAL

Per your conversation with the Secretary, attached please find a copy of our appeal letter to Director Panetta concerning FTE numbers for IHS. As I am sure the Secretary told you, we have negotiated a \$125M budget amendment with OMB to restore some of the IHS dollar cut. The FTE waiver is needed in addition to the \$125M. We have pressed a number slightly below 1,000 (800 to 900).

Thanks for your assistance; if you have any questions, please do not hesitate to contact me.

IHS - 20



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

**MAR 23 1994**

The Honorable Leon E. Panetta  
Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Panetta:

I am writing to request your reconsideration of a waiver from personnel reductions in both FY 1994 and FY 1995 for the Indian Health Service (IHS). It has become clear that this Agency will not be able to achieve a reduction of 1,114 FTE without impacting negatively on its ability to provide health care for American Indians and Alaska Natives.

Our proposal is to hold the staffing constant through FY 1995 at the FY 1993 level of 15,441 in order to allow time for negotiations of a longer term strategy with Tribes.

Within this constant FTE level, IHS will need to staff five new and expanded health care facilities, respond to an average annual population growth of 2.5 percent, and continue to strive to bring the level of health care delivered to American Indians and Alaska Natives up to national standards.

We are working to improve the management of the Indian Health Service, especially the administrative resources and structures. Specifically, we are reviewing ways to streamline operations at Headquarters and Area Offices. In addition, IHS continues to increase Tribal involvement in the management of their own health care delivery systems. However, this is a deliberative process which requires the full planning and consultation with Tribes to be successful. The leadership of the Public Health Service, and the IHS, are holding nation-wide meetings with the Tribes on the subject of health care reform. In the course of these meetings, the leadership is also engaging Tribes about increasing their involvement in the provision of health care under the Indian Self-Determination and Education Act. We expect positive responses from the Tribes but the time frame will extend beyond FY 1995.

Reaction in Congress to our FY 1995 budget proposal calling for the FTE reductions has been unfavorable and is causing a negative distraction on the debate over the larger issue of health care reform. You were successful last year in gaining Congressional approval to remove the FTE restrictions in appropriations.

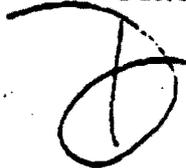
**Page 2 - The Honorable Leon E. Panetta**

**I believe that the FTE reductions proposed for FY 1994 and FY 1995 are not consistent with what the Congress intended for the IHS and may lead to renewal of these restrictions..**

**This Administration has affirmed, in our plans to reform the health care system, the special relationship existing between Tribes and the Federal Government concerning the delivery of health care to this special population. Accordingly, I plan to testify about our plans for the IHS, in both the short and the long term, before the House Interior Appropriations Subcommittee. This is something which no other Secretary of this Department has done in recent times, reflecting my commitment to the health of Indian Peoples.**

**I believe that this waiver is necessary in the short term in order to achieve broader Administration objectives such as Executive Branch control over agency FTE levels and the enactment of the President's health care plan.**

**Sincerely,**



**Donna E. Shalala**

### HHS Full Time Equivalents

	FY 1993			FY 1994	Percent Change From		FY 1995	Percent Change From	
	FY 1992	Baseline *	Actual		FY 1992	Baseline		FY 1992	Baseline
FDA.....	9,133	9,212	9,123	9,370 1/	2.6%	1.7%	9,693 1/	6.1%	5.2%
HRSA.....	2,664	2,690	2,678	2,591	-2.7%	-3.7%	2,502	-8.1%	-7.0%
IHS.....	14,677	15,426	15,441	14,787	0.7%	-4.1%	14,327	-2.4%	-7.1%
CDC.....	6,738	6,900	6,984	6,645	-1.4%	-3.7%	6,502	-3.6%	-5.8%
NIH.....	17,326	17,448	17,105	16,804	-3.0%	-3.7%	16,393	-5.4%	-6.0%
SAMHSA.....	697	776	732	748	6.9%	-3.6%	703	2.3%	-9.4%
AHCPR.....	255	287	274	277	6.6%	-3.5%	271	6.3%	-5.6%
OASH.....	<u>1,074</u>	<u>1,185</u>	<u>1,119</u>	<u>1,141</u>	<u>6.2%</u>	<u>-3.7%</u>	<u>1,177</u>	<u>9.6%</u>	<u>-0.7%</u>
Subtotal, PHS.....	52,554	53,924	53,456	52,363	-0.4%	-2.9%	51,668	-1.9%	-4.4%
HCFA.....	4,151	4,276	4,241	4,186	0.6%	-2.1%	4,129	-0.6%	-3.4%
SSA.....	66,226	65,408	64,819	64,930 2/	-2.0%	-0.7%	65,232 2/	-1.5%	-0.3%
ACF.....	1,940	1,968	2,007	1,968	1.4%	0.0%	1,983	2.2%	0.8%
AcA.....	184	190	187	189	2.7%	-0.6%	190	3.3%	0.0%
OS.....	<u>4,408</u>	<u>4,187</u>	<u>4,324</u>	<u>4,063</u>	<u>-7.7%</u>	<u>-2.8%</u>	<u>4,054</u>	<u>-8.0%</u>	<u>-3.2%</u>
Total, HHS.....	129,463	128,953	129,034	127,705	-1.4%	-1.7%	127,156	-1.8%	-2.2%

1/ Includes an additional 500 FTE provided to FDA in FY 1994, and an additional 1,000 FTE in FY 1995, as a waiver from the original Streamlining proposal.

2/ Includes an additional 500 FTE provided to SSA in FY 1994, and an additional 1,400 in FY 1995, as a waiver from the original Streamlining proposal.

\* This is the baseline upon which the Streamlining proposal was built.

THE WHITE HOUSE

WASHINGTON

The Speaker of the  
House of Representatives

Sir:

I ask Congress to consider amendments to the FY 1995 appropriations requests for the Departments of Health and Human Services and Justice, and the Federal Communications Commission.

The Department of Health and Human Services amendment would provide \$125 million in additional funding for health services and sanitation facility construction for American Indians and Alaska Natives and for the advancement of tribal self-determination.

The Department of Justice amendment would provide \$350 million to fund a new State Criminal Alien Assistance Program to help States pay for their costs associated with incarcerating illegal aliens convicted of a felony.

In addition, I ask Congress to consider FY 1995 budget amendments that would freeze for one year overhead payments to Federal research grantees that are universities and non-profit organizations. Enactment of these budget amendments would be consistent with our mutual goal of achieving deficit reduction.

The proposed increases for the Departments of Health and Human Services and Justice would be fully offset by reductions in other programs. The details of the requests are set forth in the enclosed letter from the Director of the Office of Management and Budget. I concur with his comments and observations.

Sincerely,

Enclosure



THE DIRECTOR

Estimate No. \_\_\_\_\_  
103rd Congress, 2nd Session  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

The President

The White House

Submitted for your consideration are FY 1995 budget amendments to: 1) provide the Department of Health and Human Services additional funds for health services and sanitation facility construction for American Indians and Alaska Natives and to advance tribal self-determination; 2) establish a new State Criminal Alien Assistance Program in the Department of Justice; and 3) freeze, for one year, overhead payments for Federal research grants to universities and non-profit organizations.

The Department of Health and Human Services amendments would increase the FY 1995 request for the Indian Health Service (IHS) by \$125 million in budget authority, including \$75 million for health services, \$42.5 million for sanitation facility construction, and \$7.5 million for new and expanded tribal self-determination contracts. These amendments would increase FY 1995 outlays by \$63 million. Amendments are proposed that would offset the increase in IHS funding by reducing the pending request for other Department of Health and Human Services programs by \$125 million in budget authority and \$63 million in outlays. The Secretary supports these actions.

The Department of Justice amendment would create a \$350 million program within the Office of Justice Programs (OJP) to address the extraordinary financial burdens faced by several States with high populations of illegal aliens in their correctional facilities. Congress recognized this long-standing problem and authorized a program under Section 501 of the Immigration Reform and Control Act of 1986 to provide Federal financial assistance to States. States with a higher than average share of illegal alien population would verify annually with the Immigration and Naturalization Service the number of incarcerated illegal aliens in their correctional facilities who have been convicted of a felony. Funds would be distributed by OJP based on States' relative populations of incarcerated illegal aliens. The Attorney General supports this request.

Offsets for the funds required for the Department of Justice in FY 1995 are provided by the following:

- o -\$72.4 million associated with the Federal Communications Commission (FCC). This proposal would fully fund the FCC with fee revenues from the Commission's licensing and other functions. The FCC has been funding a growing share of its operational expenses with fee revenue over the past several years. Under this proposal, the Commission would be fully self-supporting with fee revenues in FY 1995. The FCC Chairman supports this proposal and will propose authorizing legislative changes that, in concert with this appropriations language, would allow FCC to accomplish this goal.
- o -\$285 million to reflect increased savings achievable by continuing certain accounts at enacted levels. This level is consistent with assumptions in the House and Senate budget resolutions. The original estimate of savings was included in the FY 1995 Budget as an undistributed allowance; therefore, no change to appropriations language is required at this time.

The FY 1995 Budget included an FY 1994 supplemental request for an unallocated government-wide allowance that would have frozen, for one year, overhead payments for Federal research grants to universities and non-profit organizations, reducing FY 1995 outlays by \$150 million. The supplemental language has not been enacted. To implement this proposal in the FY 1995 appropriations bills, budget amendments are now proposed to distribute these savings by appropriations subcommittee.

Of the approximately \$17 billion in research grants that the Federal government funds each year, \$3 billion goes to pay overhead costs. In a year in which total discretionary spending is being frozen and government administrative costs are being aggressively reduced, it is appropriate and necessary to ask universities and other non-profit institutions to participate in this restraint. Instead of a permanent cut or cap on overhead payments, these budget amendments propose a one-year pause. That is, during FY 1995, grantee institutions would not seek additional payments for overhead above amounts claimed in FY 1994.

This year-long pause will provide time for the Office of Science and Technology Policy and the Office of Management and Budget -- with advice from representatives of affected institutions -- to conduct a comprehensive review of overhead costs. The objective of the review will be to improve the incentives that govern overhead payments for a wide range of

Federal research and development grantees and contractors. It should be noted that this review, part of the Administration's continuing effort to reinvent government, comes in the context of overall increases in key research areas such as the National Institutes of Health, the National Science Foundation, and the Commerce Department's advanced technology program.

I have carefully reviewed these proposals and am satisfied that they are necessary at this time. Therefore, I recommend that these proposals be transmitted to the Congress.

Sincerely,

Leon E. Panetta  
Director

Enclosure

DEPARTMENT OF HEALTH AND HUMAN SERVICES

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
INDIAN HEALTH SERVICES				
433	Indian health services	\$1,571,305,000	\$82,500,000	\$1,653,805,000
434	Indian health facilities	124,689,000	42,500,000	167,189,000

This amendment would increase the FY 1995 President's Budget for the Indian Health Service (IHS) by \$125 million in budget authority and \$63 million in outlays. The increase for services includes \$75 million in budget authority for IHS health services, and \$7.5 million for new and expanded tribal self-determination contracts. The \$42.5 million in budget authority for IHS facilities would support sanitation facility construction.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
HEALTH RESOURCES AND SERVICES ADMINISTRATION				
428	Health resources and services	\$3,014,253,000	-\$38,570,000	\$2,975,683,000
CENTERS FOR DISEASE CONTROL AND PREVENTION				
435	Disease control, research, and training	1,983,132,000	-28,830,000	1,954,302,000
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION				
439	Substance abuse and mental health services	2,389,226,000	-23,220,000	2,366,006,000
AGENCY FOR HEALTH CARE POLICY AND RESEARCH				
440	Health care policy and research	104,409,000	-1,950,000	102,459,000
ASSISTANT SECRETARY FOR HEALTH				
440	Office of the assistant secretary for health	69,742,000	-1,800,000	67,942,000
HEALTH CARE FINANCING ADMINISTRATION				
444	Program management	2,191,696,000	-11,340,000	2,180,356,000
SOCIAL SECURITY ADMINISTRATION				
448	Supplemental security income program	21,105,231,000	-16,630,000	21,088,601,000

DEPARTMENT OF HEALTH AND HUMAN SERVICES

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
ADMINISTRATION FOR CHILDREN AND FAMILIES				
452	Children and family services programs	\$4,912,674,000	-\$1,340,000	\$4,911,334,000
ADMINISTRATION ON AGING				
453	Aging services programs	875,723,000	-120,000	875,603,000
OFFICE OF THE SECRETARY				
454	General departmental management	93,426,000	-575,000	92,851,000
455	Office of inspector general	64,501,000	-500,000	64,001,000
455	Office for civil rights	18,516,000	-107,000	18,409,000
456	Policy research	13,000,000	-18,000	12,982,000

This amendment reduces the FY 1995 request for HHS by \$125 million in budget authority and \$63 million in outlays. The reductions were taken from agency salaries and expenses and non-investment programs. The salaries and expenses reductions were taken at a rate of 1.5 percent of the FY 1995 estimated amount for Public Health Service (PHS) agencies and 0.53 percent from other HHS agencies, for total salaries and expenses reductions of \$26.8 million in budget authority. The program reductions are a 1.5 percent reduction from the FY 1995 estimates of PHS non-investment expenditures, for total program reductions of \$81.5 million in budget authority. Additionally, a re-estimate in the Supplemental Security Income administrative expense payment to the OASDI trust fund of \$16.6 million in budget authority is included, which has no associated outlay effect.

FY 1995 BUDGET AMENDMENT  
DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
606	<u>State criminal alien assistance program</u>	---	\$350,000,000	\$350,000,000

(Insert the above heading and the appropriations language that follows immediately before the material under the heading "Public Safety Officers Benefit":)

For necessary expenses, as authorized by Section 501 of the Immigration Reform and Control Act of 1986, as amended (8 U.S.C. 1365), \$350,000,000, to remain available until expended: Provided, That the Attorney General shall promulgate regulations to (a) prescribe requirements for program participation eligibility for States; (b) require verification by States of the eligible incarcerated population data with the Immigration and Naturalization Service; (c) prescribe a formula for distributing assistance to eligible States; and (d) award assistance to eligible States.

This proposal would provide funds to States that are adversely affected by illegal immigration and face extraordinary financial burdens because of a high population of incarcerated illegal aliens. States with a higher than average share of illegal alien population would verify annually with the Immigration and Naturalization Service the number of incarcerated illegal aliens in their correctional facilities who have been convicted of a felony. Funds would be distributed by the Office of Justice Programs based on States' relative populations of incarcerated illegal aliens. This proposal would increase FY 1995 outlays by \$263 million.

FY 1995 BUDGET AMENDMENT  
FEDERAL COMMUNICATIONS COMMISSION

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
889	Salaries and expenses  (In the appropriations language under the above heading, delete "\$95,000,000" and substitute <u>\$167,400,000</u> in two places; delete "section" and substitute <u>sections 8 and</u> ; and delete "not more than \$72,400,000" and substitute <u>zero</u> .)	\$72,400,000	-\$72,400,000	---

This proposal would fully fund the Federal Communications Commission (FCC) with fee revenues from the Commission's licensing and other functions. The FCC has been funding a growing share of its operational expenses with fee revenue over the past several years, and under this proposal the Commission will be fully self-supporting with its own fee revenues in FY 1995. The FCC will propose authorizing legislative changes that, together with this appropriations language, would allow FCC to accomplish this goal. This proposal would reduce FY 1995 outlays by \$72.4 million.

FY 1995 BUDGET AMENDMENT

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT,  
FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
238	Title VII - General Provisions	---	Language	---
	(In the appropriations language under the above heading, insert the following language immediately after Sec. 718:)			
	<u>Sec. 719. None of the funds provided in this Act for fiscal year 1995 may be obligated for any grant for research by a grantee who was awarded a grant in fiscal year 1994 or prior years and who reported grant outlays in excess of \$10,000,000 in fiscal year 1994, unless such grantee accepts the following grant conditions for any fiscal year 1995 grant:</u>			
	<u>(a) the grantee agrees to notify the agency from which it receives the largest amount of grants of the amount of any increased indirect expense; and</u>			
	<u>(b) the grantee agrees to the permanent cancellation, in an amount that equals the amount of increased indirect expense, of its claims for the portion of unliquidated obligations from prior-year research grants that comprise the indirect expense allocated to the Federal Government.</u>			
	<u>As used in this section, the term "increased indirect expense" means the amount by which the grantee's claim for indirect expense allocated to the Federal Government for research grants for fiscal year 1995 exceeds the amount of such claims for fiscal year 1994.</u>			

Enactment of this proposal would reduce FY 1995 outlays by \$3,000,000. These savings were included in the President's FY 1995 Budget estimate.

FY 1995 BUDGET AMENDMENT

SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE, AND JUDICIARY

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
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274	Title VI - General Provisions	---	Language	---
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(In the appropriations language under the above heading, insert the following language immediately after Sec. 607:)

Sec. 608. None of the funds provided in this Act for fiscal year 1995 may be obligated for any grant for research by a grantee who was awarded a grant in fiscal year 1994 or prior years and who reported grant outlays in excess of \$10,000,000 in fiscal year 1994, unless such grantee accepts the following grant conditions for any fiscal year 1995 grant:

(a) the grantee agrees to notify the agency from which it receives the largest amount of grants of the amount of any increased indirect expense; and

(b) the grantee agrees to the permanent cancellation, in an amount that equals the amount of increased indirect expense, of its claims for the portion of unliquidated obligations from prior-year research grants that comprise the indirect expense allocated to the Federal Government.

As used in this section, the term "increased indirect expense" means the amount by which the grantee's claim for indirect expense allocated to the Federal Government for research grants for fiscal year 1995 exceeds the amount of such claims for fiscal year 1994.

Enactment of this proposal would reduce FY 1995 outlays by \$1,000,000. These savings were included in the President's FY 1995 Budget estimate.

FY 1995 BUDGET AMENDMENT

SUBCOMMITTEE ON DEFENSE

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
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335	General Provisions - Department of Defense	---	Language	---
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(In the appropriations language under the above heading, insert the following language immediately after Sec. 8062:)

Sec. 8063. None of the funds provided in this Act for fiscal year 1995 may be obligated for any grant for research by a grantee who was awarded a grant in fiscal year 1994 or prior years and who reported grant outlays in excess of \$10,000,000 in fiscal year 1994, unless such grantee accepts the following grant conditions for any fiscal year 1995 grant:

(a) the grantee agrees to notify the agency from which it receives the largest amount of grants of the amount of any increased indirect expense; and

(b) the grantee agrees to the permanent cancellation, in an amount that equals the amount of increased indirect expense, of its claims for the portion of unliquidated obligations from prior-year research grants that comprise the indirect expense allocated to the Federal Government.

As used in this section, the term "increased indirect expense" means the amount by which the grantee's claim for indirect expense allocated to the Federal Government for research grants for fiscal year 1995 exceeds the amount of such claims for fiscal year 1994.

Enactment of this proposal would reduce FY 1995 outlays by \$10,000,000. These savings were included in the President's FY 1995 Budget estimate.

FY 1995 BUDGET AMENDMENT

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
426	Title V - General Provision	---	Language	---
	(In the appropriations language under the above heading, insert the following language immediately after the last section proposed for deletion:)			
	<u>Sec. 501. None of the funds provided in this Act for fiscal year 1995 may be obligated for any grant for research by a grantee who was awarded a grant in fiscal year 1994 or prior years and who reported grant outlays in excess of \$10,000,000 in fiscal year 1994, unless such grantee accepts the following grant conditions for any fiscal year 1995 grant:</u>			
	<u>(a) the grantee agrees to notify the agency from which it receives the largest amount of grants of the amount of any increased indirect expense; and</u>			
	<u>(b) the grantee agrees to the permanent cancellation, in an amount that equals the amount of increased indirect expense, of its claims for the portion of unliquidated obligations from prior-year research grants that comprise the indirect expense allocated to the Federal Government.</u>			
	<u>As used in this section, the term "increased indirect expense" means the amount by which the grantee's claim for indirect expense allocated to the Federal Government for research grants for fiscal year 1995 exceeds the amount of such claims for fiscal year 1994.</u>			

Enactment of this proposal would reduce FY 1995 outlays by \$9,000,000. These savings were included in the President's FY 1995 Budget estimate.

FY 1995 BUDGET AMENDMENT

SUBCOMMITTEE ON LABOR - HEALTH AND HUMAN SERVICES - EDUCATION

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
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631	Title V - General Provisions	---	Language	---
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(In the appropriations language under the above heading, insert the following language immediately after Sec. 308:)

Sec. 509. None of the funds provided in this Act for fiscal year 1995 may be obligated for any grant for research by a grantee who was awarded a grant in fiscal year 1994 or prior years and who reported grant outlays in excess of \$10,000,000 in fiscal year 1994, unless such grantee accepts the following grant conditions for any fiscal year 1995 grant:

(a) the grantee agrees to notify the agency from which it receives the largest amount of grants of the amount of any increased indirect expense; and

(b) the grantee agrees to the permanent cancellation, in an amount that equals the amount of increased indirect expense, of its claims for the portion of unliquidated obligations from prior-year research grants that comprise the indirect expense allocated to the Federal Government.

As used in this section, the term "increased indirect expense" means the amount by which the grantee's claim for indirect expense allocated to the Federal Government for research grants for fiscal year 1995 exceeds the amount of such claims for fiscal year 1994.

Enactment of this proposal would reduce FY 1995 outlays by \$91,000,000. These savings were included in the President's FY 1995 Budget estimate.

FY 1995 BUDGET AMENDMENT  
SUBCOMMITTEE ON TRANSPORTATION

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
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708	Title III--General Provisions	---	Language	---
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(In the appropriations language under the above heading, insert the following language immediately after Sec. 322:)

Sec. 323. None of the funds provided in this Act for fiscal year 1995 may be obligated for any grant for research by a grantee who was awarded a grant in fiscal year 1994 or prior years and who reported grant outlays in excess of \$10,000,000 in fiscal year 1994, unless such grantee accepts the following grant conditions for any fiscal year 1995 grant:

(a) the grantee agrees to notify the agency from which it receives the largest amount of grants of the amount of any increased indirect expense; and

(b) the grantee agrees to the permanent cancellation, in an amount that equals the amount of increased indirect expense, of its claims for the portion of unliquidated obligations from prior-year research grants that comprise the indirect expense allocated to the Federal Government.

As used in this section, the term "increased indirect expense" means the amount by which the grantee's claim for indirect expense allocated to the Federal Government for research grants for fiscal year 1995 exceeds the amount of such claims for fiscal year 1994.

Enactment of this proposal would reduce FY 1995 outlays by \$1,000,000. These savings were included in the President's FY 1995 Budget estimate.

FY 1995 BUDGET AMENDMENT

SUBCOMMITTEE ON VA, HUD AND INDEPENDENT AGENCIES

1995 Budget Appendix Page	Heading	1995 Budget Request Pending	1995 Proposed Amendment	1995 Revised Request
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789	Title V - General Provisions	---	Language	---
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(In the appropriations language under the above heading, insert the following language immediately after Sec. 516:)

Sec. 517. None of the funds provided in this Act for fiscal year 1995 may be obligated for any grant for research by a grantee who was awarded a grant in fiscal year 1994 or prior years and who reported grant outlays in excess of \$10,000,000 in fiscal year 1994, unless such grantee accepts the following grant conditions for any fiscal year 1995 grant:

(a) the grantee agrees to notify the agency from which it receives the largest amount of grants of the amount of any increased indirect expense; and

(b) the grantee agrees to the permanent cancellation, in an amount that equals the amount of increased indirect expense, of its claims for the portion of unliquidated obligations from prior-year research grants that comprise the indirect expense allocated to the Federal Government.

As used in this section, the term "increased indirect expense" means the amount by which the grantee's claim for indirect expense allocated to the Federal Government for research grants for fiscal year 1995 exceeds the amount of such claims for fiscal year 1994.

Enactment of this proposal would reduce FY 1995 outlays by \$35,000,000. These savings were included in the President's FY 1995 Budget estimate.

PRESS RELEASE

The President today has sent to the Congress fiscal year 1995 budget amendments to provide an additional \$125 million for the Indian Health Service. The additional funding would provide \$75 million to provide increased health services for American Indians and Alaska Natives, \$42.5 million for sanitation facility construction for American Indians and Alaska Natives, and \$7.5 million for new and expanded tribal self-determination contracts.

In addition, the President has submitted a budget amendment for the Department of Justice that would provide \$350 million to fund a new State Criminal Alien Assistance Program to help States pay for their costs associated with incarcerating illegal aliens convicted of a felony. The Administration recognizes the special financial burdens faced by States with high populations of incarcerated illegal aliens. This State Criminal Alien Assistance Program is intended to help mitigate this long-standing problem.

Technical amendments are included in today's transmittal to the Congress that would distribute by appropriations subcommittee a government-wide allowance that was included in the FY 1995 Budget. These amendments, which would freeze for one year overhead payments for Federal research grants to universities and non-profit organizations, will result in an overall reduction in FY 1995 spending of \$150 million.

THE WHITE HOUSE  
WASHINGTON

*file: Native Amer.  
or  
Indians*

TO: THE PRESIDENT  
THE VICE PRESIDENT  
THE FIRST LADY  
MRS. GORE

DATE: Friday, April 29, 1994

WHAT: MEETING WITH TRIBAL LEADERS

LOCATION: SOUTH LAWN TENT

TIME: 3:00 p.m. - 5:15 p.m.

# OF GUESTS: Approx. 270 Tribal Leaders/Open Press

FROM: Ann Stock, Sarah Ryan

=====

12:30 p.m. The first group of Tribal Leaders arrive by bus at East Visitor's Gate for tour. White House Tour begins.

1:20 p.m. Tribal Leaders begin to arrive on South Lawn and proceed to beverage area.

2:15 p.m. THE PRESIDENT, the VICE PRESIDENT, the FIRST LADY and MRS. GORE receive briefing in Oval Office.

2:20 p.m. White House Tour concludes.

Program participants arrive in the Map Room final briefing. (A. Stock to greet.)

2:30 p.m. Cabinet members arrive West Lobby.

Announcement asking Tribal Leaders to proceed to seat. (Seating is by 12 Tribal Areas.)

2:45 p.m. Cabinet members are escorted to the South Lawn and are seated in specified area.

2:55 p.m.

THE PRESIDENT, THE VICE PRESIDENT, THE FIRST LADY and MRS. GORE arrive in the Diplomatic Reception Room to meet President gaiashkibos and Chief Wilma Mankiller.

3:00 p.m.

President gaiashkibos and Chief Wilma Mankiller are announced from Diplomatic Reception Room and proceed on stage.

THE PRESIDENT, THE VICE PRESIDENT, THE FIRST LADY and MRS. GORE are announced to Ruffles & Flourishes/Hail to the Chief and proceed on stage.

3:05 p.m.

**OPENING CEREMONY** (All remain standing)

**Presentation of Colors**

(Color Guard is lined up at SE corner)

-- Wallace Coffeey, Chairman Comanche Tribe (Lawton, Oklahoma) proceeds to small stage with hand drum and begins song.

-- Color Guard begins walk.

-- Alex Mathews, Chairman, Pawnee Tribe (Pawnee, Oklahoma), will carry American Flag

-- John Sunchild, Sr., Chairman, Chippewa-Cree (Box Elder, MO), will carry Eagle Staff

The American Flag and the Eagle Staff walk side by side up the center aisle from the South with five Color Guard walking behind them and proceed to sides of stage (off-stage).

**Flag Song**

-- Once Color Guard is in place, Chmn. Coffey sings.

-- Upon conclusion of song, Chmn. Coffeey returns to seat.

-- Chmn. Mathews and Chmn. Sunchild position Flags.

**Opening Invocation**

-- Chmn. Sunchild, Sr. and Alvin Windy Boy proceed to podium on main stage.

-- Chmn. Sunchild, Sr. gives the opening invocation in his language and then in English. Alvin Windy Boy stands to his side with Eagle Feathers.

-- Following opening invocation, Chmn. Sunchild and Alvin Windy Boy exit stage and proceed to seats. Color Guard proceeds to seats.

3:25 p.m.

THE FIRST LADY proceeds to podium to make welcoming remarks and introduce MRS. GORE. (No announcement)

3:28 p.m.

MRS. GORE makes remarks and introduces THE VICE PRESIDENT.

3:31 p.m.

THE VICE PRESIDENT makes remarks and introduces gaiashkibos, Chairman, Lac Courte Oreilles Chippewa (Hayward, Wisconsin).

3:35 p.m.

gaiashkibos proceeds to podium and makes introductory remarks.

3:45 p.m.

#### **PRESENTATIONS**

gaiashkibos introduces Wilma Mankiller, Principal Chief, Cherokee Tribe of Okla (Tahlequah, Oklahoma).

Chief Mankiller introduces the first presenter. (Note: Chief Mankiller will emcee the presentations. Each presenter will speak from the small stage.)

#### **ORDER OF PRESENTERS (8) (3 min. each)**

- Herbert Yates, Governor, Pueblo of Nambe Albuquerque Area (Religious Freedom/Cultural Concerns)
- Willie Kasayulie, President Yup'ik-akiachak Native Community Junea Area (Natural Resources)
- Ivan Makil, President Salt River Pima-Maricopa Indian Council Phoenix Area (Economic Development)
- Ron Allen, Chairman Jamestown S'Klallam Tribal Council Portland Area (Budget)
- Jo Ann Jones, Chairperson Wisconsin Winnebago Minneapolis Area (Administrative Sponsored Initiatives)
- Dale Risling, Sr., Chairman Hoopa Valley Reservation, Sacramento Area (Education/Health)
- Gregg Bourland, Chairman, Cheyenne River Sioux Tribe, Aberdeen Area (Soverignty and Enhancing Tribal Government)
- Eddie Tullis, Chairman, Poarch Band of Creek Indians (Human Services/Housing)

4:15 p.m.

Upon conclusion of the eighth presentation, THE PRESIDENT proceeds to the podium to make remarks. (No announcement.)

4:35 p.m.

#### SIGNING OF THE PRESIDENTIAL DIRECTIVES

Upon conclusion of remarks, THE PRESIDENT proceeds to table to sign two Directives. (Contact: P. Richards)  
(Note: No pens are distributed.)

Following signing, THE PRESIDENT returns to seat.

4:40 p.m.

#### HAUSER PRESENTATION

- Chief Mankiller introduces Mr. Hauser.
- Mr. Hauser proceeds on main stage to present the PRESIDENT with a replica of the Hauser Statue.

4:45 p.m.

#### PRESENTATION OF THE GIFTS

- Chief Mankiller introduces Peterson Zah, President, Navajo Nation (Window Rock, Arizona).
- President Zah proceeds to small stage to emcee the gift presentations:

(Note: Social Aide will hand gift to presenter. Gifts presented one at a time. Presenters return to seats following presentation. No return remarks by principals. For protocol reasons, Principals hold gifts until departure.)

- Pearl Capoeaman-Baller, Chair, Quinalt Tribe presents gift to MRS. GORE.
- Chief Mankiller presents gift to THE FIRST LADY.
- gaiashkibos presents gift to THE VICE PRESIDENT.
- Richard Hayward, Chairman, Pequot Tribe (Ledyard, Conn.) presents gift to THE PRESIDENT.

4:55 p.m.

**CLOSING CEREMONY (All Stand)**

-- Chief Mankiller announces Color Guard Post.  
-- Color Guard returns to positions. (Same as Opening Ceremony)

**Honor Song**

-- Chief Mankiller introduces Wilbur Between Lodges, President Oglala Sioux Tribe, (Pine Ridge, SD).  
-- Wilbur Between Lodges proceeds to small stage to sing song. Upon completion, he returns to seat.

**Closing Invocation**

-- Chief Mankiller introduces Mary Thomas, Chairperson, Gila River (Sacaton, AR).  
-- Chairperson Thomas proceeds to main stage to give closing invocation. Upon completion, she returns to seat.

**Retirement of the Colors**

-- Chmn. Mathews and Chmn. Sunchild pick up Flags and begin procession down center aisle to south with American Flag and Eagle staff side by side.

5:20 p.m.

THE PRESIDENT, THE VICE PRESIDENT, THE FIRST LADY and MRS. GORE exit stage to Diplomatic Reception Room. (FOR PROTOCOL REASONS, THERE IS NO HAND SHAKING/GREETING UPON DEPARTURE)

President gaiashkibos and Chief Wilma Mankiller exit stage and proceed to respected regions.

Guests exit. Tribal Leaders receive Thomas Jefferson coins as they exit.

**MEMORANDUM**

**To:** Vida Benavidez  
**Re:** White House Meeting with Tribal Leaders  
**Date:** April 27, 1994

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As you requested, here are some thoughts about the upcoming tribal leaders meeting at the White House.

1. Context of the Meeting

The President's meeting with the tribes is premature. It seems driven primarily by a desire on the part of certain White House staff not to be "shown up" by the Justice Department's conduct of the "Listening Conference" with the tribes in Albuquerque next week. As a result, the President is about to meet with the leaders of the tribes, but has nothing of substance to say. We understand that the Interior Department earlier this week was provided with copies of two "Executive Memoranda" prepared by the White House and proposed to be issued by the President at the meeting with the tribal leaders. We understand further that the memoranda--which deal with the Fish and Wildlife Service's handling of Indian requests for eagle feathers for religious use and the "government-to-government relationship" between the tribes and the United States--have little real content and serve primarily as reaffirmations of policies put in place by previous administrations.

Quite frankly, the tribal leaders deserved better. Every President since Eisenhower has issued an Indian policy; as a result, tribal leaders are unimpressed by such policies unless they have genuine content. While we have not seen the draft Executive Memoranda, if their content is as lame as has been described to us, they are hardly worth issuing. The reality is that the President likely will "get away with" issuing them--in the sense that there will be no immediate adverse reaction at the White House meeting--because the tribal leaders will not have had the opportunity to study and respond to them. However, by next week's Listening Conference, these Executive Memoranda will have been studied and analyzed; if their content is not sufficient, Secretary Babbitt and Attorney General Reno will be left to take the heat.

It would have been far better for the President to have directed the cabinet members to conduct meetings with the tribes, then report to the White House their suggestions for a comprehensive, meaningful Clinton

Indian policy. Then the White House could develop such a policy and invite the tribes for a triumphant meeting at which the new policy would be announced. Instead, the White House is proceeding "bass backwards"; it is issuing a policy before it knows anything of the subject matter. It is not surprising that the Executive Memoranda should be toothless; no-one in the White House has Indian affairs experience, and the field is much too complex for anyone to have mastered it in the fifteen months the President has been in office. Moreover, by cutting Secretary Babbitt and Assistant Secretary for Indian Affairs Ada Deer out of the process of developing these Executive Memoranda, White House staff have wasted the abilities of the two people in the Administration who have the most knowledge and experience in Indian affairs. If the President pulls this meeting off without some serious negative incidents, it will be due solely to the enormous force of his personality and the mesmerizing effect of White House pageantry. These effects will not last long, and will most assuredly do us no good in 1996.

Nevertheless, the show must go on at this point. Our strong advice is that the President treat this meeting as the beginning of the process of developing a comprehensive Indian policy. He should announce to the assembled tribal leaders that he has directed the cabinet to conduct meetings with the tribes to receive tribal input on a Clinton Administration Indian policy. The process can start with the Listening Conference next week, but must be followed by similar events with all relevant officials in the Administration. The Listening Conference should be followed up with similar meetings with Secretary Shelala, Secretary Brown, Secretary Bentsen, Secretary Sisneros, Secretary Pena, Secretary Raich, Director Panetta, and Administrator Browner. After those meetings, the Administration will have the information it needs to issue a meaningful Indian policy statement that actually promises change. Under no circumstances must tribal leaders be given the impression this week that this is the least time they will see the President, or that the President, with the issuance of the Executive Memoranda, considers his work in Indian affairs to be done.

## 2. The Clinton Administration's Record in Indian Policy

The upcoming meetings with the President on April on 29 and with Attorney General Reno and Secretary Babbitt in Albuquerque on May 5 and 6 will go far in eliminating the existing perception that the Administration is disinterested in Indian policy. However, do not think that a meeting with the President solidifies Indian support for the Administration. Indians have had meetings at the White House before. In 1976, President Ford invited all tribal leaders to the White House, grossly adding at the bottom of the printed invitation, "Traditional Costumes and Dress Welcome." Needless to say, the resulting "photo op" event was entirely unsatisfactory.<sup>1</sup> In 1990, at the urging of Senators Inouye and McCain,

<sup>1</sup> By the way, can it possibly be that the tribal leaders are having to pay to attend this event? We have heard that they are being charged \$100 apiece to defray the costs of the event. If this is so, we cannot begin to describe how inappropriate that is. Does the White House charge

President Bush met for half an hour with a delegation of tribal leaders, resulting in the issuance of a mushy "re-commitment" to President Reagan's Indian policy statement calling for a "government-to-government relationship" with the tribes. In 1991, President Bush hosted the White House Conference on Indian Education. Unfortunately, the President's invitees were largely drawn from his list of Indian contributors to his campaign (a short list if ever there was one), and the conference was regarded as yet another meaningless event.

At this point, tribal leaders are excited and hopeful, but wary, about the upcoming meetings. The honor of meeting with the President is offset by the fact that the Administration has done nothing specific in Indian policy. You must not expect a love fest. Tribal leaders are serious politicians with very specific needs and expectations. Most of all, they want respect not for their personal offices but for the issues that concern them. They know that no new Administration can master the intricacies of Indian policy in a year. If the White House admits that and establishes a process for the development of an Administration Indian policy, you will have demonstrated that respect. The makings of a sound process are already in the works. The meeting with the President must not be a culmination, but rather the beginning of the Administration's process of developing an Indian policy. At this point, though, a general statement on "trust responsibilities" and the "government-to-government relationship" will not do, except as a starting point.

#### a. Proposed Cuts in the Indian Budget

While Indian Country is not about to abandon Clinton, there is broad disappointment with the Administration's performance to date in the area of Indian policy. In fact, the Administration's Indian policy to date can be said to be the appointment of Assistant Secretary of the Interior Ada Deer and Indian Health Service Director Miguel Trujillo and the cutting of their budgets. The President can expect that tribal leaders will criticize him for the budget cuts. The President should understand that, while Indians understand the budget deficit situation, they do not believe the budget should be balanced disproportionately at the tribes' expense. A look at the specifics of the cuts shows a rather philosophically bankrupt approach to the budget cuts.

In the BIA budget, the cuts come in three primary forms: (1) zeroing out economic development grants and direct loans to tribal and Indian-owned enterprises; (2) transferring BIA personnel operations to the Interior Department; and (3) zeroing out the Navajo-Hopi Rehabilitation Fund. The economic development grant and loan programs are one of the very few true success stories in the BIA's programs. The decision to eliminate them is absolutely inexplicable as sound policy; these programs, as well as the guaranteed loan program administered by BIA, should be expanded, not cut, due to the extreme shortage of investment capital on the reservations.

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representatives of other governments for the privilege of a White House meeting?

The transfer of the BIA personnel department to Interior is regarded as an accounting ruse that literally takes money out of the tribes' pockets. Interior has been feeding on the Bureau of Indian Affairs for the last twelve years; the number of personnel transferred from the Bureau to the Department is offensive not only for its quantity, but because: (1) the Department is not required to grant Indian preference in employment, only the BIA is, and the transfers are regarded as a means of undermining Indian preference; and (2) under the tribal self-determination and tribal self-governance contracting and compacting programs, the tribes' share of the BIA's annual budget is determined in part by the overall number of FTEs and dollars allocated to various BIA programs; when BIA cuts personnel, those savings are to go to the tribes, not to the Department of the Interior.

Finally, whatever the merits of the cut in the Navajo-Hopi Rehabilitation Fund, note that it does great political harm to the President's most influential supporter in Indian Country, Navajo Nation President Peterson Zah. Quite frankly, it leaves most tribal leaders thinking that being a friend of the Clinton Administration doesn't amount to much.

As bad as the BIA budget cuts are, the cuts to the IHS budget are far worse. A simple statistic proves the point: fully one-half of the cuts in FTEs for the Department of Health and Human Services come from the IHS. It is simply an outrage that, out of all the agencies in that massive Department, the Indian Health Service should bear the lion's share of the cuts. When OMB Director Panetta met with the tribes recently, he let on that he had been misled by staff as to the actual effect of the IHS cuts. While it is welcome news that the OMB Director didn't cold-heartedly attack the Indian budget, the tribes are waiting for action from OMB and HHS to restore the IHS budget to the levels of previous years.

Again, the tribes are aware of the federal deficit and the hard choices that must be made. However, they have had this bitter experience before and have a right not to expect it from the Clinton Administration. In 1981, when Reagan assaulted the federal budget, the Indian budget took a twenty-five percent cut; Reagan devastated tribal budgets and neither the tribes, the BIA, nor the IHS have fully recovered. The news of the Clinton-proposed cuts was received in Indian Country with sense of outrage and foreboding. Moreover, they will not be sustained. The tribes are very capable lobbyists, and the reality is that most if not all of the cut funds will be restored. This scenario was played out year after year during the Reagan-Bush era, and it is being played out again this year. The result, ultimately, will be that the tribes will lose political respect for the White House and come to view it as an enemy.

#### b. Appointments

The Administration was very late to fill key posts such as Commissioner of the Administration for Native Americans and Chairman of the National Indian Gaming Commission. In fairness, the problems with the ANA and NIGC appointments were not entirely of the White House's making, and

a new candidate has been named for the NIGC post. Nevertheless, the common perception in Indian country is that the White House has been slow to fill key Indian policy posts.

Similarly, Indian people had believed that Indians would be named to many positions in government not traditionally filled by Indians. While we have gotten the usual array of "Schedule C" and "Special Assistant" positions, the Administration's record in appointing Indians is no better than that of Reagan and Bush. The absence of any Indians in the White House, OMB, the Office of the Secretary of the Interior, the Office of the Secretary of Housing and Urban Development, and the appointed positions in the Department of Justice is a profound disappointment. We should emphasize that tribal leaders do not regard these appointments as "pats" deriving from their support of the President in the 1992 election. To the contrary, they are regarded as evidence of commitment to serious Indian policy development and, indeed, as necessities if the Administration is to have any genuine sensitivity to the needs and concerns of Indian Country. The White House has some explaining to do as to why Indians have not fared any better in personnel appointments.

#### c. National Policy Initiatives

Indians regard the achievements of the Administration as impressive on a national basis. The economic recovery is an important achievement, as are family leave, full funding for Head Start, the National Service initiative, etc. You must keep in mind, however, that in 1983, there was a "Reagan recovery;" it never reached the reservations, and Indian Country was demonstrably worse off due to federal budget cuts in social welfare programs. Clinton policy initiatives such as health care, "Reinventing Government," welfare reform, and environmental equity all have the potential to do great harm to tribal interests if they are not carried out with an understanding of the institutions that serve tribal communities. While tribal leaders are pleased that Indian concerns seem to be the subject of study in each of these areas, they are very concerned that the White House's enthusiasm for these initiatives will lead to bad results on the ground in Indian Country. Tribal leaders got a scary look at this potential in the form of the proposed cuts in the Indian Health Service budget. Relying on factors that supposedly will arise from health care reform, HHS proposed a \$100,000,000 cut in the IHS budget! The White House must show its understanding of this phenomenon when taking credit for the current economic recovery and touting its other initiatives. Again, tribal leaders are experienced politicians, and they will want to know what the President has done for Indian Country specifically, not just the country at large.

#### d. Trial Balloons

The White House has developed an unfortunate habit of floating ill-considered trial balloons on matters affecting Indians. Last year, the First Lady said in a visit to Montana that Indian Health Service clinics on the reservations might be opened to non-Indians as part of the national plan for providing rural health care services. That idea was never acted upon,

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but it sent a bit of chill through Indian country, where those clinics are regarded as the fulfillment of treaty and trust obligations to the tribes, not to the often-hostile non-Indians who surround them. Worse yet, within the last month, the welfare reform task force leaked word that it was considering recommending a four-percent tax on gaming profits; while state-run gaming would be exempt, tribal gaming operations would be subject to the tax. The very idea that the poorest communities in the country, which are required by law to spend their gaming profits on governmental services, should be taxed to pay for welfare reforms that will benefit primarily non-Indian inner-city residents shows an abysmal lack of understanding and insensitivity to Indian concerns. The President can expect tribal leaders to be profoundly offended by this idea.

### 3. The Importance of the Indian Vote

None of this would matter much if Indian tribes represented only another demanding interest group. However, the tribes and their leaders are important to the President's and the Party's prospects in 1996. The Indian community turned out in record numbers to support the Clinton-Gore ticket in 1992. The Clinton campaign itself deserves much of the credit; never before had a presidential campaign made a deliberate effort to organize Indian voters in its support. However, the bulk of the work was done by Native American volunteers in the tribal communities. Moreover, most of these volunteers were elected tribal leaders who used their influence over their communities to get them to vote.

The most visible organization was Native Americans for Clinton-Gore. The organization was chaired by Senator (then Congressman) Ben Nighthorse Campbell and Idaho Attorney General Larry EchoHawk. Navajo Nation President Peterson Zah chaired the Campaign Committee, and Cherokee Nation Principal Chief Wilma Mankiller chaired the Policy Committee. The Campaign Committee was responsible for voter registration and GOTV efforts in tribal communities, and the Policy Committee consulted with the campaign on Indian policy statements and prepare briefing materials for the campaign debates.

Native Americans for Clinton-Gore had active organizers in California, Oregon, Washington, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Minnesota. These volunteers organized voter registration drives on the reservations and in urban Indian communities and, when registration deadlines passed, they turned out the vote for Clinton-Gore. The results were most dramatic in Montana and New Mexico. In Montana, the organizers registered ten thousand new Indian voters on the state's seven Indian reservations. Of the eight rural Montana counties carried by the Democratic ticket, seven of them were the counties in which the reservations were located. Turnouts of registered voters on the reservations were over 85%. The Indian vote was widely credited in the Montana media with having delivered the state to the Clinton-Gore ticket and with being the margin of victory for Congressman Pat Williams over Republican Ron Marlenee.

In New Mexico, the volunteers registered approximately 8,000 new voters, raising Indian registration from 24,000 to 32,000. In the election, 79 of the state's 81 majority Indian precincts favored the Clinton-Gore ticket. Of the state's 30,000 Indian votes, 26,000 were for Clinton. The margin of 22,000 votes was almost one-half of Clinton's 45,000 vote margin in the New Mexico landslide.<sup>2</sup>

The volunteers were active fundraisers as well. In Washington, the coordinators estimate that tribal communities contributed over \$100,000 to Democratic candidates. Similarly, in New Mexico, the tribes and their supporters donated over \$100,000 to the campaigns of President Clinton, Senator Campbell, Congressman Bill Richardson, and the Democratic Party of New Mexico. The Indian community played important roles in several congressional campaigns as well. In addition to Senator Campbell, Congressman Williams, and Congressman Richardson, Congresswomen Elizabeth Furse and Karen English made specific efforts to attract money and votes from the Indian community.

Our disappointments from the 1992 campaign were in South Dakota and Arizona. Due in no small part to the historical neglect of the Indian vote by the democratic parties in those states, we were unable to generate major new blocs of Indian voters. This was particularly disappointing in light on the narrow margins by which Clinton lost in those states. We are redoubling our efforts in those states and believe that properly-organized Indian voters in those states can put them in the Democratic column in 1996.

The potential of the Indian vote has only been scratched. In New Mexico, for example, we believe there are still 30,000 Indians who are not registered. Since Indian voters favored Clinton with approximately 85% of their votes in New Mexico, the potential "head start" for Clinton in New Mexico is as much as 50,000 votes; if we register as many as half of these voters and turn them out, the Indian community could provide a margin of 35,000 votes in the 1996 election.

Similarly, in Arizona, Oklahoma, South Dakota, and Montana, races decided by five percentage points or less can be won by the Indian vote; in states with margins of three percent or less, the Indian vote can be decisive in Washington, Nevada, Minnesota, North Dakota, and Wyoming. Indeed, throughout the west, with the exception of mega-state California, the Indian vote can and often has provided the margin in statewide races. While the Clinton campaign successfully broke the Republican hold on the west, the best means of holding and expanding on those successes is to energize the Indian vote in those states.

We are quite unhappy to note that no arrangements have been made to treat specially those tribal leaders who worked hard for Native Americans for Clinton-Gore in 1992. Instead, the tribal leaders who were NAOC volunteers are going to be treated like the rest of the herd.

<sup>2</sup> Clinton won by nine percentage points, after no Democrat had carried New Mexico since 1964.

Moreover, White House staff has shown inappropriate and undue deference to certain tribal leaders who are Republicans and who worked against the Clinton-Gore ticket in 1992. Now, no-one would suggest that any tribal leader be treated disrespectfully because he or she happened to support the other party; but surely all would agree that the White House should make efforts to make its political friends in Indian Country feel special. The White House cannot afford the perception that is growing in Indian Country that the early and strong supporters of the President enjoy no better relationship with the White House than do the President's political enemies. That is precisely the message being conveyed by the White House's conduct to date.

### 3. The Good News

Having recited Indian Country's disappointments, we still note that support for the President is strong, and the Administration has done many things right. The appointment of an Interior Secretary who has an understanding of his trustee responsibilities to Indian Country is a welcome relief. Administration appointees have been far more open and visible at Indian events than in any recent Administration. The Administration is not opposing legislative initiatives proposed by the tribes, for the most part. Assistant Secretary Deer is well-liked in Indian Country. The White House has become a friendly place for tribal leaders. Major policy initiatives do consider Indian concerns. Significantly, Native Americans for Clinton-Gore continues to grow, and we have found no difficulty in recruiting new coordinators throughout the country. In short, despite the disappointments, enthusiasm is still high, simply because the President seems to give a damn. There is broad confidence that, if we can get the President and his Administration to focus on Indian policy concerns in an informed way, this President will do right by the tribes. Thus, the need to establish a process for the Administration to become informed is paramount.

PRESIDENT WILLIAM JEFFERSON CLINTON  
TRIBAL LEADERS EVENT  
WASHINGTON, D.C.  
APRIL 29, 1994

This is a time of enormous challenge and transition for America and the world. But because many like you voted for hope over fear, America is moving forward.

Still as I travel America and listen as I have today and talk with the American people about the economy and crime and health care, I find a concern that goes much deeper than even these very critical matters.

It is a yearning for community. Americans are searching for a chance to come together in friendship instead of coming apart in anger and distrust. There is a yearning for healing in America, so all of us can live up to our God-given potential, and so all of us are respected for who and what we are.

In that spirit, and with great humility, I say to the leaders of the first Americans -- the American Indian and Alaska Natives -- gathered here for the first time in history, welcome to the White House. Welcome home.

So much of who we are comes from who you are. Long before others came to these shores, there were powerful and sophisticated cultures and societies here, and they were yours. Many believe we acquired our form of government from you. Last week people all around the world celebrated Earth Day. Yet for thousands of years you have held nature in awe, celebrating the bond between the earth and the creator.

I am here today because I believe in your infinitely rich heritage, and in our common heritage. What you have done to retain your identity, your dignity, your faith -- in the face of immeasurable obstacles -- is a profoundly moving example of the enduring strength of the human spirit. The world desperately needs this lesson now. We must keep faith with you and that spirit, and with the common heritage so many of us cherish. That's what I want to talk to you about today.

In every relationship between our people, our first principle must be to respect your right to remain who you are and to live the way that you want to live. And I believe the best way to do that is to acknowledge the unique government-to-government relationship we have enjoyed over time.

Today I re-affirm our commitment to self-determination for tribal governments. Today I pledge to fulfill the trust obligations of the federal government. Today I vow to honor and

respect tribal sovereignty based upon our unique historical relationship. And today I promise to continue my efforts to protect your right to fully exercise your religion as you wish.

Let me talk a minute about the issue of religious freedom because I feel strongly about it.

For many of you, traditional religions and ceremonies are the essence of your culture and your existence. Last year I was very pleased to sign a law that restored certain Constitutional protections for those who want to express their faith.

But as I have said before, no agenda for religious freedom will be complete until traditional Native American religious practices have received the protections that they deserve. Legislation is needed to protect Native American religious practices threatened by federal action. The Native American Free Exercise of Religion Act is long overdue. My Administration will continue to work closely with you and Members of Congress to make sure the law is Constitutional and strong. Then I want it passed, so I can invite you back and sign it into law.

And to make certain you can obtain the ritual symbols of your religious faith, in a moment I will sign a directive to every Executive Department and agency of the government -- not just the Department of the Interior -- instructing them to cooperate with tribal governments to accommodate wherever possible the need for eagle feathers in the practice of Native American religions.

That, then, is our first principle: respecting your values, your religions, your identity; and your sovereignty.

This brings us to the second principle that should guide us. We must dramatically improve the federal government's relationship with the tribes, and become full partners with the tribal Nations.

I don't want there to be any mistake about our commitment to a stronger partnership between our people. Therefore, in a moment I will also sign an historic governmental directive that requires every Executive Department and agency of government to take two simple steps. First, to remove all barriers that prevent them from working directly with tribal governments. And second, to make certain that if they take action effecting tribal trust resources, they consult with tribal governments prior to their decision. Our entire government has a trust responsibility with tribal governments, not just the Department of the Interior, and it's time the entire government recognized it.

Part of being better partners is also being better listeners. The Department of the Interior and the Department of

Justice have never joined together to listen to the leaders of the Indian nations. It's time to change that.

Next week in Albuquerque, New Mexico, both Attorney General Reno and Secretary Babbitt, and many of their Sub-cabinet officials will meet with you for two days at the first National American Indian Listening Conference. I'm looking forward to receiving specific ideas from the Conference on ways to move our nations forward together. And the same applies to the unprecedented series of 23 meetings that the Department of Housing and Urban Development will have with tribal governments by September, to improve housing and living conditions in tribal communities.

All governments must work better. We must be more responsive to the people we serve and to each other. It is the only way we'll be able to do the things we must with the resources we have.

I know that you agree. More and more of you are moving to assume fuller control of your governments. Many of you are moving aggressively to take responsibility for operating your own programs. Each year, the Bureau of Indian Affairs is providing more technical services and fewer direct services.

One avenue for greater tribal control is through self-governance contracts. There are about 30 self-compacting tribes today. We're working with Congress to raise that number by 20 tribes each year. We'd like self-governance to become a permanent program. But we must ensure services will still be provided to smaller tribes that do not choose to participate.

What is the goal of a better and more equal partnership, and more empowered tribes and more efficient government? Ultimately, it's to improve the economy and social conditions of those we serve.

And that must be our third and final principle. Together we must position American Indians and Alaska Natives to compete economically in the twenty-first century.

We've got to do more to create jobs, raise incomes, and develop capital for new businesses. I know there are more economic success stories in Indian Country every year, but not nearly enough. Strengthening tribal economies will require new thinking and the courage to change. And, it will require investing in the health, education, and skills of American Indians and Alaska Natives, as we must for all Americans.

To the extent some of the building blocks can be put in place in Washington, we are working to do that. Our Empowerment

Zone legislation, for example, contains at your request special new incentives for investing in Reservations.

These are only part of the solution. We can continue to enforce the regulations of the Community Re-investment Act to make sure local banks invest and lend in Indian communities. We've brought more tribal leaders than ever together with bankers to improve mortgage loans, financial services, and to cut regulations. We can make these efforts permanent.

But we know a more comprehensive approach is necessary. At my direction the Vice President has established a working group on Indian Economic Development as part of the Community Enterprise Board. I've asked them to study the recommendations from last year's National Indian Economic Summit, and to consult fully with you every step of the way. Our goal is clear: to work with you to enhance the economic development of every tribe.

The last point I'd like to make about economic development has to do with gaming. As a former Governor, I understand some of the concerns that Governors have raised. But as President, I know that gaming gives some of you a competitive edge when you've had precious few, and that the benefits extend to surrounding communities. Some of you are now able to invest more in housing, health care, child care, infrastructure, and taking care of your elders.

But gaming is controversial, even among tribes. As many of you have acknowledged, it is also important that tribal governments continue to diversify their economies. Many of you are working with Congressional leaders, Governors, and Secretary Babbitt to resolve the tough issues. My goal is this: I want the tribes to continue to benefit from gaming, and I want the current disputes over the 1988 Indian Gaming Regulatory Act to be worked out. And I strongly support the process now underway to achieve that goal.

However, just as with the national economy we cannot solve every problem overnight. The important thing is to create policies that give every tribe the chance to have a strong economy in the long term, and to stick to those policies over time.

Last year you were kind enough to invite the First Lady to the Indian Health Summit. You asked her to make certain that your treaty rights to health care, and your rights under the Indian Health Service, be preserved and made part of our health care proposal. Because we worked together, only one plan now before Congress addresses these issues and ensures that tribal members will receive the same high quality care as everyone else. That plan is ours.

There has been a great deal of debate this year about the budget of the Indian Health Service. The fact is we are operating under the tightest spending limits in memory. But I believe the health needs of tribal communities and families and children require special attention.

Therefore I have amended next year's budget to increase funding for the Indian Health Service by more than \$100 million.

Finally, today across lines of race and class and region there is a profound concern for the children of America. That too many are poor, or sick, or unsupervised; that too many are likely to use violence or be victimized by violence; that too many are intellectually unprepared for life, or work.

Yet nothing is so striking in tribal communities as your love of family and extended family, and your devotion to your children. Every segment of our society could take a lesson from you.

But in spite of your best efforts, too many of your children also suffer from poor health and inadequate educations, and we are trying hard to address these problems. Our education plan is called GOALS 2000. For the first time it sets world class educational standards in every school and for every child, and gives local communities leeway to reach those goals. GOALS 2000 contains millions more next year for BIA-funded schools and schools serving Native Alaskans. And these funds can't be spent until the education goals of your community are considered.

In the 1980's our nation fell behind many third world countries in the rate we immunize children against communicable diseases. Beginning this year all Native American children will be eligible for free immunizations, paying only the cost to administer the vaccine.

The Great Law of The Six Nations Iroquois Confederacy contained this advice: "In our every deliberation, we must consider the impact of our decision on the next seven generations." We are stewards. We are caretakers. This is the standard that will keep us great, if we only have the vision that your forefathers had.

As we look back on the American journey the test ahead is always whether we are moving in the direction of more tolerance, wider justice, and greater opportunity for all. It is the direction that counts, always the direction, and our choices will set the direction.

It is true that our history has not always been a proud one. But our future can be. It is up to us. It is up to our generation. Together we can open up the greatest era of

cooperation, understanding, and respect among our people ever. I know we will.

And when we do the judgement of history will be this. That the President of the United States and the leaders of 545 sovereign Indian Nations met and kept faith, with each other and with our common heritage, and together lifted America again into a new and better place.

The White House  
Washington

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April 28, 1994

MEMORANDUM FOR THE PRESIDENT

FROM                   CAROL H. RASCO  
                          DONSIA STRONG

SUBJECT                AMERICAN INDIAN POLICY

BACKGROUND

The United States Government has a unique legal relationship with Indian tribal governments as set forth in treaties, statutes, court decisions, and the Constitution of the United States. Under treaties and federal law, the United States promised to uphold the rights of Indian tribes and became the trustee of Indian lands and resources. While Indian tribes are referenced in the Commerce Clause of the Constitution, it was later legislation that made clear that Indian tribes would deal directly with the Federal government as opposed to states with regard to land transfers and other matters.

A series of Supreme Court cases established the fundamental maxims of Indian policy. First, Congress has plenary power over Indian tribes. Second, the federal government has a trust responsibility to the tribes. State laws are ineffective on reservations absent express Congressional grant. Last, Indian tribes retain all sovereignty not expressly withdrawn by Congress.

This last principle makes tribal status unique in the United States. Tribes envision being treated much the same as state or local governments, with full rights to consultation by all federal agencies on issues or activities of any agency that affects them. Court cases describe them as "domestic, dependent nations," giving them a distinct status. The Federal government has a long standing trust responsibility to tribes that flows throughout each department of the Executive branch.

## ISSUES

At tomorrow's meeting, eight tribal leaders will make presentations on specific issue areas of concern to Indians as a whole. Each of the issue areas they will raise will be addressed in your prepared statement.

### **Tribal Sovereignty**

Tribal government sovereignty derives from the presence and dominion of the Indian Nations in America as self-governing powers long prior to involvement with the Founding Fathers. The unique, distinct status of tribal nations as sovereigns requires the federal government to interact with them on a government-to-government level. At the meeting tomorrow, you will sign a directive ordering each Executive department and agencies to recognize their government-to-government relationship with tribes and acknowledge a shared responsibility to protect Indian trust assets.

Native Americans strongly desire strengthened tribal sovereignty. They assert that the primary government on reservations is, and should be, the tribal government. In their view, only tribal governments can assess tribal needs and implement programs and policies that address such needs in a culturally appropriate manner. The tribes are calling upon this Administration to develop policies that encourage and empower tribal governments to develop their reservations in the manner they choose for themselves.

The Administration's policy of actively supporting the concept of self-governance and self-determination are designed to enhance tribal sovereignty. Self-governance allows tribes to compact for full responsibility to design and operate a variety of reservation programs and services to their reservations. Under the current demonstration project, up to 30 tribes are allowed to participate in this "block grant" concept. The Self Determination Act allows tribes to contract to operate certain federal government programs and services themselves. Final regulations will be published by the end of the year which will establish the scope of federal programs that may be contracted by tribes.

The Department of Interior believes that its trust responsibilities require it to retain authority and funding to serve smaller tribes which choose not to undertake self-governance compacts.

Chairman Gregg Bourland of the Cheyenne River Sioux Tribe will make the presentation on tribal sovereignty.

### **Religious Freedom**

Religious freedom is a priority issue among Native Americans. Many Native Americans have found that the practice of their religion has been encumbered by Federal government policies and practices. Senator Inouye has introduced the Native American Free Exercise of Religion Act, which would protect sacred American Indian religious sites, protect the ceremonial use of peyote by members of the Native American Church, provide better

access to eagle feathers for religious purposes, and grant rights to Native American prisoners to practice their religion while incarcerated. You will sign a directive acknowledging the importance of eagle feathers and ordering a more coordinated approach for collection of eagles feathers among the land management agencies.

Federal agencies and the White House have actively worked with a coalition of Indian interest groups and Senate staff to resolve the Administration's concerns about land management, public safety, and national security arising under the proposed legislation. The Administration has testified in support of the concepts and goals of the legislation. The critical obstacle to reaching agreement is the need to preserve the secrecy required by the northern New Mexico pueblo's in their religious observances. Pueblo are precluded from disclosing certain things about their religions. However, it is virtually impossible to protect a sacred site or refrain from disturbing it if the government does not have enough information to credibly do so.

Governor Yates of the northern pueblo area of New Mexico will deliver the address regarding religious freedom and ask that you direct the Administration to support legislation to protect the practices.

### **Natural Resources**

Tribes have always displayed great respect and reverence for the land and strongly believe they have primary responsibility as caretakers for natural resources on tribal lands. The tribes believe they require more funding to support resource protection and development. In some cases, natural resource development offers some of the few opportunities for economic development programs on reservations. Tribes are also interested in a guarantee of full participation in the management of fisheries, wildlife and recreational resources on tribal lands.

For many years, tribes have been involved in lawsuits where the Federal government has sued various non-Indian parties to quantify and secure the tribes reserved water rights. The Administration has established a \$200 million fund to assist in settling water rights litigation and has been working with the parties to reach acceptable settlements of these water disputes. The tribes recommended this action at the National Indian Economic Summit.

Chairman Willie Kasayukie of Alaska will deliver the address concerning natural resources. Alaska Natives specifically want restoration of aboriginal hunting and fishing rights, which were legislatively extinguished in 1971.

### **Economic Development**

Tribal governments seek to establish the conditions necessary for sustained economic growth in Indian Country. Tribal economies suffer from severe problems of unemployment and undeveloped local economies. The average unemployment rate for all of Indian Country is about 45%. Reservations are not eligible for empowerment zone designation. This is because Tribal leaders, concerned that empowerment zones would be limited in number and

that only a few tribes could participate, advocated broad tax incentives available to all businesses that located on Indian reservations.

The Administration recognizes that the tax incentives alone will not be sufficient to restore tribal economies. A more comprehensive, multifaceted approach is necessary. To that end, the Vice-President established a working group as part of the Community Enterprise Board to develop a comprehensive strategy for economic development on reservations. The subcommittee is co-chaired by Ada Deer, Department of Interior and Bob Nash, Department of Agriculture. The subcommittee will review existing tribal generated proposals and draw from the concepts of enterprise communities.

Tribes also view economic development as important because it will create a tax base to support essential services they must provide. Tribes would like the Clinton Administration to support a policy that reinforces the right of tribes to tax transactions, privileges and property interests as an exclusive tribal right on reservations. Such a policy would deny states the ability to tax non-Indian businesses or services or goods sold to non-Indians on reservations.

#### Gaming

Gaming operations provide significant revenues to many Tribes, but have also caused controversy on the issue of tribal sovereignty and states rights.

There are over 300 gaming operations on 103 Indian reservations. In 1991, \$15 billion was wagered at Indian gaming operations (5 percent of total U.S. wagerings). After paying winnings, tribes grossed \$1.5 billion in revenues. Many tribal leaders regard this as a major economic opportunity with which to fund tribal initiatives, boost employment opportunities and promote economic development.

The Indian Gaming Regulatory Act of 1988 (IGRA) provides a regulatory scheme that authorizes Indian tribes to conduct gaming on Indian lands. Three classes of gaming are defined by the Act:

- Class I - (social and traditional games) not subject to regulation;
- Class II - (bingo and similar games) subject to tribal regulation with oversight by the National Indian Gaming Commission; and
- Class III- (all other games) regulated by a tribal-state compact entered into by the tribe and the state.

Although states originally fought to have a voice in the regulation of Indian gaming, some states have refused to negotiate compacts and have challenged the constitutionality of the provisions in IGRA requiring them to "bargain in good faith." Recently, the Eleventh Circuit Court of Appeals declared these provisions unconstitutional, but if the state refuses to bargain, the tribes can go to the Secretary to prescribe procedures under which they can game.

Secretary Babbitt's staff has begun to develop such guidelines. However, there is substantial legal analysis which must be conducted before the guidelines can be issued.

The Department of Justice has filed an amicus brief in support of the constitutionality of IGRA in the Ninth Circuit.

President Ivan Makil of Salt River Pima-Maricopa Indian Community of Arizona will offer the Tribes' views on economic development.

### **Budget and regulation**

The total federal government "Indian budget" is \$6 billion dollars. This represents one-half of one percent of the total federal government budget. Tribes assert that while they support many of the reforms embodied in the NPR, tribal governments should not be held responsible for the federal deficit. They further assert that in light of the government-to-government relationship, the "Indian budget" should be exempt from federal deficit reduction as are other federal agencies. There has been no policy discussion of this proposal within the Administration.

Indians assert that Bureau of Indian Affairs should not be the sole Indian service agency. They believe all federal agencies have a responsibility to support and assist tribes and that their budgets should reflect such a commitment.

Chairman Ron Allen of Jamestown S'Klallam Tribe of Washington will discuss budget issues.

\*Specific budget points are attached.

### **Health and Education**

#### **Health**

The Administration's initial FY 95 budget contained a substantial cuts in the Indian Health Service budget (IHS). The outcry from the Congress and the tribes had been substantial. In the budget amendment transmitted last week, HHS restored \$124 million to the IHS budget, which should mean no cuts in actual services. It does, however, include a pause in new health facility construction and reduces for one-year sanitation facility construction funding.

The Health Security Act includes a separate section addressing Indian health issues exclusively. No other health reform proposal currently before Congress, or proposed to date, specifically addresses American Indians and Alaska Natives. The tribes will go on record in support of the main elements of the Health Security Act.

The tribes have urged continuation of the Indian Health Service under the direction of tribal governments. However, they assert that the FTE ceilings currently in place will undermine their ability to participate in the Health Security Act.

Tribes believe that IHS capabilities must be upgraded in order for it to be able to provide a package comparable to the general public under health care reform. Tribes also have advocated a national "Indian Board of Directors" to provide ongoing direction for health care reform.

## **Education**

Goals 2000, ESEA reauthorization and the School-to-Work Opportunities Act support efforts by tribes and local communities to help American Indian and Alaska Native students achieve the same high academic standards expected of all students. Goals 2000 contains a BIA set-aside for tribally run schools. About 10 percent of all Indian children attend tribal schools. ESEA provides an authority to maintain and support native cultures and languages while at the same time helping them succeed in the 21st century.

Tribes have called for increased funding as well as priority access to federal assistance for tribally controlled colleges and universities. In addition, they urge direct partnerships between the tribal government, states and other institutions.

Chairman Dale Risling of the Hoopa Valley Tribe will deliver these remarks.

## **Housing**

On reservations, housing conditions are characterized by dilapidated, substandard and often overcrowded buildings, many still in need of basic plumbing. There is virtually no stock of public housing on reservations. In addition, conventional credit is not readily available for purchasing housing located on trust property.

Indians urge establishment of a Native American Finance Authority to finance housing for Indians, Native Americans and Hawaiians. Secretary Cisncros has indicated strong support for the concept. This proposal also has potential for economic development on reservations. The Indian Economic Development subcommittee will actively review this proposal on a fast track.

## **Administration legislative initiatives**

The tribal leaders are very concerned that many legislative initiatives proposed or simply supported by the Administration have adverse impacts on tribes. They are requesting that they be consulted during development of the initiatives. For example:

The crime bill's three-strikes provision would have a disproportionate impact on Indians because reservations are all federal property. In addition, virtually all major crimes are handled in federal court.

Welfare reform would create a deeper problem for reservations because of the lack of private sector jobs being developed on reservations. Unless they can develop their economies, welfare reform will do little to attack the root problems.

The tribes urge the development of the information highway include a place for tribes.

Chairwoman Joann Jones of the Wisconsin Winnebago Nation will deliver the presentation on legislative initiatives.