Congressional FOIA Report

Date: January 01, 2002 to January 26, 2021

DCN	Received	Input Date	Addressee	Subject
IACC001265	06/02/2016	06/02/2016	Lisa Murkowski, Bob Just	MURKOWSKI (Senate): (b) (6) - Energy and Mineral Grant
IACC001301	06/23/2016	07/13/2016	Lisa Murkowski	MURKOWSKI (Senate): (b) (6) - Appraisal Status for a Negotiated Sale
IACC001339	09/02/2016	09/02/2016	Marco Rubio	RUBIO (Senate): (b) (6): Plantation Palms Homeowners Assoc.
IACC001633	12/07/2016	12/07/2016	Heidi Heitkamp, Kirsten Gillibrand, Richard Blumenthal, Lisa Murkowski, Al Franken, Amy Klobuchar, Mark Udall, Patty Murray, Debbie Stabenow, Brian Schatz, Maria Cantwell	US Senate: Requests Sec to take steps to ensure complex traumas and its affect on tribal communities is addressed by the WH Council on Native American Affairs
IACC001474	03/15/2017	03/15/2017	Lisa Murkowski	MURKOWSKI (Senate): (b) (6) Issue with BIA Payment
IACC001511	06/12/2017	06/20/2017	Marco Rubio	RUBIO (Senate): (b) (6) - Request for assistance various issues.
IACC001515	06/14/2017	06/20/2017	Lisa Murkowski	MURKOWSKI (Senate): (b) (6) - Maniilaq for BIA Housing
IACC001585	11/30/2017	11/30/2017	Lisa Murkowski	Murkowski (Senate): (b) (6) - Concerns with election handling in Metlakatla
IACC001705	05/22/2018	05/24/2018	Marco Rubio	Rubio (Senate): (b) (6) - Issue with payments from the Seminole Tribe of Florida
IACC001878	04/11/2019	04/17/2019	Lisa Murkowski	Murkowski (Senate): Docket 369 Trustees Unalaska
IACC001920		09/04/2019	Don Young, Lisa Murkowski, Dan Sullivan, Tammy Baldwin	Young (Representative); Murkowski (Senate); Sullivan (Senate); Baldwin (Senate): PL 477 Program
IACC001922	09/09/2019	09/09/2019	Martha McSally, Kyrsten Sinema, Tom O'Halleran	McSally (Senate); Sinema (Senate); O'Halleran (Representative): White Mountain Apache Tribe Detention Facility
IACC001929	09/13/2019	09/24/2019	Marco Rubio	Rubio (Senate): (b) (6) - Issue with Seminole Tribe of Florida Hard Rock Hotel and Casino
IACC001973	01/29/2020	01/31/2020	Kyrsten Sinema, Martha McSally, Tom O'Halleran	Sinema (Senate); McSally (Senate); O'Halleran (Representative): Appropriations for Public Safety and Justice Construction
IACC002003	05/20/2020	05/20/2020	Don Young, Lisa Murkowski, Dan Sullivan	CARES Act - Alaska Native and American Indian people in Alaska
IACC002034	10/16/2020	10/16/2020	Tom O'Halleran, Kyrsten Sinema, Martha McSally	McSally (Senate); Sinema (Senate); O'Halleran (Representative): White Mountain Apache Tribe Detention Facility
IACC002038	11/12/2020	11/12/2020	Lisa Murkowski	Murkowski (Senate): Enrolled Members in Alaska

Congress of the United States
Washington, DC 20510

September 4, 2019

The Honorable Tara Sweeney
Assistant Secretary – Indian Affairs
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Assistant Secretary Sweeney:

We write to express our grave concern about the condition of the White Mountain Apache Tribe's (WMAT) detention facility, which is in desperate need of replacement. We request that you conduct a thorough review of the facility's condition and provide a replacement as soon as possible.

As you know, the White Mountain Apache Tribe's Reservation is home to nearly 20,000 residents, and an additional 5,000 or more tourists at various times throughout the year. The Reservation suffers from high rates of criminal activity, yet the detention facility only holds 75 inmates and lacks adequate work space for WMAT Department of Corrections personnel. Further, the detention facility had to be evacuated under emergency conditions earlier this year due to structural issues that threatened the safety of inmates and staff.

In short, the condition of the WMAT detention facility is unacceptable and jeopardizes the health and safety of the residents of the Fort Apache Indian Reservation. We respectfully request the Department of Interior prioritize appropriate efforts to replace the facility as soon as possible so that it meets current codes and industry standards for law enforcement facilities. We also request an update on what steps the Department is taking to address these urgent needs.

Sincerely,

Martha McSally
United States Senator

Kyrsten Sinema
United States Senator

Tom O'Halleran
Member of Congress

United States Senate
WASHINGTON, DC 20510-0905

January 14, 2020

The Honorable Tara Sweeney
Assistant Secretary – Indian Affairs
U.S. Department of the Interior
1849 C Street SW
Washington, D.C. 20815

Dear Assistant Secretary Sweeney:

Throughout the fiscal year 2020 appropriations process, congressional appropriators made clear their intent to address the significant backlog in BIA direct service and tribally operated detention and public safety facilities in Indian country. We are writing to underscore the urgent need to replace condemned tribal public safety and justice facilities on the San Carlos Apache Reservation and to highlight the recently approved funding increase to continue the restart of the BIA public safety and justice construction program.

Congressional appropriators heard from tribal leaders about the need to expand this construction program to include tribal police and court facilities in addition to tribal jails and detention centers. For example, in 2009, the BIA ordered the condemnation of Building 86, which housed the San Carlos Apache Police Department and Tribal Court. While the department provided a temporary facility to house these public safety officials in 2015, that structure is rapidly deteriorating and in need of a permanent replacement. Unfortunately, this situation is not unique, as many tribes in Arizona face serious challenges in meeting detention center and public safety facility needs.

FY20 Appropriations Process Highlights

Both the House and Senate Interior, Environment, and Related Agencies Appropriations Subcommittees highlighted the need to address the growing backlog of BIA and tribal government public safety facilities.

The House Appropriations Committee approved the report on FY20 Interior Department funding on May 22, 2019. The committee report emphasized the need to fund all public safety and justice facilities, deeming both jails and police and courts facilities as eligible for replacement and new construction with BIA PSJ construction funding.

See House Report 116-100 (filed on June 3, 2019) at pages 61-62:

> Public Safety and Justice Construction.—The recommendation provides $48,811,000 for Public Safety and Justice Construction, $13,501,000 above the enacted level and $38,389,000 above the budget request, *and includes the following: $28,000,000 for facilities replacement and new construction*, $10,000,000 above the enacted level and $28,000,000 above the budget request....

> Eligible Facilities.—The Committee has heard from tribes that Indian Affairs considers funding made available for facility replacement/new construction for public safety and justice facilities as only available for detention facilities. The Committee directs Indian Affairs to consider all public safety and justice facilities as eligible for funding under this program and to include such facilities in the master plan that the Committee has directed Indian Affairs to maintain. The Committee directs Indian Affairs to provide the master plan to the Committee within 90 days of enactment of this Act.

The Senate Appropriations Committee approved its version of the FY20 funding bill on September 26, 2019. The committee also emphasized the need to address the backlog in both detention and justice (police and courts) facilities in continuing the restart of the BIA PSJ construction program.

See Senate Report 116-123 (filed on September 26, 2019) at page 60:

> The Committee notes the decrease in funding is the result of the budget restructure. Public Safety and Justice programs receive $40,311,000, an increase of $5,001,000. The recommendation provides $23,000,000 for the restart of the facilities replacement and construction program; $4,494,000 for employee housing; $9,372,000 for facilities improvement and repair....
>
> * * *
>
> The Committee understands the demand for public safety and construction funding remains high and the backlog to replace these facilities has grown exponentially. The Committee is aware there are many condemned facilities across the country including the Hopi, White Mountain Apache, and San Carlos Apache detention and justice facilities. For this reason, the Committee directs the Bureau to report back in 90 days after enactment of this act with a comprehensive list of condemned facilities that need to be replaced....

Appropriators were convinced of the need to increase funding for tribal public safety and justice facilities, and included an increase in funding for fiscal year 2020 in the negotiated agreement to fund the Interior Department:

See Joint Explanatory Statement for Division D – Department of the Interior, Environment, and Related Agencies Appropriations Act, 2020 at pages 32-33:

> Public Safety and Justice Construction.—The bill provides $42,811 ,000 for public safety and justice construction and includes the following: $25,500,000 for facilities replacement and new construction; $4,494,000 for employee housing; $9,372,000 for facilities improvement and repair; $170,000 for fire safety coordination; and $3,274,000 for fire protection. With the funds provided, the agreement encourages the Department to incorporate planning, design, and operations of buildings to reduce costs, minimize environmental impacts, use renewable energy and incorporate green infrastructure and the most current energy efficiency codes and standards to the maxiinum extent practicable and submit a report to the Committees on Appropriations within 90 days of enactment of this Act describing how the Department incorporated these activities.

The agreement directs BIA to submit the report describing the facilities investments required to improve the direct service and Tribally operated detention and public safety facilities in Indian country that are in poor condition, including associated cost estimates, as provided in Division B of H.R. 3055, as passed by the Senate on October 31, 2019.

As you know, Arizona is home to 22 federally recognized tribes and encompasses the most Indian land in the nation. Tribal justice officials dedicate and risk their lives on a daily basis to provide basic law and order on Indian reservations. No justice system, however, can function without a safe and secure facility to house these dedicated officers.

In closing, we thank you for your work to improve the United States' commitment to honoring its solemn treaty and trust obligations to Indian tribes and your dedication to address the public safety and justice needs of Indian Country.

Sincerely,

Kyrsten Sinema
United States Senator

Martha McSally
United States Senator

Tom O'Halleran
Member of Congress

Cc: Charles.Addington@BIA.gov
Wallace.Keays@BIA.gov

Congress of the United States
Washington, DC 20515

September 10, 2020

Hon. Tara Sweeney
Assistant Secretary – Indian Affairs
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Assistant Secretary Sweeney,

We write to express our grave concern about the condition of the White Mountain Apache Tribe's (WMAT) detention facility, which is in desperate need of repair and replacement. As you know, the detention facility had to be evacuated under emergency conditions last year due to structural issues that threatened the safety of inmates and staff. Since we last inquired about the condition of the facility, it is our understanding that the Bureau of Indian Affairs (BIA) conducted a structural assessment and promised to make various repairs. The assessment noted that the building could be occupied while such repairs were being made.

We have heard from the Tribe that repairs to the facility have not been made to address serious structural failings and safety issues for both inmates and White Mountain Apache Department of Corrections personnel. It appears that the building is crumbling, with large pieces of masonry falling creating serious injury hazards for those individuals housed and working in the building.

In short, the condition of the WMAT detention facility is unacceptable and jeopardizes the health and safety of the residents of the Fort Apache Indian Reservation. Despite the COVID-19 pandemic, Indian Affairs has a responsibility to the inmates and the Tribe to ensure that the facility is safe for occupation. Please make all efforts to repair the structure immediately, and to replace the facility as soon as possible so that it meets current codes and industry standards for law enforcement facilities. Please also provide our offices a briefing on what steps the BIA is taking to address these urgent needs by no later than September 18.

We appreciate your review of this matter in accordance with all applicable rules, regulations and guidelines.

Sincerely,

KYRSTEN SINEMA
U.S. Senator

MARTHA MCSALLY
U.S. Senator

TOM O'HALLERAN
Member of Congress

DEPARTMENT OF THE INTERIOR
TASKING PROFILE

ACCN #:	ESO-00073816	Status:	Open	Fiscal Year:	2017
Document Date:	**Received Date:**	**Due Date:**	**Action Office:**	**Signature Level:**	**Doc Source:**
11/30/2016	12/07/2016	12/21/2016	IA	SS	CM

To (Recipient): Jewell, Sally

From (Author): Heitkamp, Heidi; Gillibrand, Kirsten E.; Blumenthal, Richard; Murkowski, Lisa; Franken, Al; Klobuchar, Amy; Udall, Mark; Murray, Patty; Stabenow, Debbie; Schatz, Brian; Cantwell, Maria

United States Senate
Washington, DC 20510

Subject Text: US Senate re: Requests Sec to take steps to ensure complex traumas and its affect on tribal communities is addressed by the WH Council on Native American Affairs
attn: Morgan Rodamn

Req. Surnames: BIA;BIE;IA;OCL;SOL

Mail Carrier: PM **Mail Track #:**

Cross Ref:

Copies To: SIO-OES

Status Tracking:

Correspondence Specialist and Phone: SIO-OES-SteveLowery/202-208-5291

Closed Comments:

Signed:

United States Senate

WASHINGTON, DC 20510

November 30, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Jewell:

As the transition to the next Administration takes place, we are glad that Executive Order 13647 established the White House Council on Native American Affairs (Council) as a permanent body for upholding this nation's trust responsibility to Indian tribes. By creating the Council, the President strengthened the federal government's nation-to-nation relationship with tribes and created a permanent institution with a long-term, cabinet-level focus on Indian Country – one that involves both you and your successors in the decision-making process. We request you take steps to ensure complex trauma and how it affects tribal communities and Native people is included in the Council's current and future work with tribes.

We believe a coordinated interagency approach that incorporates the growing and credible evidence from the science of epigenetics and groundbreaking research from Kaiser Permanente Health and the Centers for Disease Control and Prevention's Adverse Childhood Experience study would be beneficial to tackling these challenges. This study found that complex trauma is often the underlying cause of such problems as substance abuse and youth suicide. Recent scientific studies have also demonstrated that complex trauma causes neurological changes in the brain that can only be addressed through trauma-informed interventions.

The Senate Committee on Indian Affairs has held hearings on youth suicide, substance abuse, and crime victim services in Indian country. Most recently, the Committee held an oversight field hearing in August on addressing trauma and mental health challenges. These hearings represent the Committee's priorities and latest efforts to share stories, disseminate best practices, and meaningfully address the persisting issues in many Native communities. Unfortunately, the hearings have also demonstrated that too little progress has been made in reducing trauma and its effects.

In a July 11, 2013, memorandum regarding guidance to State Medicaid and Child Welfare Directors, the directors of the Substance Abuse and Mental Health Services Administration, Administration for Children and Families, and the Centers for Medicare and Medicaid Services highlighted the importance of addressing complex trauma. The memorandum stated, "Across the life span, complex trauma is linked to a wide range of problems, including addiction, chronic physical conditions, depression and anxiety, self-harming behaviors and other psychiatric disorders."

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At the 8th Annual White House Tribal Nations Conference in September, we were glad to see the Council's priorities include trauma. Specifically, the conference highlighted the work of the White House Council Health Subgroup to improve awareness of the impacts of trauma. This priority builds on our work to engage the U.S. Department of Health and Human Services (HHS) on implementing a comprehensive, agency-wide policy to address complex trauma in Native American communities. We were pleased HHS Secretary Burwell tasked the Administration for Native Americans Commissioner, Lilian Robinson, with implementing that policy. In this vein, we call on the Council to implement a policy that focuses all cabinet-level agencies on providing trauma-informed approaches as they serve Native communities on tribal lands and in urban areas.

As part of the federal trust responsibility, agencies should coordinate with both federal and tribal partners to provide comprehensive, integrated strategies that promote trauma-informed programs in the health care, child welfare, education, law enforcement, and other systems supporting tribes and Native communities. To uphold Executive Order 13175 and the principles of tribal self-determination, which this government supports, federal agencies should also meaningfully consult with Indian tribes and Native communities to ensure integrated, trauma-informed approaches meet their local needs as well as support the dissemination of known best practices.

We hope this integrated and coordinated federal approach for providing funding and resources to Indian tribes and Native communities will reduce complex trauma, which has been a contributing factor to many persistent challenges in Indian Country. We appreciate the work you have done for tribes and Native communities throughout your tenure, but more must be done to address this persistent problem. Thank you for your attention to this critical issue, and we look forward to your reply.

Sincerely,

Heidi Heitkamp
United States Senate

Lisa Murkowski
United States Senate

Kirsten Gillibrand
United States Senate

Al Franken
United States Senate

Richard Blumenthal
United States Senate

Amy Klobuchar
United States Senate

Tom Udall
United States Senate

Patty Murray
United States Senate

Debbie Stabenow
United States Senate

Brian Schatz
United States Senate

Maria Cantwell
United States Senate

Cc: Mr. Anthony Rodman, J.D., Executive Director, White House Council on Native American Affairs

DEPARTMENT OF THE INTERIOR

TASKING PROFILE

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Document Date:	**Received Date:**	**Due Date:**	**Action Office:**	**Signature Level:**	**Doc Source:**
04/10/2019	04/11/2019	05/15/2019	IA	DR	CMC

To (Recipient): Chambers, Micah

From (Author): Murkowski, Lisa

United States Senate
Washington

Subject Text: Senator Murkowski re: Docket 369 Trustees Unalaska

Req. Surnames:

Mail Carrier: FX **Mail Track #:**

Cross Ref:

Copies To: SIO-OES

Status Tracking:

Correspondence Specialist and Phone: SIO-OES

Closed Comments:

Signed:

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2019 APR 11 PM 4:00
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0278

Office of Senator Lisa Murkowski
Fax Transmission

Anchorage, Alaska
Fax: 1-877-857-0322 • Voice: (907) 271-3735

TO: **Mr. Micah Chambers** **FAX (202) 208-5533**
Deputy Director Congressional and Legislative Affairs
U. S. Department of the Interior

FROM: Sherry Edwards
Constituent Services Director

DATE: April 10, 2019

PAGES: 12 (Including Cover)

MESSAGE: **RE:** (b)(6) [redacted]

Request to determine status of letter sent to Secretary Ryan Zinke in August 2018 from Nick Lekanoff, President of Docket 369 Trustees Unalaska.

Thank you for your assistance in this matter.

LISA MURKOWSKI
ALASKA

COMMITTEES:
ENERGY AND NATURAL RESOURCES
CHAIRMAN

APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
CHAIRMAN

HEALTH, EDUCATION, LABOR, AND PENSIONS

INDIAN AFFAIRS

United States Senate

WASHINGTON, DC 20510-0203
(202) 224-6665
(202) 224-5301 FAX

510 L STREET, SUITE 600
ANCHORAGE, AK 99501-1956
(907) 271-3735

250 CUSHMAN STREET, SUITE 2D
FAIRBANKS, AK 99701
(907) 456-0233

800 GLACIER AVENUE, SUITE 101
JUNEAU, AK 99801
(907) 586-7277

44539 STERLING HIGHWAY, SUITE 203
SOLDOTNA, AK 99669
(907) 262-4220

1900 FIRST AVENUE, SUITE 225
KETCHIKAN, AK 99901-6059
(907) 225-6880

851 EAST WESTPOINT DRIVE, SUITE 307
WASILLA, AK 99654-7142
(907) 376-7665

April 10, 2019

Mr. Micah Chambers
Deputy Director of Congressional and Leislative Affairs
U. S. Department of the Interior
Mail Stop 6242
1849 C Street, NW
Washington, DC 20240-0001

Dear Mr. Chambers:

Please find enclosed a copy of a letter I recently received from one of my constituents, (b)(6) (b)(6) of Unalaska, Alaska. (b)(6) provided a copy of a letter that Nick Lekanoff, President of Docket 369 Trustees Unalaska sent to Secretary Ryan Zinke on August 27, 2018 requesting permission to use a portion of the Aleut Indian Judgement Funds in Docket 369. (b)(6) states they have not received a response as of this date. I would appreciate your review of his concerns and any assistance you might be able to provide (b)(6) in resolving them.

Please send your reply to my Anchorage office at 510 L Street, Suite 600, Anchorage, Alaska 99501. Thank you in advance for your careful attention to this matter.

Sincerely,

Lisa Murkowski
United States Senator

LM: sle
Enclosure

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Alaska Regional Office
3601 C Street, Suite 1200
Anchorage, Alaska 99503

IN REPLY REFER TO:
Regional Director

OCT 0 1 2019

The Honorable Lisa Murkowski
United States Senator
510 L Street, Suite 600
Anchorage, Alaska 99501

Dear Senator Murkowski:

Thank you for your letter of April 10, 2019, regarding (b)(6) of Unalaska and his concerns about Mr. Nick Lekanoff's August 27, 2018 letter seeking the Secretary's permission to use a portion of the Aleut Indian Judgement Fund in Docket 369.

A brief summary of the history of this case is as follows:

Illiodor Merculieff, on behalf of the Aleut Tribe and the Aleut Community of Saint George Island, filed a complaint before the Indian Claims Commission (ICC) on August 13, 1951. The claims in Docket No. 369 were based on allegations that, among other things, the United States breached its duty of fair and honorable dealings with the Tribe. The Aleut Community of Saint Paul Island also filed a complaint, which was assigned Docket No. 352. The Aleut Community Saint George Island's claims were eventually severed from Docket No. 369 and consolidated with the Aleut Community of Saint Paul Island's claims for trial.

On June 29, 1979, the U.S. Court of Claims awarded $8,500,000 to the plaintiffs, the Aleut Community of Saint George Island and the Aleut Community of Saint Paul Island, on their claims originally filed with the ICC. Out of the appropriated amount of $8,500,000, 80% was distributed in per capita payments to all persons enrolled as members. The remaining 20% of the award was apportioned between the two communities based on relative numbers of enrollees. The funds would be distributed after each community developed a specific social and economic development plan (land purchase and development; business development and investment; education assistance; community development; and assistance to the elderly and handicapped). The ICC had previously determined on June 9, 1978, that the plaintiffs were entitled to a judgment against the United States in the amount of $11,239,604.00 for not paying fair compensation for goods and services provided.

As required by the Act of October 19, 1973, Public Law 93-134, a plan was prepared by the Secretary of the Interior (Secretary) and submitted to Congress for the use and distribution of funds from Dockets 352 and 369-A. The plan, which became effective on June 22, 1980, provided that the funds appropriated under those Dockets were to be used for per capita payments (80%) and social and economic programs (20%) to benefit the respective communities.

On June 18, 1985, the final remaining breach of duty of fair and honorable dealing claim against the United States was settled by the U.S. Court of Claims for $2,500,000. A plan was submitted to Congress for the use of the Docket 369 funds, which became effective on October 6, 1986, and provided that Unalaska village's share of the funds shall be used and distributed as follows:

Twenty (20) percent of the Unalaska funds will be used for social or economic development programs as determined by the Unalaska Aleut Development Corporation Board of Directors, subject to the approval of the Secretary, on a budgetary basis. Such programs may include, but are not limited to, the following: land purchase and development, business development and investment, education assistance, medical assistance, community development and assistance to the handicapped and elderly.

After settling the ICC cases, Congress passed the Aleutian and Pribilof Islands Restitution Act (Act), Public Law 100-383, on August 10, 1988. The Act authorized the establishment of a fund in the U.S. Treasury, to be administered by the Secretary. In addition, the Act charged the Secretary with establishing a trust to be maintained and operated by a group of trustees, comprised of nominees from each of the affected Aleut villages. The trust was to hold the appropriated sums, separated into eight independent and separate accounts based on the purposes outlined in the Act. The Act further provided that the trustees may use the funds in the respective accounts for benefit of elderly, disabled, or seriously ill persons; student scholarships; preservation of Aleut cultural heritage and records; community center improvements; and other purposes to improve Aleut life, as determined by the trustees. The Act also provided an appropriation of funds specifically for the benefit of churches that were damaged or destroyed during World War II.

Our understanding of (b)(6) request is that the Docket 369 Trustees are requesting permission to use $50,000.00 of the Aleut Indian Judgment Funds from Docket 369 for a church restoration project organized through Russian Orthodox Sacred Sites in Alaska (ROSSIA), a 501(c)(3) organization dedicated to the preservation of Alaska's Russian Orthodox Churches and iconography. Specifically, the project involves restoring the Holy Ascension Cathedral and Bishop's House located in Unalaska. In Mr. Nick Lekanoff's letter of August 27, 2018, he maintains that the request falls under the social or economic development program portion of "the award" as the building of a visitor center and bookstore at the church will stimulate economic development by providing jobs for local residents and generating money from tourism.

To the extent that this request satisfies the use requirements of the October 6, 1986 Plan for the Distribution of the Aleut Indian Judgment Funds in Docket 369 and the Act, to the extent required, the Bureau is inclined to approve the Docket 369 Trustee's request.

Please let us know if there is anything else we can assist you with. If there are any questions, please contact myself at (907) 271-1536, or Lynn Polacca, Acting Deputy Regional Director, Native Services at (907) 271-1572.

Sincerely,

Eugene R. Peltola, Jr.
Regional Director, Bureau of Indian Affairs

Congress of the United States
Washington, DC 20515

April 6, 2020

The Honorable Steven T. Mnuchin
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, DC 20220

The Honorable David Bernhardt
Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Re: Coronavirus Relief Fund, Tribal Set-Aside of $8 Billion

Dear Secretary Mnuchin and Secretary Bernhardt,

In the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Congress provided $8 billion for Tribes as a set-aside in the $150 billion Coronavirus Relief Fund. This inclusion represents an important recognition of Tribal governmental parity. Among a number of Tribal specific provisions included in the CARES Act, including supplemental appropriations and access to the Small Business Administration's 7(a) program, the $8 billion is the largest direct funding to Tribes. We write to express support for a minimum amount of $750,000 in funding per Tribe as a part of the method for allocating the Tribal set-aside.

For the $8 billion set aside, the Secretary of Treasury will determine the amount paid to Tribal governments, in consultation with the Secretary of the Interior and Indian Tribes, that is based on increased expenditures of each such Tribal government (or a Tribally-owned entity of such Tribal government) relative to aggregate expenditures in fiscal year 2019.

As the Alaska delegation, we write to request a minimum level of funding for each Tribe, similar to how each state government will receive a floor amount of funding. This methodology would ensure that each Tribe would receive a baseline amount of $750,000. Each state receives $1.25 billion, with the remaining based on their share of the total population of the states.

With a $750,000 minimum amount for each Tribe, Treasury could operate under the assumption that every Tribe will incur at least $750,000 in costs associated with COVID-19. Potential benefits of a minimum per Tribe include: (1) Easing the burden on Treasury of processing over 500 separate applications if Tribes with a claim of $750,000 or less would not need to submit a claim; (2) Tribes with larger than $750,000 in claims could still submit an application; and (3) Tribes with little resources to submit a claim, receive minimum funding.

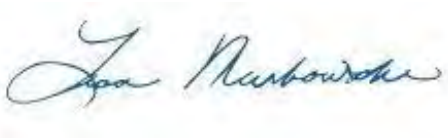
Alaska Tribes, along with Tribal health organizations, corporations, and nonprofits, are playing a critical role in responding to the COVID-19 challenge. A significant percentage of Alaska's elders reside in rural and isolated communities off the road system. Many village homes lack in-house running

water or safe sanitation, making recommended preventive measures a challenge, if not impossible. In our state, Native families remember how past pandemics had a disproportionate impact on Native people. Disparities in past pandemics were due to a combination of chronic health conditions, issues in access to care, poor housing, and the need for water and sanitation services. The same conditions we see today.

We also want to draw your attention to the expansive definition of Tribe used by Congress in this section of the law, which references the Indian Self-Determination and Education Assistance Act including Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation. These Alaska entities bring unique resources to the table with the responsibility of law to endeavor toward the social and economic well-being of the Alaska Native people.

Thank you for your attention to this important matter. We also thank you for, and urge you to continue, engaging in rapid, robust, and meaningful consultation with Indian Tribes.

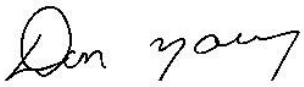
Sincerely,



LISA MURKOWSKI
United States Senator



DAN SULLIVAN
United States Senator



DON YOUNG
Congressman for All Alaska

Cc: Assistant Secretary - Indian Affairs, Tara Katuk Mac Lean Sweeney

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 14 2020

The Honorable Lisa Murkowski
Chairman, Subcommittee on Interior,
Environment, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Murkowski:

I am writing in response to your letter regarding the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, which reserves $8 billion in payments to Tribal governments impacted by the Coronavirus Disease 2019 (COVID-19). The CARES Act designates the United States Department of the Treasury (Treasury) as the lead agency to implement the program, including the determinations of the aid amount distributed to address the impacts of the COVID-19 virus.

Section 5001 of the CARES Act provides that the Treasury Secretary consult with the Secretary of the Department of the Interior (Interior) on aid to Tribal governments. To meet its obligations, Interior helped facilitate Tribal Consultations, on April 2 and April 9, 2020, between Tribal leaders and Treasury regarding distribution of the CARES Act payments to Tribal governments impacted by COVID-19.

The Administration's path forward, announced on May 5, 2020, can be viewed at: https://home.treasury.gov/news/press-releases/sm998.

Sincerely,

Cole Rojewski
Director
Office of Congressional
and Legislative Affairs

Congress of the United States
Washington, DC 20515

May 19, 2020

Secretary David Bernhardt
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Bernhardt:

We write to you to express our concern about implementation of the $453 million provided in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to be distributed to Tribes and Tribal Organizations through the Bureau of Indian Affairs (BIA). Currently, this funding distribution will exclude nearly 60,000 Alaska Native and American Indian people who live in Anchorage, Fairbanks, and Juneau.

As described in more detail below, the funding should acknowledge both contracting and compacting Tribes and Tribal Organizations under Title I and Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA) and be distributed through those well-established and successful agreements based on existing formulas that allow Tribes and Tribal Organizations the flexibility to meet their own people where they are to help them address the multiple consequences of the COVID 19 pandemic and move our people to self-sufficiency and self-determination. We fully support the distribution of these funds to the Tribes but urge you to include the other Title I and Title V contractors and compactors in order to bring critical resources to the Native people of our state, and throughout the nation.

For example, Cook Inlet Tribal Council (CITC) has been designated its tribal authority through Cook Inlet Region Inc., organized through the Alaska Native Claims Settlement Act and recognized under Section 4(b) of the ISDEAA (PL 93-638, 25 U.S.C. 450b)(25 USC 5304(e)), operating a 638 contract as a Title I contractor. CITC has been serving the over 40,000 Alaska Native and American Indian tribally enrolled residents in the Anchorage area since 1983 through leveraging federal formula Indian programs and competitive federal and state funding as well as private resources and earned income from social enterprise. These services are provided without regard to the recipient's home region, tribe, or village. CITC builds human capacity by partnering with individual Alaska Native people across the state to establish and achieve both educational and employment goals that result in lasting, positive change for our people, their families, and their communities.

As a tribal organization, CITC's commitment is to provide the services Alaska Native people require to meet their potential – as parents, as tribal members, as citizens, and as the ancestors of our coming generations. CITC has developed intentional and deep cultural expertise over the past 33 years working to realize its vision through four primary service departments: Child & Family Services, Recovery and Reentry Services, Youth Empowerment Services, and Education, Employment & Training Services. Each year, these programs serve approximately 12,000 Alaska Native tribally enrolled people, who have come to recognize CITC as a community locus for assistance, support, and connection.

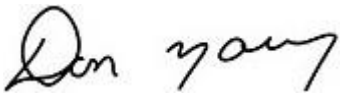
In these extreme and difficult times, when so many Alaska Native people are losing their jobs, connecting them back to work and self-determination will be a crucial role for Tribes and Tribal Organizations such as CITC,

which serves almost a third of all Alaska Native people in the state. In the area of workforce development, both Tribes and regional Tribal Organizations operate Temporary Assistance for Needy Families programs, career development and placement, childcare and other services along a continuum to bring opportunity to Alaska Native people, as well economic development opportunities. They provide critical supportive services that assist people in moving from cash assistance to unsubsidized work and connecting to their potential.

For all of these reasons, we respectfully request that you ensure funding is provided to all 638 contractors and compactors in accordance with the ISDEAA and previously established formulas to ensure the Alaska Native people in the Anchorage service area and other hubs do not fall through the cracks during this pandemic.

Alaska appreciates the work of the Department of the Interior in moving the immense amount of stimulus funding expeditiously. Both Tribes and Tribal Organizations stand ready to partner with you to bring our state and our communities back to health.

Sincerely,



Don Young
Member of Congress



Lisa Murkowski
United States Senator



Dan Sullivan
United States Senator

LISA MURKOWSKI
ALASKA

COMMITTEES:
ENERGY AND NATURAL RESOURCES
• CHAIRMAN
APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
CHAIRMAN
HEALTH, EDUCATION, LABOR, AND PENSIONS
INDIAN AFFAIRS

United States Senate
WASHINGTON, DC 20510–0203
(202) 224-6665
(202) 224-5301 FAX

510 L STREET, SUITE 600
ANCHORAGE, AK 99501-1956
(907) 271-3735

101 12TH AVENUE, ROOM 329
FAIRBANKS, AK 99701-6278
(907) 456-0233

800 GLACIER AVENUE, SUITE 101
JUNEAU, AK 99801
(907) 586-7277

605 FRONTAGE ROAD, SUITE 105
KENAI, AK 99611-9104
(907) 283-5808

1900 FIRST AVENUE, SUITE 225
KETCHIKAN, AK 99901-6059
(907) 225-6880

851 EAST WESTPOINT DRIVE, SUITE 307
WASILLA, AK 99654-7142
(907) 376-7665

June 1, 2016

Mr. Bob Just
Bureau of Indian Affairs
1849 C Street, NW
Washington, DC 20240

RECEIVED
JUN 02 2016
DCN: IACC0012165SCML
Executive Secretariat - Indian Affairs (ESIA)

Dear Mr. Just,

One of my valued constituents, (b)(6) has opened a case with my office. (b)(6) contacted your office with questions concerning the Energy and Mineral Development grant. He indicates he was told, by you, Alaskan participation is excluded from this particular grant. (b)(6) believes this information to be inaccurate. Please provide my office with all documentation, you believe to be support, your determination of Alaska ineligibility.

I am committed to helping (b)(6) obtain resolution and understanding, as it relates to his particular concern. Your willingness to assist in this process, with careful review of the facts, would be greatly appreciated. This is a time sensitive request. The grant application deadline is July 8, 2016.

Please send all documents to my Fairbanks office:

Trina Bailey
District Representative for Senator Murkowski
101 12th Avenue, Room #329
Fairbanks, Alaska 99701
907-456-0233 office
907-451-7146 fax

Thank you in advance for your time and careful consideration.

Sincerely,

Lisa Murkowski
United States Senator

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

DEC 2 0 2018

The Honorable Lisa Murkowski
United States Senator
510 L Street, Suite 600
Anchorage, Alaska 99501

Dear Senator Murkowski:

Thank you for your letter of June 22, 2016, regarding (b)(6) and his concerns about the processing of his Application for Negotiated Sale submitted to the Bristol Bay Native Association (BBNA) Land Management Services office in the Alaska Region. Your letter was referred to the Bureau of Indian Affairs for response and we apologize for the delay.

The BBNA is a Public Law 103-413 Compact Tribe, and is responsible for the processing of all applications for realty transactions, including conveyances such as Negotiated Sales. Negotiated Sales are allowed under 25 CFR 152.25. It is the duty of the Bureau of Indian Affairs (BIA) and the Service Providers, such as BBNA to fulfill the fiduciary responsibility to guarantee that such conveyances are in the long term best, interest of all restricted Native Allotment and Townsite lot landowners in the Bristol Bay Native Corporation area.

(b)(6) concerns were addressed by the BBNA and his Negotiated Sale was approved by the Acting Alaska Regional Director on November 17, 2016.

If there are any questions, please contact either Michelle Watchman, Realty Specialist, (907) 271-4039, or Susan Brave, Supervisory Realty Specialist, (907) 271-4697, at the Anchorage Regional Realty Office, or Sabrina Savo, Deputy Director of BBNA's Land Management Services, at (907) 842-6229.

Sincerely,

Darryl LaCounte
Acting Director, Bureau of Indian Affairs

Copy to your Washington office

cc: Regional Director, Alaska Region

Frazier, Karen <karen.frazier@bia.gov>

Request for Assistance (Intranet Quorum IMA00210024)

services@murkowski.senate.gov <services@murkowski.senate.gov> Wed, Jun 22, 2016 at 12:51 PM
To: darren.pete@bia.gov
Cc: karen.frazier@bia.gov

RECEIVED
JUN 23 2016
DCN: IACC001301 sam
Executive Secretariat - Indian Affairs (ESIA)

LISA MURKOWSKI
ALASKA

COMMITTEES:
ENERGY AND NATURAL RESOURCES
CHAIRMAN

APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
CHAIRMAN

HEALTH, EDUCATION, LABOR, AND PENSIONS

INDIAN AFFAIRS

United States Senate
WASHINGTON, DC 20510-0203
(202) 224-6665
(202) 224-5301 FAX

510 L STREET, SUITE 600
ANCHORAGE, AK 99501-1956
(907) 271-3735

101 12TH AVENUE, ROOM 329
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KETCHIKAN, AK 99901-6059
(907) 225-6880

851 EAST WESTPOINT DRIVE, SUITE 307
WASILLA, AK 99654-7142
(907) 376-7665

Dear Darren:

Please find enclosed a copy of a letter I recently received from one of my constituents, (b)(6) (b)(6) (b)(6) has some concerns regarding the processing of his request for an appraisal and the lack of punctuality in processing this request. I would appreciate your review of his concerns and any assistance you might be able to provide (b)(6) in resolving them.

Please send your reply to my staff at Dylan_faber@murkowski.senate.gov or via U.S. Mail to my Anchorage Office. Thank you in advance for your careful attention to this matter.

Sincerely,

Lisa Murkowski

United States Senator
http://murkowski.senate.gov*

2 attachments

(b)(6) pdf
1016K

IQFormatFile.txt
1K

TOES
Received OCLA-IA
JUN 22 2016
Congressional Affairs Indian Affairs

CHOGGIUNG, LTD.

(b)(6)

FAX

Date: 6-17-16

Number of pages including cover sheet: 5

To
Lisa Markowski o/c.

Phone: (907) 271-3735

Fax phone: ~~(907)~~ 1-877-857-0322

CC:

From
(b)(6)

Phone:

Fax phone: (b)(6)

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

Plse contact me should you have any questions.

Thank you.

(b)(6)

UNITED STATES SENATOR FOR ALASKA
LISA MURKOWSKI

510 L Street, Suite 600
Anchorage, Alaska 99501
Phone: (907) 271-3735
Toll-Free: (877) 829-6030

Help With A Federal Agency

Your Information

Name:
(b)(6)

Address:
(b)(6)

Email:
(b)(6)

Phone Number:
(b)(6)

Alt Phone Number:
(b)(6)

Additional Information

Date of Birth:
(b)(6)

Social Security Number:
(b)(6)

Veteran or Military ID:
N/A

Your Request

What Do You Need Help With?
On ~~December 10, 2015, I filed an application for an~~

Please see
Attached

On December 10, 2015, I filed an application for an "Negotiated Sale"with the Bristol Bay Native Association, Land Management Services (BBNA LMS) office. This sale is a one time payment (cash)sale for 46 acres. On December 15, 2015 an request for an appraisal was sent to the Bureau of Indian Affairs(BIA) / Office of the Special Trustee (OST). As of June 14, 2016 there is no schedule for this appraisal, OST representative said contracts are being let for those services. I was further informed that it could be as late as October 2016 before the appraisal could be done. As there is more processing of this application after the appraisal step, it appears that this sale will take a year or longer to process to get to closure of the sale. To my surprise on June 10, 2016 I received a call from BBNA LMS stating that a BIA archeologist would be visiting the native allotment to do an archeological review of the land. I reminded the realty specialist that the land had been previously cleared as it had been for a BIA Gravel Permit, which is active, and had also been previously cleared for an "Advertised sale". As it turns out, the archeological report(s) had never been filed and were basically nonexistent or missing at this time. This doesn't give me much optimism that the sale will be completed in a timely manner. I am concerned that the more time that goes by could jeopardize this once in a lifetime opportunity worth hundreds of thousands of dollars to I and my family. I am a 64 year old man, on my fourth pacemaker and second set of heart leads. (b)(6) [redacted] This sale insures that I will be able to continue to do that as well as meet the needs of my household. I am respectfully requesting any assistance you may be able to lend in this matter. Thank you.

Respectfully,

(b)(6) [redacted]

I am aware that provisions of the Privacy Act of 1974 (Public Law 93-579) may prohibit the release of information in covered agency files without my consent. I hereby consent to the release of such information to the Office of United States Senator Lisa Murkowski and/or members of her staff in connection with my case or claim.

Signature: (b)(6) **Date:** 6/17/16

Please sign, and mail to my office:

Senator Lisa Murkowski
510 L Street, Suite 600
Anchorage, Alaska 99501
Phone: (907) 271-3735

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

IN REPLY REFER TO:

JUL 12 2018

The Honorable Lisa Murkowski
United States Senator
1900 First Avenue, Suite 225
Ketchikan, Alaska 99901

Dear Senator Murkowski:

Thank you for your letter dated November 3, 2017, addressed to Mr. Darren Pete, Director, Office of Congressional and Legislative Affairs, on behalf of your constituent, (b)(6) (b)(6) regarding (b)(6) concerns about the process and outcome of the Metlakatla Indian Community mayoral election. Your letter was referred to our office for response.

The Metlakatla Indian Community, Annette Island Reserve, is within the administrative jurisdiction of the Bureau of Indian Affairs (BIA), Northwest Regional Office. It is the policy of the Department of the Interior and the BIA, that unless the tribes' governing documents specifically provides for the BIA to intervene, the BIA does not become involved in the internal affairs of tribal governments. Therefore, we advise (b)(6) to express (b)(6) concerns within the correct tribal forum outlined in the Metlakatla Indian Community, Annette Island Reserve's governing documents.

For more information (b)(6) may contact Mr. Greg Norton, Tribal Government Specialist by mail at: Bureau of Indian Affairs, Northwest Regional Office, 911 NE 11th Avenue, Portland, Oregon 97232, or via telephone (503) 231-6723.

Sincerely,

Darryl LaCounte
Acting Director, Bureau of Indian Affairs

cc: Tribal Government Office, Northwest Region

DAN SULLIVAN
ALASKA

SUITE 702
HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510

United States Senate

COMMITTEES

ARMED SERVICES
COMMERCE, SCIENCE, AND TRANSPORTATION
ENVIRONMENT AND PUBLIC WORKS
VETERANS' AFFAIRS

November 3, 2017

RECEIVED
NOV 30 2017
DCN: [redacted]
Executive Secretariat - Indian Affairs (ESIA)
IACC001585

Mr. Darren Pete
Director, Office of Congressional Affairs
Bureau of Indian Affairs
U.S. Department of the Interior
Mail Stop 3070
1849 C Street, NW
Washington, D.C. 20240-0001

Dear Darren:

Please find enclosed a copy of a letter I recently received from one of my constituents, (b)(6) (b)(6) who has contacted me regarding concerns with recent election handling in Metlakatla. I would appreciate your review of (b)(6) concerns and any assistance you might be able to provide in resolving them. As you can imagine, this is not only time sensitive, but also very sensitive as to the person's identity within a very small community.

Please send your reply to my staff in my Ketchikan office at 1900 First Avenue., Suite 225, Ketchikan, Alaska 99901. If email is preferred, please use Chere_Klein@murkowski.senate.gov.

Thank you in advance for your careful attention to this matter.

Sincerely,

Lisa Murkowski

Lisa Murkowski
United States Senator

Enclosure (1)

ANCHORAGE
510 L STREET
SUITE 750
ANCHORAGE, AK 99501
(907) 271-5915

FAIRBANKS
101 12TH AVENUE
SUITE 328
FAIRBANKS, AK 99701
(907) 456-0261

JUNEAU
800 GLACIER AVENUE
SUITE 101
JUNEAU, AK 99801
(907) 586-7277

KENAI
805 FRONTAGE ROAD
SUITE 101
KENAI, AK 99611
(907) 283-4000

KETCHIKAN
1900 FIRST AVENUE
SUITE 225
KETCHIKAN, AK 99901
(907) 225-6880

MAT-SU
851 EAST WESTPOINT DRIVE
SUITE 309
WASILLA, AK 99654
(907) 357-9956

Congress of the United States
Washington, DC 20515

July 19, 2019

The Honorable David Bernhardt, Secretary of the Interior
U.S. Department of Interior
1849 C St. NW
Washington, DC 20240

The Honorable Sonny Perdue, Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave. SW
Washington, DC 20250

The Honorable Wilbur Ross, Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave. NW
Washington, DC 20230

The Honorable Betsy DeVos, Secretary of Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

The Honorable Alex Azar, Secretary of Health and Human Services
U.S. Department of Health & Human Services
200 Independence Ave. SW
Washington, DC 20201

The Honorable Kevin McAleenan, Acting Secretary of Homeland Security
Department of Homeland Security
2707 Martin Luther King Jr Ave. SE
Washington, DC 20528

The Honorable Ben Carson, Secretary of Housing and Urban Development
U.S. Department of Housing and Urban Development
451 7th St. SW
Washington, DC 20410

The Honorable Alexander Acosta, Secretary of Labor
U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

PRINTED ON RECYCLED PAPER

The Honorable Elaine Chao, Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

The Honorable Robert Wilkie, Secretary of Veterans Affairs
U.S. Department of Veteran Affairs
810 Vermont Ave. NW
Washington, DC 20420

The Honorable William Barr, Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Dear Secretaries Bernhardt, Perdue, Ross, DeVos, Azar, Carson, Acosta, Chao, Wilkie, Acting Secretary McAleenan, and Attorney General Barr,

On December 18, 2017, H.R. 228, the Indian Employment, Training and Related Services Consolidation Act of 2017, was signed into law as Public Law 115-93. The President's signature represented the culmination of decades of bipartisan hard work and advocacy by Tribes, Tribal organizations, and Members of Congress to secure an amendment to the "PL 477" program. We write to you as the law's cosponsors.

The impetus for the law was twofold. First, we sought to expand the PL 477 program based on its success. For decades, we saw firsthand that the PL 477 program facilitates tribal self-determination through allowing Tribes to design their own employment and training plans, reduces administrative burdens, and increases employment rates. For these reasons, through this legislation, we made the PL 477 demonstration project permanent and expanded the programs eligible for integration into PL 477 plans, including by increasing the federal agencies covered.

Second, we sought to stop agencies from introducing problems into the PL 477 program that reduced its effectiveness. Among other things, agencies had been requiring additional criteria for program eligibility not found in the law and additional reporting prohibited under the law. We made clear through the language of the bill that these things are unlawful—laying out clear program eligibility criteria, mandating that only the Department of the Interior has authority to determine program eligibility, and stating that a Tribe need only submit one annual report for a PL 477 Plan.

As required by Section 11 of the legislation,[1] all 12 of your agencies entered into a Memorandum of Agreement (MOA) in December of 2018, purportedly to provide for the implementation of the Act. We write today because we are deeply concerned that the language of the MOA manifestly fails to implement the Act consistent with the statutory language. In fact, much of the language in the MOA reintroduces the very problems we sought to resolve through the legislation. For example:

- The MOA unlawfully transfers decisional authority over program eligibility from the Secretary of the Interior to the other affected agencies, in clear violation of the statutory language stating that"[t]he Secretary [of the Interior] shall have exclusive authority to approve or disapprove a plan submitted by an Indian tribe."[2] Congress provided specific areas in which the other agencies have authority to provide input,[3] but the law does not allow for other agencies to make determinations concerning whether a PL 477 Plan, or a program that is to be integrated into a PL 477 Plan, is acceptable.

- The MOA unlawfully restricts the purposes of the agency programs eligible for integration into a 477 Plan, in clear violation of Congress's instruction that Tribes may consolidate federal programs implemented for a variety of purposes, such as "economic development" and "encouraging self-sufficiency."[4] The MOA's restriction of eligible programs to those where "job training" or "employment" is the "primary" purpose of the program and where the federal statute authorizing the program clearly states employment and training is its purpose is patently unlawful, and this limitation deeply undermines the amended law.

- The MOA unlawfully limits eligibility for programs funded through competitive funding and block grants in violation of Congress's instruction that Tribes may consolidate funds, including competitive grants, into a plan so long as the funds are from a source that fits into one of the four allowable categories of funding.[5] The MOA's restriction of eligibility to programs where Federally-recognized tribes and their members are the sole eligible recipients or the program's authorizing legislation has a PL 477 designation does not lawfully implement the Statute.

The MOA also includes numerous other issues that undermine the intent of Congress to provide for a smooth, efficient, and streamlined plan and waiver review process led by the Department of the Interior. For example, the MOA authorizes unlawful extensions of deadlines to review plans and waiver requests and allows agencies to deny waiver requests for unlawful reasons.

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[1] 25 U.S.C. § 3410.
[2] 25 U.S.C. § 3407(a).
[3] *See* 25 U.S.C. § 3406(a)(1), (b)-(i).
[4] 25 U.S.C. § 3404(a)(1)(A).
[5] 25 U.S.C. § 3404(a)(1)(B), (a)(2).

The cumulative result of these failures to abide by the instructions of Congress is that the agencies have not, to this point, entered into "an interdepartmental memorandum of agreement providing for the implementation" of the Act. As such, we ask for you, either on a by-agency basis or as a group, to reply this month explaining the concrete steps you are taking, or will be taking, to amend or re-issue the MOA with conforming changes that faithfully implement the law.

Sincerely,

Don Young
Member of Congress

Lisa Murkowski
U.S. Senator

Dan Sullivan
U.S. Senator

Tammy Baldwin
U.S. Senator

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT 15 2019

The Honorable Lisa Murkowski
United States Senate
Washington, D.C. 20510

Dear Senator Murkowski:

Thank you for your letter dated July 19, 2019, expressing concern with the Interagency Memorandum of Agreement (MOA) between the 12 Federal agencies subject to Public Law (Pub. L.) 115-93, the Indian Employment, Training and Related Services Consolidation Act of 2017, which amends Pub. L. 102-477 making the 477 program permanent. This is a coordinated response by the 12 agencies and the U.S. Department of the Interior (Department) is signing this letter on behalf of all of the agencies.

In December 2018, the MOA was signed by the Secretaries of all the affected agencies and is designed to provide guidance to each agency on the implementation of the 477 program. During the nearly nine month process of drafting the MOA, all agencies were given ample opportunity to provide input. As you can understand, with 12 agencies trying to work through how to incorporate the different grant programs that they administer and the many practical and logistical considerations associated with incorporating so many agencies' programs, there were a number of issues to consider and concerns to address. The MOA addresses those practical and logistical considerations within the confines of the law.

The Department has actively engaged tribal officials on at least three occasions during the last nine months on their concerns with the MOA. Our message has been consistent—we remain steadfast in ensuring the Tribes receive timely review of their 477 program proposals, and sufficient opportunity to revise and amend their proposals if needed, within the confines of the law.

On September 11, 2019, the Department hosted a meeting of all affected agencies to review the implementation of Pub. L. 115-93. During this meeting, among other things, we discussed the issues raised in your letter related to the MOA, as well as any implementation issues the Tribes and Federal agencies have been encountering

On September 20, 2019, the Department hosted the first annual meeting of Indian Tribes and Federal agencies affected by Pub. L. 115-93. During this meeting, Tribes asked the Federal agencies in attendance to consider reopening the MOA for modifications. The Federal agencies in attendance committed to considering the Tribes' request.

The Department remains committed to being a reliable partner to the affected agencies in the implementation of the 477 program, while at the same time ensuring Tribes are provided the services afforded in Pub. L. 115-93.

A similar response is being sent to the cosigners of your letter.

Sincerely,

Tara Sweeney
Assistant Secretary – Indian Affairs

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

SEP 0 6 2017

IN REPLY REFER TO:

The Honorable Lisa Murkowski
United States Senator
510 L. Street, Suite 600
Anchorage, Alaska 99501

Dear Senator Murkowski:

Thank you for your communication dated June 13, 2017, regarding your constituent Mr. Alfred Coffin Sr., and his discussions with the Bureau of Indian Affairs (BIA) regarding housing.

The BIA's Housing Improvement Program (HIP) reached out to the Maniilaq Housing Program Acting Director, Ms. Jackie Hill for more information. Ms. Hill indicated that based on Maniilaq's 2017 Tribal Annual Performance Report, Mr. Coffin, who is from Noorvik, Alaska, is a potential Category C-2 (new house) grant recipient for the Northwest Region of Alaska.

As part of this process, the BIA HIP requested from Mr. Coffin preliminary documents regarding HIP eligibility requirements, and the completed BIA housing assistance application was reviewed and verified for Mr. Coffin's eligibility.

The BIA HIP has notified Ms. Hill that the Alaska Region HIP will receive funding for this program upon receipt of final documentation and will then determine how to distribute funding to eligible recipients.

We appreciate your interest in Indian Affairs.

Sincerely,

Acting Director, Bureau of Indian Affairs

Copy to your Washington office

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

JAN 16 2018

IN REPLY REFER TO:
Tribal Government Services
IACC001511

The Honorable Marco Rubio
United States Senator
201 South Orange Avenue, Suite 350
Orlando, Florida 32801

Dear Senator Rubio:

Thank you for your June 2, 2017, email inquiry on behalf of your constituent (b)(6) (b)(6) is requesting to be placed on the Dawes Roll under the 1866 Cherokee Treaty, a meeting with the President of the United States, and assistance with a land transaction. Your inquiry has been referred to our office and we apologize for the delay in our response.

Treaty of 1866

When slavery was abolished following the Civil War, treaties were negotiated with the Five Civilized Tribes in Oklahoma (Cherokee, Chickasaw, Choctaw, Creek, and Seminole Tribes). The treaties conferred citizenship in the tribes on the individuals of African descent who had been held in slavery by the tribes, or who had been residing in the tribes' territory. Such citizens are referred to as Freedmen. When the final rolls of those tribes were prepared in 1906, separate rolls were made of the Freedman and Intermarried Whites and both groups are shown with no blood degree.

The Treaty of 1866, with regard to Cherokees states as follows:

"*All native born Cherokees, all Indians, and whites legally members of the Nation by adoption, and all freedman who have been liberated by voluntary act of their former owners or by law, as well as free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months from the 19th day of July, 1866, and their descendants, who reside within the limits of Cherokee Nation, shall be taken and deemed to be, citizens of the Cherokee Nation.*"

The Freedman had to be living within Cherokee Nation boundaries for six months starting from July 19, 1866, in order to be considered a Cherokee citizen. If they did not meet those residency requirements, then they were not allowed enrollment.

Dawes Roll

The membership rolls of the Five Civilized Tribes, also known as the "Dawes Rolls," were closed by an Act of Congress effective March 4, 1907. Persons born after March 4, 1906, are not eligible for enrollment. Only persons enrolled were able to receive an allotment of land from the tribal domain. No provisions for additions, deletions, or changes now exist under Federal law. In numerous instances, persons unquestionably of Indian blood were excluded from the rolls because they did not meet the residency requirements. There were also many instances where individuals simply chose not to seek tribal affiliation and did not make application for enrollment; consequently, there are many people descended from Indians of the Five Civilized Tribes who are not tribal members and cannot be certified to receive services from the Bureau of Indian Affairs.

The Dawes Rolls were closed by an act of Congress in 1907 and only Congress can make additions, corrections, or deletions to the rolls. No such action has taken place in over 100 years. The Bureau of Indian Affairs has no authority over membership in the Cherokee Nation of Oklahoma. We recommend (b)(6) address (b)(6) questions regarding tribal membership directly to the Cherokee Nation. (b)(6) may contact the Cherokee Nation at (918) 453-5000 or by mail: Cherokee Nation, Attn: Registration, P.O. Box 948, Tahlequah, OK 74465.

We are unable to address (b)(6) request to meet with the President of the United States and advise that (b)(6) direct this request to the White House. The contact information is The White House, 1600 Pennsylvania Avenue NW, Washington, DC 20500.

Nothing in the information submitted by (b)(6) demonstrates any basis for Federal assistance in his purchase of land in Florida.

If you have any further questions, please contact Ms. Laurel Iron Cloud, Chief, Division of Tribal Government Services at (202) 513-7641 or via email: laurel.ironcloud@bia.gov.

We appreciate your interest in Indian Affairs.

Sincerely,

Bryan Rice
Director, Bureau of Indian Affairs

Copy to your Washington office

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

JUL 12 2018

IN REPLY REFER TO:

The Honorable Marc Rubio
United States Senator
201 South Orange Avenue, Suite 350
Orlando, Florida 32801

Dear Senator Rubio:

Thank you for your correspondence dated May 22, 2018, sent to the Bureau of Indian Affairs concerning the refusal of the Seminole Tribe of Florida (Tribe) to pay a debt of $459,641.59 owed to a business owned by (b)(6)

In reviewing the communication provided to our office, (b)(6) did not provide a copy of a contract that sets forth the terms and conditions of services performed for the Tribe. Without a copy of (b)(6) agreement for the services provided, we cannot provide any additional, specific guidance. While (b)(6) indicates (b)(6) did work for the Hard Rock Casino, it is unknown if the services (b)(6) provided were identified in a contract with the casino, the Tribe, or a management company that may or may not be affiliated with the Tribe. We assume the contract would include a remedies clause in case of default or dispute between the parties. Further, it may be possible for (b)(6) to seek remedy by filing in Tribal Court.

It is the general policy of the Bureau of Indian Affairs not to intervene in matters between a tribe and its contractors unless there is some specific requirement for us to do so. Without such, we have no standing to compel a tribe to address concerns such as those raised by your constituent.

We appreciate your interest in Indian affairs. If you have any additional questions, please contact Mr. Bruce Maytubby, Regional Director, Eastern Region, at (615) 564-6500.

Sincerely,

Darryl LaCounte
Acting Director, Bureau of Indian Affairs

Copy to your Washington office

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN 37214

IN REPLY REFER TO:
Office of the Regional Director
DTS Control IACC001929

SEP 26 2019

The Honorable Marco Rubio
United States Senator
201 South Orange Avenue, Suite 350
Orlando, Florida 32801

Dear Senator Rubio:

Thank you for your August 19, 2019 inquiry on behalf of one of your constituents, (b)(6) In summary, (b)(6) entered into a business lease agreement with the Seminole Tribe of Florida, Inc. to operate a spa in the Hard Rock Hotel and Casino in Hollywood Florida. According to (b)(6) the lease was unduly terminated by the Tribe as described in her letter. The following summarizes the role of the Bureau of Indian Affairs (BIA), Eastern Regional Office in regard to the described lease agreement.

In January 2004, the Superintendent of the BIA Seminole Agency forwarded an unexecuted multi-year lease between the Seminole Tribe of Florida (Tribe) and the Contour Spa at the Hard Rock, Inc. to the Regional Director for review. In a May 2004 letter, the BIA Eastern Regional Director responded to the Tribe's Chairman that there were numerous technical and regulatory provisions in the drafted lease that required changes before the BIA could approve the lease. No further revisions or corrections of the lease were submitted to BIA.

In May 2010, Congresswoman Debbie Wasserman Schultz inquired on the matter on behalf of (b)(6) The inquiry stated that (b)(6) had signed a business lease agreement with the Tribe and had been purportedly operating (b)(6) business for approximately six years. The inquiry indicated that the business lease was eventually terminated by the Tribe. The BIA was asked by the Congresswoman to respond directly to (b)(6) and did so in an August 2010 letter. The letter to (b)(6) stated "A review of our records does not reveal the existence of a lease agreement between you and the Tribe approved by the Bureau of Indian Affairs (BIA), as required by Federal statute."

In conclusion, without a BIA approved business lease, the BIA has no authority over the matter nor can the BIA offer or suggest any remedy for (b)(6) Additionally, this matter was previously addressed by the BIA Regional Office in 2010, and (b)(6) was offered the same clarification at that time via telephone conversations and correspondence. The BIA has had no further involvement in or regarding the lease since our original response to the Tribe's request in 2004.

We appreciate your interest in Indian Affairs. If you have any additional questions or concerns, you may contact me at (615) 564-6500.

Sincerely,

Bruce W. Maytubby, Sr.
Regional Director

cc: Jim James, Deputy Bureau Director, Field Operations

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

October 19, 2016

The Honorable Marco Rubio
United States Senator
Washington, DC 20510

Dear Senator Rubio:

Thank you for your February 18 facsimile to Mr. Darren Pete, Director, Congressional and Legislative Affairs Staff, Bureau of Indian Affairs (BIA), regarding Bush/Rosh attorneys at law, counsel for the Plantation Palms Homeowners' Association, Inc., in Pasco County, Florida who are requesting that the property taxes for the Plantation Palms Golf Course to be paid in full immediately.

The Plantation Palms Golf Course was sold in a short sale on May 16, 2016. Our Division of Capital Investment supported a short sale in which of the tax payments were incorporated into the buyer's proposal.

Again, thank you for your interest in the project. If you have further questions, please contact Richard Berryhill at 202-208-4027.

Sincerely,

Jack Stevens, Acting Director
Office of Indian Energy
and Economic Development

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

TAKE PRIDE IN AMERICA

OFFICIAL
FILE COPY

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The Honorable Marco Rubio
United States Senator
Washington, DC 20510

Dear Senator Rubio:

Thank you for your February 18 facsimile to Mr. Darren Pete, Director, Congressional and Legislative Affairs Staff, Bureau of Indian Affairs (BIA), regarding Bush/Rosh attorneys at law, counsel for the Plantation Palms Homeowners' Association, Inc., in Pasco County, Florida, who is requesting the property taxes for the Plantation Palms Golf Course to be paid in full immediately.

The Plantation Palms Golf Course was sold in a short sale on May 16, 2016. We supported a short sale where all of the tax payments were incorporated into the buyer's proposal.

Again, thank you for your interest in the Project and the Office of Indian Energy and Economic Development, Division of Capital Investment program, and if you have further questions, please contact Richard Berryhill at 202-208-4027.

Sincerely,

Jack Stevens, Acting Director
Office of Indian Energy
and Economic Development

COPY FOR THE SECRETARY'S OFFICE