President Obama hosted the third annual Tribal Nations Conference on December 2, 2011. The Conference was attended by hundreds of tribal leaders representing the 565 federally recognized tribes. The meeting was preceded by four regional briefing and listening sessions with senior Administration officials hosted at the Eisenhower Executive Office Building on November 30 and December 1 (Notes on those meetings are posted on NCAI’s website: www.tinyurl.com/TNC2011). The Conference itself was attended by six members of the President’s cabinet (Secretaries Donovan, Duncan, Salazar, Sebelius, Vilsack, and EPA Administrator Jackson), several members of Congress, and a range of senior Administration officials.

OPENING SESSION

SECRETARY KEN SALAZAR, DEPARTMENT OF THE INTERIOR
Secretary of the Interior Ken Salazar delivered opening remarks that provided an overview of the day’s events and noted the Administration’s accomplishments in Indian Country. He emphasized that the Tribal Nations Conference “is about continuing a meaningful nation-to-nation dialogue that furthers the march of progress happening in Indian Country.”

Accomplishments to Date
His remarks also highlighted the Department of the Interior’s achievements over the past few years, noting three major accomplishments: (1) the restoration of tribal homelands, with a 736% increase in the number of acres that have been acquired and taken into trust; (2) the Cobell Settlement and $60 million scholarship fund established in her honor; and, (3) the establishment of the Trust Reform Commission.

Carcieri Fix
Looking forward, the Secretary emphasized the importance of a Carcieri Fix, “We need to fix that law— it was a wrong decision by the US Supreme Court and we’re working with all of you to bring about a Carcieri Fix— a just and lasting one.”

Public Safety
He noted that “safer Indian communities mean stronger Indian communities,” emphasizing the importance of the Tribal Law & Order Act in addressing crime and violence in Indian Country. The Secretary focused specifically on the promising results of the Safe Indian Communities initiative, a pilot program to reduce the high incidence of violent crime on four Indian reservations that has already achieved a 35 percent overall decrease in violent crime across the four communities.

Key DOI Announcements
The Secretary noted key announcements during the week of the Tribal Nations Conference:

1 Due to problems with the livefeed, this overview of the Opening Session is compiled from prepared remarks, talking points, and notes provided by tribal leaders who were in attendance at the Tribal Nations Conference.
• **Leasing Reform** – on November 28, the Department of the Interior announced important surface leasing reforms to streamline the approval process for home ownership, economic development, and renewal energy development.

• **Consultation Policy** – on December 1, the Department of the Interior formalized their Tribal Consultation Policy to strengthen the government-to-government relationship and enhance communication with tribal nations. He noted that the policy will be “an enduring and living document that will guide everything we do.”

**OPENING CEREMONIES**
Following the Secretary’s remarks the US Marine Corps presented the colors, accompanied by representatives of the Navajo Code Talkers. Lorna Her Many Horses sang the National Anthem in Lakota and Michael Willis of the Bay Mills Indian Community offered a flag song. Brooklyn Baptiste, Chairman of Nez Pierce, gave the opening prayer.

**SECRETARY SHAUN DONOVAN, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**
Secretary Donovan underscored the successful collaboration between HUD and tribal nations.

**The Importance of Interagency Collaboration**
The Secretary shared that joint visits to Indian Country with Education Secretary Arne Duncan highlighted the need for affordable housing to allow teachers to effectively serve Native youth. Combined efforts by HUD, Bureau of Indian Affairs, and FEMA have provided 550 homes for on-reservation teachers serving 95 different tribes.

He spoke about the importance of interagency partnerships, underscoring that “success won’t be measured simply by what HUD does or what any one agency does alone but whether we’re able to work in partnership to break down federal silos that for far too long have kept federal funds from the tribal communities that need them the most and need them fast.”

**Recovery Act Outcomes**
The Secretary drew attention to the half-billion dollars of Recovery Act investments that have gone into the Native American Housing Block Grant Program and the fact that tribal leaders have successfully put 92% of that funding to work.

**Sustaining Investments in Tough Times**
He noted the slight increase in FY 2012 in funding for the Indian Housing Block Program, in spite of the tough economic environment.

**Other HUD Program Investments**
The Secretary Donovan noted that inclusion of tribes in the Sustainable Communities grants expresses HUD’s broader commitment to ensure tribes can build and strengthen their communities.

He also emphasized the potential of the American Jobs Act that would offer tax cuts to Native businesses and families, and help build roads and schools on reservations.
DEPUTY DIRECTOR HEATHER HIGGINBOTTOM, OFFICE OF MANAGEMENT AND BUDGET

Deputy Director Higginbottom spoke about OMB’s commitment to ensuring that Indian Country has the proper resources to improve tribal communities.

The Indian Country Budget

Deputy Director Higginbottom noted that the President’s budget this year included over $19 billion in government wide funding for programs specifically serving Native Americans. The fiscal environment has been difficult—the Budget Control Act imposes spending caps, and as such “Next year’s budget will be tight, but it will be smart.” But she noted that “the President’s commitment to strengthening and to building on the government-to-government relationship” will inform OMB’s work to develop the President’s FY2013 budget.

Consultation and the Budget

The Deputy Director underscored the importance of consultation referring to the five interagency working groups established by OMB and the White House Domestic Policy Council to set long and short-term goals to address tribal leader priorities:

- Housing: Has been working to increase available resource visibility
- Loans and Credit: Currently undergoing an analysis of tribal loan and credit programs
- Training and Employment: Now reexamining and working to expand and improve the 477 work program
- Broadband Service: Focused on bringing broadband to Indian Country
- Workforce Development: Working to ensure that tribes can be leaders in reforms for jobs

OMB plays an important role in coordinating consultations as well. In terms of results, at least 8 agencies have established or taken important steps to oversee tribal issues and 7 agencies have established interdepartmental advisory groups.

SECRETARY KATHLEEN SEBELIUS, DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Secretary spoke on HHS’s continued commitment to expanding and ensuring health and well being in tribal communities. She explained that although HHS has four principal officials dedicated to addressing Native needs, it is important that HHS makes a commitment across the department to address tribal-specific issues.

Best Policies come from Indian Country

She spoke about the impact of her trip to Anaktuvuk Pass, Alaska, which has a very rural, health facility staffed by one community health worker. She noted that while “access to care has never been more urgent” the solution cannot be “dictated by Washington.” Rather, “the best policies for Indian country come from Indian Country.”

Consultation

Secretary Sebelius noted that HHS holds regional tribal consultation sessions every year and that she has established a Secretary’s tribal advisory council, which has done substantial work to explore new resources to let tribes know about these opportunities and provide technical assistance for grant applications.

Affordable Care Act

The Secretary emphasized the important benefits offered by the Affordable Care Act, including the permanent reauthorization of the Indian Heath Care Improvement Act. She also mentioned how
important the rest of health care law is for Native people, especially to those with limited or no access to tribal health service facilities.

**Budget**
At a tough time for resources, every other agency under HHS has seen a cut except IHS, and Secretary Sebelius explained how this reality underscores the Administration’s true commitment to Indian Country.

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**CLOSING SESSION**

*Following the Opening Session, tribal leaders met with senior Administration officials in five concurrent breakout sessions. They were not broadcast publicly but the closing session included readouts of the five sessions, summarized after the overview of Secretary Duncan’s remarks, below.*

**SECRETARY ARNE DUNCAN, DEPARTMENT OF EDUCATION**

Secretary Duncan provided remarks that emphasized that the future of the United States relies on transforming its education system and that “the status quo [for Indian education] is unacceptable.” He drew a strong link between economic growth and education noting that “education for every student must lie at the heart of this [economic recovery] strategy.”

**Partnership is Key**
The Secretary pointed to the source of transformative change built on the unique strengths of tribes, their membership, and tribal colleges. He reaffirmed the government-to-government relationship and emphasized that the federal government must partner with tribal leaders and continue to engage in meaningful consultations.

**ESEA Reauthorization**
Secretary Duncan noted that the Department of Education has held several listening sessions, which provided meaningful conversations regarding reauthorization of the Elementary and Secondary Education Act. He also specifically noted initiatives that would elevate tribal colleges and universities.

**Access to Programs**
He noted that the Department is working to ensure that their programs are truly addressing the various needs prevalent in Indian Country. To facilitate funds reaching Indian Country Secretary Duncan stated that, “We have developed new funding priorities. We’ve awarded grants to American Indian partnerships through our most competitive grant programs.”

**Coordinating Efforts on Tribal Education**
He shared that the Department is in the process of creating a Senior Tribal Affairs position to provide for more inclusion of tribal issues in education policy development. A key role of this position will be to foster partnerships with the Department of the Interior and the Bureau of Indian Education to support innovative strategies that will lead to higher academic achievement for Indian Country.
BREAKOUT SESSION SUMMARIES

Following Secretary Duncan’s remarks, Administration officials from each of the five concurrent breakout sessions provided a brief summation of the major priorities highlighted in the discussions. To more fully capture these conversations, NCAI is inviting tribal leaders to share their notes from the breakouts. More information on submitting notes is available at: www.tinyurl.com/TNC2011submit.

Strengthening the Government-to-Government Relationship

Hilary Tompkins, Solicitor of the Department of the Interior, provided a summation of tribal leader priorities discussed in the breakout session. Among the key insights were:

- The definition of consultation should be redefined – it should incorporate meaningful dialogue, understanding, and provide basis for increased collaboration between the federal government and tribes.
- The federal government must analyze and seriously evaluate the consultation process to continually improve this system of outreach to tribal governments. This will provide grounds for meaningful consultations and improve tribal access to all levels of government.
- Although there was great support of the Administration’s efforts there are key items we need to implement to continue building momentum – such as creation of a centralized Commission within the White House that can be responsive to tribal leader concerns.
- Tribes must have more engagement with the Office of Management and Budget (OMB) during the federal budgeting process. This office should host a summit and invite tribal leaders.
- OMB must uphold the trust responsibility to ensure that the Indian budget is held harmless.
- The United States must stand as an ally with tribes and provide further provisions to uphold treaty rights, protect tribal sovereignty, and assist in tribal-state relations when tribal sovereignty is infringed upon.
- There is a need to ‘walk the walk.’ Establishment of principles is a good foundation but it is action that truly matters. An annual Tribal Nations Conference is not enough – we must continue this dialogue and engagement to honor the trust responsibility and strengthen the government-to-government relationship.

Creating Jobs and Growing Tribal Economies

Karen Mills, Administrator of the Small Business Administration, reported to tribal leaders the important issues and priorities discussed in the ‘Creating Jobs and Growing Tribal Economies’ breakout session. Four issues were highlighted in this session: Energy, Taxation, Workforce Development, and Access to Capital. These key issues are highlighted below:

- There are many great advances in energy development – S.1684 the Indian Energy Bill (Indian Tribal Energy Development and Self-Determination Act Amendments of 2011) was introduced by Senator Barrasso (R-WY). Biodiesel was a main focus in these discussions.
- Tribes must have increased access to New Markets Tax Credits and Tax Exempt Bonds to further economic development initiatives.
- Tribes should closely monitor the E200 program of the Small Business Administration as it encourages small business growth.

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• Access has been granted for the Department of Treasury CDFI program to utilize SBA 7(a) programs.
• The federal government must encourage and support tribal small businesses to export their products.
• Tribal members must have increased access to manufacturing and technical training skills in workforce development programs, and there must be continued conversations with the Department of Labor regarding 477.
• The federal government must make programs more streamlined to increase accessibility for tribes.

**Promoting Strong and Safe Tribal Communities**
Tom Perrelli, Associate Attorney General, Department of Justice, outlined a summary of the priorities and issues tribal leaders expressed in the ‘Promoting Safe and Strong Communities’ breakout session. Among the recommendations and insights were:

• Administrator Fugate from the Federal Emergency Management Agency (FEMA) announced that they would pursue and support legislative changes to the Stafford Act.
• Funding for emergency management in tribal communities is insufficient. Tribal funding must be mandatory – to uphold the trust responsibility – instead of labeled as discretionary spending by Congress.
• There is a lack of cooperation and responsiveness by state officers in regards to public safety issues. This further complicates jurisdictional issues between tribes and states.
• The Department of Justice is encouraging support in Congress for the Violence Against Women Act amendments that address tribal jurisdiction.
• Tribal courts must have broader jurisdiction over the crimes committed in Indian Country to further address public safety issues.
• There is a major problem with drug cartels infiltrating tribal lands – the federal government must provide assistance in this matter.
• The federal government must continue to prosecute cases that are important to tribal communities, and tribal law enforcement officials must get expedited background checks.

**Improving Access to Healthcare, Education, Housing, Infrastructure and Other Federal Services**
Dr. Yvette Roubideaux, Director, Indian Health Service, provided a summary of tribal concerns regarding healthcare, education, housing, and infrastructure in Indian Country. The priorities and concerns highlighted in this breakout session are below:

• There are vast problems related to access to resources – both for tribal members and veterans – there needs to be improvements to service.
• Recognition of traditional and spiritual healing practices must be encouraged as an alternative to ‘Western medicine.’
• The federal government must expand tribal self-governance and support/emphasize the 477 model.
• Concerns were raised regarding the Affordable Care Act, and that there needs to be further commitment to combating diabetes in tribal communities.
• Tribal members mentioned issues with NAHASDA, in particular the acquisition of permits.
• Issues regarding subsistence rights for tribal communities were also mentioned – strong emphasis that these rights should be protected for Native communities.

**Protecting Natural Resources and Respect for Cultural Rights**
Michelle DePass, Assistant Administrator for the Office of International & Tribal Affairs, Environmental Protection Agency, provided tribal leaders with a summation of issues discussed in the ‘Natural Resources and Cultural Rights’ breakout session. The priorities of this session are highlight below:

• The federal government must improve its communication to tribal leaders – consultations must proceed before agency decisions proceed.
• There must be increased interagency collaboration to streamline and improve access to programs for tribal governments.
• The land into trust process is time consuming, complex, and expensive.
• There was strong emphasis on natural resource protection, water rights, and issues revolving around ‘fracking.’
• Traditional medicines and foods, sacred sites, and tribal subsistence should be protected.

**CLOSING REMARKS BY PRESIDENT BARACK OBAMA**

Chairwoman Phyllis Anderson of the Mississippi Band of Choctaw Indians provided an introduction of the President. She stressed that tribal nations represent diverse peoples that are unified in our common cause – we have diversified languages, but are unified in heritage and legacy as the First Americans. By hosting a third Tribal Nations Conference, Chairwoman Anderson noted that President Obama has further solidified the federal government’s commitment to tribes across the country to build a healthy and successful government-to-government relationship with tribes.

**PRESIDENT BARACK OBAMA**

President Obama recognized members of the Administration and key White House staff. The President continued by recognizing his Crow parents: “…I’d like to recognize my adoptive Mom and Dad, Sonny and Mary Black Eagle…. I’m so grateful they took me into their family.” He also recognized the youth that participated in the ‘Champions of Change’ event, stating that they are, “…really remarkable young people.” The President further emphasized the need for the federal government to support tribal nations – noting the need for, “a federal government that helps, not hinders, [tribal] efforts. [Tribal leaders] deserve leaders in Washington who fight for [them] every single day.”

**Carcieri Fix**

In the wake of the Carcieri decision by the Supreme Court the President noted his Administration’s efforts to enact a ‘Carcieri Fix’ to re-establish the Secretary of the Interior’s authority to take land into trust for federally recognized tribes.
Key Achievements
The President noted the importance of the enactment of the Tribal Law & Order Act and the permanent authorization of the Indian Health Care Improvement Act to provide quality healthcare to Native people.

Executive Order on Education
The President noted he had, earlier that day, signed an Executive Order establishing the “White House Initiative on American Indian and Alaska Native Education.” The Initiative is intended to promote and encourage Native American youth to be competitive participants for the high skilled jobs of tomorrow.

The President noted the Executive Order’s aim to reduce Native dropout rates, encourage reentry into the education system, and provide measures to strengthen tribal colleges and universities. He emphasized the importance of interagency collaboration with Secretary Duncan and Secretary Salazar working together “on this effort to prepare Native American youth to compete for the high-skilled, good jobs of tomorrow.”

Turning Point for Indian Country
President Obama thanked tribal leaders for their input on the many issues facing their communities and stated that, “We’re going to be able to look back on these years and say that this was a turning point. This was the moment when we began to build a strong middle class in Indian Country; the moment when businesses, large and small, began opening up in reservations; the moment when we stopped repeating the mistakes of the past, and began building a better future together, one that honors old traditions and welcomes every Native American into the American Dream.”

Closing Prayer
President Obama’s adoptive parents from the Crow Nation, Hartford "Sonny" Black Eagle and Mary Black Eagle offered a closing prayer. The US Marine Corps and Navajo Code Talkers retired the colors.