

# Oneida Business Committee Meeting Agenda Request Form

1. Meeting Date Requested: 10 / 22 / 14

2. Nature of request

Session:  Open     Executive - justification required. See instructions for the applicable laws that define what is considered "executive" information, then choose from the list:

Agenda Header (choose one): Report

Agenda item title (see instructions):

Self Governance report

Action requested (choose one)

Information only

Action - please describe:

3. Justification

Why BC action is required (see instructions):

required reporting

4. Supporting Materials

[Instructions](#)

Memo of explanation with required information (see instructions)

Report     Resolution     Contract (check the box below if signature required)

Other - please list (**Note:** multi-media presentations due to Tribal Clerk 2 days prior to meeting)

1.

3.

2.

4.

Business Committee signature required

5. Submission Authorization

Authorized sponsor (choose one): Cristina Danforth, Tribal Chairwoman

Requestor (if different from above):

\_\_\_\_\_  
Name, Title / Dept. or Tribal Member

Additional signature (as needed):

\_\_\_\_\_  
Name, Title / Dept.

Additional signature (as needed):

\_\_\_\_\_  
Name, Title / Dept.

- 1) Save a copy of this form in a pdf format.
- 2) Email this form and all supporting materials to: BC\_Agenda\_Requests@oneidanation.org

# ***Oneida Tribe of Indians of Wisconsin***

Post Office Box 365



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Phone: (920) 869-2214



Oneida, WI 54155



UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

## **Quarterly Report to the Oneida Business Committee**

**Christopher Johns  
Self-Governance Coordinator**

**October 16, 2014**

### Contract Support Costs (CSC) Claim

The process to resolve the Tribe's Contract Support Claims for the period covered by the recent U.S. Supreme Court decision continues. The Oneida Law Office has requested that I no longer discuss this specific claim for legal reasons.

However, the issue of a long-term resolution to funding this directive has not yet been resolved. Unless and until Congress appropriates enough funds to meet 100% of the Contract Support Costs (CSC) of Indian compactors and contractors, the Indian Health Service (IHS) must provide these funds to Tribes from the already inadequate funding it is allocated by Congress. It is estimated that Congress would have to appropriate nearly \$35 billion for Indian Health Care in order to fully meet its treaty obligations to Indian People. Current Congressional appropriations for Indian Health Care are approximately 15% of the total estimated need.

### FY 2015 Budget

Congress recessed before passing permanent appropriations legislation for all federal programs for FY 2015. Congress passed a Continuing Resolution (CR) that funds all federal programs at FY 2014 levels through December 11, 2014 (after the 2014 mid-term elections).

The Multi-Year Funding Agreement (MYFA) for CY 2015 has been signed by the Chairwoman and submitted to the DOI/BIA for its signature. Since Congress has not appropriated funding for the entire FY 2015, the CY 2015 FA has not been signed by the federal government. The Oneida Tribe of Indians of Wisconsin will not be affected by this delay in funding since our DOI/BIA MYFA operates on the calendar year and we have already received funding for DOI/SG programs through December 31, 2014.

The MYFA for FY 2015 for programs compacted from the DHHS/IHS has been delayed until the IHS can allocate enough funding to cover 100% of Contract Support Costs as ordered by the federal courts and as directed by Congress. The MYFA continues to be in effect and will receive funding through December 11, 2014 under the Continuing Resolution.

#### DOI/BIA Self-Governance Advisory Committee (SGAC)

Derek Bailey, Tribal Councilor for the Grand Traverse Band of Ottawa and Chippewa Indians, currently serves as the Primary Delegate to the DOI/BIA SGAC. The Alternate Delegate for the DOI/SGAC position is currently vacant. If the Oneida Tribe of Indians of Wisconsin wishes, it could nominate an elected official (a member of the OBC) to serve as the Alternate Delegate. The Alternate Delegate would be able to name a “proxy” by Resolution to sit on the Committee and assume all rights of the Alternate Delegate. Whoever attends these quarterly meetings (either the Alternate Delegate or his/her Proxy) would be eligible for reimbursement for travel expenses. The Oneida Tribe of Indians of Wisconsin has the opportunity to secure a seat on a national advisory committee at no cost if it chooses to do so.

#### DHHS/IHS Tribal Self-Governance Advisory Committee (TSGAC)

Derek Bailey, Tribal Councilor for the Grand Traverse Band of Ottawa and Chippewa Indians, currently serves as the Primary Delegate to the DHHS/IHS TSGAC. Former OBC Vice-Chairman Greg Matson most recently was the Alternate Delegate to the TSGAC, but this position is now vacant. As with the DOI/BIA SGAC, if the Oneida Tribe of Indians of Wisconsin wishes, it could nominate an elected official (a member of the OBC) to serve as the Alternate Delegate. The Alternate Delegate would be able to name a “proxy” by Resolution to sit on the Committee and assume all rights of the Alternate Delegate. Whoever attends these quarterly meetings (either the Alternate Delegate or his/her Proxy) would be eligible for reimbursement for travel expenses. The Oneida Tribe of Indians of Wisconsin has the opportunity to secure a seat on a national advisory committee at no cost if it chooses to do so.

#### Office of Management and Budget (OMB) Issue

OMB has requested that the IHS update data collected on tribal 3<sup>rd</sup> party collections. Until approximately 20 years ago all 3<sup>rd</sup> party collections were done by the IHS. Then Tribes were authorized to directly bill for reimbursements and the information no longer was reported to OMB. By statute, 3<sup>rd</sup> party revenue cannot be used to offset appropriations, but many Tribes believe this may become another form of “means testing.”

#### Environmental Protection Agency (EPA)

In 1984 the EPA adopted a policy that embodies the spirit of Tribal Self-Governance. The Administrator recently reaffirmed that policy and indicated an openness to developing a

closer working relationship with SG Tribes. This would be an enormous step ahead and has the potential to further strengthen tribal sovereignty and governance over tribal land.

#### DOI/BIA MYFA as Funding Conduit

We have had difficulties in the past with other Interior Department bureaus and agencies using the SG MYFA as the funding mechanism for grants. The DOI Solicitor's Office has decided that all grant funding will now be handled by the DOI Procurement Office.

#### Fee to Trust

The DOI Secretary has set an aggressive goal of processing 500,000 acres from fee to trust status during this fiscal year. The Tribe continues to fund a portion of the Midwest Region Division of Fee to Trust by reprogramming funds within the DOI/BIA MYFA.

#### Tribal General Welfare Exclusion

On Thursday, September 18, Congress passed H.R. 3043 the Tribal General Welfare Exclusion Act. The law will amend the Internal Revenue Code (Code) to reform the work of the Internal Revenue Service (IRS) in Indian Country and make clear that the benefits and services provided by tribal governments for the general welfare of their people are not subject to federal income tax. The purpose of H.R. 3043 is to provide a durable, statutory protection for tribal government programs and services that honors their status as Indian nations, vested with inherent sovereign authority to provide for tribal citizens.

#### Tribal Exemption from the Shared Responsibility Payment

On September 18, during the Secretary's Tribal Advisory Committee meeting, the Secretary announced that the Department of Health and Human Services (HHS) is releasing guidance which allows individuals who are eligible for services through an Indian health care provider, including the Indian Health Service (IHS), to obtain a hardship exemption from the shared responsibility payment through the tax filing process. Previously, only members of federally-recognized tribes and shareholders of ANCSA corporations had the option to receive an exemption through the tax return filing process. Individuals who are not members of federally recognized tribes, but who are eligible for services through an Indian healthcare provider, could previously only apply for an exemption on this basis through the Health Insurance Marketplace. This allows these individuals to also have a choice of claiming the hardship exemption through the tax filing process. The option to claim this exemption through the tax filing process is available beginning with 2014 tax returns filed in 2015. The IRS and Treasury Department will also provide guidance, including forms and instructions, which describe the process.

Proposed TSGAC and SGAC 2015 Meeting Calendar

*IHS Tribal Self-Governance Advisory Committee*

Location: TBD-Washington, DC

January 27-28, 2015

March 24-25, 2015

July 21-22, 2015

October 6-7, 2015

*DOI Self-Governance Advisory Committee*

Location: TBD-Washington, DC

January 28-29, 2015

March 25-26, 2015

July 22-23, 2015

October 7-8, 2015

*Tribal Self-Governance Strategy Session*

Location: TBD

September 9-10, 2015

*Tribal Self-Governance Annual Consultation Conference*

Location: Grand Sierra Resort- Reno, NV

April 26-30, 2015